

**IN THE ENVIRONMENT COURT OF NEW ZEALAND  
AUCKLAND REGISTRY**

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

**ENV-2023-AKL**

**IN THE MATTER** of the Resource Management Act 1991 (RMA)

**AND**

**IN THE MATTER** of of an appeal under clause 14(1) of the First Schedule  
of the RMA

**BETWEEN** **THE ADARE COMPANY LIMITED**

**Appellant**

**AND** **HAMILTON CITY COUNCIL**

**Respondent**

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**NOTICE OF APPEAL BY THE ADARE COMPANY LIMITED  
AGAINST DECISIONS ON PLAN CHANGE 5 – PEACOCKE STRUCTURE  
PLAN**

**14 April 2023**

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**WYNN WILLIAMS**

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**TO:** The Registrar  
Environment Court  
Auckland

## **INTRODUCTION**

- 1 The Adare Company Limited (**Adare**) appeals against part of the decision of Hamilton City Council (**HCC**) on Plan Change 5 to the Hamilton City District Plan (**PC5**) (**Decision**).
- 2 Adare made a submission and a further submission on PC5.<sup>1</sup>
- 3 Adare is not a trade competitor for the purposes of section 308D of the RMA.
- 4 Adare received notice of the Decision on 1 March 2023.
- 5 The decision was made by an Independent Hearings Panel appointed by HCC.

## **PARTS OF THE DECISION APPEALED**

- 6 The parts of the Decision that Adare is appealing against are contained in **Annexure A** to this notice. In summary, they are:
  - (a) DEV01-PSP: Development Area 1: Peacocke Structure Plan, DEV01-PSP: Purpose
  - (b) DEV01-PSP: O6
  - (c) DEV01-PSP: O11
  - (d) DEV01-PSP: P1
  - (e) DEV01-PSP: P7
  - (f) DEV01-PSP: P16
  - (g) DEV01-PSP: P48
  - (h) DEV01-PSP: Components of the Peacocke Structure Plan: (Natural Environment and Open Space Network), Proposed Bat Corridor diagram
  - (i) NCZ-PREC1-PSP: R45

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<sup>1</sup> Attached as **Annexure B**.

- (j) LCZ – PREC1-PSP: R39
- (k) SUB - PREC1-PSP: R12
- (l) SUB-PREC1-PSP: R23
- (m) Rules – General Standards – 25.14.4.1 Vehicle Crossings and Internal Vehicle Access
- (n) Appendix 1: District Plan Administration – Section 1.2.2.2.1 Additional Requirements for Concept Plans for the Peacocke Structure Plan
- (o) Appendix 1: District Plan Administration – Section 1.2.2.27 Peacocke Local Centre Master Plan
- (p) Appendix 1: District Plan Administration – Section 1.3.3 Restricted Discretionary, Discretionary and Non-Complying Assessment Criteria, P3 Development in the Peacocke Business Centres

## REASONS FOR THE APPEAL

- 7 The general reasons for the appeal are that the parts of the Decision appealed:
  - (a) do not achieve the sustainable management purpose of the RMA;
  - (b) do not provide for the efficient use and development of natural and physical resources;
  - (c) do not give effect to the National Policy Statement on Urban Development 2020;
  - (d) either the objectives are not the most appropriate way to achieve the purpose of the Act or the provisions are not the most appropriate way to achieve the objectives of PC5; and
  - (e) are contrary to best resource management practice.
- 8 Without limiting the generality of the reasons above, the specific reasons for the appeal and the relief sought by Adare are set out in **Annexure A**.

## RELIEF SOUGHT

- 9 Adare seeks the following relief:
  - (a) the relief set out in **Annexure A**;

- (b) any alternative relief of like effect;
- (c) such further or consequential relief as may be necessary to address the issues raised in this appeal; and
- (d) costs.

## **ANNEXURES**

10 Adare attaches the following documents to this notice:

- (a) A copy of the specific reasons for the appeal and the relief sought by Adare in respect of PC5 (**Annexure A**).
- (b) A copy of Adare's submission and further submission (and a copy of the submissions opposed or supported by the further submission) on PC5 (**Annexure B**).
- (c) A copy of the relevant decision (**Annexure C**).
- (d) A list of names and addresses of persons to be served with a copy of this notice (**Annexure D**).

**Dated this 14<sup>th</sup> day of April 2023**



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**M J Doesburg**

Solicitor for The Adare Company Limited

## **Address for service of Appellant:**

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Contact person: Mike Doesburg



**Advice to recipients of copy of notice of appeal***How to become party to proceedings*

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- (a) within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- (b) within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (*see* form 38).

*Advice*

If you have any questions about this notice, contact the Environment Court in Auckland.

## ANNEXURE A

## Specific reasons for the appeal and the relief sought

Appeal point	Decisions version of the provision	Relief sought	Reasons
<b>Chapter 3A – Peacocke Structure Plan</b>			
1	<p>The last paragraph of DEV01-PSP: Development Area 1: Peacocke Structure Plan, DEV01-PSP: Purpose:</p> <p>To guide development in the Peacocke Precinct, a Master Plan will need to be developed with either a landuse or subdivision application to ensure that the vision for the Precinct is delivered. Information requirements will include concept plans for transport, infrastructure, the natural environment network, the open space network, landuse, landscape design, staging and integration, as well as a detailed development response (architecture and urban design) and an ecological rehabilitation and management plan. With respect to the Local Centre, a Master Plan is required and developers of the Local Centre will take guidance from the non-statutory Peacocke Centre Design Guide.</p>	<p>Delete the last paragraph of DEV01-PSP: Development Area 1: Peacocke Structure Plan, DEV01-PSP: Purpose (at page 3):</p> <p><del>To guide development in the Peacocke Precinct, a Master Plan will need to be developed with either a landuse or subdivision application to ensure that the vision for the Precinct is delivered. Information requirements will include concept plans for transport, infrastructure, the natural environment network, the open space network, landuse, landscape design, staging and integration, as well as a detailed development response (architecture and urban design) and an ecological rehabilitation and management plan. With respect to the Local Centre, a Master Plan is required and developers of the Local Centre will take guidance from the non-statutory Peacocke Centre Design Guide.</del></p>	<p>The paragraph does not reflect how the decisions-version of PC5 intends development to be guided. There is no requirement with the rules to prepare a master plan with land use or subdivision consents, other than in the Local Centre.</p> <p>An ecological rehabilitation and management plan is also not a requirement for all land use and subdivision applications.</p>
2	DEV01-PSP: O6	<p>Amend DEV01-PSP: O6 to read:</p> <p>Earthworks in the Peacocke Structure Plan are undertaken in a comprehensive and integrated manner, ensuring a high</p>	<p>This objective addresses too many issues and as a result is unclear. The key outcome</p>

Appeal point	Decisions version of the provision	Relief sought	Reasons
	<p>Earthworks in the Peacocke Structure Plan are undertaken in a comprehensive and integrated manner, ensuring a high amenity urban environment that protects significant ecological values such as actual and potential long-tailed bat habitat.</p>	<p>amenity urban environment. <del>that protects significant ecological values such as actual and potential long-tailed bat habitat</del></p>	<p>appears to be that earthworks are undertaken comprehensively and in an integrated way, ensuring a high amenity environment. Adding the reference to protecting significant ecological areas such as bat habitat creates uncertainty – is it the earthworks or the high amenity urban environment that is supposed to protect significant ecological values?</p> <p>This objective is under the heading 'Urban environment'. Policy DEV-01-PSP:P17 appears to be the 'Urban environment' policy associated with the objective. It refers to three matters for achieving a high amenity environment (retaining walls, comprehensive/cohesive</p>

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			<p>outcomes and preserving/enhancing the natural character of the Mangakotukutuku Gully and Waikato River margins). Deleting the reference to long-tailed bat habitat would create better alignment between the objective and policy.</p> <p>Chapter 3A contains separate objectives and policies for the 'Natural environment' which address bats.</p>
3	<p>DEV01-PSP: O11</p> <p>Enable development adjacent to Natural Open Space zoned areas where it is managed to protect and enhance ecological functions and processes.</p>	<p>Amend DEV01-PSP: O11 to read:</p> <p>Enable development adjacent to Natural Open Space zoned areas where it is managed to protect <del>and enhance the</del> ecological functions and processes <u>of those areas</u>.</p>	<p>Objective DEV01-PSP: O11 should focus on managing development adjacent to the Natural Open Space Zones rather than protection and enhancement of the Natural Open Space Zone. The requirement to protect and enhance identified significant habitat of indigenous fauna and</p>

Appeal point	Decisions version of the provision	Relief sought	Reasons
			<p>significant indigenous vegetation and to create and protect ecological and open space corridors identified in the Peacocke Structure Plan Area is adequately and more appropriately addressed in other objectives (DEV01-PSP:O9, DEV01-PSP:O10, DEV01-PSP:O12, DEV01-PSP:O13).</p> <p>Further, while it is appropriate for development adjacent to Natural Open Space Zones to “protect” the ecological functions and processes of the adjacent land, developers of such land will often have little to no ability to “enhance” the ecological functions and processes of the Natural Open Space Zoned land. Retention of “and enhance” is</p>

Appeal point	Decisions version of the provision	Relief sought	Reasons
			inappropriate as it puts the responsibility for enhancing Natural Open Space Zones on persons who may have no control over those areas.
4	<p>DEV01-PSP: P1</p> <p>Development should be in general accordance with the Peacocke Structure Plan and master plans will be required to ensure development meets the vision of the Precinct.</p>	<p>Amend DEV01-PSP: P1 to read:</p> <p>Development should be in general accordance with the Peacocke Structure Plan <del>and master plans will be required to ensure development meets the vision of the Precinct.</del></p>	<p>This policy is very general and applies to the whole of the Peacocke Structure Plan area. It sets out a requirement for master planning, however master planning is not required by any rules other than in the Local Centre Zone. Given the limited application of master plans and the general nature of this policy, it is not appropriate to include reference to master plans in this policy.</p> <p>In the alternative, reference to a master plan for the Local Centre may be appropriate in the policies but it would be better included via an</p>

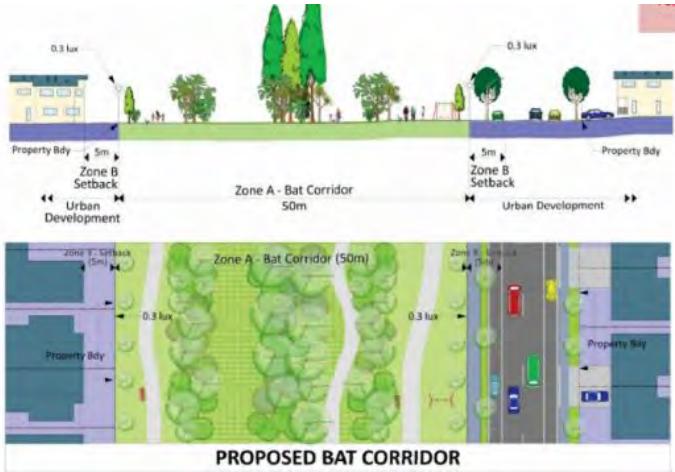
Appeal point	Decisions version of the provision	Relief sought	Reasons
			amendment to one of the policies related for the Local Centre, such as DEV01-PSP: P12 or LCZ-PREC1-PSP:P1.
5	<p>DEV01-PSP: P7</p> <p>Higher density development in the Peacocke Structure Plan:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. May be provided along areas of Natural Open Space Zone including the river corridor and gully network where ecological functions and processes can be protected and enhanced.</li> </ol>	<p>Amend DEV01-PSP: P7 to read:</p> <p>Higher density development in the Peacocke Structure Plan:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. May be provided along areas of Natural Open Space Zone including the river corridor and gully network where ecological functions and processes can be protected <del>and enhanced</del>.</li> </ol>	<p>Policy DEV01-PSP: P7 should focus on managing development adjacent to the Natural Open Space Zones rather than protection and enhancement of the Natural Open Space Zone. The requirement to protect and enhance identified significant habitat of indigenous fauna and significant indigenous vegetation and to create and protect ecological and open space corridors identified in the Peacocke Structure Plan Area is adequately and more appropriately addressed in other objectives (DEV01-PSP:O9, DEV01-PSP:O10,</p>

Appeal point	Decisions version of the provision	Relief sought	Reasons
			<p>DEV01-PSP:O12, DEV01-PSP:O13).</p> <p>Developers of land adjacent to Natural Open Space Zones will often have little to no ability to “enhance” the ecological functions and processes of the Natural Open Space Zone land. Retention of “and enhance” is inappropriate as it implies that the responsibility for enhancing Natural Open Space Zones is on persons who may have no control over those areas.</p>
6	<p>DEV01-PSP: P16</p> <p>Ensure the design and location of buildings, infrastructure and lighting near Bat Habitat Areas is managed in order to maintain and enhance ecological functions and processes, including protection for long tailed bats.</p>	<p>Amend DEV01-PSP: P16 to read:</p> <p>Ensure the design and location of buildings, infrastructure and lighting near <u>Significant</u> Bat Habitat Areas is managed in order to maintain <del>and enhance</del> ecological functions and processes, including protection for long tailed bats.</p>	<p>“Significant Bat Habitat Areas” is the term used throughout PC5, not “Bat Habitat Areas”. To avoid uncertainty, “Significant” should be inserted into this policy.</p> <p>The design and location of buildings, infrastructure and</p>



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			<p>lighting near Significant Bat Habitat Areas will assist in protecting the ecological functions of Significant Bat Habitat Areas. However, enhancement will rely on other measures like planting within Significant Bat Habitat Areas to improve habitat values.</p> <p>Developers of land “near [Significant] Bat Habitat Areas” will often have little to no ability to “enhance” the ecological functions and processes of the Significant Bat Habitat Areas. Retention of “and enhance” is inappropriate as it puts the responsibility for enhancing Bat Habitat Areas on persons with no control over those areas.</p>
7	DEV01-PSP: P48	Delete DEV01-PSP: P48:	The policy suggests that integrated transport modelling is a requirement of every

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	Integrated Transport Modelling is undertaken for all areas activities that have the potential to adversely impact the transport network.	<del>Integrated Transport Modelling is undertaken for all areas activities that have the potential to adversely impact the transport network.</del>	proposal. That is not reflected in the rules, and would be a significant and unnecessary cost in terms of time and money. The Policy also contains errors – it is unclear what is meant by “all areas activities”.
8	DEV01-PSP: Components of the Peacocke Structure Plan: (Natural Environment and Open Space Network), Proposed Bat Corridor diagram was deleted.	Reinstate DEV01-PSP: Components of the Peacocke Structure Plan: (Natural Environment and Open Space Network), Proposed Bat Corridor diagram, and amend as follows: <ul style="list-style-type: none"> <li>• Add a reference for the figure; and</li> <li>• Change “Proposed Bat Corridor” to “Significant Bat Habitat Area (Proposed Bat Corridor)”.</li> </ul>	<p>The proposed bat corridor diagram which was included in the notified PC5 made it clear how the rules relating to development near Significant Bat Habitat Areas work. The diagram also provided useful guidance on the planting outcomes for the corridors which is important, particularly because the corridors span multiple properties held in different ownership.</p> <p>Its removal means that the Plan is less clear and there might be</p>

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		 <p>The diagram illustrates a 'PROPOSED BAT CORRIDOR'. The top section is a cross-section showing a 50m wide 'Zone A - Bat Corridor' flanked by 'Zone B Setback' areas. It includes 'Property Bdy' lines, 'Urban Development' areas, and '0.3 lux' light levels. The bottom section is a plan view showing the same corridor with trees and buildings, also labeled 'PROPOSED BAT CORRIDOR'.</p>	<p>uncertainty about the relationship between development and Significant Bat Habitat Areas.</p> <p>To improve certainty of the rules, the diagram should be reinstated.</p>
<b>Chapter 6A – Neighbourhood Centre Zone</b>			
9	<p>NCZ-PREC1-PSP: R45</p> <p>Total Gross Floor Area in each Neighbourhood Centre</p> <p>Activity Status: Permitted</p> <p>Where the following are complied with:</p> <p>PER-1</p> <ol style="list-style-type: none"> <li>1. The total GFA of the following activities does not exceed 800m<sup>2</sup> within a Neighbourhood Centre: <ol style="list-style-type: none"> <li>a. Ancillary Retail</li> </ol> </li> </ol>	<p>Amend NCZ-PREC1-PSP: R45</p> <p>Total Gross Floor Area in each Neighbourhood Centre</p> <p>Activity Status: Permitted</p> <p>Where the following are complied with:</p> <p>PER-1</p> <ol style="list-style-type: none"> <li>2. The total GFA of the following activities does not exceed 800m<sup>2</sup> within a Neighbourhood Centre: <ol style="list-style-type: none"> <li>a. Ancillary Retail</li> </ol> </li> </ol>	<p>DEV01-PSP: Components of the Peacocke Structure Plan refers to the Neighbourhood Centres providing for day-to-day convenience needs of the surrounding residents and that they are to be small in scale and size so that they do not undermine the role and function</p>

Appeal point	Decisions version of the provision	Relief sought	Reasons
	<ul style="list-style-type: none"> <li>b. Retail</li> <li>c. Banks</li> <li>d. Restaurants, cafes and licensed premises</li> <li>e. Food and Beverage Outlets</li> </ul> <p>Note: The activities listed above are still subject to relevant Activity Status standards and Development standards</p>	<ul style="list-style-type: none"> <li>b. Retail</li> <li>c. Banks</li> <li>d. Restaurants, cafes and licensed premises</li> <li>e. Food and Beverage Outlets</li> <li>f. <u>Healthcare services</u></li> <li>g. <u>Offices</u></li> </ul> <p>Note: The activities listed above are still subject to relevant Activity Status standards and Development standards</p>	<p>of the Local Centre. It includes the following description of the planned scale and size:</p> <p><i>“Eight neighbourhood centres providing approximately 2,600m<sup>2</sup> GFA between them, ranging from 300m<sup>2</sup> - 800m<sup>2</sup> of GFA have been identified within the Peacocke area. These are small in size and serve a local function only.”</i></p> <p>The Neighbourhood Centre zoned sites in Peacocke range from approximately 900m<sup>2</sup> – 8,700m<sup>2</sup> in land area. If there is not a limit on the GFA of appropriate activities, the Neighbourhood Centres could be intensively developed and would compete with the Local Centre, to the detriment of both.</p>

Appeal point	Decisions version of the provision	Relief sought	Reasons
			<p>Adare originally sought to include many additional activities, however it has restricted its appeal to the key activities that should be restricted in Neighbourhood Centre zones – “healthcare services” and “offices”.</p> <p>It is inappropriate to allow large-scale offices and healthcare services (e.g., agglomerated healthcare centres) in Neighbourhood Centres. These zones are intended to provide for small scale commercial and community activities that service the needs of the immediate residential neighbourhood, for example, a local doctor, dentist, or physio. Large-scale offices and healthcare services are</p>

Appeal point	Decisions version of the provision	Relief sought	Reasons
			inappropriate and not in keeping with the objectives of the zone.
<b>Chapter 6B – Local Centre Zone</b>			
10	<p>LCZ – PREC1-PSP: R39</p> <p>Total Gross Floor Area in the Local Centre</p> <p>Activity Status: Permitted</p> <p>Where the following are complied with:</p> <p>PER-1</p> <ol style="list-style-type: none"> <li>1. The total GFA of the following activities does not exceed 20,000m<sup>2</sup> within the Local Centre: <ol style="list-style-type: none"> <li>a. Ancillary Retail</li> <li>b. Retail</li> <li>c. Banks</li> <li>d. Restaurants, cafes and licensed premises</li> <li>e. Food and Beverage Outlets</li> <li>f. Supermarkets</li> </ol> </li> </ol> <p>Note: The activities listed above are still subject to relevant Activity Status standards and Development standards</p>	<p>Amend LCZ – PREC1-PSP: R39</p> <p>Total Gross Floor Area in the Local Centre</p> <p>Activity Status: Permitted</p> <p>Where the following are complied with:</p> <p>PER-1</p> <ol style="list-style-type: none"> <li>2. The total GFA of the following activities does not exceed 20,000m<sup>2</sup> within the Local Centre: <ol style="list-style-type: none"> <li>a. Ancillary Retail</li> <li>b. Retail</li> <li>c. Banks</li> <li>d. Restaurants, cafes and licensed premises</li> <li>e. Food and Beverage Outlets</li> <li>f. Supermarkets</li> <li>g. <u>Healthcare services</u></li> <li>h. <u>Offices</u></li> </ol> </li> </ol> <p>Note: The activities listed above are still subject to relevant Activity Status standards and Development standards</p>	<p>Consistent with the above amendment, “healthcare services” and “offices” should be included in the total GFA cap for the Local Centre Zone, to prevent it competing with other centres higher in the hierarchy of centres in Hamilton City.</p>

Appeal point	Decisions version of the provision			Relief sought	Reasons
Chapter 23A – Subdivision					
11	SUB-PREC1-PSP: Rules – Activity Status			Amend SUB - PREC1-PSP: R12 by adding an <u>asterisk</u> as shown below so that non-notification applies in accordance with section 1.1.9 (Notification/ Non-notification Rules), subject to the exceptions set out in that section 1.1.9, as is the case for other restricted discretionary activity subdivision rule in Chapter 23A:	Adare sought that SUB - PREC1-PSP: R12 be noted as an activity that is presumed to be non-notified, as identified with an asterisk in the Hamilton City District Plan. Most development will require subdivision for network utilities or transport corridors – it would be desirable to avoid notification for those activities.
	SUB-PREC1-PSP: R12	Subdivision to accommodate a network utility service or transport corridor in Peacocke Precinct.			
		Activity Status: Restricted Discretionary  Where the following are complied with:  RDIS-1  1. SUB-PREC1-PSP: R15-R25.  Matters of discretion are restricted to:  1. C – Character and Amenity 2. I – Network Utilities and Transmission 3. P – Peacocke Structure Plan	Activity Status where compliance not achieved with RDIS-1: Restricted Discretionary  Matters of discretion are restricted to:  1. A – General		
	SUB-PREC1-PSP: R12	Subdivision to accommodate a network utility service or transport corridor in Peacocke Precinct.*			
		Activity Status: Restricted Discretionary  Where the following are complied with:  RDIS-1  2. SUB-PREC1-PSP: R15-R25.	Activity Status where compliance not achieved with RDIS-1: Restricted Discretionary  Matters of discretion are restricted to:		

Appeal point	Decisions version of the provision	Relief sought	Reasons
		<div> <div></div> <div> Matters of discretion are restricted to: <div> <div>2. A – General</div> <div>4. C – Character and Amenity</div> <div>5. I – Network Utilities and Transmission</div> <div>6. P – Peacocke Structure Plan</div> </div> </div> </div>	
12	SUB-PREC1-PSP: R23 Rooding, and Pedestrian and Cycle Access <div> <div>1)</div> <div> Minimum width of vehicle access to be formed and vested as public road: <div> <div>a) Local Road Transport Corridor.</div> <div>b) Collector Transport Corridor – no Public transport.</div> <div>c) Collector Transport Corridor – Public transport Route.</div> <div>d) Neighbourhood Street.</div> <div>e) Open Space Edge Transport Corridor.</div> </div> <div> <div>16.8m (See note 1)</div> <div>24.2m (See note 1)</div> <div>24.6m (See note 1)</div> </div> </div> </div>	Amend SUB-PREC1-PSP: R23 Rooding, and Pedestrian and Cycle Access as follows: <div> <div>1)</div> <div> Minimum width of vehicle access to be formed and vested as public road: <div> <div>a) Local Road Transport Corridor.</div> <div>a) Collector Transport Corridor – no Public transport.</div> </div> <div> <div>16.8m (See note 1)</div> <div>24.2m (See note 1)</div> <div>or 22.9m with bi-directional cycleway</div> </div> </div> </div>	All of the dimensions for this rule, except the service corridors on Collector Roads, were agreed at expert conferencing (see Joint Witness Statement in relation to Transport (3) dated 3 October 2022). Given the agreement, the departure in the decision appears to be an error. <p>The widths in 1) should be the widths set out in the JWS.</p> <p>In respect of Collector Roads, Table 15-6b provides for narrower widths if a bi-</p>



Appeal point	Decisions version of the provision			Relief sought		Reasons
		f) Minor Arterial Transport Corridor.	14.3m (See note 1) 11.8m (See note 1) 32.2m (See note 1)		b) Collector Transport Corridor – Public transport Route. 24.6m (See note 1)  <u>or 23.3m with bi-directional cycleway</u>  c) Neighbourhood Street. 14.3m (See note 1)  d) Open Space Edge Transport Corridor. <del>41.8m</del> 11.4m (See note 1)  e) Minor Arterial Transport Corridor. 32.2m (See note 1)  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.	directional cycleway is provided. This should be reflected in SUB-PREC1-PSP: R23.
	2)	Minimum width of a private way or rear lane:  a) Rear lane. b) Private way (serving 1-6 units). c) Private way (serving 7-20 units).	7m 4m 6m			
				2)	Minimum width of a private way or rear lane:  d) Rear lane. 7m e) Private way (serving 1-6 units). 4m	

Appeal point	Decisions version of the provision				Relief sought			Reasons
	3)	Maximum pedestrian/cyclist access way length through a block.	80m		f) Private way (serving 7-20 units).	6m		
	4)	Minimum width for pedestrian/cyclist access way through a block: a) 40m or less in length. b) 41m – 60m in length. c) 61m – 80m in length:	6m wide 9m wide 12m wide		3) Maximum pedestrian/cyclist access way length through a block.	80m		
					4) Minimum width for pedestrian/cyclist access way through a block: d) 40m or less in length. e) 41m – 60m in length. f) 61m – 80m in length:	6m wide 9m wide 12m wide		
	5)	Minimum paved width for shared pedestrian/cyclist path through a block.	3m		5) Minimum paved width for shared pedestrian/cyclist path through a block.	3m		
Chapter 25.14 – Transportation								
13	Rule 25.14.4 Rules – General Standards  25.14.4.1 Vehicle Crossings and Internal Vehicle Access  Design and Access widths  h) Vehicle crossing and internal vehicle access dimensions shall:				Amend Rule 25.14.4 Rules – General Standards  25.14.4.1 Vehicle Crossings and Internal Vehicle Access  Design and Access widths  h) Vehicle crossing and internal vehicle access dimensions shall:			The rule contains a cross-referencing error. SUB-PREC1-PSP: R21 relates to cul-de-sacs, not vehicle access.  The correct rule is SUB-PREC1-PSP: R23 Rooding,

Appeal point	Decisions version of the provision	Relief sought	Reasons
	<p>...</p> <p>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: R21 Rooding and Access shall apply.</p>	<p>...</p> <p>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: R21<del>23</del> Rooding, and <u>Pedestrian and Cycle</u> Access shall apply.</p>	<p>and Pedestrian and Cycle Access.</p>
<b>Appendix 1 – District Plan Administration – Section 1.2 Information requirements</b>			
14	<p>1.2.2.2.1 Additional Requirements for Concept Plans for the Peacocke Structure Plan</p> <p>Clause b)vi) Detailed Development Response</p> <p>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 1.4.1, 1.4.2 and 1.4.3.</p>	<p>Amend Section 1.2.2.2.1 Additional Requirements for Concept Plans for the Peacocke Structure Plan</p> <p>Clause b)vi) Detailed Development Response</p> <p>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 <u>Appendices</u>Appendix 1.4.1, <del>1.4.2 and 1.4.3.</del></p>	<p>The appendices referred to are not relevant for Peacocke and therefore should be removed:</p> <p>Appendix 1.4.2 is not relevant as it applies to development in the General Residential Zone, Residential Intensification Zone, Large Lot Residential Zone and Special Character Zone only, none of which apply in Peacocke.</p> <p>Appendix 1.4.3 is not relevant as that design guide is specific to activities covered by a Comprehensive Development</p>

Appeal point	Decisions version of the provision	Relief sought	Reasons
			Plan application. This is not a process or method that applies in Peacocke.
15	<p>1.2.2.27 Peacocke Local Centre Master Plan</p> <p>B. Built form and land use</p> <p>iii. Outline the future development outcome of the town centre and show how the proposed development ties into existing or future development to create a high-amenity urban centre.</p>	<p>Amend section 1.2.2.27 Peacocke Local Centre Master Plan</p> <p>B. Built form and land use</p> <p>iii. Outline the future development outcome of the <del>town centre</del>Local Centre and show how the proposed development ties into existing or future development to create a high-amenity urban centre.</p>	<p>This reference to “town centre” rather than “Local Centre” is an error. “Town centre” is not a term used to describe the Local Centre area in Peacocke.</p>
<b>Appendix 1 – District Plan Administration – Section 1.3.3 Restricted Discretionary, Discretionary and Non-Complying Assessment Criteria</b>			
16	<p>P3 Development in the Peacocke Business Centres, criterion e)</p> <p>For Residential Units located on the ground floor within Business Centres, whether:</p> <p>i. The location is on the fringe of the centre zone and adjacent to the residential zone.</p> <p>ii. The development is located outside of the core area of the centre and any identified primary and secondary frontages.</p> <p>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.</p> <p>iv. The development proposes the maximum viable density to support the viability of the Local Centre.</p>	<p>Amend P3 Development in the Peacocke Business Centres, criterion e) as follows:</p> <p>For Residential Units located on the ground floor within Business Centres, whether:</p> <p><del>i. The location is on the fringe of the centre zone and adjacent to the residential zone.</del></p> <p>ii. The development is located outside of the core area of the centre and any identified primary and secondary frontages.</p> <p>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.</p> <p>iv. The development <del>proposes the maximum viable</del><u>proposed is of a suitable</u> density to support</p>	<p>Clause i is duplicative of clause ii and should be deleted.</p> <p>As drafted, it is unclear how clause iv is to be applied. The purpose of residential development on the ground floor is not to maximise density to support the viability of centres, but rather to enable efficient development of the land in the event there is an oversupply of land for</p>

Appeal point	Decisions version of the provision	Relief sought	Reasons
		the <del>viability</del> <u>vitality and vibrancy</u> of the Local Centre.	commercial purposes. Clause iv should be amended to refer to supporting the vitality and vibrancy of the Local Centre, rather than requiring the maximum viable density.

**ANNEXURE B**

**Adare's submission and further submission (and a copy of the submissions opposed or supported by the further submission)**

**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR  
PLAN CHANGE 5 TO THE HAMILTON CITY DISTRICT PLAN**

*under clause 6 of Schedule 1, Resource Management Act 1991 (RMA)*

**To:** Hamilton City Council  
Municipal Building  
Garden Place  
**HAMILTON**  
(by email: [haveyoursay@hcc.govt.nz](mailto:haveyoursay@hcc.govt.nz))

**Name of submitter:** The Adare Company Limited

1. The Adare Company Limited (**Adare**) makes this submission on proposed Plan Change 5 (Peacocke Structure Plan) to the Hamilton City District Plan (**PC5**). This submission relates to PC5 in its entirety.

**Background**

2. Adare is a family-owned company, held by the Peacocke family. The family has had ties to land in Peacocke, Hamilton since John Fitzroy Beresford Peacocke purchased the land in the 1880s.
3. Through Adare and other companies, the Peacocke family retains significant landholdings in the Peacocke Structure Plan area which are subject to PC5. Those landholdings are shown on the plan in **Appendix A** to this submission.
4. The Peacocke family has been engaged in plans to develop land in Peacocke for residential purposes since 1989, after the land was transferred from the Waipa District into Hamilton City.
5. Adare has been actively involved with the structure planning of Peacocke since 2007, when it began working with the Hamilton City Council (**Council** or **HCC**) and its neighbours to develop comprehensive plans and rules for the development of the area. This included submitting on and ultimately appealing the original Peacocke Structure Plan provisions to the Environment Court, resulting in higher quality provisions that appropriately took account of the land's natural topography and character.
6. In 2017 the Council applied for a Government Housing Infrastructure Fund (**HIF**) loan to provide funding for strategic infrastructure to support the development of the Peacocke Structure Plan area. Adare's development plans were a key element of the Council's business case and contributed to the Council securing the \$290.4M HIF loan.
7. In 2018 Adare (through a subsidiary company, Weston Lea Limited), applied for resource consent to subdivide and develop approximately 105ha of its land for a comprehensively planned residential development known as Amberfield. The application sought consent for 862 dwellings, super lots for future commercial centre development, and provided for significant environmental enhancement, including substantial reserves (over 33ha), significant riverside and gully planting,<sup>1</sup> and the construction of cycleways and walkways.

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<sup>1</sup> Approximately 42,000 trees had been planted as at the end of September 2021. This is just the start of the planting restoration programme for over 30 hectares of land within Amberfield.

8. The Council granted resource consent for Amberfield in 2019. Appeals were filed with the Environment Court relating to the conditions of consent, with a key issue being the ecological conditions relating to the protection of Hamilton's long-tailed bat population. The Environment Court heard comprehensive evidence from bat ecologists on the potential adverse effects of urbanisation on the long-tailed bat. The Court made a range of findings on how urban development could be integrated with the protection and enhancement of long-tailed bat habitat. This included confirming a 35m corridor to protect and enhance existing bat habitat. In making its findings, the Court recognised that Amberfield's conditions would have precedent value for the wider development and the Council's proposed plan change for the Peacocke Structure Plan area signalled by the Council during the course of the hearing.
9. Adare's submission is informed by the knowledge it gained through the Amberfield consent process and Environment Court appeals hearing and decisions.

### Submission

10. Adare supports the intent of PC5 to provide for further intensification of residential development in Peacocke (supported by a network of centres), while recognising and providing for the important values of the area, including the role Peacocke plays in supporting Hamilton City's wider long-tailed bat population.
11. Adare's submission seeks refinements to PC5, both to improve its ability to deliver a well-functioning urban area, while appropriately providing for the protection and enhancement of the natural environment and habitat of Hamilton City's long-tailed bat population. Adare's detailed submissions, including reasons and relief, are provided in the table in **Appendix B** to this submission. In summary, Adare's submission seeks:
  - a. Amendments to the provisions of PC5 to improve clarity, provide consistency, reduce complexity and avoid unnecessary repetition.
  - b. Amendments to ensure that while greenfield developments within Hamilton City avoid, remedy, or mitigate their potential adverse effects on long-tailed bat habitat, development should not bear the cost of addressing the impact of existing urbanisation or other development (incl. brownfield development) on Hamilton's long-tailed bat population. Further, amendments are sought to cement the Council's promise to establish a Bat Management Committee to take strategic responsibility for the city-wide population.
  - c. Amendments to the provisions and planning maps relating to corridors and reserves for the maintenance and enhancement of the long-tailed bat. While Adare supports the maintenance and enhancement of the Hamilton long-tailed bat habitat population, it does not support the location and extent of all areas identified, on the basis that ecological advice (including that previously accepted by the Environment Court) does not support the provisions and identified areas.
  - d. Amendments to clarify the intent of the Natural Open Space zoned areas, and that they will be acquired as public reserves. Amendments are also proposed to related provisions to provide for the Council to take a leadership role in the development and management of such reserve areas.
  - e. Amendments to the provisions relating to residential and commercial development to ensure that they are workable and will support a well-functioning urban environment. Amendments are also sought to technical provisions, including transport standards, subdivision requirements and urban design expectations to achieve that same outcome.



12. Adare submits that the relief it seeks is necessary to:
- a. promote sustainable management of resources, achieve the purpose of the RMA and to give effect to Part 2 and other provisions of the RMA;
  - b. enable the social and economic well-being of the community in Hamilton City;
  - c. sustain the potential of the natural and physical resources of the Peacocke Structure Plan area to meet the reasonably foreseeable needs of future generations;
  - d. enable the efficient use and development of the natural and physical resources of the Peacocke Structure Plan area;
  - e. to give effect to the objectives and policies of the National Policy Statement for Urban Development 2020; and
  - f. ensure that the provisions of PC5 are the most appropriate way to achieve the objectives of PC5 and the District Plan, which are in turn the most appropriate way to achieve the purpose of the RMA.

**Decision sought**

13. Adare seeks the decisions from the Council as set out in the column in Appendix B headed "Decisions Sought", as well as any consequential or further amendments necessary to the objectives, policies, rules, methods, maps, figures or other provisions of PC5 to give effect to the relief sought and reasons given.
14. Adare could not gain an advantage in trade competition from this submission.
15. Adare wishes to be heard in support of this submission.

Signed for and on behalf of Adare by:



Mike Doesburg

Solicitor for **The Adare Company Limited**

**Date:** 5 November 2021

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**AUCKLAND 1140**

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Telephone: 09 300 5755

**Copy to:** Dr Robert Makgill, Barrister – robert@robertmakgill.com

## **Appendix A – Plan of Adare’s (and related companies’) landholdings**



Print Size: A4 Portrait

## Adare Company Ltd and Adare Farms Landholdings



Scale: 1 : 16000

0 0.75 1.5 km

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Author:

## **Appendix B – Detailed reasons and decisions sought**

### ***Glossary of abbreviations and terms used:***

**Council** or **HCC** means Hamilton City Council.

**PC5** means Proposed Plan Change 5 to the Hamilton District Plan.

**NPS-UD** means National Policy Statement on Urban Development 2020.

**SNA** means Significant Natural Area.

**NOSZ** means Natural Open Space Zone.

**BHA** means Bat Habitat Areas



	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
<b>Chapter 3A – Peacocke Structure Plan</b>				
1.	General	Oppose	There is a significant amount of unnecessary repetition between the Council’s PC5 Chapter 3A and other PC5 provisions, including the objectives and policies for the various precincts and the Peacocke Local Centre Design Guide. Chapter 3A, which currently provides a lot of detailed information, should be consolidated to provide a more succinct summary of the high-level outcomes sought for the Peacocke Structure Plan area, with more detailed matters addressed in the zone chapters, city-wide chapters and appendices.	Amend Chapter 3A to remove unnecessary duplication.
2.	Terminology	Oppose	<p>Aligned with submission [1], PC5 should employ consistent terminology throughout its provisions and planning maps. This includes (but is not limited to):</p> <ul style="list-style-type: none"> <li>• Various references to the land within the Peacocke Structure Plan (including “<i>Peacocke Structure Plan area</i>”, “<i>Peacocke Structure Plan</i>”, “<i>Peacocke area</i>” and “<i>Peacocke</i>”) should simply be described as the “<i>Peacocke Structure Plan area</i>”.</li> <li>• Various provisions of PC5 refer interchangeably to “<i>Significant Bat Habitat Area</i>” and “<i>Bat Habitat Area</i>”. The area should be consistently described as “<i>Bat Habitat Area</i>”.</li> </ul>	<p>Amend PC5 to use consistent terminology, including (but not limited to):</p> <ul style="list-style-type: none"> <li>• using the term “Peacocke Structure Plan area” to describe all of the land shown within the Peacocke Structure Plan Boundary under Figures 2-1, 2-2 and 2-3;</li> <li>• using the term “Bat Habitat Area” to describe the area shown on the Peacocke Structure Plan under Figure 2-3 and the Planning Maps, including 35m wide areas in the locations of the Proposed Bat Corridors.</li> </ul> <p>The Bat Habitat Area relief should be cross-referenced with submission [80] and the reasons and relief seeking reduction in the width of identified Bat Habitat Areas from 50m to 35m.</p>
3.	DEV01-PSP: Overview and Vision para. [2]	Oppose	The text has been carried over from the deleted Chapter 3.4 Peacocke from the operative District Plan. The actions that the Structure Plan is said to guide, including the	Amend para. [2] to read:

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			rezoning, have now occurred. Accordingly, those actions should be deleted from the paragraph.	<del>“For this reason 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 and will be used to inform future District Plan changes, develop an infrastructure programme and a basis to provide guidance to development within this Growth Cell prior to the rezoning of the area.”</del>
4.	DEV01-PSP: Overview and Vision: Vision para. [8]	Oppose	The Overview and Vision refer to more than one hub. It is therefore appropriate to refer to a ‘network’ of centres for Peacocke.	Amend para. [8] to read:  “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 <u>network of centres within the Peacocke Structure Plan area</u> that will become the heart of the community.”
5.	DEV01-PSP: Overview and Vision: Vision para. [10]	Support	The earthworks that will be required within the Peacocke Structure Plan area to make the land suitable for medium density residential development will be substantial in many places. Plan provisions which acknowledge this and which enable a comprehensive approach to large scale earthworks are important and supported. This includes para [10] in the Vision statement for the Peacocke Structure Plan area which states:  <i>“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</i>	Retain para. [10] under the heading Vision, in DEV01-PSP: Overview and Vision.

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			<i>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."</i>	
6.	Objective DEV01-PSP:O6	Support	<p>This objective is supported because it captures the importance of the Peacocke Structure Plan area being developed to deliver required housing supply for Hamilton.</p> <p>Peacocke is a significant growth cell for Hamilton which will contribute important supply to meet strong demand for houses.</p>	Retain objective as worded.
7.	Objectives and Policies DEV01-PSP Objectives and Policies: Natural Environment – New Objective and Policies	Oppose	<p>PC5 should include an objective that the maintenance and enhancement of the Hamilton long-tailed bat population is a city-wide issue. Ecological evidence adduced and agreed during <i>Weston Lea Limited v Hamilton City Council</i> [2020] NZEnvC 189 included that:</p> <ul style="list-style-type: none"> <li>the long-tailed bat's home range extends across wide areas of Hamilton city and its surrounding environment;</li> <li>maintaining and enhancing Hamilton's long-tailed bat population is a city-wide issue; and</li> <li>future Council planning documents should include provisions recognising the need for a city-wide approach to maintaining and enhancing Hamilton's long-tailed bat population.</li> </ul>	<p>Amend PC5 to insert new objective DEV01-PSP: O16A:</p> <p><u>"Maintain and enhance a network of open space that supports the ecological values of the Peacocke Structure Plan area and contributes to the mitigation of the adverse effects of existing urbanisation and future development on the habitat of the long-tailed bat across all of Hamilton City."</u></p> <p>Amend PC5 to insert new policy DEV01-PSP P38A:</p> <p><u>"Support the mitigation of the adverse effects of development within the Peacocke Structure Plan area on ecological values."</u></p>



	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			<p>It was recognised during <i>Weston Lea Limited v Hamilton City Council</i> [2020] NZEnvC 189 that:</p> <ul style="list-style-type: none"> <li>• greenfield developments within Hamilton City should avoid, remedy, or mitigate their potential adverse effects on long-tailed bat;</li> <li>• the long-tailed bat's home range has clearly already been adversely affected by existing urbanisation in Hamilton;</li> <li>• future development may assist with the maintenance and enhancement of the city-wide population by establishing or enhancing long-tailed bat habitat; and</li> <li>• future development should not bear the cost of addressing the impact of existing urbanisation on Hamilton's long-tailed bat population.</li> </ul> <p>PC5 should include a policy recognising that a Bat Management Committee is to be established for the maintenance and enhancement of the long-tailed bat population across Hamilton city and its surrounding environment. Evidence adduced and agreed during <i>Weston Lea Limited v Hamilton City Council</i> [2020] NZEnvC 189 included that:</p> <ul style="list-style-type: none"> <li>• the Council needs to establish a Bat Management Committee for the purposes of maintaining and enhancing Hamilton City's long-tailed bat population; and</li> <li>• future Council planning documents would include provisions that recognise and provide for the activities of a Bat Management Committee.</li> </ul>	<p>Amend PC5 to insert new policy DEV01-PSP P38B:</p> <p><u>"Recognise that the establishment of Bat Habitat Areas on public land within the Peacocke Structure Plan area contributes to the mitigation of the adverse effects of existing urbanisation on the long-tailed bat across all of Hamilton City."</u></p> <p>Amend PC5 to insert new policy DEV01-PSP P38C:</p> <p><u>"Establish a Bat Management Committee pursuant to the City's Indigenous Biodiversity Strategy."</u></p>

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
8.	Policy DEV01-PSP:P3	Oppose	The policy should be amended so that it refers to the Peacocke Structure Plan rather than “the relevant structure plan”. There is no other structure plan being referred to and the policy is solely for the Peacocke Structure Plan.	Amend DEV01-PSP:P3 to read:  “Interim land use and development including low density residential development should not compromise the integrity and viability of the land use pattern for the <del>relevant</del> <u>Peacocke Structure Plan area</u> .”
9.	Policy DEV01-PSP:P5	Oppose	It is clear from other provisions of the plan change that recreational activities are to be provided for within Bat Habitat Areas (see for example the diagram for Proposed Bat Corridor on page 16 of Chapter 3A). If recreational activities are appropriate within SNAs then they also must be appropriate within BHAs. This should be reflected in the relevant policy.	Amend DEV01-PSP:P5 to read:  “Recreational activities are considered for co-location with: 1. Multifunctional stormwater management. 2. Walkways and cycleways. 3. Cultural and heritage sites. 4. Significant Natural Areas. <u>5. Bat Habitat Areas.</u> ”
10.	Policy DEV01-PSP:P14	Support	The net residential densities of 22-30 dwellings per hectare in the Medium Density Residential Zone and 35-50 dwellings per hectare in the High-Density Overlay Area respond to the Waikato Regional Policy Statement and to the NPS-UD 2020. Providing a density range is important to enable density outcomes to be feasibly increased over time as new amenities and facilities for the community are established.	Retain policy as worded.
11.	Policy DEV01-PSP:P23	Oppose	The Proposed Bat Corridors that have been identified on the Peacocke Structure Plan figures are implemented by the Bat Habitat Areas, which are zoned Natural Open Space, and related provisions. To avoid confusion about whether the Policy applies to other ecological corridors,	Amend DEV01-PSP:P23 to read:  “ <del>Near identified ecological corridors,</del> Ensure the design and location of buildings, infrastructure and lighting is managed <u>near Bat Habitat Areas</u> throughout the

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			the Policy should be amended to specifically refer to Bat Habitat Areas.	Peacocke Structure Plan <u>area</u> in order to maintain their role and function.”
12.	Policy DEV01-PSP:P28	Oppose	The planning maps specifically identify the natural features in question as Bat Habitat Areas. To avoid confusion, the Policy should be amended refer to Bat Habitat Areas, not “identified natural features”.	Amend DEV01-PSP:P28 to read:  “Road layouts adjacent to <del>identified natural features</del> <u>Bat Habitat Areas</u> recognise and retain their natural form where practicable.”
13.	Policy DEV01-PSP:P35	Oppose	Bat Habitat Areas are defined areas in the plan change. Given that these areas have been defined, the Policy should refer to them rather than generally referring to bat habitat. In addition, the Policy should refer to areas “within” the BHAs as being the subject of protection, not just the areas “adjoining the edge”.	Amend DEV01-PSP:P35 to read:  “Protect <del>bat</del> <u>Bat Habitat Areas</u> <u>within and</u> adjoining the edge of the Mangakootukutuku Gully and Waikato River to ensure long tailed bats are able to continue to utilise these areas.”
14.	Policy DEV01-PSP:P36	Oppose	The provisions that require setbacks all relate to the Mangakotukutuku Gully. The gully should therefore be named in the Policy, rather than referring to the “gully network”.	Amend DEV01-PSP:P36 to read:  “Require development adjacent to the <u>Mangakootukutuku gully</u> network and Waikato River to meet required setbacks to support the ecological function of these areas.”
15.	Policy DEV01-PSP:P37	Oppose	The Proposed Bat Corridors that have been identified on the Peacocke Structure Plan figures are implemented by the Bat Habitat Areas, which are zoned Natural Open Space, and related provisions. To avoid confusion about whether the Policy applies to other ecological corridors, the Policy should be amended to specifically refer to Bat Habitat Areas.	Amend DEV01-PSP:P37 to read:  “Provide <u>Bat Habitat Areas</u> <del>ecological corridors</del> between the major arms of the Mangakootukutuku Gully and Waikato River of sufficient width that enables the movement of long tailed bats between the two areas.”

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
16.	Policy DEV01-PSP:P44	Oppose	<p>Reference to “<i>identified cycle routes</i>” within the third clause of this Policy is unclear. It could be interpreted to mean that future Local Roads in areas subject to the “<i>Indicative Cycleway/Walkway Network</i>” in Figure 2-2: Peacocke Structure Plan – Transport Network must have physically separated cycleways. That would be inconsistent with the cross sections and criteria for Local Roads which are included within Chapter 3A and Appendix 15-6b, because Local Roads are not required to have physically separated cycle lanes.</p> <p>The cross sections and criteria in Chapter 3A and Appendix 15-6b for Collector Roads and Arterial Roads do require these roads to have physically separated cycleways. Therefore, the third clause of the policy should specifically relate to separated cycleways on Collector Roads and Arterial Roads only.</p>	<p>Amend Policy DEV01-PSP:P44 to read:</p> <p>“Require the transport network to be established in accordance with the Peacocke Structure Plan by designing and locating:</p> <ol style="list-style-type: none"> <li>1. Transport Corridors to be consistent with the Peacocke Structure Plan.</li> <li>2. Identified public transport routes to accommodate public transport and associated infrastructure.</li> <li>3. <del>Identified cycle routes to provide</del> High quality separated cycleways <u>on Collector Roads and Arterial Roads</u> that encourage cycling.”</li> </ol>
17.	DEV01-PSP: Policies Infrastructure Network	Oppose	<p>Many of the policies under the “<i>Infrastructure Network</i>” heading relate to transportation matters, including P62 to P67. Some of these policies duplicate existing policies under the ‘Transportation Network’ heading. For example, P63 and P64 under ‘Infrastructure Network’ address similar matters to P39 under ‘Transportation Network’.</p>	<p>Amend to move policies DEV01-PSP: P62 to P67, and any other transportation policies which are currently under the ‘Infrastructure Network’ heading, to the ‘Transportation Network’ heading and delete or amend policies under the ‘Infrastructure Network’ and ‘Transportation Network’ headings to avoid unnecessary duplication.</p>
18.	Policy DEV01-PSP:P59	Oppose	<p>The policy should be amended so that it refers to the Peacocke Structure Plan area rather than “the relevant structure plan”. There is no other structure plan being referred to and the policy is solely for the Peacocke Structure Plan area.</p>	<p>Amend DEV01-PSP:P59 to read:</p> <p>“Staging and sequencing is in general accordance with any staging indicated <del>on</del> <u>for the relevant Peacocke Structure Plan area.</u>”</p>

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
19.	Policy DEV01-PSP:P62	Oppose	<p>Policy DEV01-PSP:P62 requires Integrated Transport Modelling to be undertaken for all Structure Plan areas. It is unclear what Integrated Transport Modelling means in the context of this policy and who is required to undertake it. There are policies and rules elsewhere in the district plan which set out when Integrated Transport Assessments are required to be prepared as part of resource consent applications for individual developments and the required level and content of such assessments. Those provisions include Policy 25.14.2.1f in Chapter 25.14 Transportation which states:</p> <p><i>“Integrated Transport Assessments shall be required for new subdivision, use or development of a nature, scale or location that has the potential to generate significant adverse transportation effects.”</i></p> <p>Policy DEV01-PSP:P62 is therefore both unclear and unnecessary and should be deleted. If the policy were to be retained then, in addition to clarifying its intent, the policy should also refer to the Peacocke Structure Plan area rather than “Structure Plan areas”. There is no other structure plan being referred to and the policy is solely for the Peacocke Structure Plan area.</p>	Delete Policy DEV01-PSP:P62.
20.	DEV01-PSP: Components of the Peacocke Structure Plan	Oppose	<p>1. Amendments are required to the description of the components of the proposed structure plan to clarify its application and intent. In particular:</p>	<p>Make the following amendments to the bullet point titled Significant Natural Area on Page 14:</p> <p><b>“Significant Natural Area:</b> Where there is existing data that the vegetation or habitat can be clearly delineated</p>

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
	Natural Environment and Open Space Network Chapter 3A Key Bat Habitat and Bat Buffer and Proposed Bat Corridor Diagrams		<ul style="list-style-type: none"> <li>The Natural Open Space Zone is a specifically zoned area and should be referred to formally (rather than referring generally to natural open space); and</li> <li>It is clear from Policy DEV01-PSP:P5 and other provisions of the plan change that some development, such as recreational activities, is intended for SNAs. The description should be amended to say that urban development is generally not appropriate in these areas, but some infrastructure and community activities (e.g., recreation, stormwater infrastructure etc) are appropriate. This is more accurate than saying “no development [is] to occur”.</li> </ul>	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 <del>“Natural Open Space Zone</del> with a SNA overlay. <del>“While urban development is to occur generally not appropriate in these areas, some infrastructure and community activities are appropriate.</del> The majority of SNAs are located within either the main body of the Mangakootukutuku Gully network or along the Waikato <del>“River.”</del>
			2. The diagram on Page 15 requires a number and title for reference purposes. The diagram uses different terms from those throughout the plan change’s provisions and maps. For example, the diagram refers to “key bat habitat” and “bat buffer”, terms which are absent from the plan change. These terms should be amended to reflect those used elsewhere in the plan change.	Give the diagram on Page 15 a number and title for reference purposes and amend the figure to refer to Significant Natural Area with associated Bat Habitat Buffer to be consistent with the text on page 14.
			3. The term “Bat Corridors” used on Page 15 is not used elsewhere in the plan change provisions and should instead refer to “Bat Habitat Areas”.  The reference to “wide swathes” of land being set aside is not a precise term and suggests that landowners may be required to provide substantial areas of land beyond the areas specifically identified.	Make the following amendments to the bullet point titled Bat Corridors on Page 15:  “ <b>Proposed Bat Corridors:</b> It is proposed that bat corridors, which are identified as Bat Habitat Areas, be established to retain connectivity between core habitat for bats in the Peacocke <u>Structure Plan</u> area. In terms of <del>corridor</del> <u>these</u> habitats, the most important general

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			<p>It would be more appropriate for the width of these corridors to be left to the relevant rule.</p> <p>The provisions for the Bat Habitat Areas contemplate that the areas will be enhanced with planting. That should be reflected in the description on Page 15.</p>	<p>principle is that <del>corridors wide swathes</del> of land are required to be set aside <del>as bat corridors</del> in order to retain a permeable and functioning landscape for long-tailed bats <u>and provide for planting.</u>"</p>
			<p>4. As with the above submissions, it is important that the words of this introductory material and the diagrams therein are consistent with other provisions for the Peacocke Structure Plan area, including the Planning Maps. For example, it is unclear what "high value bat habitats" is referring to or means. Analysis of the text suggests that "high value bat habitats" in this context means SNAs.</p>	<p>Amend the final paragraph on Page 15 to read:</p> <p>"Public use of <u>Bat Habitat Buffer or corridor</u> <del>bat habitats</del> <u>Bat Habitat Areas</u> 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. Public uses within <u>Significant Natural Areas</u> <del>high value bat habitats</del> may require further restrictions than <u>those applied to for buffer zones and corridors</u> <u>Bat Habitat Buffer or Bat Habitat Areas</u> to ensure functional habitat is protected, but could also include low-impact, unlit footpaths and cycle ways, which avoid any vegetation clearance that is important for bat habitat."</p>
			<p>5. The diagram on Page 16 depicting a proposed bat corridor requires a number and title for reference purposes.</p> <p>The minimum width of 50m is the subject of submission [80] which refers to 35m as being the most appropriate width of Bat Habitat Areas, as that width has been supported by the Environment Court in <i>Weston Lea Limited v Hamilton City Council</i> [2020] NZEnvC 189.</p>	<p>Give the diagram on Page 16 a number and title of Bat Habitat Area and amend the figure to refer to Bat Habitat Area with a minimum width of 35m and delete reference to "Zone A – Bat Corridor 50m" and to "Zone B".</p>

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			<p>The reference to Zone A and Zone B appears to be an error as those terms are not referred to anywhere else.</p>	
			<p>6. The diagrams in this section are an important element in understanding the spatial impact of the related development standards and are more appropriately located within an Appendix.</p>	Move the bat diagrams to Appendix 2 to form part of the Structure Plan figures.
21.	<p>DEV01-PSP: Components of the Peacocke Structure Plan</p> <p>Peacocke Transportation Network Chapter 3A Road Cross Section Diagrams</p>	Oppose	<p>The minimum road cross-sections specified in PC5 for Local Roads and Collector Roads do not support the objectives of the plan change related to slowing vehicular traffic and promoting walking, cycling and public transport. Accordingly narrower minimum road dimensions that are consistent with NZS 4404 are sought.</p> <p>Minimum dimensions are not specified for Minor Arterial Roads and not all roads are designated. Cross sections with minimum dimensions are included in this submission to provide more certainty for affected parties.</p> <p>The alternative road cross sections will also reduce the amount of land required for roading and enable more land to remain available for residential development. These changes will lead to significantly more efficient use of land over the whole extent of the Peacocke Structure Plan area.</p>	Amend the road cross sections to reflect the changes sought to Rule 25.14.4.1(h) and Appendix 15-6b (below) and to reflect the alternative Local Road, Local Road – Park Edge, Collector Road (Public Transport Route), Collector Road (Non-Public Transport Route) and Minor Arterial Road cross sections which are enclosed with this submission (below).
22.	DEV01-PSP: Components of the Peacocke Structure Plan	Oppose	<p>The road cross sections currently contained in this section are an important element in understanding the related roading criteria and are more appropriately located within an Appendix.</p>	Move the road cross sections to Appendix 15 to follow Table 15-6b which sets out the criteria for the form of transport corridors in the Peacocke Structure Plan area.




	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
	Peacocke Transportation Network Chapter 3A Road Cross Section Diagrams			
23.	DEV01-PSP: Components of the Peacocke Structure Plan Residential Environment paras. [1] and [2]	Support in Part	<p>The built form outcomes of 2-3 storeys in the Medium Density Residential Zone and 2-5 storeys in the High Density Overlay Area will enable the Peacocke Structure Plan area to give effect to the Regional Policy Statement density targets and the NPS-UD residential capacity requirements.</p> <p>However, the paras. [1] and [2] should be amended to provide that the built form outcomes of 2-3 and 2-5 storeys are the “typical” outcomes, to which there may be some exceptions. Examples where single storey dwellings would be appropriate include:</p> <ol style="list-style-type: none"> <li>1. To provide for the range of housing typologies required to meet the diverse needs of the community, such as people with low mobility (including retirement villages).</li> <li>2. There should be some scope for single-storey dwellings on larger lots where there will be no density gain from the requirement for multi-storey dwellings (as density will be determined by the lot size).</li> <li>3. On steeply sloping lots where multi-storey dwellings may not always be economically viable.</li> </ol>	<p>Amend paras. [1] and [2] to read:</p> <p>“The majority of the Peacocke residential zone will be a medium density environment delivering a range of typologies <u>typically</u> between 2 and 3 storeys. This will provide for a range of housing typologies and densities, establishing a mix of housing tenure and a diverse community. It is anticipated that the topography of the area will influence the development of houses and the density will vary according to constraints of the site.</p> <p>A higher density area, which is anticipated to have a mix of terrace dwellings and apartment buildings <u>typically</u> between 2 and 5 storeys, has been identified for locations within close proximity of the identified local centre, schools, community facilities and transport routes identified for frequent public transport. The higher density will assist in supporting public transport and creating a viable and vibrant local centre.”</p>

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
24.	DEV-O1-PSP: Components of the Peacocke Structure Plan  Business Areas, clause (a), para. [5]	Oppose in Part	The “ <i>key design principles</i> ” for the Local Centre are listed under the Business Areas description in Chapter 3A but would be better included within the Peacocke Local Centre Design Guide in Appendix 1.4.10.	Move the key design principles in clause (a), para. [5] to the Peacocke Local Centre Design Guide in Appendix 1.4.10.
25.	DEV-O1-PSP: Components of the Peacocke Structure Plan  Business Areas – Figure 19 Peacocke Local Centre Design Concept	Oppose in Part	1. The inclusion of the Peacocke Local Centre Design Concept in Chapter 3A creates confusion given Figure 2-3b in Appendix 2 includes a different diagram entitled Peacocke Local Centre Concept.	Move the Local Centre diagram to Appendix 2 as a new Figure 2-3c: Peacocke Structure Plan Peacocke Local Centre Concept.
			2. The current notation of the main street as “ <i>Pedestrian Main Street</i> ” on the Peacocke Local Centre Design Concept diagram implies that the main street will be pedestrianised with no vehicles. The submitter understands that is not the intention and that the main street will be used by vehicles, pedestrians and cyclists, which is a supported outcome. The diagram should therefore refer to “ <i>Main Street</i> ” only. The importance of providing good pedestrian facilities within the main street environment can be addressed in the Peacocke Local Centre Design Guide (Appendix 1.4.10).	Amend the Peacocke Local Centre Design Concept diagram to replace the term “Pedestrian Main Street” in the diagram with “Main Street”.
			3. The Peacocke Local Centre Design Concept diagram refers to “ <i>Fine Grained Retail</i> ” which is not a term which is either defined or commonly understood. The description should be replaced with “ <i>Retail, Offices, Restaurants, Licensed Premises and Food and Beverage</i> ” which are all terms that are defined in the	Amend the Peacocke Local Centre Design Concept diagram to replace the term “Fine grained retail” in the diagram with “Retail, Offices, Restaurants, Licensed Premises and Food and Beverage”.

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			district plan. The size and scale of retail activities is managed by other provisions.	
			4. The Peacocke Local Centre Design Concept diagram identifies unlabelled uses which are shown in yellow on the diagram. The absence of any notation for these uses creates uncertainty and ambiguity. These areas, which are on the periphery of the Local Centre, are likely to be suited for commercial and high density residential activities.	Amend the Peacocke Local Centre Design Concept diagram to notate the unlabelled uses shown in yellow south of the supermarket as “Commercial and/or high density residential”.
			5. The diagram identifies a “Food and Beverage Precinct”. Although this is one location which is well suited for food and beverage activities, rather than concentrating all food and beverage activities within a precinct, it is more appropriate that food and beverage activities are interspersed throughout the Local Centre. This should be reflected in the diagram by changing the notation to “Retail, Restaurants, Licensed Premises and Food and Beverage” so that the anticipated range of potential uses is stated.	Amend the Peacocke Local Centre Design Concept diagram to replace the term “Food and beverage precinct” with “Retail, Restaurants, Licensed Premises and Food and Beverage”.
			6. The Peacocke Local Centre Design Concept diagram identifies “Large Format Retail” in the location where it is currently intended that a supermarket would be established. The importance of a supermarket to anchor the Local Centre Zone is addressed in LCZ-PREC1-PSP: O2 which states:  <i>“The Peacocke Local Centre is the focal point for the Peacocke Community, providing a range of</i>	Amend the Peacocke Local Centre Design Concept diagram to replace the term “Large format retail” in the diagram with “Supermarket”.

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			<p><i>convenience, retail, employment and service activities and is the only location for a supermarket within the Peacocke Structure Plan area."</i></p> <p>Supermarket is a defined term in the district plan so the diagram should expressly refer to the term "Supermarket" rather than "Large Format Retail".</p>	
			<p>7. The report entitled 'Community Infrastructure in Peacocke' concludes that short to medium term demand for libraries and community centres will be met by existing facilities elsewhere and that there is no funding certainty for a possible long-term library and community centre. The Peacocke Local Centre Design Concept diagram should reflect alternative uses given uncertainty exists whether there will ever be a need for a library and community centre in Peacocke.</p>	<p>Amend the Peacocke Local Centre Design Concept diagram to either:</p> <ul style="list-style-type: none"> <li>(i) delete the "Community Facility (Future Library and Community Centre)" and replace it with "Retail, Restaurants, Licensed Premises and Food and Beverage"; or</li> <li>(ii) replace the term "Community Facility (Future Library and Community Centre)" with "Community Facility (Future Library and Community Centre) or Retail, Restaurants, Licensed Premises and Food and Beverage".</li> </ul>
			<p>8. The location of the Local Centre is supported subject to amendments being made to shift the northern boundary of the Local Centre to the south (a reduction of approximately 7,600m<sup>2</sup>). The purpose of this change is to achieve better alignment with updated plans that the submitter has developed for this part of the Amberfield site. The submitter plans high density residential uses for the area that currently forms the northern extent of the Local Centre. The proposed change will not affect the capacity of the Local Centre to accommodate retail, commercial and other uses at</p>	<p>Amend the northern boundary of the Local Centre shown on the Peacocke Local Centre Design Concept diagram as follows:</p>

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			the required scale to service the local needs of the Peacocke Structure Plan area.	
26.	DEV01-PSP: Components of the Peacocke Structure Plan Peacocke Staging and Infrastructure paras. [1] and [2], Table and associated asterisked notes	Oppose	<ol style="list-style-type: none"> <li>The description provides a definitive summary about how infrastructure staging will occur. The implementation of an infrastructure programme never occurs precisely as anticipated. The District Plan description should provide an opportunity to vary or amend the programme. The requested amendments achieve this flexibility.</li> </ol>	<p>Amend para [2] to read:</p> <p>“The <u>planned</u> staging of development in Peacocke starts in the north in the vicinity of the Water Treatment Plant and then proceeds in a southerly direction along Peacocke Road and in the west from the newly completed Ohaupo Road/SH3 and East/West minor arterial roundabout. Development shall <u>generally</u> occur in accordance with the infrastructure staging plan (Appendix 2 – Figure 2-3a) <u>unless alternative staging is approved through resource consents following consideration of servicing requirements and infrastructure proposals for specific developments</u>. This plan sets out the intended stages of development for Peacocke reflecting the sequenced delivery of strategic infrastructure.”</p>

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			2. The table on page 28 requires a number and title for referencing purposes.	Give the table on page 28 an appropriate table number and title: "Strategic Infrastructure".
			3. There are no collector roads in Stages F and G.	Delete collector road references in Stages F and G from the table on page 29.
			4. The third note beneath the Peacocke Infrastructure and Staging table limits the delivery of the stated infrastructure to developers, whereas in practice this may be led by either Council or a developer.	Amend the third note beneath the Peacocke Infrastructure and Staging table on page 30 to read:  "In addition, localised and on-lot infrastructure and connections will be required. This should generally not influence sequencing of other stages. The delivery of most strategic infrastructure is expected to be Council-led. However, some of the infrastructure identified, such as new and upgraded collector roads, stormwater infrastructure, and various pumpstations and distribution mains, <del>are expected to</del> <u>may be either Council-led or</u> developer-delivered to Council specifications."
<b>Chapter 4A – Medium Density Residential Zone</b>				
27.	MRZ – PREC1-PSP: Issues para. [2]	Oppose	The Peacocke Development Area is not an area which is defined in the Peacocke Structure Plan area diagrams or planning maps.	Amend the third sentence in para. [2] to read:  "The Peacocke Precinct applies in the Peacocke <del>Development Structure Plan Area</del> "
28.	MRZ – PREC1-PSP: Issues para. [3]	Oppose	Suburban Centre is not the term that is used for the Peacocke Local Centre in the PC5 provisions.	Amend the third sentence in para. [3] to read:  "For this reason, the Peacocke Precinct includes a high density overlay which is located within walkable

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
				distances from the <del>suburban centre</del> <u>Local Centre</u> , identified public transport routes and areas of amenity including the river and gully network, parks and community facilities.”
29.	Objective MRZ-PREC1-PSP: 05	Support in Part	<p>The built form outcomes of 2-3 storeys in the Medium Density Residential Zone and 2-5 storeys in the High Density Overlay Area will enable the Peacocke Structure Plan area to give effect to the Regional Policy Statement density targets and the NPS-UD residential capacity requirements.</p> <p>However, the objective should be amended to provide that the built form outcomes of 2-3 and 2-5 storeys are the “typical” outcomes, to which there may be some exceptions. Examples where single storey dwellings would be appropriate include:</p> <ul style="list-style-type: none"> <li>• To provide for the range of housing typologies required to meet the diverse needs of the community, such as people with low mobility (including retirement villages).</li> <li>• There should be some scope for single-storey dwellings on larger lots where there will be no density gain from the requirement for multi-storey dwellings (as density will be determined by the lot size).</li> <li>• On steeply sloping lots where multi-storey dwellings may not always be economically viable.</li> </ul>	<p>Amend MRZ-PREC1-PSP: 05 to read:</p> <p>“Development in <u>the Peacocke Structure Plan area</u> provides a range of housing typologies that are consistent with the neighbourhood's planned urban built character of <u>typically</u> two to three-storey buildings in the medium density zone and <u>typically</u> two <del>—to</del> five storey buildings within the high-density area.”</p>
30.	Policy MRZ-PREC1-PSP: P2	Oppose	Given the Medium Density Residential Zone rules anticipate that some non-residential activities may	Amend MRZ-PREC1-PSP: P2 to read:

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			establish in the zone (e.g. dairies, childcare facilities, visitor accommodation, community centres, places of worship, schools, marae), this policy should be reframed more positively. It is also important that the policy refers to effects on activities within zones rather than effects on zones because the zones themselves are not physical constructs which can be adversely affected.	“Non-residential activities <del>should not</del> <u>may only</u> establish in residential areas, <del>unless where</del> the adverse effects on <u>activities</u> in all zones are avoided, remedied or mitigated.”
31.	Policy MRZ-PREC1-PSP: P21	Oppose	The policies in Chapter 25.6 Lighting make it clear that the purpose of the rule is to manage the potential effects of “fixed lighting”. Policy MRZ-PREC1-PSP: P21 should be amended to be consistent with that approach and should also refer to the Natural Open Space Zone, rather than “Natural Open Space”.	Amend MRZ-PREC1-PSP: P21 to read:  “Residential development is designed to manage effects of <u>fixed</u> lighting on adjacent areas <del>of</del> <u>within the</u> Natural Open Space <u>Zone</u> .”
32.	Non-notification rules (MRZ-PREC1-PSP: R15, R16, R17, R19, R26)	Support	Non-notification rules for duplex dwellings, terrace dwellings (Peacocke Precinct), apartment buildings (Peacocke Precinct), rest homes and retirement villages in the Medium Density Residential Zone are supported for the following reasons: <ul style="list-style-type: none"> <li>• The rules will provide certainty and will efficiently deliver the outcomes which are sought in the Peacocke Structure Plan area;</li> <li>• The development standards for the zone must be complied with to retain non-notified status; and</li> <li>• The activities are residential activities all of which are anticipated within a residential zone.</li> </ul>	Retain the non-notification rules MRZ-PREC1-PSP: R15, R16, R17, R19 and R26.



	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
33.	Rule MRZ-PREC1-PSP: R36	Oppose	Amend terms referenced (and related provisions) to ensure that the defined terms are used consistently throughout PC5.	Amend the reference to 'Terraced House (Peacocke Precinct)' to 'Terrace dwelling (Peacocke Precinct)' in MRZ-PREC1-PSP: R36.
34.	Rule MRZ-PREC1-PSP: R37 Permeable surfaces and landscaping	Oppose	<p>Rule R37 sets the minimum permeable surface and landscaping area requirements of the zone which are targeted at ensuring good urban design outcomes (as well as assisting with stormwater management). However, the provisions may have an unintended consequence of limiting the ability to provide paved accessways to properties for narrow sites containing car parking within the front setback.</p> <p>A further unintended consequence may be that applicants will not provide a separate path but instead rely on the driveway for the route to the front door. This would result in poor legibility of the front door and safety issues due to the conflict between car and pedestrian.</p> <p>The submitter seeks amendments that more directly state what needs to be achieved, namely generously planted front yards, while allowing for the necessary pedestrian and car access and parking. Avoiding percentages will simplify design and approval processes.</p>	<p>Amend clause (2) of MRZ-PREC1-PSP: R37 to read:</p> <p><u>"2) On front, corner and through sites the area forward of the front building line shall be planted in grass, shrubs and / or trees with the exception of:</u></p> <p><u>a) one footpath with a maximum width of 1.2m leading to the front door; and</u></p> <p><u>b) one car pad with a maximum width of 3m if no garage is provided; and</u></p> <p><u>c) one driveway with a maximum width of 3m if a single or tandem garage is provided or with a maximum width of 6m if a double garage is provided."</u></p>
35.	Rule MRZ-PREC1-PSP: R44 Outdoor living area	Oppose	An outdoor living area of 8m <sup>2</sup> rather than 12m <sup>2</sup> is appropriate to meet amenity requirements for upstairs apartments with two or more bedrooms. This equates to 2m by 4m, which can easily accommodate a table and chairs for six people. The proposed amendment is consistent with the Auckland Unitary Plan which requires a	Amend MRZ-PREC1-PSP: R44 clause (4)(b) so that the outdoor living area requirement for an upstairs residential unit with two or more bedrooms within an Apartment Building is 8m <sup>2</sup> rather than 12m <sup>2</sup> .

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought				
			minimum outdoor living area of 8m <sup>2</sup> for apartments with two or more bedrooms.					
36.	Rule MRZ-PREC1-PSP: R46 Fences and walls	Oppose	Fences up to 1.8m in height along some Open Space zone boundaries are required by conditions of the Amberfield resource consent and may be required elsewhere to reduce the spill of light into Bat Habitat Areas. Accordingly, higher fencing (up to 1.8m) should be enabled for that purpose.	<div>Amend MRZ-PREC1-PSP: R46 to add a new row 2A as follows:</div> <table><tr><td>2) <i>Fences or walls adjoining Open Space Zone.</i></td><td><i>Maximum height 1.5m</i></td></tr><tr><td><u>2A) <i>Fences or walls adjoining the Natural Open Space Zone which are required to mitigate light spill from the Medium Density Residential Zone</i></u></td><td><u><i>Maximum height 1.8m</i></u></td></tr></table>	2) <i>Fences or walls adjoining Open Space Zone.</i>	<i>Maximum height 1.5m</i>	<u>2A) <i>Fences or walls adjoining the Natural Open Space Zone which are required to mitigate light spill from the Medium Density Residential Zone</i></u>	<u><i>Maximum height 1.8m</i></u>
2) <i>Fences or walls adjoining Open Space Zone.</i>	<i>Maximum height 1.5m</i>							
<u>2A) <i>Fences or walls adjoining the Natural Open Space Zone which are required to mitigate light spill from the Medium Density Residential Zone</i></u>	<u><i>Maximum height 1.8m</i></u>							
Chapter 6A – Neighbourhood Centre Zone								
37.	General	Oppose	The chapter incorrectly uses the term NZC instead of NCZ. This error should be corrected.	Amend all references to “NZC” in Chapter 6A to “NCZ”.				
38.	Policy NCZ-PREC1-PSP: P5	Oppose	The avoidance of off-street car parking along street frontages within the Neighbourhood Centre Zone removes opportunities for convenient short duration car parking which is important for the commercial viability of Neighbourhood Centres. Although in some cases car parking for this purpose will be able to be provided on-street, the absence of any specific standards for Minor Arterials Roads results in uncertainty whether on-street car	<div>Amend NCZ-PREC1-PSP: P5 to read:</div> <div>“Neighbourhood Centres in the Peacocke Structure Plan Area are designed to:</div> <div>1) Establish a sense of place.</div> <div>2) Create a high amenity and safe walkable environment.</div>				

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			<p>parking will be able to be provided in these locations. This is a potential issue for the Neighbourhood Centre which is located on Peacockes Road opposite Stubbs Road.</p> <p>A further implication if on-street car parking is not provided on Minor Arterial Roads and off-street car parking is required to be avoided between the street and buildings is that there is likely to be commercial pressure for buildings turning their backs on the street to front internal carparks, or a need to have dual frontage. This could result in the street-based frontage being secondary or inferior to the entrance facing the parking which would be a poor urban design outcome.</p>	<p>3) Provide active frontages that encourage pedestrian activity on the ground floor.</p> <p>4) Minimise <del>Ensure</del> off street parking <del>is not located in</del> <u>along</u> the street frontage.</p> <p>5) Incorporate public transport stops where located adjacent to public transport routes.”</p>
39.	Non-notification rules (NCZ – PREC1-PSP: R19 to R22)	Support	<p>Non-notification rules for new buildings, accessory buildings, ancillary residential units and apartment buildings (Peacocke Precinct) above ground floor in the Neighbourhood Centre Zone are supported for the following reasons:</p> <ul style="list-style-type: none"> <li>• The rules will provide certainty and will efficiently deliver the outcomes which are sought in the Peacocke Structure Plan;</li> <li>• The development standards for the zone must be complied with to retain non-notified status; and</li> <li>• The activities are all anticipated within a Neighbourhood Centre zone.</li> </ul>	Retain the non-notification rules NCZ – PREC1-PSP: R19 to R22.
40.	Rule NCZ-PREC1-PSP:R22	Oppose	Amend terms referenced (and related provisions) to ensure that the defined terms are used consistently throughout PC5.	Amend the reference to ‘Apartments’ to ‘Apartment building (Peacocke Precinct)’ in NCZ-PREC1-PSP:R22.

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
41.	NCZ – PREC1-PSP: Rules – Activity Status	Oppose	<p>A new rule is sought requiring that commercial activities which exceed 800m<sup>2</sup> gross floor area total within each Neighbourhood Centre require resource consent as a Non-Complying Activity. The commercial activities which should be captured by this rule include the activities covered by Rules R4-R11, R13, R15-R17, R23, R25, R28-R38 and R40.</p> <p>The purpose of this new rule is to ensure that the scale of commercial activities within each centre is strictly limited to avoid undermining the viability, vitality and amenity of the Local Centre and other Neighbourhood Centres. The proposed rule will assist in achieving the outcomes envisaged in Chapter 3A which states:</p> <p><i>“Eight neighbourhood centres providing approximately 2,600m<sup>2</sup> GFA between them, ranging from 300m<sup>2</sup> - 800m<sup>2</sup> of GFA have been identified within the Peacocke area. These are small in size and serve a local function only...</i></p> <p><i>The location would enable neighbourhood centres to be comprised of approximately three to seven stores in size and would provide good accessibility to the majority to the Peacocke area population.”</i></p>	<p>Add a new rule in NCZ – PREC1-PSP: Rules – Activity Status as follows:</p> <p><u>“Activity status: Permitted</u>  <u>Maximum 800m<sup>2</sup> gross floor area total for each Neighbourhood Centre comprising activities in Rules R4-R11, R13, R15-R17, R23, R25, R28-R38 and R40.</u></p> <p><u>Activity status where compliance not achieved: Non-Complying.”</u></p>
42.	Rule NCZ – PREC1-PSP: R28 Offices	Oppose	<p>Small offices which service the local neighbourhood, such as real estate agents or professional services, are appropriate activities in the Neighbourhood Centre Zone because:</p>	<p>Amend the activity status for offices under R28 where the GFA is less than 250m<sup>2</sup> from Discretionary to Permitted.</p>

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			<ul style="list-style-type: none"> <li>• The activities will service local needs;</li> <li>• The small scale of the neighbourhood centres will limit the number of these types of activities which will establish within these centres; and</li> <li>• A floor area limit ensures that offices within neighbourhood centres are limited to small scale activities, with larger offices directed to other centres.</li> </ul>	
43.	Rule NCZ-PREC1-PSP:R41	Oppose	Amend terms referenced (and related provisions) to ensure that the defined terms are used consistently throughout PC5.	Amend the reference to 'Apartments' to 'Apartment building (Peacocke Precinct)' in NCZ-PREC1-PSP:R41.
44.	Rule NCZ – PREC1-PSP: R47 Building intensity	Oppose	<p>A Floor Area Ratio standard is unnecessary as bulk and location of buildings in the Neighbourhood Centre Zone is suitably addressed through other standards such as building height.</p> <p>The scale of commercial development in neighbourhood centres would be more effectively addressed by a rule imposing maximum floor areas for commercial activities within the Neighbourhood Centres.</p>	Delete Rule R47.
45.	Rule NCZ – PREC1-PSP: R50 Residential development	Oppose	1. The purpose of clause (4) which relates Density (Minimum Number of Residential Units Required Per Site) is unclear and the rule is difficult to interpret. Provision of residential units within Neighbourhood Centres should be enabled but not required. Not all centres will be suited to mixed-use development, including the Neighbourhood Centre within the Amberfield site which is prevented from being	Delete NCZ – PREC1-PSP: R50 clause (4).

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			developed for residential activities under the Amberfield resource consent conditions.	
			2. An outdoor living area of 8m <sup>2</sup> rather than 12m <sup>2</sup> is appropriate to meet amenity requirements for apartments with two or more bedrooms. This equates to 2m by 4m, which can easily accommodate a table and chairs for six people. The proposed amendment is consistent with the Auckland Unitary Plan which requires a minimum outdoor living area of 8m <sup>2</sup> for apartments with two or more bedrooms.	Amend NCZ – PREC1-PSP: R50 clause (5)(c) so that the outdoor living area requirement for a residential unit with two or more bedrooms within an Apartment Building is 8m <sup>2</sup> rather than 12m <sup>2</sup> .
			3. The detail within clause (8) unnecessarily complicates the design requirements for residential units. The proposed amendments, in combination with Building Code requirements, will simplify the rule, whilst still ensuring that its purpose to ensure adequate levels of daylight for residential units will be achieved.	Amend NCZ – PREC1-PSP: R50 clause (8) to read:  <i>“Residential units shall be designed to achieve the following minimum daylight standards.</i> <i>a) Living rooms and living/dining areas: <del>a total clear-glazed area of exterior wall no less than 20% of the floor area of that space</del> <u>at least one clear glazed window on an exterior wall.</u></i> <i>b) Bedrooms (excluding studio units, and any bedroom that complies with iii. below): a minimum of one bedroom with <del>a total clear-glazed area of exterior wall no less than 20% of the floor area of that space</del> <u>at least one clear glazed window on an exterior wall.</u></i> <i>c) No more than one bedroom in any residential unit may rely on natural light borrowed from another naturally lit room provided:</i> <i>i. The maximum distance of the bedroom from the natural light source window shall be 6m.</i>

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
				<u><i>ii. The minimum total clear-glazed area of the light source shall be no less than 20% of the floor area of that bedroom."</i></u>
46.	Signage	Oppose	There are no specific signage standards for the Neighbourhood Centre Zone. It appears that the absence of applicable signage standards is likely to be an oversight. It would be appropriate to adopt the existing signage standards which apply to other business zones in the City for the Neighbourhood Centre Zone.	<p>Amend the City-wide signage provisions in Chapter 25.10 as follows:</p> <ul style="list-style-type: none"> <li>• Amend Rule 25.10.3(h) so that electronic signs in the Neighbourhood Centre Zone are a Restricted Discretionary Activity where they comply with Rules 25.10.4 and 25.10.5.</li> <li>• Amend Rule 25.10.5.7 so that the standards also apply to the Neighbourhood Centre Zone (as well as the Central City, Business 1-7 and Industrial Zones).</li> <li>• Amend Rule 25.10.5.12 so that the same standards for temporary signs in the Central City, Business 1-7 and Industrial Zones also apply in the Neighbourhood Centre Zone.</li> </ul>
<b>Chapter 6B – Local Centre Zone</b>				
47.	Non-notification rules (LCZ – PREC1-PSP: R17 to R21)	Support	<p>Non-notification rules for new buildings, accessory buildings, emergency service facilities, ancillary residential units and apartment buildings (Peacocke Precinct) in the Local Centre Zone are supported for the following reasons:</p> <ul style="list-style-type: none"> <li>• The rules will provide certainty and will efficiently deliver the outcomes which are sought in the Peacocke Structure Plan area;</li> <li>• The development standards for the zone must be complied with to retain non-notified status; and</li> </ul>	Retain the non-notification rules LCZ – PREC1-PSP: R17 to R21.

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			<ul style="list-style-type: none"> <li>The activities are all anticipated within a Local Centre Zone.</li> </ul>	
48.	Rule LCZ – PREC1-PSP: R21 Apartments (Peacocke Structure Plan) 4 <sup>th</sup> Column	Oppose	Structure Plan Figure 2-3b identifies Primary and Secondary Frontages within the Local Centre. In these areas it is important to maintain the continuity of commercial frontage and streetscape. Outside of these areas, depending on the uptake of commercial development and design factors, it is more appropriate to maintain flexibility to have residential activity at ground level. This flexibility is better provided for by a Discretionary Activity than a Non-complying Activity Status.	Amend LCZ – PREC1-PSP: R21 to read:  Activity Status where compliance is not achieved with RDIS-2: <del>NonComplying</del> <u>Discretionary</u>
49.	Rule LCZ-PREC1-PSP:R21	Oppose	Amend terms referenced (and related provisions) to ensure that the defined terms are used consistently throughout PC5.	Amend the reference to 'Apartments (Peacocke Structure Plan)' to 'Apartment building (Peacocke Precinct)' in LCZ-PREC1-PSP:R21.
50.	Rule LCZ-PREC1-PSP:R37	Oppose	Amend terms referenced (and related provisions) to ensure that the defined terms are used consistently throughout PC5.	Amend the reference to Duplexes' to 'Duplex dwelling' in LCZ-PREC1-PSP:R37.
51.	Rule LCZ – PREC1-PSP: R38 Terrace House (Peacocke Precinct) 2 <sup>nd</sup> column	Oppose	Structure Plan Figure 2-3b identifies Primary and Secondary Frontages within the Local Centre. In these areas it is important to maintain the continuity of commercial frontage and streetscape. Outside of these areas, depending on the uptake of commercial development and design factors, it is more appropriate to maintain flexibility to have residential activity at ground level. This flexibility is better provided for by a	Amend LCZ – PREC1-PSP: R38 to read:  Activity Status: Non Complying <u>Activity Status: Discretionary at ground floor and above outside of the Primary and Secondary Frontages.</u>



	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			Discretionary Activity than a Non-complying Activity Status.	
52.	Rule LCZ-PREC1-PSP:R38	Oppose	Amend terms referenced (and related provisions) to ensure that the defined terms are used consistently throughout PC5.	Amend the reference to 'Terraced House (Peacocke Precinct)' to 'Terrace dwelling (Peacocke Precinct)' in LCZ-PREC1-PSP:R38.
53.	Rule LCZ – PREC1-PSP: R43 Building intensity	Oppose	A Floor Area Ratio standard is unnecessary as bulk and location of buildings in the Local Centre Zone is suitably addressed through other standards such as building height.	Delete Rule R43.
54.	Rule LCZ – PREC1-PSP: R46 Residential development	Oppose	1. The purpose of clause (4) which relates Density (Minimum Number of Residential Units Required Per Site) is unclear and the rule is difficult to interpret. Provision of residential units within sites in the Local Centre should be enabled but not required. Not all sites will be suited to mixed-use development. An example is a site for a supermarket where it is not practical to require residential activities. Provision of residential activities within the Local Centre is a matter best considered through preparation of a Master Plan for the centre.	Delete NCZ – PREC1-PSP: R46 clause (4).
			2. An outdoor living area of 8m <sup>2</sup> rather than 12m <sup>2</sup> is appropriate to meet amenity requirements for apartments with two or more bedrooms. This equates to 2m by 4m, which can easily accommodate a table and chairs for six people. The proposed amendment is consistent with the Auckland Unitary Plan which requires a minimum outdoor living area of 8m <sup>2</sup> for apartments with two or more bedrooms.	Amend NCZ – LCZ – PREC1-PSP: R46 clause (5)(c) so that the outdoor living area requirement for a residential unit with two or more bedrooms within an Apartment Building is 8m <sup>2</sup> rather than 12m <sup>2</sup> .

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			<p>3. The detail within clause (8) unnecessarily complicates the design requirements for residential units. The proposed amendments, in combination with Building Code requirements, will simplify the rule, whilst still ensuring that its purpose to ensure adequate levels of daylight for residential units will be achieved.</p>	<p>Amend LCZ – PREC1-PSP: R46 clause (8) to read:</p> <p>“Residential units shall be designed to achieve the following minimum daylight standards.</p> <p>a) living rooms and living/dining areas: <del>a total clear-glazed area of exterior wall no less than 20% of the floor area of that space</del> <u>at least one clear glazed window on an exterior wall.</u></p> <p>b) Bedrooms (excluding studio units, and any bedroom that complies with iii. below):</p> <p>a minimum of one bedroom with <del>a total clear-glazed area of exterior wall no less than 20% of the floor area of that space</del> <u>at least one clear glazed window on an exterior wall.</u></p> <p>c) No more than one bedroom in any residential unit may rely on natural light borrowed from another naturally lit room provided:</p> <p>i) The maximum distance of the bedroom from the natural light source window shall be 6m.</p> <p>ii) <del>The minimum total clear-glazed area of the light source shall be no less than 20% of the floor area of that bedroom.”</del></p>
55.	Rule LCZ – PREC1-PSP: R47 Active frontages	Oppose	The proposed amendments to this rule result in clearer requirements regarding roller doors or similar security features, including a specific requirement that they must be installed internally rather than externally and enable visibility into the building. Internal security features result in a more friendly building and public realm appearance, and less opportunity for graffiti. Generally, any other security measure other than solid roller doors (be that	<p>Amend LCZ – PREC1-PSP: R47 to read:</p> <p>“1. No roller doors, or similar <u>security features</u>, <del>which may obscure</del> <u>be installed externally over</u> windows or entranceways <del>may be installed</del> on the front of any building fronting a <u>public space transport corridor or public reserve</u> within <u>the</u> Local Centre Zone.</p>

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			scissor grills or permanent bars) is internal. This allows it to be built into the fitout and allows appropriate window activation at all times.	<u>2. Any roller doors, or similar security features, shall be installed internally and shall enable visibility into the building."</u>
56.	Rule LCZ – PREC1-PSP: R48 Primary frontages 2(c)	Oppose	<p>The purpose of this amendment is to clarify that the requirement for a continuous verandah applies to building frontages only rather than the entire street boundary.</p> <p>The requirement for verandahs to extend along the entire street frontage, instead of only the building frontages as proposed, would be impractical for situations where buildings lining that street frontage are interrupted by public open spaces such as a plaza or walkway.</p>	<p>Amend LCZ – PREC1-PSP: R48 to read:</p> <p>"A continuous verandah, no less than 2.5m deep shall be provided which extends along the full <del>street</del> <u>building</u> frontage. <del>Verandahs shall be</del> <u>and is</u> designed to provide full pedestrian cover."</p>
57.	Signage	Oppose	There are no specific signage standards for the Local Centre Zone. It appears that the absence of applicable signage standards is likely to be an oversight. It would be appropriate to adopt the existing signage standards which apply to other business zones in the City for the Local Centre Zone.	<p>Amend the City-wide signage provisions in Chapter 25.10 as follows:</p> <ul style="list-style-type: none"> <li>• Amend Rule 25.10.3(h) so that electronic signs in the Local Centre Zone are a Restricted Discretionary Activity where they comply with Rules 25.10.4 and 25.10.5.</li> <li>• Amend Rule 25.10.5.7 so that the standards also apply to the Local Centre Zone (as well as the Central City, Business 1-7 and Industrial Zones).</li> <li>• Amend Rule 25.10.5.12 so that the same standards for temporary signs in the Central City, Business 1-7 and Industrial Zones also apply in the Local Centre Zone.</li> </ul>

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
<b>Chapter 15A – Natural Open Space Zone</b>				
58.	NOSZ – PREC1- P: Issues	Oppose	<p>The areas of land proposed to be zoned Natural Open Space are predominantly privately owned. The Issues section is silent on what is otherwise the clear intention that the land will be acquired for public reserve. The Issues statement should be amended to be explicit that the intention is for the land to be acquired by Hamilton City Council to be held in public reserves.</p> <p>The Issues statement should also be clear that one of the key purposes of the reserves is for the creation of new Bat Habitat Areas for mitigation of the effects of urban development on the long-tailed bat within Peacocke and elsewhere in Hamilton and surrounds recognising that the long-tailed bat's habitat home range is located across Hamilton City and surrounding environments.</p>	<p>Amend NOSZ – PREC1- P: Issues to read:</p> <p><u>“The Natural Open Space Zone includes <del>publicly and privately owned</del> areas that possess natural or landscape values or that are locations where Bat Habitat Areas are proposed to be created to mitigate potential effects of urban development within Peacocke and surrounding areas on the city-wide Hamilton long-tailed bat population. The Natural Open Space zoned areas will be acquired as public reserves.”</u></p>
59.	Objective NOSZ-PREC1-P O7	Oppose	Objective NOSZ-PREC1-P O7 should be amended to use consistent language and to refer to the Natural Open Space Zone, rather than “Natural Open Space areas” or “Natural Open Space”.	<p>Amend NOSZ-PREC1-P O7 to refer to:</p> <p>The Natural Open Space Zone, not “Natural Open Space areas” or “Natural Open Space”.</p>
60.	Policy NOSZ-PREC1-P P18	Oppose	Policy NOSZ-PREC1-P P18 should be amended to use consistent language and to refer to the Natural Open Space Zone, rather than “Natural Open Space areas” or “Natural Open Space”.	<p>Amend NOSZ-PREC1-P P18 to refer to:</p> <p>The Natural Open Space Zone, not “Natural Open Space areas” or “Natural Open Space”</p>
61.	NOSZ-PREC1-P: Rules – Activity Status Table	Oppose	Stormwater management devices, ponds and wetlands and wastewater pump stations are all activities which would be appropriately located in the Natural Open Space Zones. The Natural Open Space zoned land is commonly located in	Add new rules in NOSZ-PREC1-P: Rules – Activity Status Table for the following activities:

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought																
			areas of low topography where stormwater management devices and pump stations are normally positioned. Enabling this infrastructure to be sited in (or partially in) Natural Open Space Zones will potentially minimise loss of developable land within Medium Density Residential zoned areas.	<ul style="list-style-type: none"><li>Stormwater management devices, ponds and wetlands Activity Status: Permitted</li><li>Wastewater pump stations Activity Status: Permitted</li></ul>																
	Chapter 20 – Natural Environments																			
62.	Rule 20.3 Rules – Activity Status Table	Oppose	<p>Development within the Peacocke Structure Plan area may require some or all of these activities listed in the adjacent column to be undertaken within identified Significant Natural Areas. The proposal for informal recreation and park furniture to be Permitted Activities reflects the multi-purpose use of the SNAs for recreation and ecological protection. One area where this is particularly important is ‘Knoll Park’ within the Amberfield site (SNA 62) which is planned (and consented) to accommodate a playground, basketball court, petanque area, seating and other informal recreation uses during daytime hours. The Environment Court confirmed in <i>Weston Lea Limited v Hamilton City Council</i> [2020] NZEnvC 189 that informal recreation and significant habitat areas can co-exist in this way.</p> <p>A Discretionary Activity status is appropriate for the activities listed as (gc) to (gg) to enable potential effects to be assessed through a resource consent process. Many of these activities, including walkways/cycleways and stormwater management devices are anticipated (and in some cases for Amberfield already consented) within the proposed SNAs. Walkways/cycleways are shown on the</p>	<p>Add the following new activity provisions in Rule 20.3 – Activity Status Table for the Peacocke Structure Plan Area:</p> <table><tr><th colspan="2">Activities within a Significant Natural Area, Schedule 9C (Volume 2, Appendix 9) – Peacocke Structure Plan</th></tr><tr><td>ga) Informal recreation</td><td>Permitted Activity</td></tr><tr><td>gb) Park furniture</td><td>Permitted Activity</td></tr><tr><td>gc) Walkways/cycleways</td><td>Discretionary Activity</td></tr><tr><td>gd) Stormwater management devices, ponds and wetlands</td><td>Discretionary Activity</td></tr><tr><td>ge) Wastewater pump stations</td><td>Discretionary Activity</td></tr><tr><td>gf) Underground network utility infrastructure</td><td>Discretionary Activity</td></tr><tr><td>gg) Earthworks and vegetation removal and pruning associated with gc) to gd)</td><td>Discretionary Activity</td></tr></table>	Activities within a Significant Natural Area, Schedule 9C (Volume 2, Appendix 9) – Peacocke Structure Plan		ga) Informal recreation	Permitted Activity	gb) Park furniture	Permitted Activity	gc) Walkways/cycleways	Discretionary Activity	gd) Stormwater management devices, ponds and wetlands	Discretionary Activity	ge) Wastewater pump stations	Discretionary Activity	gf) Underground network utility infrastructure	Discretionary Activity	gg) Earthworks and vegetation removal and pruning associated with gc) to gd)	Discretionary Activity
Activities within a Significant Natural Area, Schedule 9C (Volume 2, Appendix 9) – Peacocke Structure Plan																				
ga) Informal recreation	Permitted Activity																			
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ge) Wastewater pump stations	Discretionary Activity																			
gf) Underground network utility infrastructure	Discretionary Activity																			
gg) Earthworks and vegetation removal and pruning associated with gc) to gd)	Discretionary Activity																			

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			<p>Peacocke Structure Plan maps through SNAs in some places. In the absence of these proposed provisions all of these activities would be Non-Complying which would be inappropriate.</p> <p>Although no changes have been proposed to Chapter 20 in the PC5 proposed provisions, the changes above are important and are consistent with:</p> <ul style="list-style-type: none"> <li>• Policy DEV01-PSP: P5 which states <i>“Recreational activities are considered for co-location with ... 4. Significant Natural Areas”</i>.</li> <li>• The following statement on pages 15 and 16 in Chapter 3A, DEV01-PSP: Components of the Peacocke Structure Plan: <i>“Public uses within high value bat habitats may require further restrictions than for buffer zones and corridors to ensure functional habitat is protected, but could also include low-impact, unlit footpaths and cycle ways, which avoid any vegetation clearance that is important for bat habitat.”</i></li> </ul>	
<b>Chapter 23A – Subdivision – Peacocke Precinct</b>				
63.	SUB-PREC1-PSP: Purpose para. [4]	Oppose	PC5 refers to the proposed Peacocke town centre as the Local Centre. An amendment is required to para. [4] so that it refers to the Local Centre to be consistent with the terminology used elsewhere in the plan provisions.	<p>Amend para. [4] to read:</p> <p>“To support the creation of a walkable environment that supports the viability and vitality of the <del>Peacocke Town Centre</del> <u>Local Centre</u> and use of public transport, the Peacocke area provides for medium and higher density housing. The Structure Plan focuses on delivering high density housing within a walkable</p>

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
				catchment of the <del>Local Centre town-centre</del> , identified public transport routes and allows for higher density development to occur in areas of higher amenity such as the Waikato River corridor and near the Mangakootukutuku Gully.”
64.	Objective SUB–PREC1-PSP: O7	Oppose	The objective should be amended to reflect that the PC5 provisions enable both medium <u>and</u> high density development outcomes.	Amend SUB–PREC1-PSP: O7 to read:  “Subdivision considers the planned medium <u>and high</u> density development outcomes and enables a range of building typologies to be constructed.”
65.	Objective SUB–PREC1-PSP: O10	Oppose	The concept plan is a useful starting point to guide development within the Local Centre but requiring subdivision to give effect to the concept plan is too onerous a requirement. Amendments are sought to the Objective to adopt similar wording to that used in Objective SUB–PREC1-PSP: O6 (which refers to consistency with the Peacocke Structure Plan) and Policy SUB–PREC1-PSP: P21 (which requires subdivision in the Peacocke Local Centre to be in general accordance with the Peacocke Local Centre Concept Plan and Local Centre Design Guide).	Amend SUB–PREC1-PSP: O10 to read:  “Subdivision in the Peacocke Local Centre Zone <del>gives effect to</del> <u>is generally consistent with</u> the Peacocke Local Centre Concept Plan and achieves a cohesive and integrated development pattern, creating a high amenity urban centre.”
66.	Objective SUB – PREC1-PSP: O9	Oppose	Two changes are required to improve the clarity of the Objective: <ul style="list-style-type: none"> <li>• Subdivision on its own is not able to ‘restore’ anything – the objective should be amended to address this; and</li> <li>• It is the Bat Habitat Areas that identify the existing natural environment in the Structure Plan area that is important to bats and which is intended to be created for future bat habitat.</li> </ul>	Amend SUB – PREC1-PSP: O9 to read:  “Subdivision responds to and <u>enables the restoration of</u> <del>restores</del> the natural environment with a focus on <del>those areas</del> <u>the Bat Habitat Areas</u> identified in the Peacocke Structure Plan, <u>which provide for including</u> the creation of <u>new ecological corridors</u> and protection and enhancement of <del>identified</del> <u>existing</u> ecological corridors.”

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
67.	Policy SUB - PREC1-PSP:P2 Clause 2.	Oppose	The policy should be amended so that it refers to the Peacocke Structure Plan rather than “the relevant structure plan”. There is no other structure plan being referred to and the policy is solely for the Peacocke Structure Plan.	Amend clause 2 of SUB - PREC1-PSP:P2 to read:  “2. Is in general accordance with <del>any relevant</del> <u>the Peacocke</u> Structure Plan.”
68.	Policy SUB - PREC1-PSP:P17	Oppose	The policy should be amended to be clearer and to reflect that larger lots will be important tools to provide for medium <u>and</u> high density development outcomes.	Amend SUB - PREC1-PSP:P17 to read:  “Enable larger lots where they are to be used as a tool to provide for <u>super lots or lots for future medium or high-density</u> development.”
69.	Policy SUB - PREC1-PSP:P19	Oppose	Provisions for the Natural Open Space Zone, Significant Natural Areas, Bat Habitat Areas and esplanade reserves are supported in principle as measures to protect and enhance and to create additional habitat for the long-tailed bat. However, the submitter does not accept the location and extent of all of these areas and considers that they should be based on either the existing natural environment, or created to the extent necessary to ensure that the role, function and connectivity of ecological areas is maintained. Amendments to the Policy are sought to achieve this.	Amend SUB - PREC1-PSP:P19 to read:  “Require subdivision to be designed to provide <del>ecological areas</del> <u>for the vesting of Natural Open Space Zone areas where they are identified</u> within the Peacocke Structure Plan <u>based on the existing natural environment and to the extent necessary to ensure that the role, function and connectivity of ecological areas is maintained.</u> ”
70.	Policy SUB - PREC1-PSP:P20	Oppose	The intent of the Policy appears to be to refer to the corridors provided by Bat Habitat Areas, but it is not clear if other ecological corridors are also covered. The policy should be amended to provide greater certainty as to the corridors that it refers to.	Amend SUB - PREC1-PSP:P20 to read:  “Require roads that are proposed in the ecological corridors <u>provided by Bat Habitat Areas</u> to: .....”



	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
71.	Non-notification rules (SUB-PREC1-PSP: R4 and R5)	Support	<p>Non-notification rules for fee simple subdivision and unit title subdivision in the Peacocke Precinct are supported for the following reasons:</p> <ul style="list-style-type: none"> <li>• The rules will provide certainty and will efficiently deliver the outcomes which are sought in the Peacocke Structure Plan area;</li> <li>• The subdivision standards must be complied with to retain non-notified status; and</li> <li>• Fee simple and unit title subdivision is anticipated within the Peacocke Precinct.</li> </ul>	Retain the non-notification rules SUB-PREC1-PSP: R4 and R5.
72.	Rule SUB-PREC1-PSP:R8	Oppose	<p>Being a greenfield growth cell, many subdivision consent applications in the Peacocke Structure Plan area will require vesting of network utility or transport corridor lots. The potential benefits in terms of efficiency and certainty of the non-notification provisions in SUB-PREC1-PSP: R4 and R5 will be negated if the same non-notification rules do not apply to SUB-PREC1-PSP:R8.</p>	Amend SUB-PREC1-PSP:R8 so that subdivision to accommodate a network utility service or transport corridor is subject to non-notification rules.
73.	Rule SUB-PREC1-PSP:R13 Provision of Esplanade Reserves and Strips		<p>Rule SUB-PREC1-PSP:R13 is a general standard for subdivision. The Proposed Esplanade Reserves identified on the Peacocke Structure Plan are based on the study in Appendix W Peacocke Structure Plan: Esplanade Report which states in Section 2.2:</p> <p><i>The broad-scale approach used for this scale of assessment has meant that the resolution is much coarser than that in the procedure developed by Stumbles et al. (2008) and did not include any weighted averaging of cross-section widths. <u>The broad-scale approach was considered</u></i></p>	<p>Amend SUB-PREC1-PSP:R13 to read:</p> <p>“An Esplanade Reserve or Esplanade Strip of not less than 20m measured from the edge of any river or lake shall be set aside and vested in Council in accordance with section 231 of the Act where any subdivision of land results in the creation of an allotment that adjoins the banks of:</p> <p>a) The Waikato River.  <del>b) The margins of Lake Rotoroa (Hamilton Lake).</del></p>

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			<p><u>adequate for the purposes of the current study but could be insufficient for determining esplanade extent at the lot level when subdivision of individual lots takes place. Site-specific assessment using cross-sections at 20 m centres and weighted averages may potentially change the result, particularly in the upper headwaters where stream width is typically narrower.</u> [emphasis added]</p> <p>Despite this, the Structure Plan map has adopted the mapping produced by the study without amendment. As noted in the study, 'site specific assessment' is advised at the time of subdivision to address the statutory requirements for identifying an esplanade. On this basis the words in (e) should be deleted, with reliance placed on the standard criteria in (c) and an assessment undertaken at the time of subdivision.</p>	<p>c) Any watercourse where the average width of the bed is 3m or more where the river flows through or adjoins an allotment.</p> <p>d) Where a reserve or road of less than 20m width already exists along the edge of any river or lake, then additional land shall be vested to increase the minimum width to 20m.</p> <p>Or</p> <p><del>e) Is identified in the Peacocke Structure Plan as required to provide an Esplanade Reserve."</del></p>
74.	Rule SUB-PREC1-PSP:R14 Design Standards	Oppose	<p>Rule SUB-PREC1-PSP:R14 sits under the heading 'Medium Density Residential Zone – Peacocke Precinct', however, the rule refers to R23-1 and R23-2 which apply to the Local Centre and Neighbourhood Centre Zones. This results in confusion as to which standards apply in the different zones. Rule R14 should be amended to remove this confusion.</p> <p>Lots for network utility services <u>and</u> transport corridors should be exempt from the full range of subdivision standards. Standards such as provision of services and minimum lot area and shape are not relevant for lots to be vested as transport corridors.</p>	<p>Amend SUB-PREC1-PSP:R14 to read:</p> <p><del>"Medium Density Residential Zone – Peacocke Precinct.</del></p> <p>SUB-PREC1-PSP: R14 Design standards</p> <p>1) The standards of Rule SUB – PREC1-PSP: R12 <del>R21</del>R25 shall not apply to the subdivision of land to accommodate a network utility service <u>or transport corridor</u>.</p> <p>2) The standards of Rule SUB – PREC1-PSP: R15, R17 and R23-1 <del>and R23-2</del> shall not apply to <u>the following activities in the Medium Density Residential Zone:</u></p> <p>a) The unit title of existing lawfully established buildings; or</p>

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought						
				<p>b) The fee simple subdivision of existing lawfully established single dwellings, duplex dwellings, or Terrace Dwellings (Peacockes Precinct) Provided that all relevant development and performance standards are met in relation to the proposed boundaries around that building or unless otherwise authorised by resource consent.</p> <p><u>3) The standards of Rule SUB – PREC1-PSP: R15, R17 and R23 shall not apply to the following activities in the Local Centre Zone and Neighbourhood Centre Zone:</u></p> <p><u>a) The unit title of existing lawfully established buildings; or</u> <u>b) The fee simple subdivision of existing lawfully established buildings.</u> Provided that all relevant development and performance standards are met in relation to the proposed boundaries around that building or unless otherwise authorised by resource consent.”</p>						
75.	Rule SUB-PREC1-PSP: R15 Minimum allotment size for vacant sites	Oppose	With the observation that the minimum net site area is the same in all locations within the Medium Density Residential Zone (i.e. both within and outside of the High Density Overlay), the rule should be simplified by deleting Clause 2. Reference to the Medium Density Residential Zone in clause 1 will assist in clarifying that this rule is not relevant to subdivision in other zones, including the Local Centre Zone and Neighbourhood Centre Zone.	<p>Amend SUB-PREC1-PSP: R15 to read:</p> <table><tr><td></td><td>Minimum net site area</td></tr><tr><td><u>Medium Density Residential Zone – Peacocke Precinct</u></td><td>300m2</td></tr><tr><td><del>Peacocke Precinct High Density Overlay</del></td><td><del>300m2</del></td></tr></table>		Minimum net site area	<u>Medium Density Residential Zone – Peacocke Precinct</u>	300m2	<del>Peacocke Precinct High Density Overlay</del>	<del>300m2</del>
	Minimum net site area									
<u>Medium Density Residential Zone – Peacocke Precinct</u>	300m2									
<del>Peacocke Precinct High Density Overlay</del>	<del>300m2</del>									
76.	Rule SUB-PREC1-PSP:R20	Oppose	1. Clause (2), which requires vehicle crossings to be separated by a minimum of 50m on transport corridors with a physically separated cycle lane, is not conducive	<p>Amend SUB-PREC1-PSP:R20 to read:</p> <p>Delete clause (2):</p>						

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
	Provision of parking and access Clauses 2, 3B(iv) and 4		to achieving medium and high-density residential outcomes. It would be especially difficult to achieve in topographically constrained areas where access via a rear lane may not be a viable alternative.	<del>“Vehicle crossings located over a separated cycle lane on transport corridors shall be separated by a minimum of 50m.”</del>
			2. An amendment is sought to clause (3B) so that rear lanes may also be created as jointly owned access lots held in fee simple title where a resident’s society must be formed to manage the access. This achieves a similar outcome to common property under a unit title arrangement by ensuring that there would be a suitable legal mechanism for the management of the access in perpetuity. It would allow more subdivisions to occur with fee simple title which is often a preferred form of land tenure.	Amend clause (3B) to read:  “Each rear lane shall be: i) Designed to provide access and egress for large rigid trucks such as fire, furniture removal, refuse and recycling-collection trucks. ii) Connected to a transport corridor at each end. iii) Privately-owned and its owners shall be responsible for its operation and maintenance. iv) Common property under the Unit Titles Act <u>or a jointly owned access lot held in fee simple title where a resident’s society must be formed to manage the access, when it serves more than 9 residential units.</u> ”
			3. The proposed amendment to clause (4) will ensure consistency with Rule MRZ-PREC1-PSP: R41 which enables pedestrian access to either a transport corridor or an area of public open space. The amendment will achieve good urban design outcomes by ensuring that each dwelling will have a ‘public front’, whilst also providing greater flexibility.	Amend clause (4) to read:  “Where vehicle access is provided by a rear lane, each dwelling shall have a separate pedestrian access from the primary transport corridor boundary <u>or an area of public open space.</u> ”
77.	Rule SUB-PREC1-PSP:R21 Roading and access	Oppose	1. SUB-PREC1-PSP:R21 relates to road widths and widths and lengths of pedestrian and cycle accessways. An amendment is proposed to the heading of the rule to “Roading and <u>pedestrian/cycle access</u> ” so that it is	Amend SUB-PREC1-PSP:R21 to read:  Amend the heading of SUB-PREC1-PSP:R21 to “Roading and <u>pedestrian/cycle access</u> ”.

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought												
			distinguished from SUB-PREC1-PSP:R20 “Provision of parking and access” which relates to parking and vehicular access to sites.													
			2. The proposed amendments to clause (1) reflect the alternative cross sections for Local Roads and Collector Roads enclosed with this submission which are more appropriate minimum roading standards.	1. Amend clause (1) to read: <table><tr><td>“Minimum road width of vehicle access to be formed and vested as public road:</td><td></td></tr><tr><td>a) Local Road</td><td><u>16.4m</u> <del>16.8m</del> (see note 1)</td></tr><tr><td>b) Local Road – Park Edge</td><td><u>12.8m</u> (see note 1)</td></tr><tr><td>b) Collector Road - no Public transport</td><td><u>22.8m</u> <del>24.2m</del> (see note 1)</td></tr><tr><td>c) Collector Road – Public transport Route</td><td><u>23.2m</u> <del>24.6m</del> (see note 1)</td></tr><tr><td colspan="2"><b>Note 1:</b> <i>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.”</i></td></tr></table>	“Minimum road width of vehicle access to be formed and vested as public road:		a) Local Road	<u>16.4m</u> <del>16.8m</del> (see note 1)	b) Local Road – Park Edge	<u>12.8m</u> (see note 1)	b) Collector Road - no Public transport	<u>22.8m</u> <del>24.2m</del> (see note 1)	c) Collector Road – Public transport Route	<u>23.2m</u> <del>24.6m</del> (see note 1)	<b>Note 1:</b> <i>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.”</i>	
		“Minimum road width of vehicle access to be formed and vested as public road:														
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b) Local Road – Park Edge	<u>12.8m</u> (see note 1)															
b) Collector Road - no Public transport	<u>22.8m</u> <del>24.2m</del> (see note 1)															
c) Collector Road – Public transport Route	<u>23.2m</u> <del>24.6m</del> (see note 1)															
<b>Note 1:</b> <i>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.”</i>																
	3. An amendment is proposed to clause (3) to correct a minor error due to the missing words “access way”.	Amend clause (3) to read “Minimum width for pedestrian/cyclist <u>access way</u> through a block:”.														
78.	Rule SUB-PREC1-PSP:R22 Neighbourhood parks	Oppose	The requirement for Neighbourhood Parks to be generally flat is subjective and not appropriate as a standard. This requirement would be more appropriately addressed as an assessment criterion, recognising that in some cases the topography of the Peacocke Structure Plan area may also constrain the ability for flat sites to be provided.	Amend SUB-PREC1-PSP:R22 to read:  “1) Where a Neighbourhood Park is identified as being required in the Peacocke Structure Plan, a neighbourhood park <del>shall be provided</del> that meets the following standards <u>shall be vested in Hamilton City Council as local purpose reserve</u> :												

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought								
			Clause (2) is unnecessary and should be deleted because clause (1) requires Neighbourhood Parks the location of the parks is shown in the Peacocke Structure Plan. Parks in the locations shown in the Structure Plan are already required to be provided under clause (1). This requirement may be more appropriately addressed as an assessment criterion.	<table><tr><td>a) Minimum area</td><td>5,000m<sup>2</sup></td></tr><tr><td>b) Minimum transport corridor frontage</td><td>50% of the perimeter of the total park boundary.</td></tr><tr><td colspan="2">c) Is able to accommodate a 30m x 30m square area.</td></tr><tr><td>d) Is generally flat.</td><td></td></tr></table> <p><del>2) Neighbourhood parks shall be located so that no residential dwelling is more than 500m from a neighbourhood park."</del></p>	a) Minimum area	5,000m <sup>2</sup>	b) Minimum transport corridor frontage	50% of the perimeter of the total park boundary.	c) Is able to accommodate a 30m x 30m square area.		d) Is generally flat.	
a) Minimum area	5,000m <sup>2</sup>											
b) Minimum transport corridor frontage	50% of the perimeter of the total park boundary.											
c) Is able to accommodate a 30m x 30m square area.												
d) Is generally flat.												
79.	Rule SUB-PREC1-PSP:R23 Local Centre: Peacocke Precinct and Neighbourhood Centre Zones: Peacocke Precinct	Oppose	The widths proposed for accesses or private ways in the Local Centre Zone and Neighbourhood Centre Zone are unnecessarily space-consuming. 7m would be sufficient as this allows for between 5.5m and 6.0m for two-way slow moving traffic and for a combined 1.0m to 1.5m separation on either side.	Amend rule SUB-PREC1-PSP:R23 to reduce the widths of accesses and private ways within the Local Centre Zone and Neighbourhood Centre Zone in clauses (5), (6), (7) and (8) to 7m for all four scenarios.								
80.	Rule SUB-PREC1-PSP:R24 Provision of ecological areas	Oppose	The provision of the Proposed Bat Corridors (which are also identified as Bat Habitat Areas) forms part of a proposed approach to mitigate and compensate the effects of development on the long-tailed bat within Peacocke as a whole. <u>Unfairness</u> It is an unfair burden for the costs and responsibility for the mitigation and compensation of these effects to fall on a limited number of landowners whose land is within these	Amend Rule SUB-PREC1-PSP:R24 to read:  "Where subdivision includes <u>Natural Open Space</u> zoned areas identified as Bat <u>Habitat Areas</u> <del>Corridors</del> these shall be <del>provided</del> <u>vested in Hamilton City Council as public open space</u> in accordance with the Peacocke Structure Plan. <del>and be designed to the following requirements.</del> a) <del>Maintain a minimum width of 50m."</del>								

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			<p>proposed Bat Habitat Areas. The land would otherwise be developable without any significant adverse effects.</p> <p>This unfairness is recognised on page 67 of the PC5 s32 Report which includes the following statement regarding the Proposed Bat Corridors:</p> <p><i>“There are costs associated with the proposed management approach due the reduction in developable land available. In relation to the entire structure plan, this represents a small cost, however this will be borne by individual land-owners who may have significant economic costs in relation to the loss of a large portion of developable land in their individual holdings. This will vary depending on the size of their land holdings.”</i></p> <p>Page 92 of the PC5 s32 Report also relates to Proposed Bat Corridors and states:</p> <p><i>“Some of this cost may be able to be countered through HCC purchasing or providing compensation for the corridors to landowners or used to offset effects of development (sic)”.</i></p> <p><u>Integrated management</u> In addition, irrespective of whether the land is developable, all Bat Habitat Area should be vested in and managed by the Council to ensure integrated management of bat habitat across the Peacocke Structure Plan and the wider city.</p>	<p>Amend PC5 to make consequential amendments to reduce the identified width of Bat Habitat Areas associated with the Proposed Bat Corridors to 35m. (Cross-reference this relief with the reasons and relief under submission [2] in relation to the description and width of Bat Habitat Areas.)</p>

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			<p>The <i>Long-tailed bat report</i> (4Sight Consulting, June 2021) commissioned by HCC recommends that planting of new bat foraging and commuting vegetation should occur early and ahead of development. There will likely be delays and impracticalities with the vesting and planting of the Bat Habitat Areas unless HCC takes a leadership approach by purchasing the land.</p> <p><u>Uncertainty</u> It is unclear what the requirement in the rule that the “<i>Bat Corridors ... shall be provided</i>” means. The intent of the rule is presumably that subdividers must vest the land in HCC as local purpose reserve. This presumption is supported by: (a) their Natural Open Space zoning; (b) the “<i>Proposed Bat Corridor</i>” diagram in Chapter 3A which shows multi-purpose uses, including paths and playgrounds; and (c) the reference in the PC5 s32 Report to the possibility of HCC purchasing the land.</p> <p><u>Vesting on subdivision and width</u> The Bat Habitat Areas associated with the Proposed Bat Corridors straddle property boundaries. The land that will be capable of being vested at subdivision stage within any single property will not necessarily be the full ultimate width of the corridor. Given the land is shown on Planning Maps (including by way of zoning) and in the Peacocke Structure Plan, it is clear what area is required to be vested without the need to refer to a width in the rule.</p> <p><u>Consistency with Environment Court findings</u></p>	



	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			The requirement for a 50m wide corridor is inconsistent with the Environment Court's findings in <i>Weston Lea Limited v Hamilton City Council</i> [2020] NZEnvC 189 where, after hearing considering evidence from bat ecologists the Court determined that a 35m wide bat corridor was appropriate. It therefore follows that any Bat Habitat Area that is associated with a Proposed Bat Corridor should be 35m wide rather than 50m wide along its full length.	
81.	Rule SUB-PREC1-PSP:R25 Provision of public transport infrastructure	Oppose	<p>The standard in clause (a) requiring bus stops to be provided in locations agreed with Waikato Regional Council is uncertain and unlawful. The location of bus stops should be determined as part of detailed engineering design in accordance with HCC engineering standards. If the standards do not already address these requirements then they should be updated to do so.</p> <p>The standard in (c) requiring pedestrian crossing facilities that enable safe and step free access between stops is unclear because:</p> <ul style="list-style-type: none"> <li>• The rule does not define what is meant by "step free";</li> <li>• The standard implies that people will move between bus stops on either side of the road which is unlikely unless the location is an interchange for different bus services.</li> </ul> <p>The requirement for the transport corridor to be designed to be accessible to all users is adequately covered by clause (b) of Rule R25.</p>	<p>Amend SUB-PREC1-PSP:R25 to read:</p> <p>"1) Subdivision creating a new, or requiring the upgrading of an existing, transport corridor that is identified as a Public Transport Route in the Peacocke Structure Plan shall:</p> <p>a) Provide bus stops in locations <del>as agreed with Waikato Regional Council</del> <u>which are consistent with the requirements of the Waikato Regional Infrastructure Technical Specifications.</u></p> <p>b) Design the transport corridor to ensure bus stops are constructed to be accessible to all users.</p> <p><del>c) Provide pedestrian crossing facilities that enable safe and step free access between stops."</del></p> <p><u>c) Include pedestrian crossing facilities at or near to bus stops."</u></p>

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought														
	Chapter 25.6 Lighting and Glare																	
82.	Rule 25.6.4.4	Oppose	The policies relating to this rule (Policies 25.6.2.2a and b) make it clear that the purpose of the rule is to be about “fixed lighting”. The rule needs amendment to be consistent with this approach.	Amend Rule 25.6.4.4 to read:  “Lighting from fixed sources shall not exceed 0.3 lux (horizontal and vertical) when measured at the external boundary of the Significant Bat Habitat Area.”														
	Chapter 25.14 Transportation																	
83.	Rule 25.14.4.1(h)	Oppose	<p>Some of the standards for internal vehicle access in Rule 25.14.4.1(h) are inconsistent with the standards in Table 15-6b in Appendix 15. The standards should be consistent.</p> <p>The proposed standards for access to 1-6 units are the same as the standards that apply in Rule 25.14.4.1(h)(i). No changes are proposed relative to the requirements that apply in other parts of the City.</p> <p>The proposed standards for 7-9 units where access is part of a fee simple subdivision reflect the minimum formation width of 5.5m in Appendix 15-6b. This standard allows for low speed, two-way movements and is appropriate for safe and efficient vehicle access to 7-9 residential units. The proposed minimum legal width of 6m is less than the 9m standard which is currently included in Table 15-6b. It is the same minimum legal width required which applies for private access to 7-20 lots. A legal width of 9m would be unnecessarily wide.</p> <p>The proposed minimum formation and legal width standards for access to 7-20 units are the same as the standards that apply in Rule 25.14.4.1(h)(i). An amendment</p>	<p>Amend Rule 25.14.4.1(h)(vii) to read:</p> <p>“The <u>internal vehicle</u> access <u>width</u> requirements of i, for <u>residential units</u> and the requirements of iv and v do not apply to <del>rear lanes in the Peacocke Structure Plan area.</del> Instead the following shall apply:</p> <table><tr><th><u>Internal vehicle access</u></th><th><u>Use of access</u></th><th><u>Minimum formation width (m)</u></th><th><u>Minimum legal width (m)</u></th></tr><tr><td rowspan="3"><u>Residential units</u></td><td><u>1-6 units</u></td><td><u>3.0</u></td><td><u>3.6</u></td></tr><tr><td><u>7-9 units (where access is part of a fee simple subdivision)</u></td><td><u>5.5</u></td><td><u>6.0</u></td></tr><tr><td><u>7-20 units (where access is to form common property under a unit title)</u></td><td><u>5.5</u></td><td><u>6.0</u></td></tr></table>	<u>Internal vehicle access</u>	<u>Use of access</u>	<u>Minimum formation width (m)</u>	<u>Minimum legal width (m)</u>	<u>Residential units</u>	<u>1-6 units</u>	<u>3.0</u>	<u>3.6</u>	<u>7-9 units (where access is part of a fee simple subdivision)</u>	<u>5.5</u>	<u>6.0</u>	<u>7-20 units (where access is to form common property under a unit title)</u>	<u>5.5</u>	<u>6.0</u>
<u>Internal vehicle access</u>	<u>Use of access</u>	<u>Minimum formation width (m)</u>	<u>Minimum legal width (m)</u>															
<u>Residential units</u>	<u>1-6 units</u>	<u>3.0</u>	<u>3.6</u>															
	<u>7-9 units (where access is part of a fee simple subdivision)</u>	<u>5.5</u>	<u>6.0</u>															
	<u>7-20 units (where access is to form common property under a unit title)</u>	<u>5.5</u>	<u>6.0</u>															

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought			
			<p>is sought so that the standards also would apply to jointly owned access lots held in fee simple title where a resident's society is formed to manage the access. This achieves a similar outcome to common property under a unit title arrangement by ensuring that there would be a suitable legal mechanism for the management of the access in perpetuity. It would allow more subdivisions to occur with fee simple title which is often a preferred form of land tenure.</p> <p>The proposed standards for Local Roads and Collector Roads reflect the alternative cross sections which are enclosed with this submission which are more appropriate minimum roading standards.</p> <p>The proposed standards for rear lanes adopt the same legal width that is currently proposed in Rule 25.14.4.1(h)(vii) and reflect the minimum legal width and minimum formation width which is currently proposed in Table 15-6b.</p>		<u>arrangement or a jointly owned access lot held in fee simple title where a resident's society must be formed to manage the access)</u>		
					<u>More than 20 units (Local Road)</u>	<u>5.6</u>	<u>16.4</u>
					<u>More than 20 units (Local Road – Park Edge)</u>	<u>5.6</u>	<u>12.8</u>
					<u>More than 20 units (Collector Road – PT Route)</u>	<u>6.4</u>	<u>23.2</u>
					<u>More than 20 units (Collector Road – Non-PT Route)</u>	<u>6.0</u>	<u>22.8</u>
				<u>Residential units (rear lanes)</u>	<u>Rear lane</u>	<u>5.5</u>	<u>7.0</u>

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
<b>Appendix 1 – District Plan Administration</b>				
84.	Appendix 1.1.2	Oppose	This proposed terminology is consistent with other submissions to change ‘Seismic Setback Line’ to ‘Seismic Investigation Area’. There is currently no definition so it is unclear what the purpose of the proposed overlay is. Other areas, such as the Waikato Riverbank and Gully Hazard Area, are defined.	Insert a new definition for ‘Seismic Investigation Area’.
85.	Appendix 1.1.2 “Minor works” definition	Oppose	The definition of minor works requires amendment to include reference to the Local Centre Zone (Peacocke Precinct). This is required as a consequential change to the submission on Appendix 1.2.2.26 (below).	Amend the definition of “Minor Works” to read:  “Minor works (in the Business 1-7, Central City, Industrial, Ruakura Logistics, <del>and</del> Ruakura Industrial Park Zones <u>and Local Centre Zone (Peacocke Precinct)</u> ”
86.	Appendix 1.2.2.24 Landscape Concept Plans Peacocke Structure Plan Area	Oppose	Amendments are required to ensure that the Landscape Concept Plans provide clear and helpful guidance to plan users: <ul style="list-style-type: none"> <li>• The Landscape Concept Plan should relate to landscaping within public areas only rather than within private lots.</li> <li>• The provisions should be clear that the content of the Landscape Concept Plan should relate to open space zones and the other public infrastructure described in (i), namely streets, footpaths, cycleways, stormwater swales, wetlands, detention basins, streams and riparian margins, as relevant to the subject site.</li> <li>• A Landscape Concept Plan should not be required where public land is not existing, proposed or required for a particular site.</li> </ul>	Amend Appendix 1.2.2.24 to read:  <del>“For any subdivision application in the Peacocke Structure Plan adjoining or including any open space zone or involving more than two hectares of land, a Landscape Concept Plan shall be provided with the application that meets the following requirements (and shall apply to the application footprint of the proposed subdivision).</del>  <del>The objectives of the Landscape Concept Plan is to identify opportunities to protect or enhance the natural character and cultural, heritage and amenity values, within the subdivision site, to recognise and provide for tangata whenua values and relationships with Peacocke, and their aspirations for the area, and to</del>

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
				<p>reflect the area's character and heritage. The landscape concept plan shall include:</p> <p><u>A Landscape Concept Plan shall be prepared for any subdivision application in the Peacocke Structure Plan area where the subdivision site involves more than 2 hectares of land and includes any open space zone or new public roads, footpaths, cycleways, stormwater swales, wetlands, detention basins and streams or riparian margins.</u></p> <p><u>The objectives of the Landscape Concept Plan are to identify opportunities for existing or proposed public land that is within the subdivision site to protect or enhance the natural character and cultural, heritage and amenity values, to recognise and provide for tangata whenua values and relationships with Peacocke, and their aspirations for the area, and to reflect the area's character and heritage. The Landscape Concept Plan shall include:</u></p> <p>i. ...” [no changes to (i) to (x)]</p>
87.	Appendix 1.2.2.25 Ecological Rehabilitation and Management Plan Peacocke Structure Plan Area	Oppose	The Ecological Rehabilitation Management Plan should relate to ecological rehabilitation and management within public areas only rather than within private lots. A distinction must be drawn between what is mitigation for a proposed activity and what is wider protection and enhancement responding to a city-wide issue.	<p>Amend Appendix 1.2.2.25 to read:</p> <p><del>“All subdivision applications within the Peacocke Structure Plan adjoining or including any open space zone or involving more than two hectares of land shall include, as part of the resource consent application, an Ecological Rehabilitation Management Plan (ERMP). The objective of the ERMP is to enhance freshwater and</del></p>

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			<p>This submission is cross-referenced with submission [7] seeking new objectives and policies recognising and providing for the the maintenance and enhancement of the Hamilton long-tailed bat population as a city-wide issue.</p> <p>The provisions should be clear as to which public areas the Ecological Rehabilitation Management Plan should apply.</p> <p>An Ecological Rehabilitation and Management Plan should not be required where public land does not exist, nor is proposed or required for a particular site. This is because rehabilitation and management should take place on public land. The cost of preparing an Ecological Rehabilitation and Management Plan should not be transferred to individual private landowners.</p> <p>Clause (iii) of Appendix 1.2.2.25 should be deleted. Requiring fixed lighting design to be provided for private lots near areas of Significant Bat Habitat is impractical at subdivision stage. It is also unnecessary given there are proposed land use controls which limit light spill into Bat Habitat Areas (Rule 25.6.4.4) and which require 5m building setbacks to the boundary of Bat Habitat Areas (Rule MRZ-PREC1-PSP: R39(8)).</p> <p>Clause (iv) should be amended by adding the words “as relevant to the site”. This reflects that wetland restoration, for example, will only be relevant to sites which contain wetlands.</p>	<p><del>terrestrial ecological values within the site. As a minimum, it is to include the following, and the methods to implement them.</del></p> <p><u>An Ecological Rehabilitation Management Plan (ERMP) shall be prepared for any subdivision application in the Peacocke Structure Plan area where the subdivision site involves more than 2 hectares of land and includes any open space zone or new public roads, footpaths, cycleways, stormwater swales, wetlands, detention basins and streams or riparian margins.</u></p> <p><u>The objective of the ERMP is to identify opportunities to enhance freshwater and terrestrial ecological values within existing or proposed public land that is within the subdivision site. The ERMP shall include:</u></p> <ul style="list-style-type: none"> <li>i. An indigenous fish management plan for any stream or wetland habitat within the site, including a summary of fish habitat and species present, a summary of planned works, permitting requirements, procedures for dealing with pest fish, biosecurity protocols, timing of works, procedures for recovering indigenous fish prior to and during works, roles and responsibilities of parties, reporting requirements and any specific mitigation measures.</li> <li>ii. Planting of indigenous tree species to provide indigenous vegetation and habitat for indigenous fauna.</li> </ul>

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			<p>Clause (v) relates to the establishment and enhancement of identified “<i>Significant Bat Habitat corridors</i>”, should be deleted for the following reasons:</p> <ul style="list-style-type: none"> <li>HCC should take leadership on the provision of the Bat Habitat Areas by purchasing the affected land and being responsible for their creation and maintenance.</li> <li>It is an unreasonable burden to require the limited number of owners of land that is subject to the Bat Habitat Areas to be responsible for their creation, which is likely to require extensive planting and other landscape improvements at significant cost under the direction of ecological and landscaping experts.</li> <li>The Bat Habitat Areas are for the mitigation and compensation of effects on bats across the Hamilton city home range of the long-tailed bat population and the Peacocke Structure Plan area<sup>1</sup> and they will also have community recreation benefits<sup>2</sup>. Therefore, the burden for their creation should be shared.</li> <li>The Bat Habitat Areas straddle property boundaries. The purchase of the land and the creation of the Bat Habitat Areas by HCC would ensure a coordinated approach, allow greater control over the timing of their provision and be more equitable.</li> </ul>	<p><del>iii. Fixed lighting design that achieves the required lighting standards in relation to areas of Significant Bat Habitat, and is sensitive to bats in the wider area, including avoidance of upward-facing lighting and UV lighting, and avoidance of lighting in wetland and riparian margin areas.</del></p> <p>iv. Restoration planting to include wetland restoration, habitat enhancement and riparian buffer zones, as relevant to the site.</p> <p><del>v. The establishment and enhancement of identified Significant Bat Habitat corridors as identified within the Peacocke Structure Plan.</del></p> <p>vi. Evidence of engagement with tangata whenua during preparation of the ERMP including how the outcomes of that engagement have been addressed.”</p>
88.	Appendix 1.2.2.26 – Peacocke Local Centre Master Plan para. [1]	Oppose	While the requirement for a Master Plan is supported, it is considered that minor works (as defined in Appendix 1.1.2) should not trigger the requirement for a Master Plan as	Amend Appendix 1.2.2.26 to read:

<sup>1</sup> See for instance, part (a) of the Natural Environment and Open Space section DEV01-PSP: Components of the Peacocke Structure Plan (Chapter 3A) which explains that “*these identified corridors will be the focus of mitigation and enhancement throughout the development of the area*”.

<sup>2</sup> Cross sections in Chapter 3A show paths and playgrounds within the Proposed Bat Corridors for example.

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			<p>these works do not generate more than a minor change to the environment or adverse effects.</p> <p>Further, the Local Centre is a large area, and it is likely that development will be staged. Accordingly, the information prepared can be conceptual and indicative, unless it is for the specific development proposed and for which resource consent is being sought.</p>	<p>“All applications for development within the Peacocke Local Centre Zone that relate to the establishment or alteration of buildings (<u>except minor works</u>), associated parking, transport corridors, or areas <u>of</u> public space shall include a Master plan that includes: <u>the information in (1) to (4) below. While detailed information is required regarding the specific development which is proposed, the Master Plan information regarding future development and staging may be conceptual and indicative.</u>”</p>
89.	Appendix 1.3.3 Restricted Discretionary, Discretionary and Non-Complying Assessment Criteria P – Peacocke Structure Plan	Oppose	<p>1. Criterion P of Appendix 1.3.3 provides specific assessment criteria for applications for consent within the Peacocke Structure Plan area.</p> <p>The term “Seismic Setback Line” which is used in criteria P3(g) and P5(u) and elsewhere in the PC5 provisions has the potential to create considerable confusion. It is understood that the “setback” refers to a distance from gullies and the river within which specific geotechnical investigations are required to determine engineering design requirements for development, rather than requiring setbacks for buildings from these features. A clearer term would be “Seismic Investigation Area”. Refer also to other submission points on this matter.</p>	Amend reference to “Seismic Setback Line” in assessment criteria P3(g) and P5(u) to “Seismic Investigation Area”.

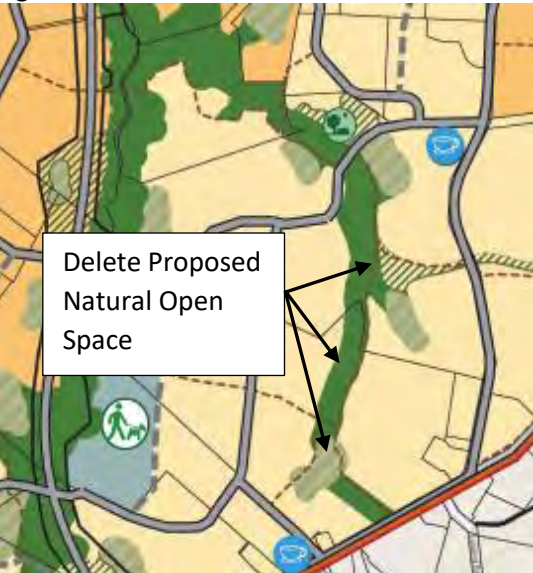



	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			<p>2. Criterion P4(a) lists matters which are to be assessed in terms of whether a development in the Peacocke Business Centres achieves high quality urban design. Although objectives, policies and rules for the Local Centre Zone anticipate some residential activities within the centre, there is currently no reference to opportunities for mixed use development. This should be included.</p>	<p>Amend P4(a) by adding a new clause (xii) stating:</p> <p><u>“(xii) Consideration of suitable opportunities for mixed use development.”</u></p>
			<p>3. The reference to correct terms and those used elsewhere in the provisions and Planning Maps is necessary for referencing and certainty.</p>	<p>Amend P4(d) to refer to the “Peacocke Local Centre Design Guide” rather than the Peacocke Local Centre Guidelines.</p>
			<p>4. Assessment criteria are required to reinforce the centres hierarchy within the district plan and to ensure that development within the Peacocke Structure Plan area outside of the Local Centre Zone does not undermine the primacy of the Peacocke Local Centre. The proposed assessment criteria, which is based on similar wording to that adopted elsewhere in the district plan, is important alongside the new rule proposed in other submissions which would limit gross floor area of retail and office activities in the Neighbourhood Centre Zone.</p> <p>The proposed assessment criteria are consistent with Objective DEV01-PSP: O9 which states:</p> <p><i>“The Peacocke Local Centre is the primary business centre within the structure plan area and provides a range of services to the local community.”</i></p>	<p>Add the following new assessment criteria P4(e):</p> <p><u>“For retail and office development in the Medium Density Residential Zone or retail and office development which exceeds a total 800m<sup>2</sup> gross floor area in any individual centre in the Neighbourhood Centre Zone, the extent to which the proposal:</u></p> <p>a) <u>Avoids adverse effects on the vitality, function and amenity of the Local Centre and other Neighbourhood Centres within Peacocke that go beyond those effects ordinarily associated with competition on trade competitors.</u></p> <p>b) <u>Avoids the inefficient use of existing physical resources and promotes a compact urban form.</u></p> <p>c) <u>Promotes the efficient use of existing and planned public and private investment in infrastructure.”</u></p>

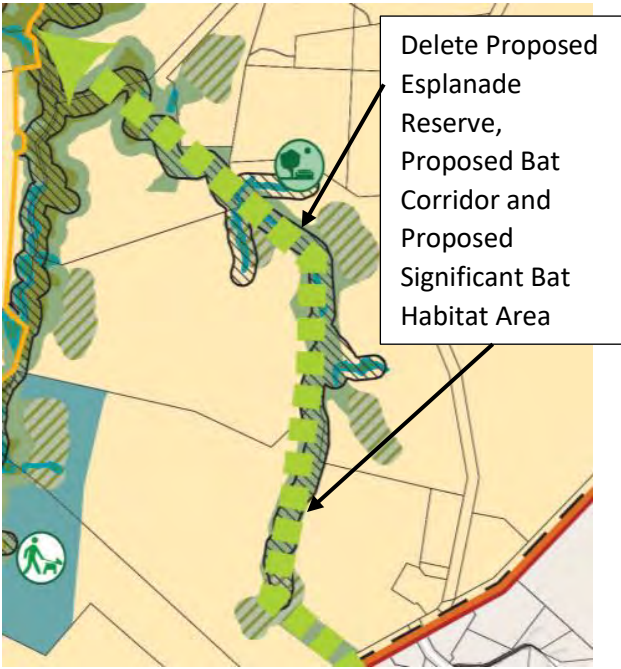
	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			<p>The proposed assessment criteria are also consistent with the outcomes envisaged in Chapter 3A which states:</p> <p><i>“Eight neighbourhood centres providing approximately 2,600m<sup>2</sup> GFA between them, ranging from 300m<sup>2</sup> - 800m<sup>2</sup> of GFA have been identified within the Peacocke area. These are small in size and serve a local function only...</i></p> <p><i>The location would enable neighbourhood centres to be comprised of approximately three to seven stores in size and would provide good accessibility to the majority to the Peacocke area population.”</i></p>	
			5. The reference to correct terms and those used elsewhere in the provisions and Planning Maps is necessary for referencing and certainty.	Amend P5(h) so that it refers to the “Local Centre”, rather than the Suburban Centre.
			6. The proposed change is a correction of a minor error and will improve the clarity of the assessment criterion.	Amend P5(p)(5) to read:  “5. Reflects the <u>area’s</u> characters and heritage.”
			7. The reference to “Significant Bat Habitat Area” can be confused with “Significant Natural Area”. The word “Significant” should therefore be deleted. Refer to other submission points on this matter.	Amend P5(q) to refer to change the reference to “Significant Bat Habitat” to “Bat Habitat Areas”.

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			<p>8. Criterion P5(r) anticipates that the “<i>ecological corridors</i>” will be used to mitigate and offset the effects of development on the long-tailed bat. Rather than requiring this to be considered by applicants for resource consent for individual developments, the Council should take leadership on the provision of the ecological corridors by purchasing the affected land and take responsibility for the creation and maintenance of the new Bat Habitat Areas. This would be the most appropriate and equitable approach given that the Bat Habitat Areas are for mitigation of the effects of urban development on the long-tailed bat, recognising that the bat’s habitat and home range is located across the wider Hamilton City and surrounding environments.</p> <p>This submission is cross-referenced with submission [7] seeking new objectives and policies recognising and providing for the the maintenance and enhancement of the Hamilton long-tailed bat population as a city-wide issue.</p>	<p>Delete P5(r) as follows:</p> <p><del>“The extent to which the proposal mitigates or off-sets the effects of development on Significant Bat Habitat through the provision and enhancement of ecological corridors.”</del></p>
90.	Appendix 1.4.10 – Peacocke Local Centre Design Guide	Oppose in Part	<p>1. The Peacocke Local Centre Design Guide is repetitive, not well structured, misses clarifying diagrams and uses incorrect terminology to reference the Peacocke Local Centre Concept Plan in Appendix 2. The Design Guide should be reviewed and amended to be clearer and more succinct.</p>	Amend the Peacocke Local Centre Design Guide in Appendix 1.4.10 to be clearer and more succinct.

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			<p>2. Point 12 under the heading 'Main Street' refers to parking in a general sense and includes a requirement that where it is provided it must be located to the rear of sites. The provision of on-street car parking will be very important for the commercial visibility and functioning of the Local Centre. The guide should be clear that the reference to parking being at the rear of sites applies to off-street parking only.</p>	<p>Amend point 12 under the heading 'Main Street' in the Peacocke Local Centre Design Guide in Appendix 1.4.10 to read:</p> <p>"12. Where provided, <u>off-street</u> parking should contribute to a well-functioning high amenity local centre by:</p> <p>a. Being located to the rear of the site and outside of identified frontages.</p> <p>b. Being designed and located to be safe and achieve a high level of amenity using appropriate lighting and landscaping and high-quality materials and finishes.</p> <p>c. Be connected to areas of activity through footpaths that provide clear, safe and direct universal access."</p>
			<p>3. The 'key design principles' for the Local Centre are listed under the Business Areas description in Chapter 3A but would be better included within the Peacocke Local Centre Design Guide in Appendix 1.4.10.</p>	<p>Insert the key design principles from clause (a), para. [5] of Chapter 3A to the Peacocke Local Centre Design Guide in Appendix 1.4.10.</p>
<b>Appendix 2 – Structure Plans</b>				
91.	Figure 2-1 – Peacocke Structure Plan – Land Use	Support in Part	<p>The location of the Proposed Local Centre to the east of Peacockes Road and the application of a High Density Overlay to the Medium Density Residential zoned land immediately surrounding the centre is supported.</p> <p>The location for the Local Centre ensures that the centre will not be segregated by the future minor arterial road which will enhance accessibility and improve the function and viability of the centre. The location will enable optimum integration between future land uses and with</p>	<p>Support the location of the Proposed Local Centre as shown on Figure 2-1 Land Use, subject to the changes sought to the northern boundary through submission [101].</p>

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			<p>the adjoining Waikato River and associated areas of open space.</p> <p>This support for the Local Centre is subject to amendments being made to the northern extent of the Proposed Local Centre in Figure 2-1 and on other maps to be consistent with the relief sought through other points made in this submission.</p>	
92.	Figure 2-1 Peacocke Structure Plan Land Use	Oppose	<p>Provisions for the Natural Open Space Zone are supported in principle as a measure to protect and enhance and to create additional habitat for the long-tailed bat. However, the submitter does not accept the location and extent of all of these areas and considers that they should be based on either the existing natural environment, or created to the extent necessary to ensure that the role, function and connectivity of ecological areas is maintained.</p> <p>The diagonally slashed area on the submitter's land which is legally described as Lot 2 DP 23381, Lot 1 DPS 78023 and Part Allotments 93 and 94 Te Rapa Parish is currently without mention on the Legend. It is accordingly innominate and meaningless.</p> <p>Existing wetlands are not shown on this figure and their reference in the legend should be deleted. (They are shown in Figure 2-3 Natural Environment and Heritage which is the more appropriate plan for their identification.)</p>	<p>Amend Figure 2-1 as follows:</p> <ul style="list-style-type: none"> <li>Delete "Proposed Natural Open Space" from the figure as shown.</li> </ul>  <ul style="list-style-type: none"> <li>Delete innominate diagonally slashed area from the submitter's land which is legally described as Lot 2</li> </ul>

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
				<p>DP 23381, Lot 1 DPS 78023 and Part Allotments 93 and 94 Te Rapa Parish, currently without mention on the Legend.</p> <ul style="list-style-type: none"> <li>Delete "Existing Wetlands" from the Legend.</li> </ul>
93.	Figure 2-2 Peacocke Structure Plan Transport Network	Oppose in Part	<p>The proposed amendment reflects an opportunity to provide a Local Road connection between Peacockes Road and Peacockes Lane. The proposed Indicative Key Local Transport Network would also provide better certainty that road access will be able to be obtained to the submitter's property (Lot 8 DP 34164) from Peacockes Road and that this could occur at a relatively early stage without being dependent on the prior development of small surrounding land holdings which are owned by others. This would allow the potential for the site to be developed at the same time as the Amberfield development which is directly opposite on Peacockes Road. If necessary, the Key Public Transport Stop Location which is shown on Peacockes Road should be shifted to accommodate the proposed Indicative Key Local Transport Network.</p>	<p>Amend Figure 2-2 as follows:</p> <ul style="list-style-type: none"> <li>Insert a new 'Indicative Key Local Transport Network' within Lot 8 DP 34164 and Lot 2 DP 519671 as shown.</li> <li>If necessary, shift the 'Key Public Transport Stop Location' on Peacockes Road to accommodate the proposed Indicative Key Local Transport Network.</li> </ul> 
94.	Figure 2-3 Peacocke Structure Plan Natural		<p>The Proposed Esplanade Reserves identified on the Peacocke Structure Plan are based on the study in</p>	<p>Amend Figure 2-3 as follows:</p>

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
	Environment and Heritage		<p>Appendix W Peacocke Structure Plan: Esplanade Report which states in Section 2.2:</p> <p><i>The broad-scale approach used for this scale of assessment has meant that the resolution is much coarser than that in the procedure developed by Stumbles et al. (2008) and did not include any weighted averaging of cross-section widths. <u>The broad-scale approach was considered adequate for the purposes of the current study but could be insufficient for determining esplanade extent at the lot level when subdivision of individual lots takes place.</u></i></p> <p>Accordingly:</p> <ul style="list-style-type: none"> <li>• All esplanade reserves shown on Figure 2-3 should be deleted; and</li> <li>• The reference to “Proposed Significant Bat Habitat Area” can be confused with “Significant Natural Area”. The words “Proposed Significant” should therefore be deleted. The Legend in Figure 2-3 should be amended; and</li> <li>• Provisions for the Bat Habitat Areas are supported in principle as a measure to protect and enhance and to create additional habitat for the long-tailed bat. However, the submitter does not accept the location and extent of all of these areas and considers that they should be located where the existing natural environment is already occupied by bats (such as the Mangakootukutuku Gully) or where there is evidence of bat corridor activity; and</li> </ul>	<ul style="list-style-type: none"> <li>• Delete Proposed Esplanade Reserve.</li> <li>• Amend “Proposed Significant Bat Habitat Area” to read “Proposed Bat Habitat Area” in the Legend.</li> <li>• Amend “Proposed Significant Natural Area (SNA)” to read “Significant Natural Area (SNA)” in the Legend.</li> <li>• Delete the “Proposed Bat Corridor” and “Proposed Significant Bat Habitat Area” from Lot 2 DP 23381 and Part Lot 1 DP 23381 as shown in the figure below.</li> </ul> 

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			<ul style="list-style-type: none"> <li>Significant Natural Areas are classified based on their existing ecological values. Reference to them as “Proposed Significant Natural Area (SNA)” should therefore be amended to “Significant Natural Area (SNA)”. The Legend in Figure 2-3 should be amended.</li> </ul>	
95.	Figure 2-3b Peacocke Local Centre Concept Plan	Oppose	<p>The current notation of the main street as “Pedestrian Main Street” on the Peacocke Local Centre Concept Plan implies that the main street will be pedestrianised with no vehicles. We understand that is not the intention and that the main street will be used by vehicles, pedestrians and cyclists, which is a supported outcome. The diagram should therefore refer to “Main Street” only. The importance of providing good pedestrian facilities within the main street environment can be addressed in the Peacocke Local Centre Design Guide (Appendix 1.4.10).</p> <p>The “Future location for community facility” is the only land use activity that is identified on Figure 2-3b. All potential land uses, including the possible community facility, are shown conceptually on the diagram which is currently referred to as Figure 19 in Chapter 3A, which the submitter seeks to be relocated to Appendix 2 as a new Figure 2-3c. That figure is the appropriate place to show potential land uses in a more comprehensive way, rather than Figure 2-3b.</p> <p>Notwithstanding this, the report entitled ‘Community Infrastructure in Peacocke’ concludes that short to medium term demand for libraries and community centres will be met by existing facilities elsewhere and that there is</p>	<p>Amend Figure 2-3b as follows:</p> <ul style="list-style-type: none"> <li>Replace “Pedestrian Main Street” with “Main Street”.</li> <li>Delete the “Future location for community facility”.</li> <li>Amend the extent of the Local Centre Precinct in Figure 2-3b to be consistent with the relief sought through other points made in this submission.</li> </ul>



	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			no funding certainty for a possible community facility in Peacocke. As such, there is some uncertainty whether a community facility will be established in the Local Centre at all and it is more appropriate to remove it from Figure 2-3b.	
<b>Appendix 15 – Transportation</b>				
96.	Table 15-1 Parking, Loading Spaces and Manoeuvring Areas – Tables and Figures oo) 1 <sup>st</sup> column	Oppose	Amendment is necessary to comply with the directive in the NPS-UD for minimum car parking standards to be removed from district plans. This requirement must be met no later than 18 months after commencement date of the NPS-UD (i.e. by 20 February 2022).	Amend Table 15-1a (oo) 1 <sup>st</sup> column to read:  “Single dwellings, duplex dwellings, terrace dwellings and apartments <u>and all other residential and non-residential activities</u> in the Peacocke Structure Plan Area.”
97.	Appendix 15-2 Integrated Transport Assessment Requirements – Tables Integrated Transport Assessment Requirements within the Peacocke Structure Plan Area	Oppose	The appendix should be amended to recognise that walking is “important” rather than “the fundamental unit of movement”.  Walking will be a very important “unit of movement” but so too will cycling, public transport and private vehicles. Utilisation of these other modes is likely to be significantly higher than walking for movements to destinations which are outside a reasonable walking distance from the point of origin.	Amend Appendix 15-2 to read:  “A <b>Design Statement</b> that addresses the following:  <ul style="list-style-type: none"> <li>An explanation of how the development will achieve the objectives and is consistent with the policies of the Peacocke Structure Plan Area, including: <ul style="list-style-type: none"> <li>Demonstrating how the design of the development prioritises walking as <del>the fundamental</del> <u>an important</u> unit of movement within the structure plan area. [Note: this will affect the consideration of desirable levels of service for motor vehicles]”</li> </ul> </li> </ul>

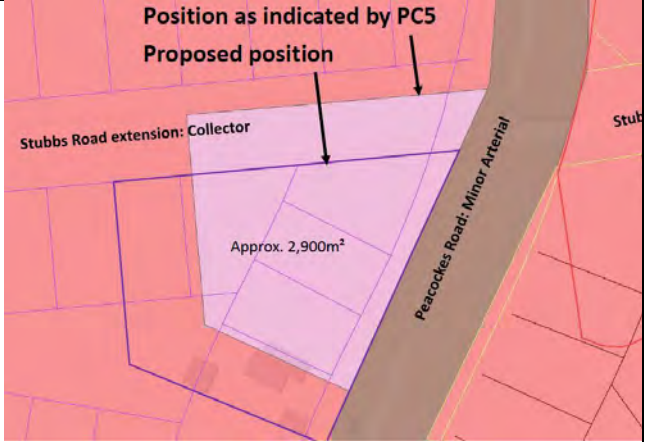

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
98.	Table 15-6b: Criteria for the form of Transport Corridors in the Peacocke Structure Plan	Oppose	<p>1. <u>Consistency with Rule 25.14.4.1(h)</u>  The standards in Table 15-6b must be consistent with the decision sought for Rule 25.14.4.1(h) and to reflect the alternative minimum Local Road, Local Road – Park Edge, Collector Road (Public Transport Route), Collector Road (Non-Public Transport Route) and Minor Arterial Road cross sections which are enclosed with this submission.</p> <p>This change is necessary because there is currently inconsistency between some of the standards in Table 15-6b and Rule 25.14.4.1(h), because the alternative cross sections are more appropriate minimum roading standards and because there are currently no specific minimum standards for minor arterial roads included in the PC5 provisions.</p>	Amend Table 15-6b so that the standards are consistent with the relief sought for Rule 25.14.4.1(h) in submission [98.2].
			<p>2. <u>Private Ways</u>  Table 15-6b includes standards for private ways. However, Rule 25.14.4.1(h)(vii) explains that different standards apply for rear lanes. Table 15-6b needs to be amended to clarify that the private way standards do not apply to rear lanes for consistency and to avoid confusion.</p>	Amend Table 15-6b so that it is clear that the ‘Private way’ standards in the second row of the table exclude rear lanes.
			<p>3. <u>Local Roads</u>  The Local Road minimum standards should be amended to reflect NZS4404 standards for narrower carriageways which are intended to support objectives associated with slowing traffic speeds to improve road safety and to promote more walking, cycling and public</p>	Amend the Local Road Residential criteria in Table 15-6b to reflect the alternative Local Road and Local Road – Park Edge cross sections which are enclosed with this submission.

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			<p>transport use. The proposal is indicated by the alternative Local Road cross section which is enclosed with this submission. The proposed alternative Local Road minimum legal width is 16.4m which is slightly narrower than the width of 16.8m which is currently proposed in Table 15-6b.</p> <p>New minimum standards should be included for Local Roads – Park Edge. These standards reflect that an alternative design is appropriate where roads adjoin the edges of public open space. Less landscaping (berm/rain garden) is required in the road reserve so more kerbside car parking can be provided adjacent to the open space removing the need for car parking on the opposite side. The proposed Local Road – Park Edge minimum legal width is 12.8m which is narrower than the width of 16.8m which is currently proposed in Table 15-6b for local roads. Similar design standards were proposed and accepted for the Amberfield subdivision.</p> <p>The alternative road cross sections will also reduce the amount of land required for roading and enable more land to remain available for residential development. These changes will lead to significantly more efficient use of land over the whole extent of the Peacocke Structure Plan area.</p>	

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			<p>4. <u>Collector Roads</u></p> <p>The Collector Road minimum standards should be amended to reflect the Collector Road cross sections which are enclosed with this submission. The proposed narrower carriageways reflect NZS4404 minimum standards and are intended to support objectives associated with slowing traffic speeds to improve road safety and to promote more walking, cycling and public transport use. The proposed alternative widths are as follows:</p> <ul style="list-style-type: none"> <li>• For Collector Roads on Public Transport Routes the proposed alternative minimum legal width is 23.2m which is narrower than the width of 24.6m which is currently proposed in Table 15-6b.</li> <li>• For Collector Roads which are not on Public Transport Routes the proposed alternative minimum legal width is 22.8m which is narrower than the width of 24.2m which is currently proposed in Table 15-6b.</li> </ul> <p>The alternative road cross sections will also reduce the amount of land required for roading and enable more land to remain available for residential development. These changes will lead to significantly more efficient use of land over the whole extent of the Peacocke Structure Plan area.</p>	Amend the Collector – PT Route and Collector – Non-PT Route Residential criteria in Table 15-6b to reflect the alternative Collector Road cross sections which are enclosed with this submission.
			<p>5. <u>Minor Arterial Roads</u></p> <p>There are currently no specific minimum standards included for Minor Arterial Roads in the Peacocke</p>	Insert new Minor Arterial Road Residential criteria in Table 15-6b to reflect the Minor Arterial Road cross section which is enclosed with this submission.

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			<p>Structure Plan Area in Table 15-6b. Standards should be added to reflect the Minor Arterial Road cross section which is enclosed with this submission. The proposed minimum legal width is 26.8m.</p> <p>Without designations for all the Minor Arterial Roads in Peacocke, the inclusion of minimum standards for minor arterial roads in the Peacocke Structure Plan area is important so that the provisions are clear and so that landowners whose property fronts Minor Arterial Roads have a better understanding as to the form of those corridors. This information is particularly important for Peacocke Structure Plan area given the predominant land use along these arterial roads will be medium and high density residential. Understanding how adjoining uses will be required to interact with these roads is a critical design consideration.</p> <p>The provision of on-street car parking along Minor Arterial Roads, such as Peacockes Road, is very important to ensure that medium and high density residential uses, as well as other planned uses such as the Local Centre, Neighbourhood Centres and schools, are accessible to residents and visitors and that the centres are commercially viable.</p> <p>The standards in Table 15-6a for Minor Arterial Roads in Residential land use environments elsewhere in the</p>	

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
			City include "Recessed parallel parking bays (2m) on both sides" of the road as "On street parking requirements (min desirable)". A similar outcome is sought for the Minor Arterial Roads within the Peacocke Structure Plan Area (2.1m parking bays are proposed).	
<b>Appendix 17 – Planning Maps</b>				
99.	Planning Maps 57B, 58B, 64B and 65B	Oppose	The Waikato Riverbank and Gully Hazard Area is proposed to be expanded in its coverage within some parts of the submitters land, including into areas of the Amberfield site where resource consents have been granted for residential subdivision, roads and other infrastructure. The overlay within these areas would constrain development and impose additional and unnecessary costs for resource consents for development within the Hazard Area.	Amend the mapped extent of the overlay area within the submitter's land on Planning Maps 57B, 58B, 64B and 65B so that the overlay reflects areas where significant hazards exist. The amendments should be based on the outcomes of detailed geotechnical investigations for the submitter's land, including (but not limited to) the investigations which informed the Amberfield resource consents.
100.	Planning Map 64A	Oppose	The current location of the Neighbourhood Centre Zone opposite Stubbs Road conflicts with the proposed Collector Road shown on Figure 2-2 Peacocke Structure Plan – Transport Network. The location of the Neighbourhood Centre Zone should be shifted south on Planning Map 64A so that it is not located directly opposite the intersection with Stubbs Road to resolve this conflict.	Amend the location of the Neighbourhood Centre Zone on Planning Map 64A as follows:

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
				
101.	Planning Maps 64A, 64B and 65A and 65B	Support in Part	<p>The location of the Local Centre Zone is supported subject to amendments being made to shift the northern boundary of the Local Centre Zone to the south (a reduction of approximately 7,600m<sup>2</sup>). The purpose of this change is to achieve better alignment with updated plans that the submitter has developed for this part of the Amberfield site. The submitter plans high density residential uses for the area that currently forms the northern extent of the Local Centre Zone. The proposed change will not affect the capacity of the Local Centre to accommodate retail, commercial and other uses at the required scale to service the local needs of the Peacocke Structure Plan area.</p>	<p>Amend the northern boundary of the Local Centre Zone on Planning Maps 64A and 65A as follows:</p> 

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
				Amend Planning Maps 64A and 65A so that the northern area shown on the figure above is zoned Medium Density Residential. Amend Planning Maps 64B and 65B so that the northern area shown on the figure above is within the High Density Overlay Area.
102.	Planning Map 64A	Oppose	The identification of the Natural Open Space Zone on the Planning Maps is based on and is the same as shown in Structure Plan Land Use Appendix 2-1. Submission [92] seeks the deletion of the zone from the submitters land. The zoning shown on the Planning Maps requires deletion to be consistent.	Amend Planning Map 64A as follows:  Delete "Natural Open Space Zone" from Planning Map 64A within Lot 2 DP 23381 and Part Lot 1 DP 23381.
103.	Planning Map 64B	Oppose	The identification of the " <i>Significant Bat Habitat Area</i> " on the Planning Maps is based on and is the same as shown in Structure Plan Land Use Appendix 2-3. Submission [94] seeks the deletion of this area from the submitters land. The " <i>Significant Bat Habitat Area</i> " shown on the Planning Maps requires deletion to be consistent.	Amend Planning Map 64B as follows:  Delete "Significant Bat Habitat Area" from Map 64B within Lot 2 DP 23381 and Part Lot 1 DP 23381.
104.	All Planning Maps and all related provisions	Oppose	The reference to " <i>Significant Bat Habitat Area</i> " can be confused with " <i>Significant Natural Area</i> ". The word " <i>Significant</i> " should therefore be deleted. The Legend in Planning Maps should be amended.	Amend the Peacocke Precinct Planning Maps to change "Significant Bat Habitat Area" to "Proposed Bat Habitat Area" in the Legend.
105.	All Planning Maps	Oppose	The legend requires amendment to be consistent with other submissions which request that the term 'Seismic Setback Line' is changed to 'Seismic Investigation Area'.	Amend the Peacocke Precinct Planning Maps as follows:  Change "Seismic Setback Line" to "Seismic Investigation Area" in the Legend.



## **Appendix C – Proposed road cross sections**

NOTES

1.

LEGEND



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3	FOR INFORMATION	MBT	28.10.21
2	FOR INFORMATION	MBT	27.10.21
1	FOR INFORMATION	MBT	11.10.21
REF	REVISIONS	BY	DATE

CLIENT:  
  
WESTON LEA LTD

TITLE:  
  
PLAN CHANGE 5  
PEACOCKE STRUCTURE PLAN SUBMISSION  
MINOR ARTERIAL AND COLLECTOR ROAD  
ALTERNATIVE MINIMUM SECTIONS

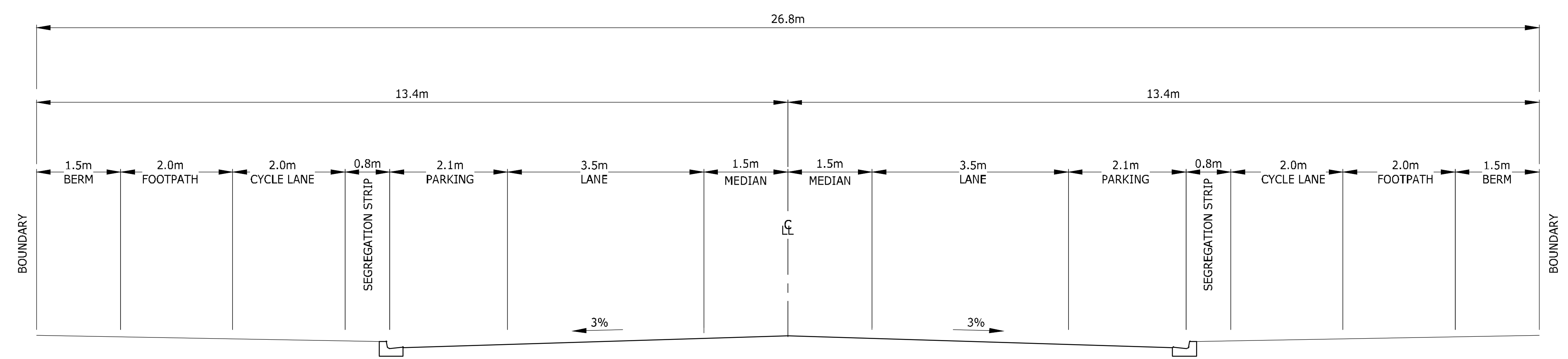
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	28.10.21	M.TORCKLER	MBT
DRAWN:	DATE:	SIGNED:	PLOT DATE:
	28.10.21	M.TORCKLER	28.10.21
CHECKED:	DATE:	SIGNED:	SURVEY BY:
	28.10.21	S.KING	
APPROVED:	DATE:	SIGNED:	SURVEY DATE:
	28.10.21	S.KING	

ISSUE STATUS:  
  
FOR INFORMATION

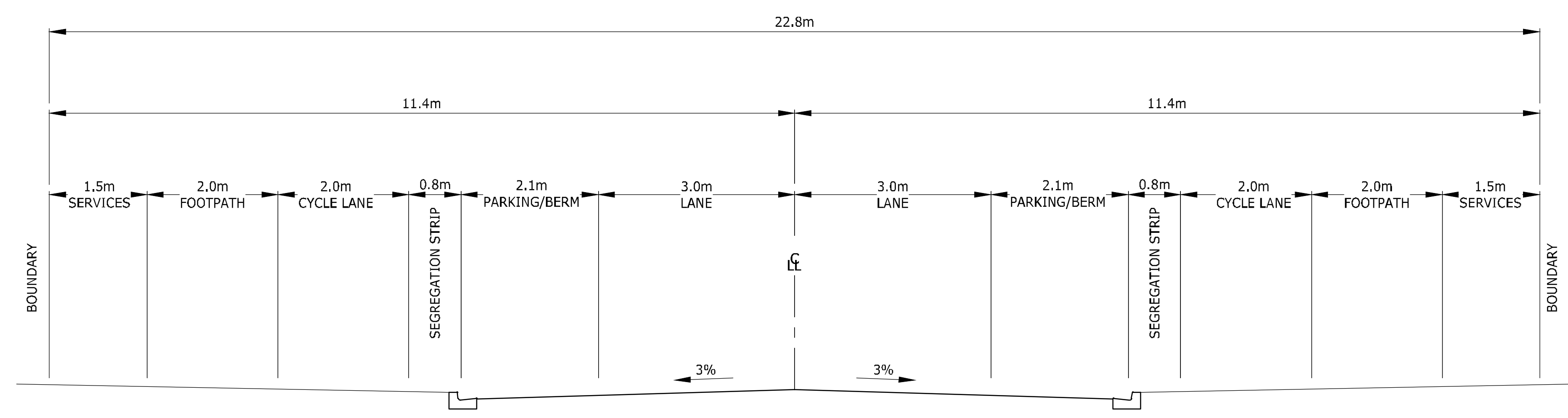
PROJECT No:	SCALES:	A1
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DRAWING No:		REV
		3

FOR INFORMATION

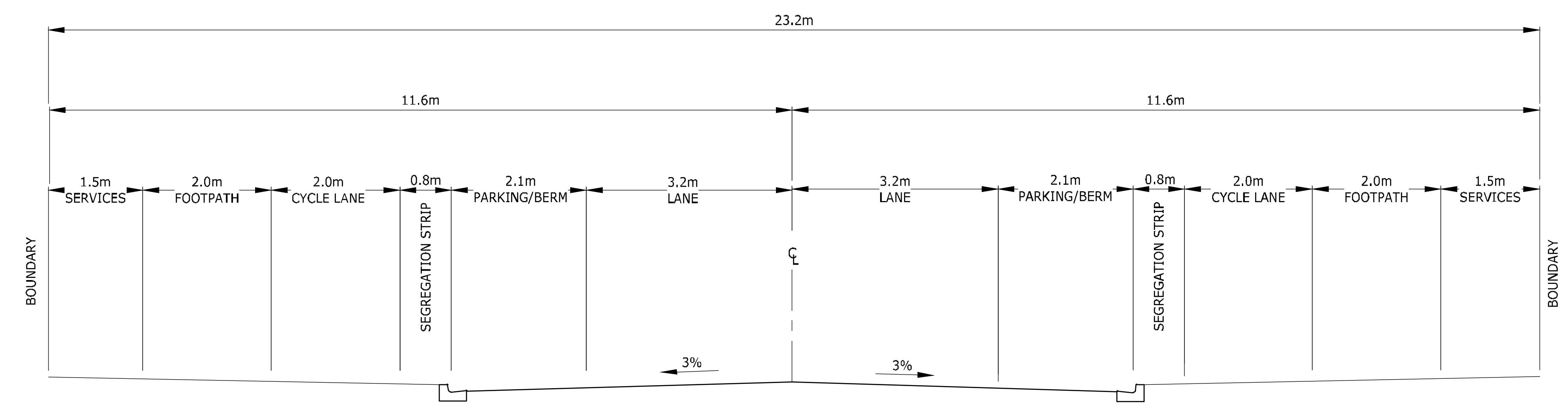
141842-SK632




A MINOR ARTERIAL - MINIMUM SECTION ALTERNATIVE  
SCALE 1:50 (A1) 1:100 (A3)



B COLLECTOR ROAD (NON-PT ROUTE) - MINIMUM SECTION ALTERNATIVE  
SCALE 1:50 (A1) 1:100 (A3)



C COLLECTOR ROAD (PT ROUTE) - MINIMUM SECTION ALTERNATIVE  
SCALE 1:50 (A1) 1:100 (A3)



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2	FOR INFORMATION	MBT	28.10.21
1	FOR INFORMATION	MBT	27.10.21
REF	REVISIONS	BY	DATE

CLIENT:

WESTON LEA LTD

TITLE:

PLAN CHANGE 5  
PEACOCKE STRUCTURE PLAN SUBMISSION  
LOCAL ROAD  
ALTERNATIVE MINIMUM SECTIONS

ORIGINATOR:	DATE:	SIGNED:	PLOT BY:
	28.10.21	M.TORCKLER	MBT
DRAWN:	DATE:	SIGNED:	PLOT DATE:
	28.10.21	M.TORCKLER	28.10.21
CHECKED:	DATE:	SIGNED:	SURVEY BY:
	28.10.21	S.KING	
APPROVED:	DATE:	SIGNED:	SURVEY DATE:
	28.10.21	S.KING	

ISSUE STATUS:

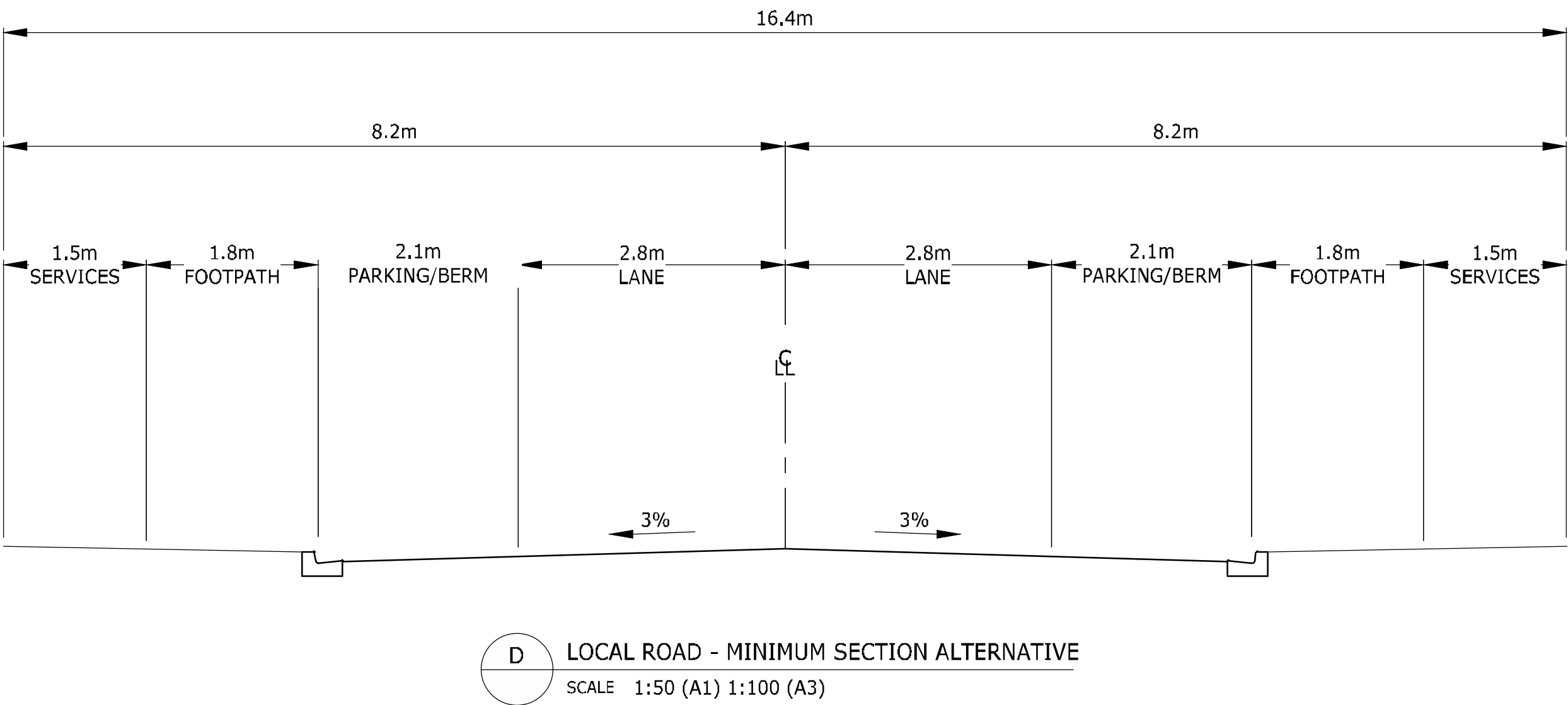
FOR INFORMATION

PROJECT No:	SCALES:	A1
9820-141842-01	1:50 (A1) 1:100 (A3)	
DRAWING No:		REV
		2

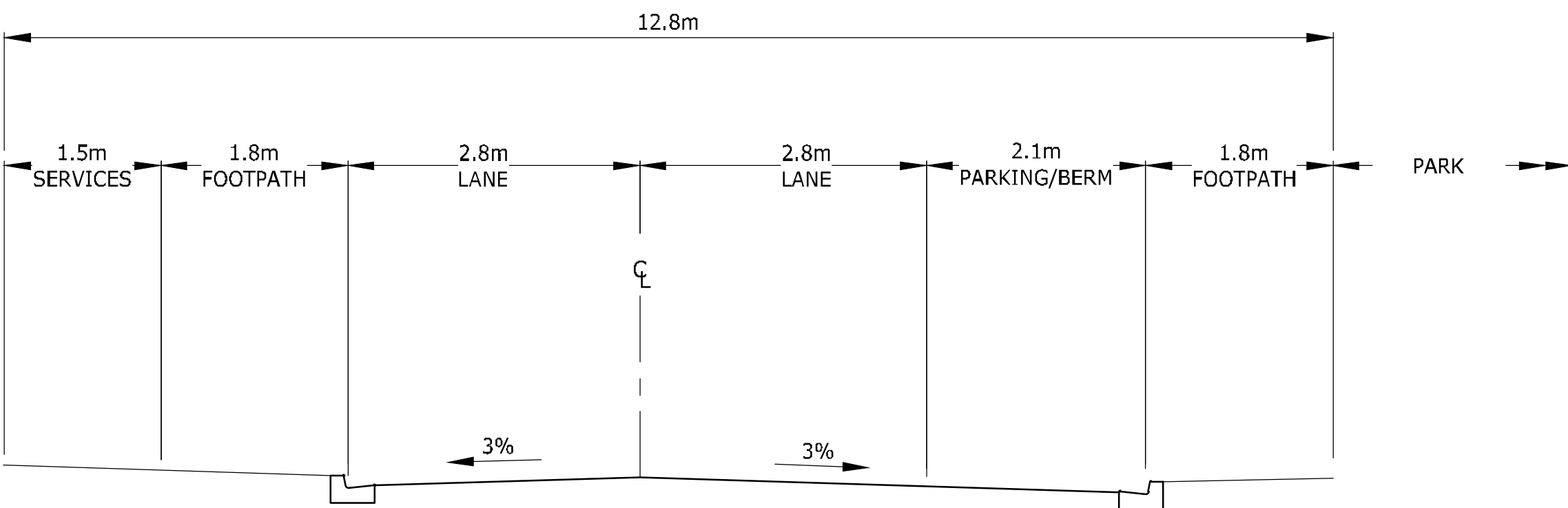
141842-SK633

FOR INFORMATION

REFER TO APPROVED MASTER DRAWINGS FOR ORIGINAL SIGNATURES File: HAMILTON \\HARRISONGRIERSON.COM\HGDATA\NEWMARKET\SHARES\JOBS\9820\141842\_A\CAD\CURRENT\141842-SK633.DWG



D LOCAL ROAD - MINIMUM SECTION ALTERNATIVE  
SCALE 1:50 (A1) 1:100 (A3)



E LOCAL PARK EDGE ROAD - MINIMUM SECTION ALTERNATIVE  
SCALE 1:50 (A1) 1:100 (A3)

**FURTHER SUBMISSION IN SUPPORT OF, OR IN OPPOSITION TO, SUBMISSIONS ON  
PUBLICLY NOTIFIED PROPOSAL FOR PLAN CHANGE 5 TO THE HAMILTON CITY  
DISTRICT PLAN**

*under clause 8 of Schedule 1, Resource Management Act 1991 (RMA)*

**To:** Hamilton City Council  
Municipal Building  
Garden Place  
**HAMILTON**  
(by email: [haveyoursay@hcc.govt.nz](mailto:haveyoursay@hcc.govt.nz))

**Name of submitter:** The Adare Company Limited

1. The Adare Company Limited (**Adare**) makes this further submission in support of, or in opposition to, submissions on proposed Plan Change 5 (Peacocke Structure Plan) to the Hamilton City District Plan (**PC5**).
2. Adare has an interest in PC5 that is greater than the interest the general public has on the grounds that:
  - a. Adare has substantial landholdings in Peacocke (as shown in Appendix A to its original submission). Adare's ability to subdivide, use and develop its land is directly affected by PC5.
  - b. Adare holds land use and subdivision consents for part of its land known as Amberfield. PC5 may have implications for the development of Amberfield, including by enabling additional density.
  - c. Adare, its directors and shareholders (the Peacocke family) have a long-standing relationship with the wider area subject to PC5, with family ties to the Peacocke area dating back to the 1880s. Adare has an interest in seeing Peacocke developed in a way that enhances Hamilton as a place to live.

**Submissions supported or opposed**

3. The submissions that Adare supports or opposes are set out in the table attached as **Appendix A** to this further submission.

**Reasons for further submission**

4. For the submissions in **Appendix A** that Adare supports or opposes (either in full or in part) those submissions should be allowed or disallowed (either in full or in part) as sought by Adare, so as to:
  - a. promote sustainable management of resources, achieve the purpose of the RMA and to give effect to Part 2 and other provisions of the RMA;
  - b. enable the social and economic well-being of the community in Hamilton City;
  - c. sustain the potential of the natural and physical resources of the Peacocke Structure Plan area to meet the reasonably foreseeable needs of future generations;
  - d. enable the efficient use and development of the natural and physical resources of the Peacocke Structure Plan area;

- e. to give effect to the objectives and policies of the National Policy Statement for Urban Development 2020; and
  - f. ensure that the provisions of PC5 are the most appropriate way to achieve the objectives of PC5 and the District Plan, which are in turn the most appropriate way to achieve the purpose of the RMA.
5. Without limiting the generality of the above, the additional reasons why Adare supports or opposes each submission are set out in **Appendix A**.

**Decisions sought:**

6. Adare seeks the following relief:
- a. That the submissions supported in **Appendix A** be allowed (either in full or in part).
  - b. That the submissions opposed in **Appendix A** be disallowed (either in full or in part).
  - c. Such further, alternative or other consequential amendments as may be necessary to fully address Adare's further submission.
7. Adare wishes to be heard in support of this submission.

Signed for and on behalf of Adare by:



Mike Doesburg

Solicitor for **The Adare Company Limited**

**Date:** 16 March 2022

**Address for service:** Wynn Williams  
Level 25, Vero Centre, 48 Shortland Street  
P O Box 2401  
**AUCKLAND 1140**

Contact person: Mike Doesburg  
Email: mike.doesburg@wynnwilliams.co.nz  
Telephone: 09 300 5755

**Copy to:** Dr Robert Makgill, Barrister – robert@robertmakgill.com

## **Appendix A – Submissions supported and opposed, reasons and relief**

### ***Glossary of abbreviations and terms used:***

**Council** or **HCC** means Hamilton City Council.

**PC5** means Proposed Plan Change 5 to the Hamilton District Plan.

**NPS-UD** means National Policy Statement on Urban Development 2020.

**SNA** means Significant Natural Area.

**NOSZ** means Natural Open Space Zone.

**BHA** means Bat Habitat Areas

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
1.	George Lane 112 Fairfield Road Fairfield, Hamilton 3214 georgelanesailing@gmail.com Submission 6	6.3	Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1-PSP: R37 - Specimen Trees  Amend the minimum requirement for specimen trees on single dwellings from 1 to 2.	Oppose	The existing standard requiring one specimen tree for single dwellings is appropriate.	Disallow the submission.
2.	George Lane	6.7	General Minimum width of pedestrian and cycle links.  Add design guidance for the minimum width of 3.5m for pedestrian and cycle links.	Oppose	<ol style="list-style-type: none"> <li>1. It is unclear from the relief sought whether the submitter is referring to cycle paths and footpaths separately or to shared paths for pedestrians and cyclists. It is also unclear whether the submitter is referring to off-road paths (i.e. within reserves) or paths within roads.</li> <li>2. Table 15-6b in Appendix 15 sets out the required widths for footpaths and cycle paths within roads.</li> <li>3. It is appropriate for the width of paths within reserves to be determined on a case-by-case basis at resource consent and/or detailed design stage for individual developments. This is because the appropriate path width will depend on the path's location and function.</li> <li>4. The required width of shared paths for pedestrians and cyclists along the Waikato River Margin under the resource consents for Amberfield is 3m.</li> </ol>	Disallow the submission.
3.	Mithrandir Enterprises Ltd dr.scott.c.robinson@gmail.com Submission 8	8.1	Chapter 4A - Peacocke Medium Density Residential Zone Building Height - 5 Storeys  Limit residential building height to 3 stories.	Oppose	Typical building height of 2-5 storeys is appropriate in the High Density Residential Area.	Disallow the submission.
4.	Mithrandir Enterprises Ltd	8.4	Chapter 4A - Peacocke Medium Density Residential Zone Create buildings that face the street.  Allow buildings to be placed further back in section so that people can build fences and have some separation from road noise.	Oppose	The minimum setbacks to transport corridors are appropriate and will enable efficient use of land.	Disallow the submission.
5.	Heritage New Zealand Pouhere Taonga Lower Northern Office PO Box 13339 Tauranga 3141 cmcalley@heritage.org.nz Submission 9	9.3	Appendix 8 – Historic Heritage Schedule 8B: Group 1 - Lack of inclusion of certain archaeological site into Historic Heritage schedules.  Amend Schedule 8B: Group 1 Archaeological and Cultural sites to include site s14/318.	Oppose	<ol style="list-style-type: none"> <li>1. Protection of site S14/318 will be ensured through existing conditions under the Amberfield resource consents, which require the vesting of the land containing the site as a historic reserve and ongoing management of the site in accordance with an Archaeological Heritage Reserve Management Plan.</li> <li>2. Scheduling the site as a Group 1 site would mean that any earthworks and new signs would require resource consent as a Restricted Discretionary Activity. This is unnecessary and would be inefficient. The historic reserve status and management plan will appropriately protect the site.</li> <li>3. There are very few borrow pits which are listed as Group 1 sites in Schedule 8B.</li> </ol>	Disallow the submission.
6.	Heritage New Zealand Pouhere Taonga	9.6	Appendix 8 – Historic Heritage Future research into the pa at the mouth of the Mangakotukutuku Stream  That the further research identified in Appendix 1, Peacock Structure Plan: Archaeology, Warren Gumbley & Matthew Gainsford, W Gumbley Ltd Archaeologists, February 2021 is undertaken as prior to decision making	Oppose	<ol style="list-style-type: none"> <li>1. The relief appears to seek the addition of more protective reserves following additional work that it requests should be undertaken prior to decisions being made on PC5.</li> <li>2. The relief is uncertain because the outcomes of any additional work and therefore the locations of any additional protective reserves, are unknown.</li> </ol>	Disallow the submission.



	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
			on the plan change to inform the location of development and to avoid adverse effects on historic heritage.			
7.	Waka Kotahi NZ Transport Agency PO Box 973 Waikato Mail Centre Hamilton, 3240 emily.hunt@nzta.govt.nz Submission 10	10.4	Chapter 3A - Peacocke Structure Plan DEV01-PSP:P39-P53  Retain as notified.	Oppose in part	Although the submission relief is in support of policies in Chapter 3A, the submission point states that Waka Kotahi considers that the proposed locations of the Future Mass Transit Stops do not align well with DEV01-PSP: P42. Adare considers that the locations of the Future Mass Transit Stops shown on the Peacocke Structure Plan are appropriate.	Disallow the submission to the extent that any changes may be sought by the submitter to the location of the Future Mass Transit Stops.
8.	Waka Kotahi NZ Transport Agency	10.11	Chapter 3A - Peacocke Structure Plan DEV01-PSP: Components of the Peacocke Structure Plan Peacocke Transportation Network (Pages 20-21)  Amend as follows: The transport network will be staged as development progresses within Peacocke. The principles for the transport network are: <del>Priorities</del> <u>Prioritises</u> residents of Peacocke's mobility and accessibility <u>by active modes and public transport</u> to places within Peacocke and to the rest of Hamilton, including employment areas. · provide clear, safe and direct access for residents <u>by active modes and public transport</u> to community facilities, commercial areas, places of recreation and other neighbourhoods. · provides people with transport choices (is multi modal) by promoting <del>Public Transport</del> <u>public transport</u> and active modes, at expense of level of service (LOS) for private car. <del>if necessary.</del> · Maximise network efficiency for <del>Public Transport</del> <u>public transport, buses, High Occupancy Vehicles (HOV)</u> and active modes through design. · Flexible design to cater for evolution & steps changes in transport system, <del>such as future high occupancy vehicles.</del>	Support in part	1. Prioritisation of public transport, walking and cycling is supported. However, the words "if necessary" should be retained to ensure that the level of service for private cars is not deliberately reduced to promote these other modes. 2. Provision for high occupancy vehicles in some locations could be appropriate and may reduce demand for private car use. References to high occupancy vehicles should be retained.	Allow the submission, subject to appropriate wording including retention of "as necessary" and references to high occupancy vehicles.
9.	Waka Kotahi NZ Transport Agency	10.13	Chapter 3A - Peacocke Structure Plan DEV01-PSP: Components of the Peacocke Structure Plan d) Minor Arterial Transport Network (Page 24)  Amend as follows: Minor Arterial Transport Network: The minor arterial network is characterised by high <del>traffic volumes through movement</del> , with some limited <del>destination types access points</del> such as offices, shops and residences. Large volumes of mixed traffic are anticipated on these routes, including frequent public transport services. Public transport should be given priority <u>over private vehicles</u> . Safety of vulnerable users moving along and across the road should be <del>ensured</del> <u>prioritised</u> . Due to the high volumes of <del>traffic through movement along on</del> this network a <del>seperated</del> <u>separated</u> cycling network <del>need to will</del> be provided along with <u>separate</u> pedestrian facilities. Key Design Principles <del>-Higher speed environment;- Allow for a high level of intersection density to reduce speeds-</del> · <u>Active frontages would still be considered acceptable on these routes as a means of implementing roading hierarchy and reducing vehicular speeds</u> · <u>Separated cycle facilities and pedestrian routes</u> · <u>High frequency public transport service with priority</u> · <u>Pedestrian crossings near bus stops and key land uses</u>	Support in part	1. The proposed changes which reflect that minor arterial roads (such as Peacockes Road) should provide a limited access function with active frontages are appropriate. 2. Prioritisation of public transport is supported. However, the proposed wording "over private vehicles" should not be included. Safety for private vehicles should not be compromised nor should private vehicle efficiency be disproportionately compromised.	Allow the submission, subject to appropriate wording.

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
10.	Waka Kotahi NZ Transport Agency	10.21	Chapter 6B: Peacocke Local Centre Zone LCZ – PREC1- PSP: P17  Amend as follows: Incorporate public transport stops into the Local Centre. <del>where it will provide an efficient and convenient access to the network.</del>	Oppose in part	1. The location of the proposed Public Transport Hub for the Local Centre is shown adjacent to the Local Centre on Peacockes Road in the Peacocke Structure Plan maps. That is the most appropriate location for a Public Transport Hub because it will efficiently and conveniently service the Local Centre and the proposed education facilities without the lost time of buses needing to enter and leave the centre.  2. Given this Public Transport Hub is identified on the Structure Plan maps, this policy should be amended to refer to that location. Alternative suggested wording is <i>“Provide a public transport hub for the Local Centre in accordance with the Peacocke Structure Plan.”</i>	1. Disallow the submission; or 2. Allow the submission, subject to Adare's suggested alternative wording.
11.	Waka Kotahi NZ Transport Agency	10.22	Chapter 6B: Peacocke Local Centre Zone LCZ – PREC1- PSP: R24 LCZ – PREC1- PSP: R26 LCZ – PREC1- PSP: R30  Amend the activity status of Light Industry and Drive-through services in the Local Centre Zone to Non-Complying.	Oppose	Light Industrial and Drive-through Services are typical activities in a Local Centre. Discretionary Activity status is appropriate.	Disallow the submission.
12.	Waka Kotahi NZ Transport Agency	10.29	Chapter 23A Subdivision: Peacocke Precinct SUB - PREC1- PSP:P18  Incorporate a rule in Table 15-6b which limits the length of rear lanes.	Oppose	The detailed relief sought is unclear. However, the appropriate length of rear lanes should be determined on a case-by-case basis as part of resource consenting.	Disallow the submission.
13.	Waka Kotahi NZ Transport Agency	10.34	Appendix 1.1: Definitions and Terms Definition of Public Transport Station  Offer clarification as to why 'Public Transport Station' has been defined and ensure that all intended references have been made to Public Transport Stations throughout the Structure Plan and supporting documents.	Support	The definition for 'Public Transport Station' is unnecessary if it is not a term referred to in the provisions for the Peacocke Precinct.	Allow the submission and delete the definition of 'Public Transport Station'.
14.	Waka Kotahi NZ Transport Agency	10.35	Appendix 1.1: Definitions and Terms Definition of Public Transport Station Catchments  Investigate changes necessary to reduce walking distances for catchments in the Structure Plan area to 600 metres or less.	Oppose	It appears that the provisions for the Peacocke Precinct do not refer 'Public Transport Station Catchments'. If that is the case, the definition is unnecessary and it should be deleted.	Disallow the submission and delete the definition of 'Public Transport Station Catchments'.
15.	Hamilton City Council Private Bag 3010 Hamilton 3240 jamie.sirl@hcc.govt.nz Submission 11	11.1	Chapter 4A - Peacocke Medium Density Residential Zone Amendments to PREC - R36 – 48  Amend the existing objective and policy framework set out in MRZ – PREC1-PSP: Objectives and MRZ – PREC1-P: Policies to enable the implementation of the Medium Density Residential Standards (MDRS) as required under Schedule 3A (8) of the Bill. Amend MRZ – PREC1-PSP: Rules – Activity Status i. To allow as a permitted activity the construction and use of 1, 2, or 3 residential units on a single site as set out in Schedule 3A (2) and (3). ii. Amend the activity status for 4 or more residential units on a single site as set out in Schedule 3A (3). iii. Amend the notification process to align with the	Support in part	1. The amendments sought to Chapter 4A - Peacocke Medium Density Residential Zone under the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill, subject to any changes under the enacting legislation, should give effect to the outcomes sought under Schedule 3A of the RMA 1991.  2. Any amendments made to Chapter 4A will need to be consistent with provision for Medium Density Residential Standards under the other parts of the RMA (e.g., Part 5 RMA and Part 5 of Schedule 12).	Allow the submission in relation to Chapter 4A - Peacocke Medium Density Residential Zone to the extent that it is consistent with the RMA 1991 including: (a) Schedule 3A; and (b) Other relevant provisions under the RMA.

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
			requirements of Schedule 3A(4). Amend the following standards to align with Schedule 3A of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill. MRZ – PREC1-PSP: Rules – Development Standards i. Amend the current development standards to align with the standards set out in Schedule 3A Part 2 Building Standards (9) to (15) ii. Amend the current development standards to align with the standards set out in Schedule 3A Part 2 Building Standards in relation to 4 or more residential units on a single site. Refer also to the tracked changes to Chapter 4A Medium Density Residential Zone - MRZ - PREC1-PSP: Medium Density Residential Zone Peacocke Precinct in Attachment 1 to the submission.			
16.	Hamilton City Council	11.2	Chapter 23A Subdivision: Peacocke Precinct SUB-PREC1-PSP: R14 SUB-PREC1-PSP: R15 SUB-PREC1-PSP: R17  Hamilton City Councils seeks changes to Chapter 23A SUB – PREC1-PSP: Subdivision - Peacocke Precinct to align these chapters with the final outcomes under the passing of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill. Refer to tracked changes to Chapter 23A SUB-PREC1-PSP: Subdivision - Peacocke Precinct in Attachment 1 to the submission.	Support in part	1. The amendments sought to Chapter 23A Subdivision: Peacocke Precinct under the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill, subject to any changes under the enacting legislation, should give effect to the outcomes sought under Schedule 3A of the RMA 1991. 2. Any amendments made to Chapter 23A Subdivision: Peacocke Precinct will need to be consistent with provision for Medium Density Residential Standards under the other parts of the RMA (e.g., Part 5 RMA and Part 5 of Schedule 12).	Allow the submission in relation to Chapter 23A Subdivision: Peacocke Precinct to the extent that it is consistent with the RMA 1991 including: (a) Schedule 3A; and (b) Other relevant provisions under the RMA.
17.	Hamilton City Council	11.3	General Any additional amendments  Hamilton City Council seeks all further amendments to PC 5 that are necessary to give effect to the MDRS and the requirements of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill once the final form of the Bill is passed into law and becomes an Act of Parliament.	Support	1. Submissions 11.1 and 11.2 seek amendments in relation to Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill and Chapters 4A and 23A. 2. The submitter anticipated that the amendments sought would be contingent on the final enacted Amendments to the RMA (HCC submission 4.2). 3. It is appropriate to make any further changes that might be required to give effect to the amended RMA, including to: (a) Chapters 4A and 23A; or (b) Any other Chapter or provision under PC5.	Allow the submission to make further amendments necessary to give effect to the RMA 1991 as amended by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.
18.	Jones Lands Ltd PO Box 305002 Triton Plaza Auckland 0757 tristan@jonesgroup.co.nz Submission 13	13.5	Appendix 2 – Structure Plans Peacocke structure plan roading layout  Amend the structure plan roading layout. Extend the collector road proposed over the adjoining Aurora development south east toward Southern Links north-south Arterial to achieve better connectivity and support the identified neighbourhood centre; reduce classification of road marked X in attached diagram to a local road to afford a better urban design and ecological outcome; remove overbridge proposed along Peacocke Road crossing Southern Links and consider partial closure of Peacocke Road, re-routing of roads and better integration with adjoining growth cell; and provide for any changes as a result of the above, including the possible relocation of neighbourhood centre in locality.	Oppose	Removal of the overbridge and severing Peacockes Road is opposed. Instead the addition of ramps with the bridge to form a full interchange is preferred or alternatively the replacement of the bridge with a roundabout to provide all movements between the north-south arterial and Peacockes Road. Either of these options would improve accessibility to the south of the City via SH3 and SH1 from the south-eastern part of the Peacocke Precinct, including the southern area of Amberfield and the Neighbourhood Centre and residential areas that are within Adare's land holdings.	Disallow the submission.

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
19.	Jones Lands Ltd	13.8	Appendix 2 – Structure Plans Location of Wetlands  The underlying zoning should be identified as residential and the reference on the structure plan should change to 'indicative location' or similar as a dashed line or hatch over the residential zoning.	Support	Adare understands that the underlying zoning of the wetlands is Medium Density Residential and that the final location and size of the 'Proposed Stormwater Wetlands' is to be determined at the resource consent stage. Adare supports changes which make this clearer.	Allow the submission.
20.	Jones Land Ltd	13.13	Chapter 4A - Peacocke Medium Density Residential Zone Childcare Facility in the Medium Density Residential Zone  Delete the gross floor area restriction for childcare activities.	Support	1. Childcare facilities are a Restricted Discretionary Activity whether the gross floor area is greater or less than 250m <sup>2</sup> . Deleting the maximum gross floor area standard is therefore appropriate. 2. A gross floor area of greater than 250m <sup>2</sup> is likely to be appropriate on larger sites in the Medium Density Residential Zone.	Allow the submission.
21.	Northview Capital Ltd PO Box 305002 Triton Plaza Auckland 0757 tristan@jonesgroup.co.nz Submission 14	14.4	Chapter 6A: Peacocke Neighbourhood Centre Zone. Chapter 6B - local Centre Zone (Ref: 6B-PREC1-P)  The submitter opposes any unreasonable restrictions around the size and scale of the Neighbourhood Centre Zone located on 3019 Ohaupo Road.	Oppose in part	It is important to control the size and scale of Neighbourhood Centres so that they serve local day-to-day needs and avoid undermining the function, vitality, viability and amenity of the Local Centre and other Neighbourhood Centres (e.g. DEV01-PSP: Components of the Peacocke Structure Plan, Business Centres, LCZ – PREC1-PSP: Issues and LCZ – PREC1-PSP:P6).	Disallow the submission unless there is clear evidence that the size and scale of Neighbourhood Centres needs to be increased to meet the day-to-day needs of the neighbourhood catchment area without undermining the function, vitality, viability and amenity of other centres.
22.	Northview Capital Ltd	14.11	Chapter 4A - Peacocke Medium Density Residential Zone Rest Home and retirement village provisions  Amend provisions relating to rest homes and retirement villages.	Support in part	Although the specific relief sought by the submitter is unclear, Adare supports enabling retirement villages and rest homes in the Medium Density Residential Zone.	Allow the submission, subject to appropriate wording.
23.	Graeme McMillan 7 Moiras Lane Fitzroy Hamilton 3206 graeme@momenta.nz Submission 16	16.3	Chapter 4A - Peacocke Medium Density Residential Zone Building height near bat habitat and open space  Review of high-density zones in specific areas where bat habitat is bordered by proposed high-density on more than one side. Indicated areas should be zoned medium density.	Oppose	Building setback and lighting standards will manage actual and potential adverse effects at the interface between the High Density Overlay Area and BHAs.	Disallow the submission.
24.	Graeme McMillan	16.4	Chapter 25.6 Lighting and Glare Impact of high density of lighting  Add high density to 25.6.4.4. Add consideration of high density buildings on bat glare and what the appropriate controls and measures are.	Oppose in part	The High Density Overlay Area forms part of the Medium Density Residential Zone so it is already subject to Rule 25.6.4.4.	Disallow the submission.
25.	Go Eco 188 Commerce Street Frankton Hamilton 3204 manager@goeco.org.nz Submission 20  Harvey Aughton - Go Eco (Waikato Environmental Centre) 188 Commerce Street Frankton Hamilton 3204	20.1 58.1	Chapter 3 - Structure Plans 3.4.1.3b  Amend by replacing with specific legal policy.	Oppose	1. The relief sought is unclear. 2. The existing policy and rules provide sufficient protection to gullies and natural areas from earthworks and should be retained, other than as sought to be amended by Adare's primary submission.	Disallow the submission

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
	harvey@goeco.org.nz Submission 58					
26.	Go Eco Harvey Aughton - Go Eco (Waikato Environmental Centre)	20.2 58.2	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P27  Amend policy wording to creating a net increase of significant vegetation or 100% maintained.	Oppose	1. The relief sought is unclear. 2. The existing wording of DEV01-PSP: P27 is appropriate and should be retained.	Disallow the submission
27.	Go Eco Harvey Aughton - Go Eco (Waikato Environmental Centre)	20.3 58.3	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P31  Replace policy with "actively restore gullies and river margins as they represent the vital eco-tone for numerous native species."	Oppose	The existing wording of DEV01-PSP: P31 is appropriate and should be retained.	Disallow the submission
28.	Go Eco Harvey Aughton - Go Eco (Waikato Environmental Centre)	20.7 58.7	Chapter 3A - Peacocke Structure Plan Transportation network  Specific relief sought not stated.	Oppose	1. The relief sought is unclear. 2. The issues raised are matters of detail appropriately addressed in the rules. It is unnecessary to provide specific policy guidance on those matters as the PC5 policy framework already establishes an appropriate rationale for the rules in PC5.	Disallow the submission
29.	Go Eco Harvey Aughton - Go Eco (Waikato Environmental Centre)	20.9 58.9	Chapter 3A - Peacocke Structure Plan DEV01-PSP Natural Environment and Open Space Network  Amend broad statements to align with Department of Conservation's new tree felling protocol.	Oppose in part	While Adare supports directing plan users to the Department of Conservation's Tree Felling Protocol in appropriate places, the relief sought is unclear and it is not appropriate to include the detail of the Tree Felling Protocol in the structure plan.	Disallow the submission
30.	Go Eco Harvey Aughton - Go Eco (Waikato Environmental Centre)	20.10 58.10	Chapter 3A - Peacocke Structure Plan DEV01-PSP Natural Environment and Open Space network (b) and (c)  Amend DEV01-PSP Natural Environment and Open Space network (c) to follow the new Department of Conservation Tree Felling protocol.	Oppose in part	While Adare supports directing plan users to the Department of Conservation's Tree Felling Protocol in appropriate places, the relief sought is unclear and it is not appropriate to include the detail of the Tree Felling Protocol in the structure plan's components.	Disallow the submission
31.	Go Eco Harvey Aughton - Go Eco (Waikato Environmental Centre)	20.11 58.11	Chapter 3A - Peacocke Structure Plan DEV01-PSP Natural Environment and Open Space network (c) · Bat Habitat Buffer  Amend to include a limit on lux lighting and a limit on the number of light poles.	Oppose	1. The relief sought is unclear. 2. Provisions relating to lux limits are provided in the rules and additional standards related to the number of light poles are unnecessary. 3. It is not appropriate to include rules in DEV01-PSP: Components of The Peacocke Structure Plan.	Disallow the submission
32.	Go Eco Harvey Aughton - Go Eco (Waikato Environmental Centre)	20.16 58.16	Chapter 15A: Natural Open Space Zone: Peacocke Precinct NOSZ – PREC1- P: R36 Setbacks  Amend to extend setbacks for known bat roost sites.	Oppose	1. Setbacks should relate to identified SNA and BHAs only. Imposing further setbacks as proposed would result in uncertainty. 2. Potential effects on individual bat roosts are more appropriately addressed by applying tree felling protocols and through assessment on individual resource consent applications. 3. The proposed relief is uncertain as it would prevent the plan being able to be read on its face.	Disallow the submission
33.	Woolworths New Zealand Ltd Campbell Brown Planning Limited PO Box 147001 Ponsonby	22.1	Chapter 6B: Peacocke Local Centre Zone Local centre zone	Oppose	1. The most appropriate location for the Local Centre is east of Peacockes Road in the location shown on the notified Planning Maps.	Disallow the submission.

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
	Auckland philip@campbellbrown.co.nz Submission 22		That, subject to the amendments set out below, PC5 be confirmed. Amend the Peacocke Precinct Planning Maps to identify 410 Peacockes Road as Local Centre Zone, as illustrated in Figure 1 of the submission. Amend the Peacocke Precinct Planning Maps so that land within the Local Centre Zone (generally as shown in Figure 1 of the submission) is identified as Medium Density Residential Zone. Such other consequential amendments to the provisions of the District Plan as may be necessary to give effect to the relief sought in this submission.		2. The size of the Local Centre, as shown on the notified Planning Maps, is appropriate to provide for the required range of convenience, retail, employment and service activities, subject to the changes sought to the northern area of the centre in Adare's submission.	
34.	Andrea Graves 27 Hudson Steet Riverlea Hamilton 3216 andrea.graves@slingshot.co.nz Submission 30	30.1	General Bat Protection  Alter the bat-relevant provisions to recognise the Court's Decision for Amberfield. The submitter seeks a revision and rewording of all the policies, objectives, vision and non-specific topics touched on in the submission in order to protect the environment. In some cases extra vision points, policies or objectives are needed.	Oppose	The detail of the relief sought is not clear. Adare considers that PC5 gives effect to the relevant parts of the Environment Court's decision, subject to Adare's original submission.	Disallow the submission
35.	Andrea Graves	30.2	General Bat Protection  Include design standards to maximise bat 'hop over' habitats for any streets intruding or intersecting with bat buffer or corridor habitats (including shelterbelts).	Oppose in part	1. The principle of providing for bats to "hop over" streets is supported. 2. However, rather than setting design standards, this issue should be a matter considered in the context of a particular proposal and the connectivity appropriate for the particular habitat.	Disallow the submission
36.	Andrea Graves	30.3	General Bat Protection  Include a minimum height and density of vegetation to be maintained in perpetuity. Include a requirement for lots to be deferred until the appropriate height and density has been maintained (1.8m height minimum, depending on the surrounding topography).	Oppose in part	Rather than blanket standards, requirements for buffer vegetation for lighting should be determined during the resource consenting process, taking into account the context of the particular site, proposal and habitat at issue.	Disallow the submission
37.	Andrea Graves	30.4	General Bat Protection  Include clear direction that lighting from any building, street lighting, outdoor lighting or vehicle headlights must not exceed 0.1 lux within 3m of the edge of any high-value bat habitat. Amend the objectives and policies in Chapter 25 (25.6.2) to reflect the Environment Court observation that a 2,700 kelvin limit is appropriate for public roads. Include a requirement for quarterly inspections with developers contributing to a fund to fund inspections in perpetuity.	Oppose	1. Demonstrating compliance with a lux limit within 3m of the edge of significant habitat is a difficult task, requiring complex modelling. 2. The 0.3 lux limit at the boundary is easier to measure and enforce and is therefore a more efficient way to achieve the same environmental benefit. 3. Details regarding light limits are more appropriately included in rules, rather than objectives and policies. 4. It is more appropriate for details of maintenance and monitoring to be determined through the resource consenting process in the context of a particular proposal, rather than in a vacuum through the planning process.	Disallow the submission
38.	Andrea Graves	30.5	General Bat Protection  Include requirement for screening of high-value bat habitats which take priority over views, line-of-sight safety considerations, amenity and recreational co-use. Rename the gullies and other high-value bat habitat areas 'bat priority areas'. Chapter 3 Structure Plans: Amend DEV01-PSP: COMPONENTS OF THE PEACOCKE STRUCTURE PLAN: Natural Environment and Open	Oppose	1. Adare considers that "Bat Habitat Area" is more appropriate terminology than Bat Priority Area. 2. Adare supports the NOSZ provisions as notified, subject to modifications in Adare submissions, because the assessment of environmental values is a qualitative and quantitative exercise more appropriately undertaken through environmental assessment at the time that a resource consent is sought.	Disallow the submission

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			Space Network b) to include: <u>To give effect to (a) above in terms of protecting the long-tailed bat and its habitat, any conflict over use requirements will fall in favour of design choices that prioritise bats rather than recreational or transport provisions.</u> Amend DEV01-PSP: COMPONENTS OF THE PEACOCKE STRUCTURE PLAN: Natural Environment and Open Space Network c) Bat Habitat Buffer to include: <u>If there is any conflict of design choices between biodiversity values in SNAs or the buffers around them and recreational or pedestrian facilities, the choices will fall in favour of prioritising support and protection of biodiversity values.</u> Chapter 15 Open Space Zones: Amend NOSZ – PREC1- P: O4 as follows: Open spaces are used and developed in a way that <del>minimises</del> avoids adverse effects on the surrounding environment. Amend NOSZ – PREC1-P:P7 as follows: Public access, walkways and cycleways shall be maintained and enhanced within areas of open space, provided that adverse effects on the amenity, natural and heritage values of those areas are <del>minimised</del> avoided. Amend NOSZ – PREC1-P:P8 as follows: Open space shall be designed and developed to ensure a safe physical environment by: i. Providing clear sightlines that maximise visibility of public areas, <del>provided that natural values are not compromised</del> acknowledging that in sensitive locations the requirement to prioritise biodiversity outweighs the desirability of clear sightlines.			
39.	Andrea Graves	30.6	General Bat Protection  Implement measures during the construction phase of urban development such as lot deferrals to ensure artificial light is not introduced adjacent to retained or re-created bat habitat until the vegetative buffers have grown sufficiently to meet the specified performance criteria.	Oppose in part	<ol style="list-style-type: none"> <li>1. The detailed relief sought is unclear.</li> <li>2. How development might be timed or staged to respond to effects on indigenous biodiversity is more appropriately determined as part of the resource consent process.</li> <li>3. Mandating deferral of development may prevent other possible solutions being considered that may achieve the same or better environmental outcomes.</li> </ol>	Disallow the submission
40.	Andrea Graves	30.8	General Bat Protection  Include requirements for developers to undertake bat monitoring pre and post-development.	Oppose in part	<ol style="list-style-type: none"> <li>1. The detailed relief sought is unclear</li> <li>2. Whether and what level of monitoring is undertaken should be determined and detailed as part of resource consent processes and be commensurate with the scale of development and its potential effects.</li> <li>3. Adare supports the concept of centralised, coordinated and Council-funded monitoring to support understanding bat habitat on a landscape-wide scale.</li> </ol>	Disallow the submission
41.	Andrea Graves	30.9	General Bat Protection  Include requirement for early planting of new bat foraging and commuting vegetation, well ahead of development phases affecting bat habitat.	Oppose in part	<ol style="list-style-type: none"> <li>1. The detailed relief sought is unclear.</li> <li>2. The timing of any planting (or other forms of mitigation, compensation or offsetting) should be determined and detailed as part of resource consent processes.</li> <li>3. The purchase of the land and the creation of the Bat Habitat Areas by HCC would ensure a coordinated approach, allow greater control over the timing of their provision and be more equitable.</li> </ol>	Disallow the submission
42.	Andrea Graves	30.10	General Bat Protection  The submitter supports the designation of extensive SNAs. Specific relief sought not stated.	Oppose	<ol style="list-style-type: none"> <li>1. The detailed relief sought is unclear.</li> <li>2. The SNAs under PC5 as notified are supported as making appropriate provision for long-tailed bat habitat, subject to the amendments sought in Adare's primary submission.</li> </ol>	Disallow the submission

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
43.	Andrea Graves	30.11	General Bat Protection  Extend the protections in the Plan Change that apply to SNAs to low-to-moderate value habitat.	Oppose	1. The detailed relief sought is unclear. 2. Adare supports protecting identified SNAs with high value habitat. However, extending protection to low-to-moderate value habitat is inconsistent with the direction in section 6(c) of the RMA. Potential effects on lower value habitat is appropriately managed through other means, such as tree removal protocols.	Disallow the submission
44.	Andrea Graves	30.12	General Bat Protection  Specific relief sought not stated. General relief seeks active non vehicular access paths to river and gully edges.	Oppose	The detailed relief sought is unclear.	Disallow the submission
45.	Andrea Graves	30.13	General Bat Protection  Specific relief sought not stated. General relief seeks that lighting standards be prioritised in higher density areas.	Oppose	1. The detailed relief sought is unclear. 2. The provisions already provide for appropriate consideration and management of the effects of higher density development.	Disallow the submission
46.	Andrea Graves	30.14	General Bat Protection  Include provision for a regenerated area of land around the stream's banks and amend DEV01-PSP:P70 as follows: <u>Manage stormwater to protect and enhance the values and functions of the</u> <del>minimise the effect of urban development on</del> Mangakotukutuku stream <del>values and functions, and regenerate the stream's health</del> <u>maintain the ability of the stream to continue to provide habitat for indigenous threatened aquatic species and to have the highest water quality</u> <del>minimise adverse effects on the stream water quality and habitat.</del>	Oppose	1. Adare supports the concept of providing for improved stream health, 2. However, it considers the notified policy already achieves this outcome.	Allow submission subject to appropriate wording
47.	Andrea Graves	30.15	General Climate change provisions  The submitter seeks a revision and rewording of all the policies, objectives, vision and non-specific topics touched on in the submission in order to protect the environment. In some cases extra vision points, policies or objectives are needed.	Oppose	The detailed relief sought is unclear. Adare supports a multi-modal transport network but considers that deliberate efforts to make travel by private car inconvenient will not achieve good transportation or urban form outcomes.	Disallow the submission
48.	Andrea Graves	30.16	General Climate change provisions  Amend the Plan Change to include subdivision roading layouts with many short loop-roads and roads that are disjointed (but inconveniently accessible) for a vehicle, but fully connected by walking and cycling paths. Saved road space can be used for extra housing, green space, community gardens and parking and charging points for shared/to-hire electric vehicles.	Oppose	1. The detailed relief sought is unclear. 2. Adare supports a multi-modal transport network but considers that deliberate efforts to make travel by private car inconvenient will not achieve good transportation or urban form outcomes. 3. Subject to Adare's submission and further submission, the current transport provisions are appropriate.	Disallow the submission
49.	Andrea Graves	30.18	General Climate change provisions  Amend DEV01-PSP: P43 as follows: Align collector and local <del>street path</del> networks to create strong physical and	Oppose	Subject to Adare's submission and further submission, DEV01-PSP: P47 and P48 are appropriate and should be retained.	Disallow the submission



	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
			visual connections between the gully network and the Waikato River.			
50.	Andrea Graves	30.19	General Climate change provisions  Amend to include specific requirements. For example, mass planting on and around buildings and on any available green space to provide shade and cool the air, consider the high emissions profile of cement, the avoidance of impermeable surfaces that increase the urban heat island effect, the need to plan for the much heavier rainfall dumped by hotter air. There is a need for regenerated and riparian planting along all waterways and the available land to implement this.	Oppose	1. The detailed relief sought is unclear. 2. DEV01-PSP: P25 is appropriate as drafted and should be retained.	Disallow the submission
51.	Andrea Graves	30.20	Chapter 25.6 Lighting and Glare 25.6 Lighting and Glare  Alter the bat-relevant provisions to recognise the Court's Decision for Amberfield.	Oppose	Adare considers that PC5 gives effect to the relevant parts of the Environment Court's decision, subject to Adare's original submission.	Disallow the submission
52.	Waikato Regional Council Private Bag 3038 Waikato Mail Centre Hamilton 3240 Matthew.Vare@waikatoregion.govt.nz Submission 36	36.1	General Built Environment  WRC recommends that HCC considers whether the activity statuses and development standards of various dwelling types should be differentiated for the wider Medium Density Zone and its High Density Residential Overlay, paying particular attention to the suitability of single dwellings as a permitted activity in each. WRC would support amendments that work to improve the alignment of development in the Peacocke Structure Plan area with the density target provided in the Future Proof Strategy Consultation Draft. We expect for the effects and requirements of development in the Peacocke Structure Plan Area, alongside other growth in Hamilton and surrounds to be well-integrated and to acknowledge that Future Proof Three Waters programme work.	Oppose	1. The activity status for all residential activities in the Medium Density Residential Zone (including the High Density Overlay area) will need to be consistent with Schedule 3A and other relevant provisions under the RMA. Clause (2)(1) in Part 1 of Schedule 3A sets out that construction or use of a building is a Permitted Activity if it complies with the density standards in the district plan. 2. The density targets in Policy DEV01-PSP:P14 for the Medium Density Residential Zone and the High Density Overlay Area are appropriate and should be retained.	Disallow the submission.
53.	Waikato Regional Council	36.9	Chapter 3 - Structure Plans New objective  Add a new Objective to address the protection and enhancement of aquatic biodiversity values from an urbanising catchment, including cumulative adverse effects, and the ability to monitor against appropriate post development hydrological targets.	Support in part	The addition of an objective on this matter is appropriate.	Allow the submission, subject to appropriate wording.
54.	Waikato Regional Council	36.11	Chapter 3 - Structure Plans DEV01-PSP: O13  Retain and add any identified wetlands as SNA.	Oppose in part	Retention of the policy is supported. However, Adare does not agree that all wetlands should be shown as SNA as: (a) This may be influenced by the NES:FW natural wetland definitions which are currently under review; and (b) The presence of an SNA should otherwise be determined as a matter of fact.	Allow the submission, but additional wetlands are not supported as SNA.

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55.	Waikato Regional Council	36.19	Chapter 3 - Structure Plans DEV01-PSP: P14  Seeks clarification as to how target densities of P14 have been determined, in the context of both the Proposed Yield Range of Appendix R and the net target density of the updated draft Future Proof Strategy.	Oppose	The density targets in Policy DEV01-PSP:P14 for the Medium Density Residential Zone and the High Density Overlay Area are appropriate and should be retained.	Disallow the submission.
56.	Waikato Regional Council	36.31	Chapter 3 - Structure Plans New policy to cover financial contributions to protect, restore and enhance biodiversity values and ecological network within Peacocke.  Add a new policy that provides for financial contributions to deliver maintenance and enhancement (restoration) of the defined natural environment and open space network within Peacocke, to provide for appropriate biodiversity mitigation and offsetting, and to provide a precautionary approach to achieving catchment hydrology targets of the ICMP.	Support in part	Adare supports the principle of financial contributions being part of the consenting regime with funds being used to provide for coordinated activities such as bat monitoring and mitigation activities (including potential land acquisition by HCC for ecological reserves – e.g., Adare original submission 53.58) within the Peacocke Structure Plan area. It is, however, important to recognise that the bat's habitat and home range is located across the wider Hamilton City and surrounding environments and that financial contributions should not be imposed to address adverse effects caused within other parts of Hamilton City.	Allow the submission, subject to appropriate policy wording.
57.	Waikato Regional Council	36.35	Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1- PSP: R37  Amend the approach to require the retention of road runoff volume within the road corridor and not pass on the responsibility to compensate for this volume onto third party lot owners.	Oppose	1. The relief sought in the submission in terms of changes to MRZ-PREC1-PSP: R37 is unclear. 2. On-lot retention is appropriate.	Disallow the submission.
58.	Waikato Regional Council	36.47	Chapter 23A Subdivision: Peacocke Precinct SUB - PREC1-PSP: P19  Retain and amend term as follows: "ecological areas or infrastructure". For improved plan interpretation this policy should be moved alongside P4 and P5 as they provide a package of environmental based policy directions that give further direction to Objective O9.	Oppose	1. The change that the submitter requests to the policy inappropriately and unnecessarily conflates ecological and infrastructure matters. Infrastructure should continue to be addressed in separate policies. 2. Changes should be made to the policy in accordance with Adare's submission.	Disallow the submission.
59.	Waikato Regional Council	36.49	Chapter 23A Subdivision: Peacocke Precinct R8 Activity Status for Subdivision to accommodate a transport corridor in Peacocke Precinct  Retain Restricted Discretionary Activity Status. Amend by adding as a matter of discretion: Ecology and Biodiversity Amend SUB-PREC1-PSP: R24 by increasing its scope to include any subdivision where it intersects with any part of the defined ecological network.	Oppose	1. It is unclear what the submitter is referring to by the phrase 'defined ecological network' . 2. The assessment criteria in P – Peacocke Structure Plan, which are relevant to resource consent applications under SUB-PREC1-PSP: R8, already require consideration of ecological effects.	Disallow the submission.
60.	Waikato Regional Council	36.50	Chapter 23A Subdivision: Peacocke Precinct R9 Activity Status for subdivision of allotment containing an Significant Natural Area.  Amend SUB-PREC1-PSP: R24 by increasing its scope to include any subdivision where it intersects with any part of the defined ecological network.	Oppose in part	1. It is unclear what the submitter is referring to by the phrase 'defined ecological network' . 2. Adare agrees that the rule should apply to SNA and BHAs, if that is what is intended by the submitter.	Disallow the submission as currently stated.
61.	Waikato Regional Council	36.54	Chapter 25.2: Earthworks and Vegetation Removal Objective 25.2.2.2 (2)	Oppose in part	It is unclear what the submitter is referring to by the phrase 'defined ecological network' .	Disallow the submission.

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			Amend Objective to include reference to ecological corridors and buffers and riparian vegetation and to known and potential bat roost trees.			
62.	Waikato Regional Council	36.59	Chapter 25.6 Lighting and Glare Objective 25.6.2.2  Reword Objective as follows: <u>Identified bat habitat in Peacocke is protected from the adverse effects of lighting and glare.</u>	Support in part	The objective needs to be clearer as to the outcome sought, including what is meant by the phrase 'identified bat habitat'.	Allow the submission, subject to appropriate wording
63.	Waikato Regional Council	36.66	Appendix 1.2 Information Requirements Section 1.2.2.27 Bat Management Plan  Amend to incorporate step-by-step decision support tool from DOC Bat Protocol (2021) into this provision.	Support	Agree that Protocol needs to be incorporated into provisions	Allow the submission, subject to appropriate policy wording
64.	Waikato Regional Council	36.70	Appendix 1.3 Assessment Criteria 1.3.3 P1 Earthworks, P3(e) and (i) Development in Peacocke, P5(g) and (r) Subdivision  "Retain parts P3 e) and j) and P5 parts g) and r) and amend Appendix 1.3 of the plan to enable appropriate ecological assessment of activities in the Peacocke Structure Plan area including the following: The extent to which the activity may cause: a) fragmentation and isolation of indigenous ecosystems and habitats b) reduction in the extent of indigenous ecosystems and habitats c) loss of corridors or connections linking indigenous ecosystems and habitat fragments or between ecosystems and habitats (ecological sequences from mountains to sea) d) loss or disruption to migratory pathways in water, land or air e) effects of changes to hydrological flows, water levels, and water quality on ecosystems f) loss of buffering of indigenous ecosystems g) loss of ecosystem services h) Loss, damage or disruption to ecological processes, functions and ecological integrity i) Changes resulting in an increased threat from animal and plant pests j) effects which contribute to a cumulative loss or degradation of indigenous habitats and ecosystems k) noise, visual and physical disturbance on indigenous species."	Oppose in part	To the extent that any changes are made to ecological assessment criteria in Appendix 1.3.3, the criteria should be specific to the Peacocke Precinct rather than replicating Method 11.1.2 in the WRPS verbatim.	Disallow the submission.
65.	Waikato Regional Council	36.75	Appendix 2 – Structure Plans Transport Network figure on page 2-5  Additional stops need to be included on the Arterial network as follows: 1. One pair of additional stops at the point at which the new Major Arterial severs Weston Lea Drive. 2. Two pairs of additional stops on the North-South Minor Arterial south of Peacocke Local Centre. 3. One pair of additional stops on the North-South Minor Arterial north of Peacocke Local Centre.	Oppose in part	1. The area north of the Local Centre on Peacockes Road will be well serviced by the Public Transport Hub and Public Transport Stop, as shown on the Peacocke Structure Plan. There is no need for any additional bus stops north of the Local Centre. 2. It would be appropriate to identify an additional Public Transport Stop on the Peacocke Structure Plan on Peacockes Road midway between the Public Transport Hub and the Public Transport Stop near Stubbs Road.	1. Disallow the submission to the extent that it seeks an additional bus stop on Peacockes Road north of the Local Centre. 2. Allow the submission to the extent that an additional Public Transport Stop should be shown on the Peacocke Structure Plan on Peacockes Road south of the Local Centre.

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
					3. Adare is neutral regarding the requested additional Public Transport Stop where the Major Arterial Road severs Weston Lea Drive.	
66.	Waikato Regional Council	36.76	Appendix 9 – Natural Environments Add additional Significant Natural Areas in Peacocke: SNA 60 Hall Road, SNA 61 Mangakotukutuku gully, SNA 62 Waikato River Esplanade.  Retain extent of SNA as mapped and add any wetlands identified on the Peacocke Features Map and on Maps in 17A.	Oppose	Adare does not agree that all wetlands should be shown as SNA as: (a) This may be influenced by the NES:FW natural wetland definitions which are currently under review; and (b) The presence of an SNA should otherwise be determined as a matter of fact.	Disallow the submission.
67.	Director General of Conservation Shared Service Centre Hamilton Level 3, 73 Rostrevor Street, Hamilton 3204 jgooding@doc.govt.nz Submission 38	38.1	Appendix 2 – Structure Plans Terminology relating to bat habitat.  Amend the Structure Plan to refer to significant bat habitat such as ecological corridors for the movement of bats, Significant Natural Areas (SNAs), development setbacks to buffer ecological corridors along with roost trees and their respective buffers or development setbacks to 'Bat Priority Areas'. Any other amendments that may be necessary or appropriate to address my concerns.	Oppose	1. BHAs should be restricted to ecological corridors and SNAs containing significant bat habitat, not individual roost trees, which can be addressed by way of consenting processes. 2. Subject to its submissions seeking consistent use of terminology, Adare supports the reference to "Bat Habitat Areas" as per the notified PC5, not Bat Priority Areas. Bat Habitat Areas (BHA) is a more accurate description of what has been identified and mapped.	Disallow the submission.
68.	Director General of Conservation	38.2	Appendix 17 – Planning Maps Mapping  Amend the Peacocke Precinct Land-use, Features and Zoning maps to include additional areas of bat habitat as 'Bat Priority Areas.' Any other amendments that may be necessary or appropriate to address my concerns.	Oppose	1. BHAs should be restricted to ecological corridors and SNAs containing significant bat habitat, not individual roost trees or areas of low or moderate value habitat, which can be addressed by way of consenting processes. 2. The additional areas that the submission requests be mapped for protection of bat habitat are not identified in the submission so it is unclear what relief is being sought.	Disallow the submission.
69.	Director General of Conservation	38.3	General Bat habitat outside of identified habitat  Amend Objectives, Policies and Rules so that development is designed to respond to longtailed bat activity across the Peacocke Structure Plan Area. Any other amendments that may be necessary or appropriate to address my concerns.	Oppose	1. The relief is too broadly expressed, such that it is unclear what amendments are sought. 2. Adare considers that PC5 satisfies the: (a) Sustainable management purpose of the RMA; (b) Protection of significant habitat of indigenous fauna required under s6(c); (c) NPS-UD; and (d) Resource Management (Enabling Housing Supply and Other Matters) Amendment Act.	Disallow the submission.
70.	Director General of Conservation	38.4	General Walking /Cycleways  Include a directive that walking/cycleways are located and designed to avoid the removal of bat roosts and other habitat in the first instance. Where this is not possible protocols for minimising the risk of felling bat roosts must be adhered to. Any other amendments that may be necessary or appropriate to address my concerns.	Oppose in part	While the general principle of avoiding adverse effects on bat roosts within the identified BHAs is supported, walkways and cycleways will traverse the Peacocke NOSZ and other natural areas as part of these areas' multi-functional use. A directive as proposed by the submitter is not necessary.	Disallow the submission.
71.	Director General of Conservation	38.5	General Density of housing in proximity to Bat habitat  Include consideration of, and provision for, the buffers and other measures that will be required to protect the Bat Priority Areas from housing intensification. Any other	Oppose in part	1. The detailed relief sought is unclear. 2. However, Adare agrees that regard must be given to the provisions responding to the NPS-UD and Resource Management (Enabling Housing Supply and Other Matters) Amendment Act, as well as bat protection measures.	Disallow the submission.

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
			amendments that may be necessary or appropriate to address the submitter's concerns.		3. PC5 already contains provisions that address interface issues between development and BHAs, including building setbacks and lighting controls.	
72.	Director General of Conservation	38.6	General Restoration and enhancement  Provide clear guidance in the Structure Plan on biodiversity offsetting. Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Support in part	Plan users would be assisted by the District Plan providing up to date and objective guidance on biodiversity offsetting.	Allow the submission, subject to appropriate wording.
73.	Director General of Conservation	38.7	General Bat and Habitat and Enhancement Review Panel ('The Panel')  Amend the Structure Plan to require the formation of a Bat and Habitat Enhancement Panel. The Panel would be similar in composition to that required by Condition 80 of the Amberfield subdivision resource consent, including representatives of the Department of Conservation. The Panel would be required to make recommendations on: (a) The initial preparation of Bat Protection Plans and subsequent reviews; (b) sub-plans for Construction Works within the Bat Priority Areas; (c) the review of monitoring and compliance reports. Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Oppose in part	1. Adare agrees that consistency in the management of development within and adjacent to BHAs is desirable. However, this is primarily a regulatory function of the Council. Adare would support the establishment of a Bat Management Committee, pursuant to the City's Indigenous Biodiversity Strategy. 2. In respect of the suggestion that any Panel or Committee should be "notified" of resource consent applications, the PC5 provisions concerning non-notification or notification are appropriate (subject to Adare's original submission). 3. Adare notes that Condition 80 of the Amberfield resource consent does not establish a panel with representatives of the Department of Conservation. Rather, the panel is comprised of qualified experts, nominated by parties and appointed by the Council.	Disallow the submission.
74.	Director General of Conservation	38.8	General Monitoring  Add an Objective, Policy and guidance to ensure monitoring and reporting is required to assess the efficacy of measures to avoid, remedy and mitigate (or offset and compensate) the effects of development on significant indigenous biodiversity. Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Oppose	1. The relief is too broadly expressed, such that it is unclear what amendments are sought. 2. Whether and what monitoring requirements may be imposed should be determined through resource consenting processes to ensure that requirements are commensurate with the scale of development and potential effects on BHAs. 3. There is, however, value in HCC collating information obtained from on-site monitoring to a centralised organisation (e.g., a Bat Management Committee (as per Adare's original submission)) for the purposes of establishing a management programme for the city-wide long-tailed Bat population. Adare supports the concept of centralised, coordinated and Council-funded monitoring to support understanding bat habitat on a landscape-wide scale (as sought in Adare's original submission).	Disallow the submission.
75.	Director General of Conservation	38.10	General Roads  Consider relocation of roading sections that cross Bat Priority Areas and introduce Policies and Rules to avoid and minimise the effect of road lighting and light emission from vehicle headlights on Long-tailed bats and their habitat. Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Oppose	1. It is not possible to relocate all roading sections so that they do not cross BHAs and simultaneously achieve the connectivity required in a modern urban environment for efficiency and safety of movement. 2. Subject to Adare's primary submission, the notified rules relating to lighting are appropriate and should be retained.	Disallow the submission.
76.	Director General of Conservation	38.12	Chapter 3A - Peacocke Structure Plan DEV01-PSP: 07	Oppose	The objective addresses the manner in which urban form responds to natural features, as opposed to establishing an environment threshold for urban development.	Disallow the submission.

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
			Change wording to: Urban development <del>responds to</del> <u>protects</u> the area's natural environment and ecological values <u>and responds to</u> natural hazards. Any other amendments that may be necessary or appropriate to address the submitter's concerns.			
77.	Director General of Conservation	38.13	Chapter 3A - Peacocke Structure Plan DEV01-PSP: O8  Change the wording to: Business Centres in the Peacocke Precinct are well designed to <u>avoid adverse effects on long-tailed bats and their habitat and</u> integrate with surrounding neighbourhoods, provide for multi-level apartment buildings and create distinctive places that are functional, safe, attractive and vibrant. Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Oppose	This objective is about the design of the urban environment and achieving quality-built environment outcomes. Ecological matters are addressed in other sections of PC5 (including the Natural Environment section). It is not necessary nor appropriate to refer to ecological values in every objective and policy.	Disallow the submission.
78.	Director General of Conservation	38.14	Chapter 3A - Peacocke Structure Plan DEV01-PSP: O11  Change wording to: Earthworks in the Peacocke Structure Plan are undertaken in a comprehensive and integrated manner, ensuring a high amenity urban environment that <u>protects ecological values such as actual and potential longtailed bat habitat and</u> is sympathetic to the areas topographical character. Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Oppose	The objective is about ensuring earthworks are undertaken in a comprehensive and integrated way. Ecological matters are addressed in other sections. It is not necessary nor appropriate to refer to ecological values in every objective and policy.	Disallow the submission.
79.	Director General of Conservation	38.15	Chapter 3A - Peacocke Structure Plan DEV01-PSP:O13  Change the wording to: Protect and enhance <del>identified significant</del> <u>the</u> habitat of indigenous fauna and significant indigenous vegetation. Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Oppose	The approach proposed by the submitter is inconsistent with the Amberfield consent and the obligation to protect <u>significant</u> habitat of indigenous fauna, as opposed to all potential habitat. The directive to "protect and enhance" under the objective is appropriately applied to significant bat habitat (i.e., BHAs) in the notified objective.	Disallow the submission.
80.	Director General of Conservation	38.16	Chapter 3A - Peacocke Structure Plan Additional Objective  Suggested wording: <u>Protect and enhance bat priority areas and avoid adverse effects on other areas of potential bat habitat.</u> Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Oppose	The proposed new objective is repetitive of other objectives. It is not appropriate to require adverse effects on "other areas of potential bat habitat" to be avoided (e.g., pasture and other low to moderate value bat habitat).	Disallow the submission.
81.	Director General of Conservation	38.17	Chapter 3A - Peacocke Structure Plan DEV01-PSP: O14  Change the wording to: Create and protect <u>identified Bat Priority Areas ecological and open space corridors</u> for the purpose of protecting and enhancing the habitat of long-tailed bats.	Oppose	The notified objective appropriately provides for ecological corridors throughout the Peacocke Structure Plan area.	Disallow the submission.

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
			Any other amendments that may be necessary or appropriate to address the submitter's concerns.			
82.	Director General of Conservation	38.18	Chapter 3A - Peacocke Structure Plan DEV01-PSP: O15  Change the wording to: Enable development adjacent to <del>ecological areas</del> <u>Bat Priority Areas</u> where it is designed to <del>manage</del> <u>avoid the adverse effects</u> of development on the function of these areas <u>in the first instance</u> . Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Oppose	The policy seeks to manage effects on ecological areas which is much broader and will likely contain ecological values of less significance than within the BHA.	Allow the submission, subject to appropriate wording.
83.	Director General of Conservation	38.19	Chapter 3A - Peacocke Structure Plan DEV01-PSP: O16  Change the wording to: Establish a network of open space, and <del>ecological corridors</del> <u>Bat Priority Areas</u> that support ecological values such as, <u>protection and enhancement of long-tailed bat habitat of the Peacocke Area</u> and provides passive recreation opportunities where they do not conflict with ecological values. Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Oppose	The objective is appropriate as drafted and reflects the need to support ecological values in open space areas, while providing for passive recreation opportunities where they do not conflict with ecological values.	Disallow the submission.
84.	Director General of Conservation	38.20	Chapter 3A - Peacocke Structure Plan Additional Objective  Add Objective: <del>The identified ecological and open space corridors</del> <u>Bat Priority Areas provide a high level of connectivity within the Peacocke Structure Plan Area and to surrounding long-tailed bat habitat.</u> Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Oppose	The objective conflates those areas that would qualify as BHA with areas that would not otherwise qualify as a BHA due to moderate or low habitat value.	Disallow the submission.
85.	Director General of Conservation	38.21	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P5  Change the wording to: Recreational activities are considered for co-location with: 1. Multifunctional stormwater management. 2. Walkways and cycleways. 3. Cultural and heritage sites. 4. Significant Natural Areas. <u>While avoiding actual or potential adverse effects on long-tailed bats and their habitat.</u> Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Oppose	The policy is about co-location of recreational activities and other areas. Ecological effects are addressed in other parts of PC5. It is neither necessary nor appropriate to refer to ecological matters or bat outcomes in every policy.	Disallow the submission.
86.	Director General of Conservation	38.22	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P6  Change the wording to: Promote appropriate and improved access to the Waikato River to better enable sporting, recreational, and cultural opportunities <u>while protecting long-tailed bats and their habitat.</u>	Oppose	The policy is about promoting access to the Waikato River. Ecological effects are addressed in other parts of PC5. It is neither necessary nor appropriate to refer to ecological matters or ecological outcomes for bats in every policy.	Disallow the submission.

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
			Any other amendments that may be necessary or appropriate to address the submitter's concerns.			
87.	Director General of Conservation	38.23	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P13  Change the wording to: Higher density development in the Peacocke Structure Plan: 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. <del>May be provided along areas of natural open space including the river corridor and gully network.</del> Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Oppose	PC5 contains other policies that manage the relationship between density and the natural open space including the river corridor and gully network (e.g., DEV01-PSP: P36).	Disallow the submission.
88.	Director General of Conservation	38.25	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P27  Change the wording to: The loss of significant vegetation is <del>minimised</del> avoided in the first instance. Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Oppose	It is more appropriate to minimise the loss of vegetation within SNAs and BHA. For example, to the extent that roads and infrastructure might be required to be located in proximity to those areas and subject to protocols (e.g., tree felling protocols provided for under the <i>Weston Lea</i> Environment Court decision).	Disallow the submission.
89.	Director General of Conservation	38.26	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P30  Change the wording to: Protect the physical integrity and ecological and stormwater function of the Mangakotukutuku Gully and Waikato River margins, <u>including protection for long-tailed bats and their habitat.</u> Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Oppose	This policy concerns physical integrity and ecological and stormwater function of the Mangakotukutuku Gully and Waikato River margins. The proposed relief is unnecessary as it duplicates other parts of the Proposed Plan directed at protection and management of long-tailed bats (e.g., DEV01-PSP: P35).	Disallow the submission.
90.	Director General of Conservation	38.27	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P31  Change the wording to: Provide for revegetated gullies and river margins <u>to enable protection and enhancement of long-tailed bat habitat.</u> Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Oppose	The policy addresses revegetation in gullies and river margins. It is neither necessary nor appropriate to refer to ecological matters or bat outcomes in every policy, as this undermines the principal intent of the policy in question.	Disallow the submission.
91.	Director General of Conservation	38.32	Chapter 3A - Peacocke Structure Plan Additional Policy to address monitoring of long-tailed bats  Add a policy directing that monitoring of the PSPA long-tailed bat population must occur before and after development. Amendments to the 'Information requirements' Appendix will be required to make this policy effective. Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Oppose	1. Whether and what monitoring is undertaken is more appropriately determined through the resource consenting process and any monitoring obligations need to be commensurate with / proportional to the size of the development and its potential effects. 2. There is, however, value in HCC collating information obtained from on-site monitoring to a centralised organisation (e.g., a Bat Management Committee (as per Adare's original submission)) for the purposes of establishing a management programme for the city-wide long-tailed bat population. Adare supports the concept of centralised, coordinated and Council-funded monitoring to support understanding bat	Disallow the submission.



	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
					habitat on a landscape-wide scale (as sought in Adare's original submission).	
92.	Director General of Conservation	38.33	Chapter 3A - Peacocke Structure Plan Additional Policy to address connectivity of bat habitat  Add policy: <u>The transport network, including the Southern Links Road is designed to promote the physical and functional connectivity of long-tailed bat habitat.</u> Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Support in part	A policy about the transport network and connectivity of significant long-tailed bat habitat is supported in general, subject to refinement of the drafting.	Allow the submission, subject to appropriate wording.
93.	Director General of Conservation	38.37	Chapter 3A - Peacocke Structure Plan Lighting controls  Change the wording to: 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 <u>avoidance of artificial light spill from buildings and roads, including maximum lux levels and colour temperatures, and buffer planting for light screening managing the impact lighting may have on the ability for the so that Bat Habitat Areas Bat Priority Areas</u> to remain dark spaces allowing bats to continue to use these areas as Peacocke urbanises. Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Oppose	This concerns the PSPA explanation at the commencement of the structure plan. The explanation adequately sets out the intention of lighting controls under the structure plan. It is inappropriate to pre-suppose the outcomes sought under more express provisions of the structure plan under the explanation.	Disallow the submission.
94.	Director General of Conservation	38.38	Chapter 3A - Peacocke Structure Plan Additional components of Long-tailed bat habitat not discussed.  Change the wording to: Include discussion of the importance of actual and potential roost trees i.e., all trees greater than 15 cm diameter at breast height, the need for a prohibition on domestic cats, and of predator control. Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Oppose	The proposed additional drafting is unnecessary in DEV01-PSP: Components of the Peacocke Structure Plan and the proposed drafting does not reflect the contents of the provisions for the Peacocke Structure Plan and Precinct.	Disallow the submission.
95.	Director General of Conservation	38.40	Chapter 3A - Peacocke Structure Plan Local Business Centre  Include discussion on how the local centre will be developed in a way that recognises this and ensures protection for the habitat of long-tailed bats. Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Oppose	1. Adare agrees that urban development in Peacocke should be designed to respond to the significant habitat of long-tailed bats. The scheme of PC5 is that objectives and policies are provided in Chapter 3A that provide guidance on how development should respond to significant habitat values. That guidance is then reflected in rules throughout PC5. 2. Given that the interface between urban development and significant habitat values is already addressed, it would be inefficient to address the interface again in the way sought by the submitter.	Disallow the submission.
96.	Director General of Conservation	38.42	Chapter 4A - Peacocke Medium Density Residential Zone MRZ-PREC1-PSP Rules  Add Rules: To address the removal of actual and potential roost trees, prohibition of external lights within the 5-metre building setback, and no rule on the keeping of domestic cats.	Oppose	The existing rules under PC5 are appropriate (subject to Adare's submission).  It is not clear what rules are sought or what they might be intended to achieve. The submitter has not sought any specific draft relief.	Disallow the submission.

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
			Any other amendments that may be necessary or appropriate to address the submitter's concerns.			
97.	Director General of Conservation	38.43	Chapter 4A - Peacocke Medium Density Residential Zone Additional Objective  Add Objective: <u>Residential development is designed and located to protect and enhance long-tailed bats and their habitat.</u> Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Oppose	1. Adare agrees that urban development in Peacocke must be designed to respond to the significant habitat of long-tailed bats. The scheme of PC5 is that objectives and policies are provided in Chapter 3A that provide guidance on how development should respond to significant habitat values. That guidance is then reflected in rules throughout PC5. 2. Given the interface between urban development and significant habitat values is already addressed, it would be inefficient to address the interface again in the way sought by the submitter.	Disallow the submission.
98.	Director General of Conservation	38.44	Chapter 4A - Peacocke Medium Density Residential Zone MRZ-PREC1-PSP:P13  Change the wording to: <u>The removal of Significant vegetation and trees including actual and potential bat roosting trees is avoided in the first instance.</u> Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Oppose	While Adare supports appropriate management of actual or potential roost trees, it is not appropriate that an avoidance policy is applied throughout the entire Medium Density Residential zone.	Disallow the submission.
99.	Director General of Conservation	38.46	Chapter 23A Subdivision: Peacocke Precinct SUB – PREC1-PSP: RULES – Activity Status  Add Rules: To address the removal of actual and potential roost trees, prohibition of external lights within the 5-metre building setback, and no rule on the keeping of domestic cats. Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Oppose	1. The existing rules under PC5 are appropriate (subject to Adare's submission). 2. It is not clear what rules are sought or what they might be intended to achieve. The submitter has not sought any specific draft relief.	Disallow the submission.
100.	Director General of Conservation	38.48	Chapter 15A: Natural Open Space Zone: Peacocke Precinct NOSZ – PREC1- P: P18  Change the wording to: Identify and manage areas of Natural Open Space in the Peacocke Structure Plan to: 1) Ensure the <u>protection and enhancement and access to, of</u> identified habitat of long-tailed bats; 2) Provide habitat and connections for long tailed bats; 3) <u>Avoid the adverse effects</u> of development on the habitat of long-tailed bats; <u>By:</u> <u>a) avoiding the adverse effects of lighting and noise within the Bat Priority Areas;</u> <u>b) protecting bats from predation;</u> <u>c) banning ownership of cats and mustelids within the Peacocke Structure Plan Area;</u> <u>d) protecting roosting sites within the Bat Priority Areas; and</u> <u>e) avoiding injury and/or mortality of roosting long-tailed bats during any tree removal.</u> Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Oppose	The policy is appropriate as notified and should be retained.	Disallow the submission.
101.	Director General of Conservation	38.50	Chapter 6A: Peacocke Neighbourhood Centre Zone. Issues	Oppose	1. The management of the interface between urban development and the BHA is an important matter for	Disallow the submission.

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
			Change the wording: To include discussion of how neighbourhood centres will be designed and located to avoid and minimise their impact on long-tailed bats. Any other amendments that may be necessary or appropriate to address the submitter's concerns.		objectives and policies in PC5 to address. However, this is already achieved through provision for the long-tailed bat under the Peacocke Structure Pan provisions that apply to the entire Peacocke Precinct (e.g., DEV01-PSP: O13). 2. The submitter has not sought any specific draft relief.	
102.	Director General of Conservation	38.51	Chapter 6A: Peacocke Neighbourhood Centre Zone. NZC – PREC1-PSP: Objectives  Add an objective: Addressing the compatibility of neighbourhood centres with long-tailed bats and their habitat. Such an objective should provide for the protection, enhancement and restoration of bats and their habitat to give effect to the WRPS and be in accordance with Section 6(c) of the RMA. Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Oppose	1. The management of the interface between urban development and the BHA is an important matter for objectives and policies in PC5 to address. However, this is already achieved through provision for the long-tailed bat under the Peacocke Structure Pan provisions that apply to the entire Peacocke Precinct (e.g., DEV01-PSP: O13). 2. The submitter has not sought any specific draft relief.	Disallow the submission.
103.	Director General of Conservation	38.52	Chapter 6A: Peacocke Neighbourhood Centre Zone. NZC – PREC1-PSP: Policy  Add a policy: Addressing the compatibility of neighbourhood centres with long-tailed bats and their habitat. Such an objective should require that the design and location of Local Neighbourhood Centres provides for the protection, enhancement and restoration of bats and their habitat to give effect to the WRPS and be in accordance with Section 6(c) of the RMA. Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Support in part	1. The management of the interface between urban development and the BHA is an important matter for objectives and policies in PC5 to address. However, this is already achieved through provision for the long-tailed bat under the Peacocke Structure Pan provisions that apply to the entire Peacocke Precinct (e.g., DEV01-PSP: P23). 2. The submitter has not sought any specific draft relief.	Disallow the submission.
104.	Director General of Conservation	38.53	Chapter 6B: Peacocke Local Centre Zone LCZ – PREC1-PSP: ISSUES  Change the wording: To include discussion of how the Local Centre will be designed and located to avoid and minimise its impact on long-tailed bats. Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Oppose	1. The management of the interface between urban development and the BHA is an important matter for objectives and policies in PC5 to address. However, this is already achieved through provision for the long-tailed bat under the Peacocke Structure Pan provisions that apply to the entire Peacocke Precinct (e.g., DEV01-PSP: O13). 2. The submitter has not sought any specific draft relief.	Disallow the submission
105.	Director General of Conservation	38.54	Chapter 6B: Peacocke Local Centre Zone LCZ – PREC1-PSP: OBJECTIVES  Add an objective: Addressing the compatibility of neighbourhood centres with long-tailed bats and their habitat. Such an objective should provide for the protection, enhancement and restoration of bats and their habitat to give effect to the WRPS and be in accordance with Section 6(c) of the RMA. Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Oppose	1. The management of the interface between urban development and the BHA is an important matter for objectives and policies in PC5 to address. However, this is already achieved through provision for the long-tailed bat under the Peacocke Structure Pan provisions that apply to the entire Peacocke Precinct (e.g., DEV01-PSP: O13). 2. The submitter has not sought any specific draft relief.	Disallow the submission
106.	Director General of Conservation	38.55	Chapter 6B: Peacocke Local Centre Zone LCZ – PREC1-PSP: POLICES	Oppose	1. The management of the interface between urban development and the BHA is an important matter for objectives and policies in PC5 to address. However, this is already achieved through provision for the long-	Disallow the submission

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
			Add a policy: Addressing the compatibility of neighbourhood centres with long-tailed bats and their habitat. Such an objective should require that the design and location of the Local Centre provides for the protection, enhancement and restoration of bats and their habitat to give effect to the WRPS and be in accordance with Section 6(c) of the RMA. Any other amendments that may be necessary or appropriate to address the submitter's concerns.		tailed bat under the Peacocke Structure Plan provisions that apply to the entire Peacocke Precinct (e.g., DEV01-PSP: P23). 2. The submitter has not sought any specific draft relief.	
107.	Director General of Conservation	38.56	Chapter 23A Subdivision: Peacocke Precinct SUB-PREC1-PSP: O8  Change the wording to: Subdivision creates a transport network that: 1. Is well connected and legible. 2. Delivers a high-quality walking and cycling experience. 3. Manages the amenity effects associated with parking. 4. Defines areas of public open space. 5. Creates a safe, low speed environment 6. Provides for a high-quality public transport network. 7. <u>Protects and enhances the physical and functional connectivity of bat habitat.</u>	Support in part	1. Adare supports functional connectivity of bat habitat as a consideration in roading and transport design. 2. More appropriate wording would require transport network design to take into account connectivity of BHA.	Allow the submission, subject to appropriate wording.
108.	Director General of Conservation	38.60	Chapter 23A Subdivision: Peacocke Precinct SUB – PREC1-PSP: RULES  Add Rules: To address the removal of actual and potential roost trees, prohibition of external lights within the 5-metre building setback, and no rule on the keeping of domestic cats. Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Oppose	1. The existing rules under PC5 are appropriate (subject to Adare's submission). 2. It is not clear what rules are sought or what they might be intended to achieve. The submitter has not sought any specific draft relief.	Disallow the submission.
109.	Director General of Conservation	38.61	Chapter 25.2: Earthworks and Vegetation Removal 25.2.2.1a  Change the rule wording by adding: <u>viii. Adopts a precautionary approach towards decisions that may result in significant adverse effects on Indigenous biodiversity and, in particular, those effects that threaten serious or irreversible damage to indigenous biodiversity.</u> Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Support in part	Adare supports consideration being given to the potential significant adverse effects of earthworks on indigenous biodiversity.	Allow the submission, subject to appropriate wording.
110.	Director General of Conservation	38.62	Chapter 25.6 Lighting and Glare Objective 25.6.2.2  Amend as follows: Lighting in the Peacocke Structure Plan Area is managed to ensure areas identified as <del>Significant Bat Habitat</del> <u>Bat Priority Areas</u> retain their usability and functionality for bat activity. Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Oppose	The objective should refer to "Bat Habitat Area" (as sought in Adare's submission) as that is a clear and appropriate term to use throughout PC5.	Disallow the submission.
111.	Director General of Conservation	38.63	Chapter 25.6 Lighting and Glare Policy 25.6.2.2a  Amend as follows: Manage light spill and glare of fixed lighting at the	Oppose	The objective should refer to "Bat Habitat Area" (as sought in Adare's submission) as that is a clear and appropriate term to use throughout PC5.	Disallow the submission.

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
			boundary of the <del>Significant Bat Habitat</del> <u>Bat Priority Areas</u> to ensure that the useability of long-tailed bat habitat is maintained. Any other amendments that may be necessary or appropriate to address the submitter's concerns.			
112.	Director General of Conservation	38.64	Chapter 25.6 Lighting and Glare Policy 25.6.2.2b  Amend policy to replace the phrase "the Significant Bat Habitat" with the phrase "Bat Priority Areas". Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Oppose	The objective should refer to "Bat Habitat Area" (as sought in Adare's submission) as that is a clear and appropriate term to use throughout PC5.	Disallow the submission.
113.	Director General of Conservation	38.65	Chapter 25.6 Lighting and Glare Additional standards  Add standards requiring that sections of road adjacent to Bat Priority Areas avoid adverse effects on long-tailed bats and their habitat by requiring maximum artificial light spill from street lighting, maximum colour temperature for lights of 2700 K, planting to provide 'hop-overs', and screening planting along the sides of roads to reduce the adverse impact of headlight spill-over into long-tailed bat habitat. Any other amendments that may be necessary or appropriate to address my concerns.	Oppose in part	1. The detailed relief sought is unclear. 2. The existing rules under PC5 are appropriate (subject to Adare's original submission).	Disallow the submission.
114.	Director General of Conservation	38.66	Chapter 25.6 Lighting and Glare 25.6.4.4 Peacocke Medium Density Zone: Peacocke Precinct  Ensure consistency between the Amberfield subdivision lighting requirements and the Peacockes precinct. Amend the lighting standard to apply to the entire Peacocke precinct, not just areas zoned for medium density development. Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Support in part	The lighting standards in PC5 are appropriate, except that Adare agrees that the standards in Rule 25.6.4.4 should apply to the Neighbourhood Centre Zone and Local Centre Zone, as well as the Medium Density Residential Zone.	Allow the submission, subject to appropriate wording.
115.	Director General of Conservation	38.67	Appendix 1.2 Information Requirements 1.2.1(h)(iii)  Change the wording to: The AEE should identify how any adverse environmental effects are to be avoided, remedied, <del>or</del> mitigated, <u>or otherwise offset and compensated for</u> and shall also ensure that the following matters are addressed. • <u>Ecological effects of the proposal including effects on critically endangered fauna such as longtailed bats.</u> Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Support in part	Adare supports the concept of providing guidance on ecological offsetting and compensation, subject to the detailed drafting.	Allow the submission, subject to appropriate wording.
116.	Director General of Conservation	38.68	Appendix 1.2 Information Requirements 1.2.2.2  Make amendments 1.2.2.2 to clarify: That management plans should be developed prior to a resource consent being granted by a suitably qualified person. Management plans should outline measures to avoid, remedy, mitigate,	Support in part	Adare supports the concept of providing guidance on the development of management plans, subject to the detailed drafting.	Allow the submission, subject to appropriate wording.

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			offset or compensate for lost values. Management Plans should be reviewed by Council or an independent overarching body to ensure consistency across the PSPA. 1.2.2.2 should also offer guidance on the the objectives and structure of management plans such as a description of the management methods to achieve the objective, financial costs, monitoring and reporting. Any other amendments that may be necessary or appropriate to address the submitter's concerns.			
117.	Director General of Conservation	38.69	<p>Appendix 1.2 Information Requirements 1.2.2.1(b)</p> <p>Change the wording to: Reports and management plans demonstrating how adverse environmental effects associated with the proposed activity are to be avoided, remedied, mitigated or otherwise offset and compensated for with respect to: <u>V. Ecological effects of the proposal including effects on critically endangered fauna such as long-tailed bats.</u> Any other amendments that may be necessary or appropriate to address the submitter's concerns.</p>	Support in part	Adare supports the concept of providing guidance on ecological offsetting and compensation, subject to the detailed drafting.	Allow the submission, subject to appropriate wording.
118.	Director General of Conservation	38.70	<p>Appendix 1.2 Information Requirements 1.2.2.1 Note</p> <p>Add a note: • <u>any offset or compensation package must account for the time delay in the creation of bat habitat. Creation of habitat should commence well in advance of any clearance works.</u> Any other amendments that may be necessary or appropriate to address the submitter's concerns.</p>	Support in part	Adare supports the concept of providing guidance on ecological offsetting and compensation, subject to the detailed drafting.	Allow the submission, subject to appropriate wording.
119.	Director General of Conservation	38.72	<p>Appendix 1.2 Information Requirements 1.2.2.27</p> <p>Make amendments to the BMP to provide clear objectives for management of longtailed bats across the PSPA, these should aim: a) To protect bat habitat and roosts by avoiding adverse effects on the function of their habitat, in terms of commuting, foraging and socialisation. b) To enhance the values and attributes of bat habitat; To achieve the objectives the following amendments are suggested: i. Vegetation removal protocols for trees with a diameter at breast height (DBH) of 15cm or greater should be employed for trees located within and outside of the identified bat habitat area. ii. A BMP being required for areas outside significant bat habitat that contain potential or identified bat habitat. iii. When a BMP is required, it is submitted to HCC with the relevant resource consent application. iv. A Bat and Habitat Enhancement Panel should be consulted on the draft BMP and comments incorporated or a justification provided to Council as to why they were not incorporated. v. The BMP would link to all other areas within the PSPA to create a consistent approach. vi. While the BMP focuses on mitigation it should also outline measures to avoid and remedy bat values and</p>	Oppose	<ol style="list-style-type: none"> <li>1. Adare supports the concept of providing clear guidance as to what may be included in a bat management plan.</li> <li>2. However, appropriate management measures need to be determined in response to specific locations. This detail is most appropriately left to the detailed assessment undertaken at the time a management plan is prepared for certification under resource consent conditions.</li> </ol>	Disallow the submission.

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
			offset or compensate where this is not possible. Roost tree protection should also be included in the BMP for identified or potential roost trees. vii. The BMP should address residual adverse effects on bats to achieve a net biodiversity gain such as habitat enhancement and targeted predator control that achieves residual pest indices relevant to bat conservation. Notwithstanding the above recommended changes, the BMP should, as a minimum, include the same bat management protocols listed in the conditions of the Amberfield Resource Consent, such as: • Integration with the planting plan which outlines the restoration and enhancement areas, management and maintenance. How vegetation design will minimise light intrusion to the acceptable standard • As per Amberfield resource consent, 0.1 lux 3 meters from the inside of the bat habitat boundary • Bat monitoring plan including before and after restoration, enhancement and pest control • Specifics for pest control, including target species and performance levels reflecting residual indices relevant to bat conservation and how it links to pest control in the wider PSPA area • Use of artificial bat roots • Use of barriers to prevent predators accessing known and potential roost trees. • Any research that may be able to be undertaken in conjunction with the development. This may be conducted by the applicant or another body. • Frequency of BMP review and update • Reporting requirements Any other amendments that may be necessary or appropriate to address the submitter's concerns.			
120.	Director General of Conservation	38.73	Appendix 1.3 Assessment Criteria Assessment Criteria P3 (e)  Change the wording to: P3 (e) The extent to which development is designed to respond to ecological corridors and habitat, and ensures they protect and <del>maintain</del> enhance the ecological function of these corridors; including the management of lighting and building location.	Oppose	Lighting and building location should be designed to protect and maintain BHA and related ecological function.	Disallow the submission.
121.	Director General of Conservation	38.74	Appendix 1.3 Assessment Criteria Assessment Criteria P3 (i)  Change the wording to: P3 (i) The extent to which lighting has been designed and located to <del>maintain</del> protect and enhance the function and quality of longtailed bat habitat. Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Oppose	Lighting should be designed to protect and maintain BHA and related ecological function.	Disallow the submission.
122.	Director General of Conservation	38.75	Appendix 1.3 Assessment Criteria Assessment Criteria P5 (p)  The extent to which the proposal: 1. Restores, protects and enhances aquatic and terrestrial ecological values associated with springs, streams, waterways, wetlands and their margins in Peacocke. 2. Protects <del>or</del> and enhances the natural character and ecological, cultural, heritage and amenity values of	Oppose in part	1. The assessment criteria should focus on maintaining and enhancing significant habitat of indigenous fauna, rather than protecting, enhancing and restoring populations of at-risk threatened or critically endangered flora and fauna (including the long-tailed bat). 2. Assessment criteria in P5 (q) and (r) specifically address BHAs.	Disallow the submission.

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			Peacocke's open spaces. 3. <u>Protects, enhances and restores populations of at-risk, threatened or critically endangered flora and fauna in Peacocke.</u> 3. Provides sites for water related activities and public access to them and to and alongside waterways. 4. Recognises and provides for tangata whenua values and relationships with Peacocke and their aspirations for the area, including provision for cultural harvest, interpretation of the landscape's significance, protection, enhancement and commemoration of sites of significance, use of traditional tangata whenua names for sites, developments, street, neighbourhoods and sub-catchments and application of cultural protocols during the development process. 5. Reflects the characters and heritage. Any other amendments that may be necessary or appropriate to address the submitter's concerns.			
123.	Director General of Conservation	38.76	Appendix 1.3 Assessment Criteria Assessment Criteria P5 (q)  Change the wording to: P5 (q) The extent to which subdivision has been designed to <del>manage</del> <u>avoid the adverse</u> effects of development and subdivision on the role and function of <del>Significant Bat Habitat</del> <u>Bat Priority Areas</u> . Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Support in part	Adare supports the proposed amendments to the matter of discretion on BHAs: (a) provided that it does not prevent works that must take place within the BHA subject to appropriate protocols requiring minimisation of adverse effects; and (b) subject to refining the wording.	Allow the submission, subject to appropriate wording.
124.	Director General of Conservation	38.77	Appendix 1.3 Assessment Criteria Assessment Criteria P5 (r)  Change the wording: The extent to which the proposal mitigates, <u>remedies, or otherwise offsets or compensates for</u> the effects of development on <del>Significant Bat Habitat through the provision and enhancement of ecological corridors</del> <u>Bat Priority Areas</u> . Any other amendments that may be necessary or appropriate to address the submitter's concerns.	Support in part	Adare supports the proposed additional matter discretion on BHAs: (a) it anticipates a certain degree of effect within the BHA and the need for different approaches to mitigation; and (b) subject to refining the wording.	Allow the submission, subject to appropriate wording.
125.	Cordyline Holdings Ltd Dentons Kensington Swan 18 Viaduct Harbour Avenue Auckland 1010 christina.sheard@dentons.com Submission 44	44.7	Appendix 17 – Planning Maps Seismic Setback Line  Delete the Seismic Setback Line shown on the Features Maps for the Peacocke Precinct.	Support in part	1. Seismic investigations are a normal part of geotechnical assessments which accompany subdivision consent applications. The Seismic Setback Line (or Seismic Investigation Area) is therefore not strictly necessary, and it should be deleted. An assessment of natural hazard risk is already required under section 106 RMA for subdivision consent applications. 2. Adare sought in its submission that the Seismic Setback Line be renamed to Seismic Investigation Area to reflect that this is an area where specific geotechnical investigations are required. Adare supports this alternative relief if the overlay is retained.	1. Allow the submission. 2. Alternatively, if the submission is disallowed then rename the Seismic Setback Line to Seismic Investigation Area.
126.	Kainga Ora PO Box 74598, Greenlane Auckland 1546 developmentplanning@kaingaor a.govt.nz	55.1	Appendix 17 – Planning Maps High Density Overlay  Delete the “High Density Overlay” and replace with a “High Density Zone” that would be controlled with the	Oppose	1. The High Density Area Overlay is a suitable tool because it reflects that there are matters of both commonality and distinctiveness between these areas and other parts of the Medium Density Residential Zone.	Disallow the submission.



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	Submission 55		proposed provisions set out in Attachment 2 of Kāinga Ora submission.		<p>2. The 'Additional High Density Zone' in Attachment 3 of Kainga Ora's submission is not suitable for high density residential development. It includes land that is within the NOSZ, BHAs and SNAs under the notified PC5 provisions, as well as other land which is steep.</p> <p>3. The density of development suggested in Attachment 2 of the submission, being predominantly 6 storeys, is too dense, is not in keeping with the character of Hamilton, is not commensurate with the planned level of commercial activities and community services and is likely to be commercially challenging.</p>	
127.	Kainga Ora	55.2	<p>Appendix 17 – Planning Maps Local Centre</p> <p>Amend the size of the proposed Local Centre to reflect the recalculation of density targets, or change the type of centre for the Precinct.</p>	Oppose	<p>1. The density targets in Policy DEV01-PSP:P14 for the Medium Density Residential Zone and the High Density Overlay Area are appropriate and should be retained.</p> <p>2. The size of the Local Centre, as shown on the notified Planning Maps, is appropriate to provide for the required range of convenience, retail, employment and service activities, subject to the changes sought to the northern area of the centre in Adare's submission.</p>	Disallow the submission.
128.	Kainga Ora	55.3	<p>Appendix 17 – Planning Maps New Layer - Earthworks overlay</p> <p>Amend and include a new "Earthworks Overlay" on the Structure Plan to indicate those areas of the Precinct where more sympathetic earthworks are required to respect the natural topography of the land.</p>	Oppose	<p>1. The introduction of an 'Earthworks Overlay' where more sympathetic earthworks are required would be unduly restrictive and inconsistent with enabling medium and high density outcomes within the areas that are subject to the overlay.</p> <p>2. It is unclear from the submission where the suggested 'Earthworks Overlay' would apply.</p>	Disallow the submission.
129.	Kainga Ora	55.4	<p>Chapter 3A - Peacocke Structure Plan Overview</p> <p>Amend as follows: The Peacocke area is a 740ha area of rural land... - <del>Promote medium to high density development by enabling the development of a range of typologies, enabling supporting housing choice and a range of price points providing diversity in housing, catering for a range of occupants who require a range of housing sizes from one and two bedroom apartments to larger single dwellings.</del> - 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 housing to borrow amenity from areas of high amenity such as the Waikato River and Mangakootukutuku gully network. - Encourage subdivision to occur concurrently with or following land development. - 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. The block pattern and lot</p>	Oppose	<p>The density targets and urban form that is proposed in the notified provisions is appropriate and should be retained.</p>	Disallow the submission.

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
			<p>arrangement should create streets that are lined with buildings, with public frontages, directing back yards to be located to the rear of the site creating private outdoor living areas. <del>that</del> 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, <del>and private</del> <u>living spaces</u> and a high-quality outlook. - Developments use quality building materials, variation in architectural form and landscaping to contribute positively to the character of the area. <del>Subdivision is designed to respond to -t</del> The gully network and areas of open space <u>ensuring that where these are safe and accessible to the public and they are visible and safe</u></p>			
130.	Kainga Ora	55.5	<p>Chapter 3A - Peacocke Structure Plan Vision</p> <p>Amend as follows: The vision for the Peacocke <del>area</del> <u>Precinct</u> is that it will become a high-quality <u>medium to high density</u> urban environment that is based on urban design best practice, social well-being, and environmental responsibility.....The Peacocke <del>area</del> <u>Precinct</u> is Hamilton's southern growth cell and is ideally located to <del>provide house</del> approximately 20,000[TBC] people <del>homes</del> with easy access to destinations such as the Central City and the University of Waikato..... These features of the Peacocke <del>area</del> <u>Precinct</u> means that it is important..... The Peacocke <del>area</del> <u>Precinct</u> will be developed in line with Hamilton's vision for a 20-minute city... This means establishing a <del>local</del> [TBC] centre, which will act as the central community hub, supported by a network of smaller neighbourhood centres, providing day to day convenience for residents..... The topography in Peacocke is typically undulating and earthworks will be required to achieve the densities envisaged in the area. It is important that <del>these</del> <u>in identified locations of topographical / geological / cultural significance, earthworks are minimised and development responds to the natural landform. 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. To guide development in the Peacocke Precinct, a Comprehensive Development Plan will need to be prepared with either a landuse or subdivision application to ensure that the vision for the Precinct is delivered. Information requirements will include concept plans for transport, infrastructure, the natural environment network, the open space network, landuse, landscape design, staging and integration, as well as a detailed development response (architecture and urban design) and an ecological rehabilitation and management plan. With respect to the [TBC] centre, a Master Plan is required and developers of the [TBC] Centre will take guidance from the non-statutory Peacocke Local Centre Design Guide.</u></p>	Oppose	<ol style="list-style-type: none"> <li>1. The density targets and urban form that is proposed in the notified provisions is appropriate and should be retained.</li> <li>2. The vision should not refer to areas of topographical significance where earthworks are to be minimised.</li> <li>3. Reference to Comprehensive Development Plans (referred to as Concept Plans in the notified provisions) is not opposed but Kainga Ora's request that they must accompany land use consent applications, as well as subdivision consent applications, is opposed. All development will be preceded by subdivision of some kind. Subdivision consent applications are the most appropriate trigger for a Comprehensive Development Plan (or Concept Plan) to be required.</li> <li>4. Reference to the phrase "Local Centre" should be retained because that is the language used under Table 13 of the Zone Framework Standard under the National Planning Standards.</li> <li>5. Adare opposes the request for Design Guides to be non-statutory documents to enable them to be referenced in the district plan and updated without a Schedule 1 process: <ol style="list-style-type: none"> <li>(a) All planning documents must be included in the plan as a matter of law;</li> <li>(b) There would be considerable uncertainty as to the relevance of any non-statutory Design Guides to decision making for resource consents.</li> <li>(c) Natural justice and public participation require landowners and other stakeholders are afforded an opportunity to make a submission on any Design Guidelines under Schedule 1 of the Act.</li> </ol> </li> </ol>	Disallow the submission.

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
131.	Kainga Ora	55.6	Chapter 3A - Peacocke Structure Plan DEV01-PSP: O1  Delete objective entirely [with consequential numbering adjustment].	Support	The objective is unnecessary.	Allow the submission.
132.	Kainga Ora	55.7	Chapter 3A - Peacocke Structure Plan DEV01-PSP: O2  Delete objective entirely [with consequential numbering adjustment].	Support	The objective is unnecessary.	Allow the submission.
133.	Kainga Ora	55.8	Chapter 3A - Peacocke Structure Plan DEV01-PSP: O3  Delete objective entirely [with consequential numbering adjustment].	Support	The objective is unnecessary.	Allow the submission.
134.	Kainga Ora	55.9	Chapter 3A - Peacocke Structure Plan DEV01-PSP: O4  Delete objective entirely [with consequential numbering adjustment].	Support	The objective is unnecessary.	Allow the submission.
135.	Kainga Ora	55.10	Chapter 3A - Peacocke Structure Plan DEV01-PSP: O5  Delete objective entirely [with consequential numbering adjustment].	Support in part	Support for deletion of this objective is subject to the relief sought in submission 55.17, which proposes a new objective for open space.	Allow the submission, subject to the relief sought in submission 55.17.
136.	Kainga Ora	55.11	Chapter 3A - Peacocke Structure Plan DEV01-PSP: O6  <del>Amend as follows: The Peacocke Structure Plan Precinct is developed to deliver required housing supply for Hamilton and creates a connected, well integrated, high amenity, medium to high density residential environment, with where areas of higher density development established is focused</del> around commercial centres, schools, public transport corridors and areas of open space and natural amenity.	Support in part	The objective should be clear that medium and high density housing is to be delivered within the Peacocke Structure Plan area to provide housing supply for Hamilton.	Allow the submission, subject to appropriate wording.
137.	Kainga Ora	55.13	Chapter 3A - Peacocke Structure Plan DEV01-PSP: O8  <del>Amend as follows: Business Centres in the Peacocke Precinct are well designed, functional, safe, attractive and vibrant and provide for the commercial and community needs of the Peacocke residents, as well as high density living opportunities. integrate with surrounding neighbourhoods, provide for multi-level apartment buildings and create distinctive places that are functional, safe, attractive and vibrant.</del>	Support	The suggested amendment will improve the clarity of the objective.	Allow the submission, subject to appropriate wording.
138.	Kainga Ora	55.14	Chapter 3A - Peacocke Structure Plan DEV01-PSP: O9	Support in part	The suggested amendment will improve the clarity of the objective. However, reference to the phrase "Local Centre" should be retained because that is the language used under Table 13 of the Zone Framework Standard under the National Planning Standards.	Allow the submission, subject to appropriate wording.

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
			Amend as follows: The Peacocke Local [TBC] Centre is the primary business centre within the structure plan area and provides a range of commercial and community services, as well as high density living opportunities, to the local community.			
139.	Kainga Ora	55.15	Chapter 3A - Peacocke Structure Plan DEV01-PSP: 10  Amend as follows: Neighbourhood centres provide small scale commercial and community services to the immediate community and are also located in close proximity to recreational areas to support and act as activity nodes for walkable catchments, providing access to smaller scale convenience activities.	Support	The suggested amendment will improve the clarity of the objective.	Allow the submission, subject to appropriate wording.
140.	Kainga Ora	55.16	Chapter 3A - Peacocke Structure Plan DEV01-PSP: O11  Amend as follows: Earthworks in the "Earthworks Overlay" are sympathetic to the topography of the natural landform. Peacocke Structure Plan are undertaken in a comprehensive and integrated manner, ensuring a high amenity urban environment that is sympathetic to the areas topographical character.	Oppose in part	<ol style="list-style-type: none"> <li>1. The introduction of an 'Earthworks Overlay' where more sympathetic earthworks are required would be unduly restrictive and inconsistent with enabling medium and high density outcomes within the areas that are subject to the overlay.</li> <li>2. It is unclear from the submission where the suggested 'Earthworks Overlay' would apply.</li> <li>3. As an alternative, to the extent that changes are more enabling of earthworks in the Peacocke Structure Plan area then this would be supported.</li> </ol>	Disallow the submission to the extent that an 'Earthworks Overlay' should not be introduced.
141.	Kainga Ora	55.17	Chapter 3A - Peacocke Structure Plan DEV01-PSP: New objective  Include new objective: Sufficient, well connected, high quality open space is provided to enhance the amenity and wellbeing of the community.	Support	A new objective related to open space is appropriate if submission 55.10 is accepted (deletion of DEV01-PSP: O5).	Allow the submission, subject to appropriate wording.
142.	Kainga Ora	55.18	Chapter 3A - Peacocke Structure Plan DEV01-PSP: O12  Amend as follows: Provide a well connected and safe public edge to the gully and Waikato River.	Support	It is important that the public edge to the gully and Waikato River is well connected and safe.	Allow the submission, subject to appropriate wording.
143.	Kainga Ora	55.22	Chapter 3A - Peacocke Structure Plan DEV01-PSP: O16  Amend as follows: Establish a well connected and safe network of open space, that supports the ecological values of the Peacocke Area and provides passive recreation opportunities where they do not conflict with ecological values.	Support	It is important that the public edge to the gully and Waikato River is well connected and safe.	Allow the submission, subject to appropriate wording.
144.	Kainga Ora	55.23	Chapter 3A - Peacocke Structure Plan DEV01-PSP: O17  Delete objective entirely [with consequential numbering adjustment].	Support	The objective is unnecessary because the matters it addresses are adequately and more appropriately covered in other parts of the district plan, such as the Transportation chapter.	Allow the submission.
145.	Kainga Ora	55.25	Chapter 3A - Peacocke Structure Plan DEV01-PSP: O19	Support	<ol style="list-style-type: none"> <li>1. Points 1-3 should be addressed in policies rather than in the objective.</li> <li>2. Specifying that the mode shift sought by the objective is to walking, cycling and public transport improves the clarity of the objective.</li> </ol>	Allow the submission.

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
			Amend as follows: The transport network reduces car dependency and encourages <u>a mode shift to walking, cycling and public transport</u> . <del>by: Providing a well-connected transport network that prioritises walking and cycling. Designing the transport network to provide safe, direct and universally accessible routes for people walking and cycling throughout the structure plan area. Integrating with land use to support the provision of a frequent public transport service</del>			
146.	Kainga Ora	55.29	Chapter 3A - Peacocke Structure Plan DEV01-PSP: O23  Delete objective entirely [with consequential numbering adjustment].	Support	The objective is unnecessary because the matters it addresses are adequately and more appropriately covered in other parts of the district plan, such as the Infrastructure chapter.	Allow the submission.
147.	Kainga Ora	55.30	Chapter 3A - Peacocke Structure Plan DEV01-PSP: O24  Delete objective entirely [with consequential numbering adjustment].	Support	The objective is unnecessary because the matters it addresses are adequately and more appropriately covered in other parts of the district plan, such as the Infrastructure chapter.	Allow the submission.
148.	Kainga Ora	55.33	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P1  Amend as follows: Development should be in general accordance with the Peacocke Structure Plan <u>and comprehensive development plans will be required to ensure development meets the vision of the Precinct.</u>	Support in part	Reference to Comprehensive Development Plans (referred to as Concept Plans in the notified provisions) is not opposed but Kainga Ora's request that they must accompany land use consent applications, as well as subdivision consent applications, is opposed. All development will be preceded by subdivision of some kind. Subdivision consent applications are the most appropriate trigger for a Comprehensive Development Plan (or Concept Plan) to be required.	Allow the submission, subject to appropriate wording.
149.	Kainga Ora	55.34	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P2  Delete objective entirely [with consequential numbering adjustment].	Oppose	The policy is important to link urban development outcomes with public transport, walking and cycling.	Disallow the submission.
150.	Kainga Ora	55.35	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P3  Delete objective entirely [with consequential numbering adjustment].	Support	The policy is unnecessary because the matter is addressed in DEV01-PSP: P15.	Allow the submission.
151.	Kainga Ora	55.36	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P4 Ensure that the Hamilton City Council Open Space Provision Policy is incorporated by reference.	Support	The policy should appropriately reference the relevant policy.	Allow the submission, subject to appropriate wording.
152.	Kainga Ora	55.37	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P5  Amend as follows: Recreational activities, <u>including walkways and cycleways</u> , are considered for co-location with: 1. Multifunctional stormwater management. 2. <del>Walkways and cycleways</del> . Cultural and heritage sites. 3. Significant Natural Areas.	Support	The suggested amendment will improve the clarity of the policy.	Allow the submission, subject to appropriate wording.
153.	Kainga Ora	55.38	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P6	Support	The suggested amendment will improve the clarity of the policy.	Allow the submission, subject to appropriate wording.

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
			Amend as follows: <del>Promote</del> <u>Require accessible, well located and safe appropriate and improved access to the Waikato River to better enable sporting, recreational, and cultural opportunities.</u>			
154.	Kainga Ora	55.39	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P7  Amend as follows: <del>Avoid</del> <u>Ensure new development is connected to and promotes surveillance of 'turning its back' or privatising edges to major natural features and recreational areas open spaces.</u>	Support	The suggested amendment will improve the clarity of the policy.	Allow the submission, subject to appropriate wording.
155.	Kainga Ora	55.40	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P8  Delete objective entirely [with consequential numbering adjustment].	Support	The policy is unnecessary.	Allow the submission.
156.	Kainga Ora	55.41	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P9  Delete objective entirely [with consequential numbering adjustment].	Support	The policy is unnecessary.	Allow the submission.
157.	Kainga Ora	55.42	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P10  Delete objective entirely [with consequential numbering adjustment].	Support	The policy is unnecessary.	Allow the submission.
158.	Kainga Ora	55.43	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P11  Delete objective entirely [with consequential numbering adjustment].	Support	The policy is unnecessary.	Allow the submission.
159.	Kainga Ora	55.45	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P13  Amend as follows: Higher density development in the Peacocke Structure Plan: will <del>shall</del> be established within a walkable distance of the Peacocke Local Centre, neighbourhood centres, identified public transport routes, adjacent to schools, parks and community facilities, and <del>May be provided along adjoining</del> areas of natural open space including the river corridor and gully network.	Oppose	1. Only some areas adjoining natural open space are identified for high density residential development. 2. Some areas, such as those which are not topographically suited or which are away from main transport routes, are not suited to high density development.	Disallow the submission.
160.	Kainga Ora	55.46	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P14  Delete the density standards in its entirety or amend as follows: Development of the Peacocke Structure Plan achieves: 1. A minimum overall net residential density (excludes roads and open space) of <del>22-30</del> <u>50</u> dwellings per hectare within the Peacocke Medium Density <del>Precinct Zone</del> . 2. A minimum overall net residential density (excludes roads and open space) of <del>35-50</del> <u>100</u> dwellings	Oppose	The density targets in Policy DEV01-PSP:P14 for the Medium Density Residential Zone and the High Density Overlay Area are appropriate and should be retained.	Disallow the submission.

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
			per hectare within the Peacock High Density <u>Overlay Zone</u> .			
161.	Kainga Ora	55.47	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P15  Amend as follows: <del>Avoid compromising the future delivery of high density residential activity around the local centre and identified public transport routes with low density development. Low density residential development is avoided in the Peacocke Structure Plan area.</del>	Oppose	Although low density development should generally be avoided, there are some locations which are unlikely to be suited to medium or high density development, particularly due to topographical constraints. Low density development in those areas would be an efficient use of the land.	Disallow the submission.
162.	Kainga Ora	55.48	<u>Chapter 3A - Peacocke Structure Plan</u> <u>DEV01-PSP: P16</u>  Amend as follows: Require a variety of <u>medium and high density</u> housing typologies <del>and densities</del> to be provided throughout the structure plan <del>area</del> .	Oppose	Although low density development should generally be avoided, there are some locations which are unlikely to be suited to medium or high density development, particularly due to topographical constraints. Low density development in those areas would be an efficient use of the land.	Disallow the submission.
163.	Kainga Ora	55.49	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P17  Amend as follows: The <del>Local</del> <u>[TBC]</u> Centre and Neighbourhood Centres are developed in locations consistent with the Peacocke Structure Plan.	Oppose	The size of the Local Centre, as shown on the notified Planning Maps, is appropriate to provide for the required range of convenience, retail, employment and service activities, subject to the changes sought to the northern area of the centre in Adare's submission.	Disallow the submission.
164.	Kainga Ora	55.50	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P18  Amend as follows: The <del>Local</del> <u>[TBC]</u> Centre is to be developed to include a variety of community and commercial activities that establish a high quality, pedestrian focused centre.	Oppose	The size of the Local Centre, as shown on the notified Planning Maps, is appropriate to provide for the required range of convenience, retail, employment and service activities, subject to the changes sought to the northern area of the centre in Adare's submission.	Disallow the submission.
165.	Kainga Ora	55.51	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P19  Amend as follows: Incorporate infrastructure to support public transport services in the <del>Local</del> <u>[TBC]</u> Centre.	Oppose	The size of the Local Centre, as shown on the notified Planning Maps, is appropriate to provide for the required range of convenience, retail, employment and service activities, subject to the changes sought to the northern area of the centre in Adare's submission.	Disallow the submission.
166.	Kainga Ora	55.53	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P21  Amend as follows: Activities within the neighbourhood centres are of a scale and size that supports the neighbourhood catchment and do not undermine the role and function of the Peacocke <del>Local</del> <u>[TBC]</u> Centre.	Oppose	The size of the Local Centre, as shown on the notified Planning Maps, is appropriate to provide for the required range of convenience, retail, employment and service activities, subject to the changes sought to the northern area of the centre in Adare's submission.	Disallow the submission.
167.	Kainga Ora	55.54	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P22  Delete this provision.	Support	The policy is unnecessary.	Allow the submission.
168.	Kainga Ora	55.55	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P23  Amend as follows: Near identified ecological corridors, ensure the design and location of buildings, infrastructure	Support	The suggested amendment will improve the clarity of the policy.	Allow the submission, subject to appropriate wording.

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
			and lighting is managed throughout the Peacocke Structure Plan in order to maintain their role and function.			
169.	Kainga Ora	55.56	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P24  Amend as follows: <del>Enable the development of a medium and high density environment in the Peacocke Structure Plan, while m</del> Manage earthworks to ensure the within the “Earthworks Overlay” and promote development that responds to the landform. development of a high amenity environment by: Managing the use, size, location and style of retaining walls in the area. Requiring earthworks to be carried out in conjunction with subdivision to ensure comprehensive, cohesive outcomes are achieved. Requiring earthworks to be carried out in a way that is sympathetic to the character of the area.	Oppose in part	<ol style="list-style-type: none"> <li>1. The introduction of an ‘Earthworks Overlay’ where more sympathetic earthworks are required would be unduly restrictive and inconsistent with enabling medium and high density outcomes within the areas that are subject to the overlay.</li> <li>2. It is unclear from the submission where the suggested ‘Earthworks Overlay’ would apply.</li> <li>3. As an alternative, to the extent that changes are more enabling of earthworks in the Peacocke Structure Plan area then this would be supported.</li> </ol>	Disallow the submission to the extent that an ‘Earthworks Overlay’ should not be introduced.
170.	Kainga Ora	55.59	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P27  Amend as follows: The loss of significant vegetation within the Significant Natural Area and the Significant Bat Habitat Area is minimised avoided.	Support in part	<ol style="list-style-type: none"> <li>1. Adare supports the proposal to refer to vegetation in SNAs and BHAs rather than significant vegetation generally, as SNAs and BHAs are clearly defined.</li> <li>2. However, it is more appropriate to minimise the loss of vegetation within SNAs and BHA , rather than avoid it. For example, to the extent that roads and infrastructure might be required to be located in proximity to those areas, subject to protocols (e.g., tree felling protocols provided for under the <i>Weston Lea</i> Environment Court decision). A further example might include the removal of invasive plant species for conservation purposes.</li> </ol>	Allow the submission insofar as it specifies vegetation within SNA and BHA and subject to retention of “minimising” the loss of vegetation.
171.	Kainga Ora	55.61	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P29  Delete objective entirely [with consequential numbering adjustment].	Support	The policy is unnecessary.	Allow the submission.
172.	Kainga Ora	55.63	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P31  Amend as follows: Provide for the revegetationed-of gullies and river margins.	Support	The suggested amendment will improve the clarity of the policy.	Allow the submission, subject to appropriate wording.
173.	Kainga Ora	55.64	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P32  Amend as follows: Provide a well connected, accessible and safe green corridor along the Waikato River that provides recreational, pedestrian and cycling opportunities facilities and amenity.	Support	The suggested amendment will improve the clarity of the policy.	Allow the submission, subject to appropriate wording.
174.	Kainga Ora	55.65	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P33  Delete this policy.	Support	The policy is unnecessary.	Allow the submission.
175.	Kainga Ora	55.66	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P34 Delete this policy.	Support	The policy is unnecessary.	Allow the submission.



	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
176.	Kainga Ora	55.70	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P38  Relocate this policy to the Urban Environment policy section.	Support	The policy relates to the Urban Environment.	Allow the submission.
177.	Kainga Ora	55.73	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P41  Amend as follows: Encourage urban form that reduces dependency on the car by focusing on intensification and <del>encouraging</del> <u>prioritising</u> walking, cycling and the use of passenger transport.	Support	It is appropriate for urban form to ensure that walking, cycling and passenger transport is prioritised rather than just encouraged.	Allow the submission.
178.	Kainga Ora	55.77	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P45  Amend as follows: Development is designed to create neighbourhoods that are <u>universally accessible</u> , walkable, safe and linked by a high quality pedestrian and cycling network that incorporates the principles of CPTED.	Support in part	Adare understands that the purpose of the requested change is to ensure that neighbourhoods are accessible by all people of all abilities. Adare supports that outcome but is concerned that the term 'universally accessible' is not commonly used or understood. A consequential change may be required to include a definition for 'universally accessible' in the district plan.	Allow the submission, subject to appropriate wording.
179.	Kainga Ora	55.88	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P56  Delete objective entirely [with consequential numbering adjustment].	Support	The policy is unnecessary because the matters it addresses are adequately and more appropriately covered in other parts of the district plan, such as the Infrastructure chapter.	Allow the submission.
180.	Kainga Ora	55.89	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P57  Delete objective entirely [with consequential numbering adjustment].	Support	The policy is unnecessary because the matters it addresses are adequately and more appropriately covered in other parts of the district plan, such as the Infrastructure and Transportation chapters.	Allow the submission.
181.	Kainga Ora	55.90	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P58  Delete this policy.	Support	It would be more efficient and effective to address the content of this policy through amendments to DEV01-PSP: P59, rather than having separate policies.	Allow the submission.
182.	Kainga Ora	55.91	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P59  Amend as follows: <u>To ensure co-ordination of development and infrastructure, Staging and sequencing is in general accordance with the any-stages indicated shown on the relevant Peacocke Structure Plan.</u>	Support	1. It would be more efficient and effective to address the content of DEV01-PSP: P58 through amendments to this policy, rather than having separate policies. 2. The policy should refer to the Peacocke Structure Plan rather than the relevant Structure Plan.	Allow the submission, subject to appropriate wording.
183.	Kainga Ora	55.94	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P62  Relocate this policy to the Transport Network policy section and amend as follows: Integrated Transport Modelling is undertaken <del>for all Structure Plan areas for all activities that have the potential to adversely impact the transport network.</del>	Oppose	Policy DEV-PSP: P62 should be deleted for the reasons set out in Adare's submission.	Disallow the submission.

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
184.	Kainga Ora	55.95	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P63  Delete, or relocate this policy to the Transport Network policy section and combine with P39.	Support	The duplication between policies under the Infrastructure Network heading with other policies under the Transport Network heading is a matter raised in Adare's submission.	Allow the submission and consider the requested relief as part of a wider review and consolidation of the Infrastructure Network and Transport Network policies.
185.	Kainga Ora	55.96	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P64  Delete, or relocate this policy to the Transport Network policy section and combine with P39.	Support	The duplication between policies under the Infrastructure Network heading with other policies under the Transport Network heading is a matter raised in Adare's submission.	Allow the submission and consider the requested relief as part of a wider review and consolidation of the Infrastructure Network and Transport Network policies.
186.	Kainga Ora	55.97	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P65  Delete, or relocate this policy to the Transport Network policy section and combine with P48.	Support	The duplication between policies under the Infrastructure Network heading with other policies under the Transport Network heading is a matter raised in Adare's submission.	Allow the submission and consider the requested relief as part of a wider review and consolidation of the Infrastructure Network and Transport Network policies.
187.	Kainga Ora	55.98	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P66  Relocate this policy to the Transport Network policy section.	Support in part	The duplication between policies under the Infrastructure Network heading with other policies under the Transport Network heading is a matter raised in Adare's submission.	Allow the submission and consider the requested relief as part of a wider review and consolidation of the Infrastructure Network and Transport Network policies.
188.	Kainga Ora	55.100	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P68  Amend as follows: a) Sensitive land uses avoid adverse effects on and from regionally significant infrastructure and <del>regionally significant industry</del> . b) <u>Where sensitive activities are in-zone and located in close proximity to regionally significant infrastructure, the mitigation of effects will be apportioned between the infrastructure operator and the developer / landowner.</u>	Support	In many cases, the mitigation of effects associated with infrastructure is a matter to be addressed by the infrastructure provider.	Allow the submission, subject to appropriate wording.
189.	Kainga Ora	55.101	Chapter 3A - Peacocke Structure Plan DEV01-PSP: P69  Delete objective entirely [with consequential numbering adjustment].	Support	The policy is unnecessary because the matters it addresses are adequately and more appropriately covered in other parts of the district plan, such as the Infrastructure and Transportation chapters.	Allow the submission.
190.	Kainga Ora	55.103	Chapter 3A - Peacocke Structure Plan DEV01-PSP: Components of the Peacocke Structure Plan  Move the 'Components of the Peacocke Structure Plan' into a non-statutory Design Guide.	Support in part	<ol style="list-style-type: none"> <li>1. The application and intent of the 'Components of the Peacocke Structure Plan' should be made clearer.</li> <li>2. Important information from this section should be contained in objectives, policies, rules and appendices (including Design Guides). Adare supports preparation of a Design Guide that is suited to the medium and high density outcomes anticipated in the Peacocke Precinct.</li> <li>3. Adare opposes the request for Design Guides to be non-statutory documents to enable them to be referenced in the district plan and updated without a Schedule 1 process: <ol style="list-style-type: none"> <li>(a) All planning documents must be included in the plan as a matter of law;</li> <li>(b) There would be considerable uncertainty as to the relevance of any non-statutory Design Guides to decision making for resource consents;</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1. Allow the relief to the extent that: <ol style="list-style-type: none"> <li>a) The application and intent of the 'Components of the Peacocke Structure Plan' is made clearer; and</li> <li>b) Important information from this section is contained in objectives, policies, rules and appendices (including Design Guides).</li> </ol> </li> <li>2. Disallow the relief seeking a non-statutory Design Guide.</li> </ol>

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
					(c) Natural justice and public participation require landowners and other stakeholders are afforded an opportunity to make a submission on any Design Guidelines under Schedule 1 of the Act.	
191.	Kainga Ora	55.104	<p>Chapter 4A - Peacocke Medium Density Residential Zone MRZ – PREC1-PSP: <u>ISSUES PURPOSE</u></p> <p>Amend as follows: The Medium Density Zone applies to identified greenfield areas that will provide for a higher density than is currently established in the General Residential Zone. Medium density development provides a number of benefits, including a more efficient use of land and infrastructure and the ability to foster walkable communities, which provide for access to services, jobs and daily needs within a walkable or cyclable distance. The Peacocke Precinct provides for <del>increased medium to</del> <u>high density development</u> across the entire structure plan with the vision to create a high quality urban neighbourhood. The precinct/<del>development area</del> is subject to its own planning framework due to the different outcomes that are envisaged throughout the <del>structure plan precinct</del> compared to Hamilton City's other <del>Medium Density Zone</del> <u>higher density</u> locations and the unique environmental features that are present in the area. <del>The Peacocke Precinct applies in the Peacocke Development Area. It spatially identifies and manages the area, applying additional place-based provisions to refine the policy direction and standards that apply to development in the area. The policy direction for the Peacocke Precinct recognises the unique natural qualities of the Peacocke area and the ability to protect, appreciate and draw amenity from these natural qualities by need to delivering a medium to high amenity density greenfield development that focuses on the creation of a walkable and cyclable environment. Increased density supports public transport and viable commercial centres, increasing the number of people within a walkable catchment. It also provides more housing options, such as one or two person homes, smaller families and opportunities for retirees to downsize. For this reason, the Peacocke Precinct includes a high density overlay which is located within walkable distances from the suburban centre, identified public transport routes and areas of amenity including the river and gully network, parks and community facilities. This overlay enables the delivery of higher density housing and in combination with the objectives and policies of the plan, will create a walkable environment that provides ease of access to facilities and amenities and public transport. In order to ensure a pleasant living environment, it is important that higher density housing is well designed, both from an architectural and urban design perspective. This is because, when compared to lower density housing, there is less space to provide onsite amenity for individual properties and generally less flexibility to arrange smaller sites. As such, appropriate development standards are in place, as well as the need for a comprehensive development plan to be approved for all development within the precinct. For this reason, council reserves discretion over the development of multi-unit</del></p>	Support in part	<ol style="list-style-type: none"> <li>1. Some of the proposed changes are supported because they improve the clarity and succinctness of the issues statement.</li> <li>2. Deletion of references to the High Density Overlay is opposed. The overlay is a suitable tool for enabling high density development.</li> <li>3. Requiring Comprehensive Development Plans to accompany land use consent applications would be an unnecessary and overly onerous requirement. All development will be preceded by subdivision of some kind. Subdivision consent applications are the most appropriate trigger for a Comprehensive Development Plan (or Concept Plan) to be required.</li> <li>4. Kainga Ora's requested reference to approval of Comprehensive Development Plans is inappropriate and unlawful. The purpose of Comprehensive Development Plans could only be as an information requirement accompanying a resource consent application.</li> </ol>	<ol style="list-style-type: none"> <li>1. Allow the submission to the extent that the changes improve the clarity and succinctness of the issues statement.</li> <li>2. Disallow the submission to the extent that the changes: <ol style="list-style-type: none"> <li>a) delete reference to the High Density Overlay; and</li> <li>b) insert reference to the approval of Comprehensive Development Plans for land use consent development within the precinct.</li> </ol> </li> </ol>

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
			<del>housing including duplex dwellings, terrace dwellings and apartments throughout the zone.</del>			
192.	Kainga Ora	55.105	Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1-PSP: O1  Amend as follows: A range of housing <del>types</del> <u>typologies and densities</u> is available to <u>meet the needs of all communities.</u>	Support in part	1. Retaining reference to a range of housing typologies is important. 2. Density outcomes are addressed in MRZ-PREC1-PSP: O4.	Allow the submission, subject to appropriate wording.
193.	Kainga Ora	55.107	Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1- PSP: O3  Delete objective entirely [with consequential numbering adjustment].	Support	Adare supports deletion of this objective because the outcome that it is seeking to achieve in the context of the different zoned areas in the Peacocke Precinct is unclear.	Allow the submission.
194.	Kainga Ora	55.108	Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1- PSP: O4  Amend as follows: The Peacocke Precinct <del>is establishes</del> a <u>well connected, integrated, high amenity, medium density residential environment, with areas of high density around identified activity nodes, corridors and areas of natural amenity.</u>	Oppose	References to areas of high density should be retained.	Disallow the submission.
195.	Kainga Ora	55.109	Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1- PSP: O5  Amend as follows: Development in <u>the Peacocke MRZ maximises the use of land and infrastructure by providing</u> <del>es</del> a range of housing typologies that are consistent with the neighbourhood's planned urban built character.	Oppose	The requested reference to maximising the use of land and infrastructure is unclear and could imply density outcomes which are inconsistent with other objectives and policies for the Peacocke Precinct.	Disallow the submission.
196.	Kainga Ora	55.110	Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1-PSP: O6  Delete objective entirely [with consequential numbering adjustment].	Support	The objective is unnecessary. Amenity is appropriately addressed in MRZ-PREC1-PSP: O9.	Allow the submission.
197.	Kainga Ora	55.111	Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1-PSP: O7  Delete objective entirely [with consequential numbering adjustment].	Support	The objective is unnecessary. Amenity is appropriately addressed in MRZ-PREC1-PSP: O9.	Allow the submission.
198.	Kainga Ora	55.114	Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1-PSP: O10  Delete objective entirely [with consequential numbering adjustment].	Oppose	The objective addresses an important resource management issue and should be retained as a separate objective.	Disallow the submission.
199.	Kainga Ora	55.115	Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1-PSP: O11  Amend as follows: Residential <del>buildings development</del> <u>make incorporates sustainable features and technologies efficient use of water and energy resources.</u>	Support	The suggested amendment will improve the clarity of the objective.	Allow the submission.

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
200.	Kainga Ora	55.116	Chapter 4A - Peacocke Medium Density Residential Zone New Policy MRZ - PREC1-PSP: PX  Include new policy as follows: <u>Promote comprehensive, integrated, high amenity development of the precinct in accordance with the Structure Plan.</u>	Oppose	Requiring Comprehensive Development Plans to accompany land use consent applications would be an unnecessary and overly onerous requirement. All development will be preceded by subdivision of some kind. Subdivision consent applications are the most appropriate trigger for a Comprehensive Development Plan (or Concept Plan) to be required.	Disallow the submission.
201.	Kainga Ora	55.117	Chapter 4A - Peacocke Medium Density Residential Zone New Policy MRZ - PREC1-PSP: PX  Include new policy as follows: <u>Development should generally be a minimum of three-storeys to promote the efficient use of land and infrastructure.</u>	Oppose	Building height should be typically two to three storeys in the medium density areas and typically three to five storeys in the high-density areas.	Disallow the submission.
202.	Kainga Ora	55.118	Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1-PSP: P1  Move this policy to the proposed HRZ Amend as follows: Higher-density residential development should be located within and close to the <u>Central City, suburban the Local and Neighbourhood centres, tertiary education facilities and hospital, and in areas serviced by passenger transport, and in close proximity to zoned open space.</u>	Oppose in part	1. The request to move the policy to a separate High Density Residential Zone chapter is opposed. High density development in the Peacocke Precinct should continue to be managed by a High Density Overlay. 2. The suggested amendments will improve the clarity of the policy.	1. Disallow the submission to move the policy to a separate High Density Residential Zone chapter. 2. Allow the submission to make changes to the policy, subject to appropriate wording.
203.	Kainga Ora	55.123	Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1-PSP: P6  Amend as follows: Residential land uses should <u>contribute towards mitigating</u> <del>be managed to avoid</del> potential the effects, such as noise, from arterial transport corridors and state highways.	Support	In many cases, the mitigation of effects associated with infrastructure is a matter to be addressed by the infrastructure provider.	Allow the submission, subject to appropriate wording.
204.	Kainga Ora	55.124	Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1- PSP: P7  Amend as follows: <del>Residential Building design shall achieves quality on-site amenity by providing: 1. Private, useable outdoor living areas that are located to the rear of the site. 2. Access to sunlight and daylight throughout the year. 3 Adequate service areas to accommodate typical residential living requirements. 3. — Insulation to minimise adverse noise effects. 4—Where offered, parking and manoeuvring areas on-site to meet the needs, safety and convenience of residents. 5 Energy-efficient and sustainable design technologies where compatible with the scale and form of residential development. 6 Principal living areas with a</del> <u>Sufficient outlook to create a sense of visual and acoustic privacy space.</u>	Support in part	1. Deletion of clause (4) is appropriate because that point is addressed by MRZ-PREC1-PSP: P6. 2. The requested submission amendments to clause (7) will improve the clarity of the policy. 3. However, reference should be retained to “residential” building design because not all the matters listed would be relevant to building design for non-residential activities and the predominant activities in the zone will be residential.	Allow the submission, subject to appropriate wording.
205.	Kainga Ora	55.127	Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1-PSP: P10  Amend as follows: <del>Development in areas identified for medium and high density residential activities should be in general accordance with the appropriate Design Assessment Criteria.</del> <u>Promote comprehensive, integrated,</u>	Support in part	Adare agrees that MRZ-PREC1-P10 should be a more encompassing policy, enabling consolidation of other policies under the Amenity heading.	Allow the submission, subject to appropriate wording.

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
			high amenity development of the precinct in accordance with the Structure Plan.			
206.	Kainga Ora	55.128	Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1-PSP: P11  Delete policy entirely [with consequential numbering adjustment].	Support	The policy is unnecessary.	Allow the submission.
207.	Kainga Ora	55.129	Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1-PSP: P12  Delete policy entirely [with consequential numbering adjustment].	Support	The policy is unnecessary.	Allow the submission.
208.	Kainga Ora	55.131	Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1-PSP: P14  Delete policy entirely [with consequential numbering adjustment].	Support	The policy is unnecessary.	Allow the submission.
209.	Kainga Ora	55.133	Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1-PSP: P16  Delete policy entirely [with consequential numbering adjustment].	Support	The policy is unnecessary.	Allow the submission.
210.	Kainga Ora	55.134	Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1-PSP: P17  Delete policy entirely [with consequential numbering adjustment].	Support	The policy is unnecessary.	Allow the submission.
211.	Kainga Ora	55.135	Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1-PSP: P18  Delete policy entirely [with consequential numbering adjustment].	Support	The policy is unnecessary.	Allow the submission.
212.	Kainga Ora	55.136	Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1-PSP: P19  Amend as follows: Dwellings within the Peacocke Structure Plan are designed and constructed to <del>provide</del> a high amenity <del>environment</del> <u>public realm</u> by: 1. Providing passive surveillance of public spaces (including roads and areas of open space) <del>and creating a clear delineation between public and private spaces through the use of low fence heights, landscaping, glazing and clear pedestrian entrances.</del> 2- Encouraging buildings to be located towards the front of the site, so they front the street <del>and enable space for private outdoor living areas that have access to sunlight.</del> 3- Providing high quality front yard landscaping that adds amenity to the streetscape. 4. Ensuring the visual dominance of garage doors and carparking is minimised. 5. Designing the facades of dwellings to provide visual interest and engage with the street; including through the	Support in part	Adare supports changes to the policy to more clearly differentiate the matters it is seeking to address (which primarily relate to the public realm) from MRZ-PREC1-PSP: P7 (which addresses on-site amenity).	Allow the submission, subject to appropriate wording.

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
			provision of front porches, low fences, glazing, setbacks, direct pedestrian access and the management of parking.			
213.	Kainga Ora	55.142	Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1-PSP: P25  Amend as follows: New buildings and activities shall contribute to mitigating effects on and from regionally significant infrastructure.	Support in part	The suggested amendments will improve the clarity of the policy.	Allow the submission, subject to appropriate wording.
214.	Kainga Ora	55.146	Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1- PSP: R3  Amend as follows: <u>Permitted</u> Where the following are complied with: <u>PER-1</u> 1. PREC1-P R36 – R48. <u>Activity Status where compliance is not achieved with PER-1: Restricted Discretionary</u> <u>Matters of discretion are restricted to:</u> 4- <u>A – General Criteria</u>	Support in part	Any amendments made to this rule will need to be consistent with Schedule 3A and other relevant provisions under the RMA.	Allow the submission, subject to appropriate wording.
215.	Kainga Ora	55.152	Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1-PSP: R9  Amend as follows: Show homes Activity Status: <del>Permitted</del> Non-complying Where the following are complied with: <del>PER-1 1. PREC1-P R36 – R48.</del>	Oppose	Show homes are a typical and necessary activity within greenfield growth areas. Staff numbers and duration are limited by standards.	Disallow the submission.
216.	Kainga Ora	55.158	Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1-PSP: R15  Delete rule along with any relevant standards or provisions referencing and relating to duplex dwelling in the MRZ section entirely [with consequential numbering adjustment].	Support in part	The activity status for all residential activities in the Medium Density Residential Zone (including the High Density Overlay area) will need to be consistent with Schedule 3A and other relevant provisions under the RMA. Clause (2)(1) in Part 1 of Schedule 3A sets out that construction or use of a building is a Permitted Activity if it complies with the density standards in the district plan.	Allow the submission to the extent that changes are necessary for consistency with Schedule 3A and other relevant provisions under the RMA.
217.	Kainga Ora	55.159	Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1-PSP: R16  Delete rule along with any relevant standards or provisions referencing and relating to terrace dwelling in the MRZ section entirely [with consequential numbering adjustment].	Support in part	The activity status for all residential activities in the Medium Density Residential Zone (including the High Density Overlay area) will need to be consistent with Schedule 3A and other relevant provisions under the RMA. Clause (2)(1) in Part 1 of Schedule 3A sets out that construction or use of a building is a Permitted Activity if it complies with the density standards in the district plan.	Allow the submission to the extent that changes are necessary for consistency with Schedule 3A and other relevant provisions under the RMA.
218.	Kainga Ora	55.160	Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1-PSP: R17  Delete rule along with any relevant standards or provisions referencing and relating to apartment buildings in the MRZ section entirely [with consequential numbering adjustment].	Support in part	The activity status for all residential activities in the Medium Density Residential Zone (including the High Density Overlay area) will need to be consistent with Schedule 3A and other relevant provisions under the RMA. Clause (2)(1) in Part 1 of Schedule 3A sets out that construction or use of a building is a Permitted Activity if it complies with the density standards in the district plan.	Allow the submission to the extent that changes are necessary for consistency with Schedule 3A and other relevant provisions under the RMA.
219.	Kainga Ora	55.163	Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1-PSP: R20  Amend as follows: Dairy - Activity Status: <del>Restricted Discretionary</del> <u>Permitted</u>	Oppose	Dairies should typically be located in Neighbourhood Centres or in the Local Centre. The permitted activity status sought by the submission has the potential to result in clusters of non-residential activities establishing in residential areas which could undermine the centres and have adverse amenity effects.	Disallow the submission.

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			<p>Where the following are complied with:</p> <p><del>RDISPER-1</del></p> <p>1. PREC1-P R36 – R48.</p> <p>2. The gross floor area of retail activity on the site shall not exceed 100m<sup>2</sup>.</p> <p>3. The hours of operation shall be 0700- 2200 hours.</p> <p><del>Matters of discretion are restricted to:</del></p> <p>1. <del>B – Design and Layout</del></p> <p>2. <del>C – Character and Amenity</del></p> <p>3. <del>P – Peacocke Structure Plan</del></p> <p>Activity Status where compliance is not achieved with <del>RDISPER-1-1-3: Restricted Discretionary</del></p> <p>Matters of discretion are restricted to:</p> <p>1. A – General</p> <p>2. B – Design and Layout</p> <p>3. C – Character and Amenity</p> <p>4. P – Peacocke Structure Plan</p>			
220.	Kainga Ora	55.176	<p>Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1-PSP: R33</p> <p>Amend as follows: Health care services Activity Status: <del>Non-complying Discretionary</del></p>	Oppose	Health care services in the Peacocke Precinct should be located in Neighbourhood Centres or Local Centres.	Disallow the submission.
221.	Kainga Ora	55.180	<p>Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1-PSP: R38</p> <p>Amend as follows: 1. Peacocke Precinct: 12m – maximum of 3 storeys 2. <del>Peacocke Precinct High Density Overlay: 16m</del></p>	Oppose	High density development in the Peacocke Precinct should continue to be managed by a High Density Overlay.	Disallow the submission.
222.	Kainga Ora	55.181	<p>Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1-PSP: R39</p> <p>Amend as follows:</p> <p>1. <del>Transport corridor</del> <del>Front yard</del> boundary: <del>3m</del> <u>2.5m</u></p> <p>2. Garage door or carport facing towards a transport corridor shall be set back from the transport corridor boundary: 5m</p> <p>3. Side yards: 1m</p> <p>4. One side yard per site: 0m, where:</p> <p>a. Legal provision is made for access and maintenance; and</p> <p>b. Neighbours consent is obtained; and</p> <p>c. The opposite side yard is a minimum of 2m.</p> <p>OR</p> <p>d. It is a common/party wall;</p> <p>5. Rear yard: 1m</p> <p>6. Rear yard where it adjoining a lane: 0m</p> <p>7. Waikato Riverbank and Gully: 6m (applies to buildings and swimming pools)</p> <p>8. Significant Bat Habitat Area boundary: 5m</p>	Support in part	Any amendments made to this rule will need to be consistent with Schedule 3A and other relevant provisions under the RMA.	Allow the submission, subject to appropriate wording.
223.	Kainga Ora	55.182	<p>Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1-PSP: R40</p> <p>Amend as follows;</p> <p>1. <del>For a transport corridor boundary: any portion of a building above 10m in height must be setback a minimum of 3m.</del></p>	Support in part	Any amendments made to this rule will need to be consistent with Schedule 3A and other relevant provisions under the RMA.	Allow the submission, subject to appropriate wording.



	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
			<p>2. For side and rear boundaries, no part of any building shall protrude through a height control plane rising at an angle of <del>45</del> <u>60</u> degrees. This angle is to be measured from <del>3</del> <u>6</u>m above ground level at all boundaries. Except that no height control plane shall apply:</p> <p>a. Where a boundary adjoins a rear lane.</p> <p>b. Where there is existing or proposed internal boundaries within a site.</p> <p>c. Where there is an existing or proposed common wall between two buildings on adjacent sites.</p> <p><del>3. As an alternative to R40(2), the following alternative height in relation to boundary may be used for development that is within 20m of the transport corridor boundary. Any buildings or parts of buildings within 20m of the site frontage must not exceed a height of 3.6m measured vertically above ground level at side and rear boundaries. Thereafter, buildings must be set back 1m and then 0.3m for every additional metre in height (73.3 degrees) up to 6.9m and then 1m for every additional metre in height (45 degrees)</del></p>			
224.	Kainga Ora	55.185	<p>Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1-PSP: R43</p> <p>Amend as follows:</p> <p>1. An outlook space must be provided from the face of a building containing windows to a habitable room. If a room has two or more external faces with windows, the outlook space must be provided from the face with the largest area of glazing.</p> <p>2. The main living room of a dwelling must have an outlook space with a minimum dimension of <del>6</del> <u>3</u>m depth and <del>4</del> <u>3</u>m width.</p> <p><del>3. The principal bedroom of a dwelling must have an outlook space with a minimum dimension of 3m in depth and 3m in width.</del></p> <p>4. All other habitable rooms must have an outlook space of 1m in depth and 1m in width.</p> <p>5. The depth of the outlook space is measured at right angles to and horizontal from the window to which it applies.</p> <p>6. The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies</p> <p>7. The height of the outlook space is the same as the floor height, measured from floor to ceiling, of the building face to which the standard applies.</p> <p>8. Outlook spaces may be within the site, over a public street, or other public open space.</p> <p>9. Outlook spaces required from different rooms within the same building may overlap.</p> <p>10. Outlook spaces may overlap where they are on the same wall plane</p> <p>11. Outlook spaces must:</p> <p>a. be clear and unobstructed by buildings;</p> <p>b. not extend over adjacent sites, except for where the outlook space is over a public street or public open space as outlined in R44-8 above; and</p> <p>c. not extend over an outlook spaces or outdoor living space required by another dwelling.</p>	Support in part	Any amendments made to this rule will need to be consistent with Schedule 3A and other relevant provisions under the RMA.	Allow the submission, subject to appropriate wording.

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
225.	Kainga Ora	55.186	Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1-PSP: R44  Amend as follows: 1. These standards do not apply to managed care facilities or rest homes. 2. Each residential unit, except for when a communal area is provided, shall be provided with an outdoor living area that is: a. For the exclusive use of each residential unit. b. Readily accessible from a living area inside the residential unit. c. Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas 3. Communal open space for 4 or more residential units and apartment buildings (Peacocke Precinct) shall comply with R45-2 c) as well as being: a. For the shared use of all residents on site, and b. Readily accessible from all residential units on site. 4. Outdoor living areas shall have minimum areas and dimensions as follows: <del>a. Single residential dwellings, Duplex dwellings, Terrace dwelling (Peacocke Precinct) At ground floor</del> <del>i. 35 15m2, with a minimum dimension of 3m</del> <del>ii. Or where located in the High Density Overlay: 20m2</del> <del>No width contributing to the complying area less than 4.0m. Outside the High Density Overlay, as an alternative, the open space may be split, allowing a front courtyard of at least 8m2 with a minimum depth of 1.8m, the balance shall be provided in the rear yard with no dimension less than 4.0m.</del> <del>b. Apartment Building Above ground floor</del> <del>i. Ground floor: 20 8m2, with a minimum dimension of 1.8m</del> <del>ii. Where the sole outdoor living area is above ground floor:</del> <del>-A studio unit and one bedroom residential unit: 5m2, no dimension less than 2.5m</del> <del>-A residential unit with two or more bedrooms: 12m2, no dimension less than 1.8m</del>	Support in part	1. Any amendments made to this rule will need to be consistent with Schedule 3A and other relevant provisions under the RMA. 2. Adare agrees that the requirement for communal open space for residential activities other than apartment buildings should be deleted. 3. High density development in the Peacocke Precinct should continue to be managed by a High Density Overlay.	Allow the submission, subject to appropriate wording and retention of standards for the High Density Overlay.
226.	Kainga Ora	55.188	Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1-PSP: R46  Delete provisions and points 4 – 6.	Support in part	The standards in clauses (4)-(6) are difficult to interpret and should be reviewed.	Allow the submission, subject to appropriate wording.
227.	Kainga Ora	55.189	Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1-PSP: R47  Delete rule entirely [with consequential numbering adjustment].	Oppose	The requirements for minimum separation of dwellings on the same site will ensure good on-site amenity.	Disallow the submission.
228.	Kainga Ora	55.190	Chapter 4A - Peacocke Medium Density Residential Zone MRZ - PREC1-PSP: R48  Amend as follows: 1 The minimum floor area required in respect of each residential unit shall be: Form of Residential Unit                      Floor Area Studio unit    Minimum 3530m2	Oppose	The minimum residential unit areas in the notified PC5 provisions are appropriate and will ensure good amenity for occupiers.	Disallow the submission.

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
			1 or more bedroom unit Minimum 45m2 2 bedroom unit Minimum 55m2 3 or more bedroom unit Minimum 90m2			
229.	Kainga Ora	55.191	Chapter 4A - Peacocke Medium Density Residential Zone NEW HIGH DENSITY RESIDENTIAL ZONE – HRZ; HRZ – PREC1-PSP: High Density Residential Zone Peacocke Precinct  Delete the “High Density Overlay” and replace with a “High Density Zone” that would be controlled with the proposed provisions set out in Attachment 2 of Kainga Ora submission. See Attachment 2 to the submission for the suite of HRZ provisions.	Oppose	High density development in the Peacocke Precinct should continue to be managed by a High Density Overlay.	Disallow the submission.
230.	Kainga Ora	55.192	Chapter 6A: Peacocke Neighbourhood Centre Zone. NZC – PREC1-PSP: Issues Purpose  Amend as follows: <del>Businesses resources commonly group around a series of centres in Hamilton and include activities such as retailing, offices, business and financial services, manufacturing, warehousing and associated parking, storage and display areas. These areas and the infrastructure that serves them are significant public and private resources and influence the urban form and function of all parts of the City. The grouping of business activities into centres provides an environment that will draw in other business and facilities. This benefit from agglomeration, which results in productivity gains arising from economies of scale and efficiencies of inter-connectedness. The focus of the business centres' hierarchy is to manage existing centres to ensure they retain and enhance their function, vitality, viability and amenity as focal points for a diverse range of activities needed by the community. Ongoing public investment is a significant element in any centres-based strategy. A centre is a cohesive or integrated set (cluster) of diverse land-use (business) activities. Centres are characterised by high pedestrian levels in a high-amenity public environment and supported by efficient and accessible passenger transport, infrastructure and services. A business centres' hierarchy has been developed that comprises six tiers. The overall aim being to reestablish the primacy of the Hamilton Central City and define its relationship with the sub-regional centres and suburban centres, and other centres. The Neighbourhood Centre Zone (NCZ) provides for small scale commercial and community activities service that service the needs of the immediate residential neighbourhood. Apartment living is anticipated in the NCZ.</del>	Oppose in part	Although minor wording improvements may be appropriate, the issues statement should continue to refer to the centres hierarchy.	Disallow the submission.
231.	Kainga Ora	55.197	Chapter 6A: Peacocke Neighbourhood Centre Zone. NCZ– PREC1-PSP: P2  Amend as follows: The scale and nature of activities within neighbourhood centres <del>shall will not detract generate significant adverse amenity effects on from the surrounding residential areas and transport networks.</del>	Oppose	The wording of the notified policy is appropriate.	Disallow the submission.

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
232.	Kainga Ora	55.200	Chapter 6A: Peacocke Neighbourhood Centre Zone. NCZ– PREC1-PSP: P5  Amend as follows: Neighbourhood Centres in the Peacocke Structure Plan Area are designed to: 1. Establish a sense of place <u>and integrate with the public realm</u> . 2. <del>Create</del> <u>Contribute</u> to a high amenity and safe walkable environment. 3. Provide active frontages that encourage pedestrian activity on the ground floor. 4. Ensure off street parking is not located in the street frontage. 5. Incorporate public transport stops where located adjacent to public transport routes.	Support	Adare agrees that the requested amendments to NCZ-PREC1-P5 would appropriately address the matters in NCZ-PREC1-P6, enabling the policies to be consolidated.	Allow the submission, subject to appropriate wording.
233.	Kainga Ora	55.201	Chapter 6A: Peacocke Neighbourhood Centre Zone. NCZ– PREC1-PSP: P6  Delete policy entirely [with consequential numbering adjustment].	Support	The policy is unnecessary.	Allow the submission.
234.	Kainga Ora	55.204	Chapter 6A: Peacocke Neighbourhood Centre Zone. NZC – PREC1-PSP: R3  Amend as follows: Demolition, removal, <del>maintenance or repair</del> of existing buildings...	Support in part	Adare supports the proposed amendments in principle. However, the definition for Minor Works is limited to the Business 1-7, Central City, Industrial, Ruakura Logistics and Ruakura Industrial Park Zones. A consequential amendment would be required to refer to the Neighbourhood Centre Zone in the definition for Minor Works.	Allow the submission, subject to a consequential amendment to the definition for Minor Works.
235.	Kainga Ora	55.214	Chapter 6A: Peacocke Neighbourhood Centre Zone. NZC – PREC1-PSP: R13  Amend as follows: Healthcare services <del>at ground floor</del> ...	Support	The amendment will improve the clarity of the rule.	Allow the submission.
236.	Kainga Ora	55.222	Chapter 6A: Peacocke Neighbourhood Centre Zone. NZC – PREC1-PSP: R21  Amend as follows: Ancillary residential units - Activity Status: <del>Restricted Discretionary</del> <u>Permitted</u> Where the following are complied with: <del>RDISPER-1</del> 1. PREC1-P R36 – R48. <del>Matters of discretion are restricted to:</del> 1. <del>B – Design and Layout</del> 2. <del>C – Character and Amenity</del> 3. <del>P – Peacocke Structure Plan</del> Activity Status where compliance is not achieved with <del>RDISPER -1-1</del> : Restricted Discretionary Matters of discretion are restricted to: 1. A – General 2. <u>B – Design and Layout</u> 3. <u>C – Character and Amenity</u> 4. <u>P – Peacocke Structure Plan</u>	Support in part	1. Permitted Activity status is appropriate for ancillary residential units above ground floor given residential activities are anticipated in Neighbourhood Centres and all new buildings require resource consent as a Restricted Discretionary Activity. 2. Restricted Discretionary Activity status should be retained for ancillary residential units at ground level.	Allow the submission to the extent that ancillary residential units above ground floor are made a Permitted Activity.
237.	Kainga Ora	55.223	Chapter 6A: Peacocke Neighbourhood Centre Zone. NZC – PREC1-PSP: R22  Amend as follows: Apartments above ground floor Activity Status: <del>Restricted Discretionary</del> <u>Permitted</u>	Support	Permitted Activity status is appropriate for apartments above ground floor given residential activities are anticipated in Neighbourhood Centres and all new buildings require resource consent as a Restricted Discretionary Activity.	Allow the submission.

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
			Where the following are complied with: <del>RDISPER-1</del> 1. PREC1-P R36 – R48. <del>Matters of discretion are restricted to:</del> <del>1. B – Design and Layout</del> <del>2. C – Character and Amenity</del> <del>3. P – Peacocke Structure Plan</del> Activity Status where compliance is not achieved with <del>RDISPER -1-1: Restricted Discretionary</del> Matters of discretion are restricted to: 1. A – General 2. <u>B – Design and Layout</u> 3. <u>C – Character and Amenity</u> 4. <u>P – Peacocke Structure Plan</u>			
238.	Kainga Ora	55.227	Chapter 6A: Peacocke Neighbourhood Centre Zone. NZC – PREC1-PSP: R26  Amend as follows: Single dwellings and duplex dwellings Activity Status: <del>Discretionary Non-complying</del> .	Support	Single dwellings and duplex dwellings would be an inefficient and ineffective use of the limited areas of land that are zoned Neighbourhood Centre. A Non-Complying Activity status for these activities would be appropriate.	Allow the submission.
239.	Kainga Ora	55.228	Chapter 6A: Peacocke Neighbourhood Centre Zone. NZC – PREC1-PSP: R28  Amend as follows: Offices - Activity Status: <del>Discretionary Permitted</del> Where the following are complied with: <del>RDISPER-1</del> 1. The GFA is less than 250m <sup>2</sup> per site. 2. PREC1-P R36 – R48. Activity Status where compliance is not achieved with <del>RDISPER -1-1 and 2: Non-complying Discretionary</del>	Support	1. Permitted Activity status is appropriate for small offices given offices are anticipated in Neighbourhood Centres and all new buildings require resource consent as a Restricted Discretionary Activity. 2. Adare has made a submission seeking for the gross floor area of commercial activities within each centre to be limited to avoid undermining the function, vitality, viability and amenity of the Local Centre and other Neighbourhood Centres.	Allow the submission.
240.	Kainga Ora	55.242	Chapter 6A: Peacocke Neighbourhood Centre Zone. NZC – PREC1-PSP: R42  Amend as follows: Visitor accommodation <u>above ground floor</u> Activity Status: <del>Non-complying Permitted</del> Where the following are complied with: <del>RDISPER-1</del> 1. PREC1-P R36 – R48. Activity Status where compliance is not achieved with <del>RDISPER -1-1: Not applicable Discretionary</del>	Support in part	1. Permitted Activity status is appropriate for visitor accommodation above ground floor given residential activities are anticipated in Neighbourhood Centres and all new buildings require resource consent as a Restricted Discretionary Activity. 2. The standards should enable entrances/lobbies associated with visitor accommodation to be located at ground floor.	Allow the submission, subject to suitable provision being made for entrances/lobbies at ground floor.
241.	Kainga Ora	55.243	Chapter 6A: Peacocke Neighbourhood Centre Zone. NZC – PREC1-PSP: <u>R44</u>  Amend as follows: Neighbourhood Centre Zone: <del>42</del> <u>16</u> m.	Support	It would be appropriate to align the maximum building height for the Neighbourhood Centre Zone with the maximum building height for the High Density Overlay areas (which is 16m) given the High Density Overlay areas are located around Neighbourhood Centre Zones in many places.	Allow the submission.
242.	Kainga Ora	55.244	Chapter 6A: Peacocke Neighbourhood Centre Zone. NZC – PREC1-PSP: <u>R45</u>  Amend as follows: 1. Where any boundary adjoins a Medium Density Zone, no part of any building shall penetrate a height control plane rising at an angle of <del>45</del> <u>60</u> degrees beginning at an elevation of <del>3</del> <u>6</u> m above the boundary 2. ...	Support in part	Any amendments made to this rule will need to be consistent with Schedule 3A and other relevant provisions under the RMA.	Allow the submission, subject to appropriate wording.

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
243.	Kainga Ora	55.249	<p>Chapter 6A: Peacocke Neighbourhood Centre Zone. NZC – PREC1-PSP:R50</p> <p>Amend as follows: [...]</p> <p>4. Density (Minimum Number of Residential Units Required Per Site)</p> <p>a. Minimum densities within the Neighbourhood Centre Zone shall be <del>30-50</del> residential units per hectare based on net site area. This is to be calculated in accordance with the formula below: 0.0053 residential units per 1m<sup>2</sup> of site area Example: For a site which has an area of 4000m<sup>2</sup>, the minimum number of residential units required under this rule would be <del>4220</del>. This is calculated by multiplying the site area (4000m<sup>2</sup>) by 0.0035.</p> <p>b. Where mixed-use is provided for within a development (e.g. office or retail with residential above), the density requirements of Rule R71-4 a) shall be applied on a pro rata basis relative to the percentage of gross floor area of the development that is residential (e.g. where 40% of the gross floor area of a development is comprised of residential activities, then 40% of the total minimum number of residential units calculated under Rule R71-4 is the minimum number of residential units required to be provided.</p> <p>5. Outdoor living area</p> <p>a. <u>8m<sup>2</sup>, with a minimum dimension of 1.8m</u></p> <p><del>a. Each residential unit, except for when a communal area is provided, shall be provided with an outdoor living area that is:</del></p> <p><del>–For the exclusive use of each residential unit.</del></p> <p><del>–Readily accessible from a living area inside the residential unit.</del></p> <p><del>–Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.</del></p> <p><del>b. Communal open space for 4 or more residential units and apartment buildings shall comply be:</del></p> <p><del>–Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas</del></p> <p><del>–For the shared use of all residents on the site, and</del></p> <p><del>–Readily accessible from all residential units on site.</del></p> <p><del>c. Outdoor living areas for residential units shall have areas and dimensions as follows.</del></p> <p><del>• Apartments and ancillary residential units:</del></p> <p><del>–A studio unit and one bedroom residential unit: 5m<sup>2</sup></del></p> <p><del>–A residential unit with two or more bedrooms: 12m<sup>2</sup></del></p> <p><del>–No dimension less than 1.8m</del></p> <p><del>• Communal open space for apartment buildings</del></p> <p><del>–8m<sup>2</sup> per unit</del></p> <p><del>–Capable of containing a circle with the following diameter:</del></p> <p><del>• 4-7 residential units — 6m</del></p> <p><del>• 8 or more residential units — 8m</del></p> <p><del>• No dimension less than 2.5m</del></p> <p><b>Note</b></p> <p><del>1. Communal open space is an alternative to, and not in addition to,</del></p> <p><del>individual outdoor living areas for each</del></p> <p><del>2. residential unit.</del></p> <p><del>3. The outdoor living area for an ancillary residential unit</del></p>	Oppose in part	<ol style="list-style-type: none"> <li>1. Adare opposes the requested amendments to the minimum densities and seeks that clause (4) is deleted for the reasons set out in Adare's submission.</li> <li>2. Adare supports reviewing the outdoor living area requirements, including the requirement for communal outdoor living areas, and the external outlook area requirements to ensure that they are appropriate for achieving adequate on-site amenity without being overly onerous.</li> <li>3. The minimum residential unit areas in the notified PC5 provisions are appropriate and will ensure good amenity for occupiers.</li> </ol>	<ol style="list-style-type: none"> <li>1. Disallow the submission insofar as it relates to density provisions in clause (4) and minimum residential unit areas.</li> <li>2. Allow the submission to make changes to the outdoor living area and outlook standards, subject to appropriate wording.</li> </ol>

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
			<p>shall be separate from the outdoor living area</p> <p>4. provided for the principal residential unit.</p> <p>6. [...]</p> <p>7. Residential unit size</p> <p>a. The minimum floor area require in respect of each apartment shall be:</p> <p>i. Studio unit: minimum 3530m<sup>2</sup></p> <p>ii. 1 or more bedrooms unit: minimum 45m<sup>2</sup></p> <p>iii. 2 bedroom unit: minimum 55m<sup>2</sup></p> <p>iv. 3 bedroom unit: minimum 90m<sup>2</sup></p> <p>8. [...]</p> <p>9. External Outlook Area</p> <p>Each residential unit shall have an external outlook area that:</p> <p>a. 3m x 3m space from a principal living room</p> <p>b. From all other habitable rooms: 1m x 1m</p> <p>a. Is provided from the face of the building containing windows to the indoor living area, and</p> <p>b. Has a minimum depth of 6m, measured perpendicular from the face of the window area.</p> <p>c. Where an indoor living room has two or more walls containing windows, the outlook area shall be provided from the face with the greatest window area.</p> <p>d. The external outlook area may be over:</p> <p>i. The site on which the building is located;</p> <p>ii. The Transport Corridor Zone; or</p> <p>iii. Public Open Space.</p>			
244.	Kainga Ora	55.251	<p>Chapter 6B: Peacocke Local Centre Zone</p> <p>NLC – PREC1-PSP: <u>Issues Purpose</u></p> <p>Amend as follows:</p> <p><del>Businesses resources commonly group around a series of centres in Hamilton and include activities such as retailing, offices, business and financial services, manufacturing, warehousing and associated parking, storage and display areas. These areas and the infrastructure that serves them are significant public and private resources and influence the urban form and function of all parts of the City. The grouping of business activities into centres provides an environment that will draw in other business and facilities. This benefit from agglomeration, which results in productivity gains arising from economies of scale and efficiencies of inter-connectedness. The focus of the business centres' hierarchy is to manage existing centres to ensure they retain and enhance their function, vitality, viability and amenity as focal points for a diverse range of activities needed by the community. Ongoing public investment is a significant element in any centres-based strategy. A centre is a cohesive or integrated set (cluster) of diverse land use (business) activities, Centres are characterised by high pedestrian levels in a high-amenity public environment and supported by efficient and accessible passenger transport, infrastructure and services. Zoning and rule provisions provide for a range of activities, scales and formats appropriate to managing the effects of development of business centres, the principally retail role of the sub-regional centres, the community, mixed use and pedestrian focus of the suburban centres, the neighbourhood function of local facilities, the</del></p>	Oppose in part	Although minor wording improvements may be appropriate, the issues statement should continue to refer to the centres hierarchy.	Disallow the submission.

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
			<del>supporting role of commercial fringe areas and the peak visitor demands associated with visitor facilities.</del> The commercial and community hub of the Peacocke <u>Precinct Structure Plan</u> is located in the Peacocke Local Centre. It is anticipated that this centre will include a supermarket and a range of other commercial activities that provide for the needs and wellbeing of the community. It is important that the centre is easy to access on foot and on bike and is well serviced by public transport. The built environment should focus on the pedestrian and create active street frontages that are universally accessible.			
245.	Kainga Ora	55.252	Chapter 6B: Peacocke Local Centre Zone LCZ – PREC1-PSP: O1  Amend as follows: A <del>distribution of</del> local centres that provides a mixed-use environment with health-care services, goods, services and employment at a scale appropriate to suburban catchments, while not undermining the primacy, function, vitality, amenity or viability of the Central City.	Support in part	The objective should be specific to the Local Centre that is planned within Peacocke.	Allow the submission, subject to appropriate wording.
246.	Kainga Ora	55.257	Chapter 6B: Peacocke Local Centre Zone LCZ – PREC1-PSP: P1  Delete policy entirely [with consequential numbering adjustment].	Support	The policy is unnecessary.	Allow the submission.
247.	Kainga Ora	55.258	Chapter 6B: Peacocke Local Centre Zone LCZ – PREC1-PSP: P2  Delete policy entirely [with consequential numbering adjustment].	Support	The policy is unnecessary.	Allow the submission.
248.	Kainga Ora	55.259	Chapter 6B: Peacocke Local Centre Zone LCZ – PREC1-PSP: P3  Delete policy entirely [with consequential numbering adjustment].	Support	The policy is unnecessary.	Allow the submission.
249.	Kainga Ora	55.260	Chapter 6B: Peacocke Local Centre Zone LCZ – PREC1-PSP: P4  Delete policy entirely [with consequential numbering adjustment].	Support	The policy is unnecessary.	Allow the submission.
250.	Kainga Ora	55.261	Chapter 6B: Peacocke Local Centre Zone LCZ – PREC1-PSP: P5  Delete policy entirely [with consequential numbering adjustment].	Support	The policy is unnecessary.	Allow the submission.
251.	Kainga Ora	55.276	Chapter 6B: Peacocke Local Centre Zone LCZ – PREC1-PSP: R3  Amend as follows: Demolition, removal, <del>maintenance or repair</del> of existing buildings...	Support in part	Adare supports the proposed amendments in principle. However, the definition for Minor Works is limited to the Business 1-7, Central City, Industrial, Ruakura Logistics and Ruakura Industrial Park Zones. A consequential amendment would be required to refer to the Local Centre Zone in the definition for Minor Works.	Allow the submission, subject to a consequential amendment to the definition for Minor Works.



	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
252.	Kainga Ora	55.293	Chapter 6B: Peacocke Local Centre Zone LCZ – PREC1-PSP: R20  Amend as follows: Ancillary residential units - Activity Status: <del>Restricted Discretionary</del> <u>Permitted</u> Where the following are complied with: <del>RDISPER-1</del> 1. PREC1-P R36 – R48. <del>Matters of discretion are restricted to:</del> <del>1. B – Design and Layout</del> <del>2. C – Character and Amenity</del> <del>3. P – Peacocke Structure Plan</del> Activity Status where compliance is not achieved with <del>RDISPER</del> -1-1: Restricted Discretionary Matters of discretion are restricted to: 1. A – General 2. <u>B – Design and Layout</u> 3. <u>C – Character and Amenity</u> 4. <u>P – Peacocke Structure Plan</u>	Support in part	1. Permitted Activity status is appropriate for ancillary residential units above ground floor given residential activities are anticipated in Local Centres and all new buildings require resource consent as a Restricted Discretionary Activity. 2. Restricted Discretionary Activity status should be retained for ancillary residential units at ground level.	Allow the submission to the extent that ancillary residential units above ground floor are made a Permitted Activity.
253.	Kainga Ora	55.294	Chapter 6B: Peacocke Local Centre Zone LCZ – PREC1-PSP: R21  Amend as follows: <del>Apartments</del> <u>Residential units</u> (Peacocke Structure Plan) <u>above ground floor*</u> Activity Status: <del>Restricted Discretionary</del> <u>Permitted</u> Where the following are complied with: <del>RDISPER-1</del> 1. PREC1-P R36 – R48. <del>RDIS-2</del> <del>1. Are located above ground floor</del> <del>Matters of discretion are restricted to:</del> <del>1. B – Design and Layout</del> <del>2. C – Character and Amenity</del> <del>3. P – Peacocke Structure Plan</del> Activity Status where compliance is not achieved with <del>RDISPER</del> -1-1: Restricted Discretionary Matters of discretion are restricted to: 1. A – General 2. <u>B – Design and Layout</u> 3. <u>C – Character and Amenity</u> 4. <u>P – Peacocke Structure Plan</u>	Oppose in part	1. Adare agrees that it would be appropriate for all residential activities above ground floor to be a Permitted Activity. 2. Apartment buildings at ground level outside of the primary and secondary frontages should be a Discretionary Activity for the reasons set out in Adare's submission.	Disallow the submission, except to the extent that all residential activities above ground level are Permitted Activities.
254.	Kainga Ora	55.301	Chapter 6B: Peacocke Local Centre Zone LCZ – PREC1-PSP: R28  Amend as follows: Commercial places of assembly including cinemas and bowling alleys Activity Status: <del>Discretionary</del> <u>Permitted</u> Where the following are complied with: <del>DISPER-1</del> 1. LCZ – PREC1-PSP: R40-R49. <del>DISPER-2</del> 1. Are located outside any active frontage. Activity Status where compliance is not achieved with <del>DISPER-1</del> : <u>Restricted Discretionary</u> Matters of discretion are restricted to: 1. A – General 2. <u>B – Design and Layout</u> 3. <u>C – Character and Amenity</u>	Support	Permitted Activity status is appropriate for Commercial places of assembly given these activities are typically located in Local Centres and given all new buildings require resource consent as a Restricted Discretionary Activity.	Allow the submission.

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
			4. <del>P – Peacocke Structure Plan</del> Activity Status where compliance is not achieved with <del>DISPER-2: Non-Complying-Discretionary.</del>			
255.	Kainga Ora	55.312	Chapter 6B: Peacocke Local Centre Zone LCZ – PREC1-PSP: R40  Amend as follows: Local Centre Zone: <del>46</del> <u>24</u> m.	Oppose	The maximum height in the Local Centre Zone should be retained at 16m to enable buildings up to five storeys. 16m is consistent with the maximum height of buildings in the High Density Overlay and will enable a built form which reflects the suburban location of the Local Centre.	Disallow the submission.
256.	Kainga Ora	55.313	Chapter 6B: Peacocke Local Centre Zone LCZ – PREC1-PSP: R41  Amend as follows: 1. ... 2. <del>Where any boundary adjoins a Medium Density Zone, no part of any building shall penetrate a height control plane rising at an angle of 45 degrees beginning at an elevation of 3m above the boundary</del> 3. ...	Oppose in part	1. Land adjoining the centre is within the Medium Density Zone (and High Density Overlay). 2. Any amendments made to this rule will need to be consistent with Schedule 3A and other relevant provisions under the RMA.	Disallow the submission, except to the extent that the height in relation to boundary standards are amended to be consistent with Schedule 3A and any other relevant provisions under the RMA.
257.	Kainga Ora	55.318	Chapter 6B: Peacocke Local Centre Zone LCZ – PREC1-PSP: R46  Amend as follows: 1. Only one ancillary residential unit is allowed per site. 2. Except for providing an entrance, no residential activities shall be undertaken at ground-floor level. 3. The following standards shall apply to residential units, including apartments above ground floor and residential centres. Unless specifically noted, they do not apply to visitor accommodation. 4. Density (Minimum Number of Residential Units Required Per Site) c. Minimum densities within the Local Centre Zone shall be <del>30</del> <u>100</u> residential units per hectare based on net site area. This is to be calculated in accordance with the formula below: <del>0.0010</del> residential units per 1m <sup>2</sup> of site area. Example: For a site which has an area of 4000m <sup>2</sup> , the minimum number of residential units required under this rule would be <del>4</del> <u>240</u> . This is calculated by multiplying the site area (4000m <sup>2</sup> ) by <del>0.0010</del> . d. Where mixed-use is provided for within a development (e.g. office or retail with residential above), the density requirements of Rule R71-4 a) shall be applied on a pro rata basis relative to the percentage of gross floor area of the development that is residential (e.g. where 40% of the gross floor area of a development is comprised of residential activities, then 40% of the total minimum number of residential units calculated under Rule R71-4 is the minimum number of residential units required to be provided. 5. Outdoor living area b. <u>8m<sup>2</sup>, with a minimum dimension of 1.8m</u> <del>d. Each residential unit, except for when a communal area is provided, shall be provided with an outdoor living area that is:</del> <del>–For the exclusive use of each residential unit.</del> <del>–Readily accessible from a living area inside the residential unit.</del> <del>–Free of driveways, manoeuvring areas, parking spaces,</del>	Oppose in part	1. Adare opposes the requested amendments to the minimum densities and seeks that clause (4) is deleted for the reasons set out in Adare's submission. 2. Adare supports reviewing the outdoor living area requirements, including the requirement for communal outdoor living areas, and the external outlook area requirements to ensure that they are appropriate for achieving adequate on-site amenity without being overly onerous. 3. The minimum residential unit areas in the notified PC5 provisions are appropriate and will ensure good amenity for occupiers.	1. Disallow the submission insofar as it relates to density provisions in clause (4) and minimum residential unit areas. 2. Allow the submission to make changes to the outdoor living area and outlook standards, subject to appropriate wording.

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
			<p><del>accessory buildings and service areas.</del></p> <p><del>e. Communal open space for 4 or more residential units and apartment buildings shall comply be:</del></p> <p><del>–Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas</del></p> <p><del>–For the shared use of all residents on the site, and</del></p> <p><del>–Readily accessible from all residential units on site.</del></p> <p><del>f. Outdoor living areas for residential units shall have areas and dimensions as follows:</del></p> <p><del>–Apartments and ancillary residential units:</del></p> <p><del>–A studio unit and one bedroom residential unit: 5m<sup>2</sup></del></p> <p><del>–A residential unit with two or more bedrooms: 12m<sup>2</sup></del></p> <p><del>No dimension less than 1.8m</del></p> <p><del>–Communal open space for apartment buildings</del></p> <p><del>–8m<sup>2</sup> per unit</del></p> <p><del>–Capable of containing a circle with the following diameter:</del></p> <p><del>• 4-7 residential units — 6m</del></p> <p><del>• 8 or more residential units — 8m</del></p> <p><del>• No dimension less than 2.5m</del></p> <p><del>Note</del></p> <p><del>5. Communal open space is an alternative to, and not in addition to, individual outdoor living areas for each</del></p> <p><del>6. residential unit.</del></p> <p><del>7. The outdoor living area for an ancillary residential unit shall be separate from the outdoor living area</del></p> <p><del>8. provided for the principal residential unit.</del></p> <p>6. Storage Areas</p> <p>a. Each residential unit shall be provided with a storage area:</p> <p>i. Located at or below ground-floor level, readily accessible to that residential unit, secure and weatherproof.</p> <p>ii. A minimum of 1.8m long by 1m high by 1m deep.</p> <p>Note: The provision of a private, secure garage accessible only by the occupiers of the residential unit is considered to meet this requirement. (A shared parking garage is not sufficient to meet this standard).</p> <p>7. Residential unit size</p> <p>b. The minimum floor area require in respect of each apartment shall be:</p> <p>v. Studio unit: minimum <del>35</del>30m<sup>2</sup></p> <p>vi. 1 <del>or more</del> bedrooms unit: minimum 45m<sup>2</sup></p> <p>vii. <del>2 bedroom unit: minimum 55m<sup>2</sup></del></p> <p>viii. <del>3 bedroom unit: minimum 90m<sup>2</sup></del></p> <p>8. Daylight Standards</p> <p>Residential units shall be designed to achieve the following minimum daylight standards.</p> <p>d. living rooms and living/dining areas: a total clear-glazed area of exterior wall no less than 20% of the floor area of that space.</p> <p>e. Bedrooms (excluding studio units, and any bedroom that complies with iii. below): a minimum of one bedroom with a total clear-glazed area of exterior wall no less than 20% of the floor area of that space.</p> <p>f. No more than one bedroom in any residential unit may rely on natural light borrowed from another naturally lit room provided:</p> <p>iii. The maximum distance of the bedroom from the natural light source window shall be 6m.</p> <p>iv. The minimum total clear-glazed area of the light source shall be no less than 20% of the floor area of that</p>			

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
			bedroom. 9. External Outlook Area Each residential unit shall have an external outlook area that: a. 3m x 3m space from a principal living room b. From all other habitable rooms: 1m x 1m d. The external outlook area may be over: i. The site on which the building is located; ii. The Transport Corridor Zone; or iii. Public Open Space.			
258.	Kainga Ora	55.324	Chapter 15A: Natural Open Space Zone: Peacocke Precinct NOSZ – PREC1- P: OBJECTIVES OX  Insert new objective: <u>The open space network in the Peacocke Precinct supports the amenity and liveability of the higher density living opportunities found in the Precinct.</u>	Support in part	1. Adare supports the request for a new objective that refers to the NOSZ supporting the amenity and liveability of residential environments because it will enable multi-functional use (for recreation and protection and enhancement of its natural attributes). 2. The objective should refer to medium and high density living to reflect that Natural Open Spaced zoned areas are located near the High Density Overlay and other parts of the Medium Density Residential Zone.	Allow the submission, subject to appropriate wording.
259.	Kainga Ora	55.326	Chapter 15A: Natural Open Space Zone: Peacocke Precinct NOSZ – PREC1- P: POLICY PX  Insert new policy: <u>Manage the delivery of the open space network in the Peacocke Precinct to ensure that the location, quality and quantity contributes to the higher density living opportunities found in the Precinct.</u>	Oppose in part	1. The requested policy should focus on seeking benefits for medium and high density living from multi-purpose use of the NOSZ areas. 2. Unlike recreation reserves (which are not zoned Natural Open Space) the location and quantity of the NOSZ areas is dependent on natural characteristics.	Allow the submission to the extent that a new policy is introduced but ensure that the focus of the policy is on multi-purpose use of NOSZ areas.
260.	Kainga Ora	55.336	Chapter 23A Subdivision: Peacocke Precinct SUB – PREC1- PSP: O7  Amend as follows: Subdivision <del>considers</del> <u>supports</u> the planned medium and high density development outcomes and enables a range of building typologies to be constructed.	Support	The amendments will improve the clarity of the objective.	Allow the submission, subject to appropriate wording.
261.	Kainga Ora	55.348	Chapter 23A Subdivision: Peacocke Precinct SUB - PREC1-PSP: P9  Amend as follows: Require subdivision to efficiently use land, and <del>to provide for support</del> <u>higher density residential development in walkable distances from the Peacocke Local Centre and identified public transport routes throughout the Precinct by encouraging subdivision to occur concurrently with or following land development.</u>	Oppose	1. Not all subdivision will occur concurrently with or following land development. For example, vacant lots of 300m <sup>2</sup> plus can be created. 2. The policy appropriately supports the High Density Overlay by referring to locations where higher density is planned.	Disallow the submission.
262.	Kainga Ora	55.375	Chapter 23A Subdivision: Peacocke Precinct SUB-PREC1-PSP: R15  Amend as follows: 1. Peacocke Precinct: <del>300</del> <u>1200</u> m <sup>2</sup> 2. <del>Peacocke Precinct High Density Overlay 300m<sup>2</sup></del>	Oppose	1. The standard in the notified provisions enabling vacant lots of 300m <sup>2</sup> plus is appropriate and should be retained. The notified standard will assist in ensuring diversity of housing typologies. 2. Kainga Ora's proposed 1,200m <sup>2</sup> minimum lot size has the potential to worsen density outcomes by enabling the potential for lots of that size to be developed with a single dwelling. 3. Kainga Ora's proposed 1,200m <sup>2</sup> minimum lot size would unnecessarily limit opportunities for smaller lots to be created which would still be easily capable of	Disallow the submission.

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					comprehensive development involving multiple dwellings.	
263.	Kainga Ora	55.386	<p>Chapter 25.2: Earthworks and Vegetation Removal</p> <p>25.2.2 Objectives and Policies:- Earthworks and Vegetation Removal</p> <p>Amend as follows: Policy 25.2.2.2e Require earthworks <u>within the Earthworks Overlay</u> to be undertaken in a manner that is sympathetic to the character and orientation of the existing topography. Explanation: The Peacocke Structure Plan area has been identified as a medium <u>to high</u> density growth area for Hamilton. The area contains rolling topography which can be challenging to develop. The policy framework recognises the challenges to developing these areas and seeks to enable landform modification in such a way that enables development, while remaining sympathetic to the general character of the land form in the <u>"Earthworks Overlay"</u> area. <del>This means earthworks should replicate the general orientation of topography to enable the integration of residential development within the site.</del> The road network and block structure should be designed to work with the contour of the land and minimise the extent of retaining required. Where steeper slopes are to be developed, alternative approaches to construction should be used including mid lot development or multi-storey houses. Bulk earthworks undertaken at subdivision stage should be designed to minimise the need for secondary earthworks.</p>	Oppose in part	<ol style="list-style-type: none"> <li>1. The introduction of an 'Earthworks Overlay' where more sympathetic earthworks are required would be unduly restrictive and inconsistent with enabling medium and high density outcomes within the areas that are subject to the overlay.</li> <li>2. It is unclear from the submission where the suggested 'Earthworks Overlay' would apply.</li> <li>3. As an alternative, to the extent that changes are more enabling of earthworks in the Peacocke Structure Plan area then this would be supported.</li> </ol>	Disallow the submission to the extent that an 'Earthworks Overlay' should not be introduced.
264.	Kainga Ora	55.389	<p>Chapter 25.6 Lighting and Glare</p> <p>25.6.2 Objectives and Policies: Lighting and Glare</p> <p>Amend as follows: 25.6.2.2a Manage light spill and glare of fixed lighting at the boundary of the Significant Bat Habitat Area to ensure that the useability of long-tailed bat habitat is maintained <u>while maintaining safety on adjoining properties</u>. 25.6.2.2b Ensure that fixed lighting in public spaces, such as parks and road corridors is designed to minimise the effects of lighting and glare on Significant Bat Habitat Area <u>while also achieving a safe public realm for the community</u>. Explanation: The Peacocke Precinct is an important habitat for long-tail bats which are a threatened native species. Due to the presence of bats in the area, it is important the effects of development are managed to ensure bats are able to continue to move and forage through the area. <u>This needs to be balanced against the safety needs of the community</u>. Bats are particularly sensitive to light, which has the potential to inhibit their movement and feeding habits. For this reason, it is important that those area of Peacocke identified as being Significant Bat Habitat Areas are protected from the effects of <u>excessive</u> lighting and glare.</p>	Support in part	Adare agrees that public safety is a critical lighting consideration.	Allow the submission, subject to appropriate wording.
265.	Kainga Ora	55.399	<p>Appendix 1.2 Information Requirements</p> <p>Information Requirements</p>	Support in part	<ol style="list-style-type: none"> <li>1. The suggested amendments to Appendix 1.2.2.2.1 would improve the clarity of the information that is required to be prepared by removing cross reference to concept plan requirements for other parts of the</li> </ol>	<ol style="list-style-type: none"> <li>2. Allow the submission to the extent that the changes improve the clarity of the information that is required to be prepared.</li> </ol>

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
			<p>Amend as follows:  <del>Additional Requirements for Concept Plans for the Peacocke Character Zone Neighbourhoods Structure Plan Comprehensive Development Plan for all subdivision and land use in the Peacocke Precinct</del>            Subdivision <u>and development</u> within the Peacocke <u>Precinct</u> Structure Plan shall be prepared a <u>Comprehensive Development Plan</u> that addresses: <del>to comply with the requirements of 1.2.2.2 iii) and include the following additional information:</del>            a) <del>Demonstrate how the proposal is in accordance with the Peacocke Structure Plan and how the objectives and policies of the Structure Plan are able to be met.</del>            b) <del>Provide an analysis over all adjoining sites to the subject site to ensure issues impacting on the development are understood and address the following matters:</del>            A Master Plan shall accompany subdivision applications for in the Peacocke Character Zone for Fee Simple Subdivision where lots created are less than 2ha in the Terrace Area and less than 5000m<sup>2</sup> in the Gully and Hill Areas. Master Plans shall be prepared in accordance with the neighbourhoods identified in Appendix 2-3 and the Peacocke Structure Plan (refer to Volume 1, Chapter 3: Structure Plans). A Master Plan will also be required to include a Subdivision Concept Plan (refer to Appendix 1.2.2.2d)), an analysis over all adjoining neighbourhoods to the subject site to ensure issues impacting on the development are understood and address the following matters.</p>		<p>City. Better clarity could also be achieved by deleting reference to Design Guides which are not relevant to the Peacocke Precinct and by referring to a new Design Guide for the Peacocke Precinct. For example, the Design Guides in Appendix 1.4.2 and Appendix 1.4.3 are not applicable to the Medium Density Residential Zone in the Peacocke Precinct (refer to submission 55.408) even though they are currently referred to in Appendix 1.2.2.1(vi).</p> <p>2. Requiring Comprehensive Development Plans (referred to as Concept Plans in the notified provisions) to accompany land use consent applications would be an unnecessary and overly onerous requirement. All development will be preceded by subdivision of some kind. Subdivision consent applications are the most appropriate trigger for a Comprehensive Development Plan (or Concept Plan) to be prepared.</p>	<p>3. Disallow the submission to the extent that the changes seek to require Comprehensive Development Plans to accompany land use consent applications.</p>
266.	Kainga Ora	55.400	<p>Appendix 1.2 Information Requirements            Information Requirements</p> <p>Amend as follows: For any subdivision <u>or land development</u> application in the Peacocke <u>Structure Plan Precinct</u> adjoining or including any open space zone or involving more than two hectares of land, a Landscape Concept Plan shall be provided...</p>	Oppose	All development will be preceded by subdivision of some kind. Subdivision consent applications are the most appropriate trigger for a Landscape Concept Plan to be prepared.	Disallow the submission.
267.	Kainga Ora	55.401	<p>Appendix 1.2 Information Requirements            Information Requirements</p> <p>Amend as follows: All subdivision <u>or land development</u> applications within the Peacocke <u>Structure Plan Precinct</u> adjoining or including an open space zone or involving more than two hectares of land shall include...</p>	Oppose	All development will be preceded by subdivision of some kind. Subdivision consent applications are the most appropriate trigger for an Ecological Rehabilitation Management Plan to be prepared.	Disallow the submission.
268.	Kainga Ora	55.404	<p>Appendix 1.3 Assessment Criteria            P1</p> <p>Amend as follows:            Earthworks in the Peacocke <u>Structure Plan Precinct</u>:            a. The extent to which earthworks <u>in the Earthworks Overlay</u> are sympathetic to the existing landform</p>	Oppose	<p>1. The introduction of an 'Earthworks Overlay' where more sympathetic earthworks are required would be unduly restrictive and inconsistent with enabling medium and high density outcomes within the areas that are subject to the overlay.</p> <p>2. It is unclear from the submission where the suggested 'Earthworks Overlay' would apply.</p> <p>3. As an alternative, to the extent that changes are more enabling of earthworks in the Peacocke Structure Plan area then this would be supported.</p>	Disallow the submission.
	Kainga Ora	55.405	<p>Appendix 1.3 Assessment Criteria            P3</p>	Support	The suggested amendments will improve the clarity of the matters of discretion.	Allow the submission.

	Name, address and original submission number	Sub #	Chapter, subject and submitter's relief	Support or oppose	Reasons	Decision sought
			<p>Amend as follows:</p> <p>a. The extent the proposal is consistent with the <del>objectives and policies in the</del> Peacocke Structure Plan.</p> <p>...</p> <p>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 <del>Structure Plan</del> <u>Precinct</u>.</p>			
270.	Kainga Ora	55.408	<p>Appendix 1.4 Design Guides</p> <p>1.4.10 Peacocke Local Centre Design Guide</p> <p>Kāinga Ora seeks that any such guides including the Peacocke Local Centre Design Guide is treated as a non-statutory document that sits outside of the District Plan and referenced in an advice note against the relevant rules and effects standard to be considered when preparing an application. Kāinga Ora seeks that it works with the Council and its consultants to formulate a list of specific matters that should be included as matters of discretion and assessment criteria on design outcomes that are to be considered and could be incorporated into the District Plan. This should be undertaken with the Peacocke Local Centre Design Guide and any other proposals seeking design guides for medium to high density residential activities.</p>	Oppose in part	<ol style="list-style-type: none"> <li>Some of the Design Guides which are referred to in Appendix 1.2.2.2.1 as needing to be considered when preparing Concept Plans for subdivision consent applications are not relevant to the Peacocke Precinct (including Appendix 1.4.2 and Appendix 1.4.3). Adare supports preparation of a Design Guide that is suited to the medium and high density outcomes anticipated in the Peacocke Precinct.</li> <li>Adare opposes the request for Design Guides to be non-statutory documents to enable them to be referenced in the district plan and updated without a Schedule 1 process: <ol style="list-style-type: none"> <li>All planning documents must be included in the plan as a matter of law;</li> <li>There would be considerable uncertainty as to the relevance of any non-statutory Design Guides to decision making for resource consents.</li> <li>Natural justice and public participation require landowners and other stakeholders are afforded an opportunity to make a submission on any Design Guidelines under Schedule 1 of the Act.</li> </ol> </li> <li>Design Guides for other parts of the City are statutory documents which are included in the District Plan.</li> </ol>	<ol style="list-style-type: none"> <li>Disallow the submission to the extent that it seeks to delete reference to Design Guides which are included in the District Plan.</li> <li>Allow the submission to the extent that a new Design Guide is prepared which is suited to the medium and high density residential outcomes anticipated in the Peacocke Precinct.</li> </ol>
271.	Kainga Ora	55.409	<p>Appendix 15 – Transportation</p> <p>15-1 Parking, Loading Spaces and Manoeuvring Areas – Tables and Figures</p> <p>Amend as follows: <del>Single Dwellings, duplex dwellings and terrace dwellings and apartments any development in the Peacocke Structure Plan Area</del> <u>Precinct</u>.</p>	Support	Adare supports the removal of minimum car parking requirements to give effect to the NPS-UD.	Allow the submission.

# Proposed Plan Change 5 – Peacocke Structure Plan (<https://haveyoursay.hamilton.govt.nz/city-planning/plan-change-5/>)

## Response 973038951

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☐ Include unanswered questions

## About you

### Your full name

(Required)

### Your postal address

### Postcode



Your email address

(Required)

georgelanesailing@gmail.com

Chapters

The specific provisions of the Proposed Plan Change that my submission relates to are as follows:

Please select all that apply

- ☒ Amend Chapter 3: Structure Plans and Section 3.4 Peacocke
- ☒ Amend Chapter 5: Special Character Zones
- ☒ Create a new Chapter 4A: Medium Density Zone: Peacocke Precinct
- ☒ Create a new Chapter 6A: Peacocke Neighbourhood Centre Zone
- ☒ Create a new Chapter 6B: Peacocke Local Centre Zone
- ☒ Create a new Chapter 15A: Natural Open Space Zone: Peacocke Precinct
- ☒ Create a new Chapter 15B: Sport and Active Recreation Zone: Peacocke Precinct
- ☒ Amend Chapter 23: Subdivision
- ☒ Create a new Chapter 23A: Subdivision: Peacocke Precinct

My submission is that:

Support the overall structure plan, but recommend the following changes:

Permit the terraced dwelling type in Table MRZ - PREC1-PSP: R16 in the Medium density residential zone – Peacocke Precinct. Terraced housing is a suburban building form used throughout the world and increasingly within New Zealand to provide

appropriate levels of development while retaining a suburban character. Hamilton has historically restricted this building type to high density areas only, despite large public appetite to live in such dwellings.

For the minimum setbacks in Table MRZ - PREC1-PSP: R39 Setbacks , change the minimum distance on the Transport corridor boundary from 3m to 1m. Clarify that verandahs, porches, decks, and access stairs or ramps for a front entrance may be built in the building setback. 1m set backs are common throughout heritage suburbs within Hamilton and we should be attempting to replicate this desirable design feature throughout the city rather than regulating it out of existence. Smaller front setbacks allow more efficient use of small sites: for a small site with 10m street frontage, reducing the front setback may allow up to 20m<sup>2</sup> more outdoor living space in the rear yard. Reduced setbacks also improve the relation to the street by allowing people in the front room of the house to see further along the street.

For table MRZ - PREC1-PSP: R37, change the minimum requirement for specimen trees on single dwellings from 1 to 2. This change would bring single dwellings in line with duplex dwellings. Developers should be required to locate 2 trees on site whether they build one house or two.

Clarify the minimum section size in the Medium density residential zone – Peacocke Precinct in Chapter 4.

Establish a maximum car parking requirement of 2 car parks per dwelling. The provision of on site car parking has significant adverse effects on the environment. Providing car parks encourages vehicle use, contributing to air and noise pollution, road crashes, inactivity and loneliness.

### **I seek the following decision from the Hamilton City Council:**

Permit the terraced dwelling type in Table MRZ - PREC1-PSP: R16 in the Medium density residential zone – Peacocke Precinct

For the minimum setbacks in Table MRZ - PREC1-PSP: R39 Setbacks , change the minimum distance on the Transport corridor boundary from 3m to 1m.

Change the minimum requirement for specimen trees on single dwellings from 1 to 2.

Clarify the minimum section size in the Medium density residential zone – Peacocke Precinct in Chapter 4

Establish a maximum car parking requirement of 2 car parks per dwelling.

## City-Wide Chapters

The specific provisions of the Proposed Plan Change that my submission relates to are as follows:

*Please select all that apply*

- ☐ 25.2 Earthworks and Vegetation Removal
- ☐ 25.6 Lighting and Glare
- ☒ 25.14 Transportation

My submission is that:

Strongly support all amendments to Chapter 25.14

## Appendices

**The specific provisions of the Proposed Plan Change that my submission relates to are as follows:**

*Please select all that apply*

- ☐ Appendix 1.1 – Definitions and Terms
- ☐ Appendix 1.2 – Information Requirements
- ☐ Appendix 1.3 – Assessment Criteria
- ☒ Appendix 1.4 – Design Guides
- ☐ Appendix 2 – Structure Plans
- ☐ Appendix 8 – Historic Heritage
- ☐ Appendix 9 – Natural Environments
- ☒ Appendix 15 – Transportation
- ☒ Appendix 17 – Planning Maps

**My submission is that:**

Strongly support the provisions included. But suggest the following changes:

Add design guidance for the minimum width of pedestrian and cycle links. This width should be 3.5m.

**I seek the following decision from the Hamilton City Council:**

Add design guidance for the minimum width of pedestrian and cycle links. This width should be 3.5m.

## Additional information

**Do you want to be heard in support of your submission?**

*Please select one item*

(Required)

☐ Yes

☒ No

**If others make a similar submission would you be prepared to consider presenting a joint case with them at any hearing?**

*Please select one item*

☐ Yes

☒ No

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# Proposed Plan Change 5 – Peacocke Structure Plan (<https://haveyoursay.hamilton.govt.nz/city-planning/plan-change-5/>)

## Response 1036657589

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☐ Include unanswered questions

## About you

### Your full name

(Required)

### Company name

### Your email address

dr.scott.c.robinson@gmail.com

## Chapters

### My submission is that:

This submission is in relation to provisions in the plan that:

- 1, Zoning that allows walk-up apartments up to 5 stories high.
2. Provision of bus stops within the road.
3. Minimise the use of cul-de-sacs.
4. Create buildings that face the street.

My submission is that I oppose all of the following proposed allowances in the Proposed Plan Change:

- 1, Zoning that allows walk-up apartments up to 5 stories high.
2. Provision of bus stops within the road.
3. Minimise the use of cul-de-sacs.
4. Create buildings that face the street.

My reasons for opposing this for each proposed allowances are:

- 1, Zoning that allows walk-up apartments up to 5 stories high.

These are too high and out of keeping with the rest of Hamilton. In addition, having lived in cities where apartment buildings of this height are allowed they create the following issues:

- (a) Noise. Because of their height direct line of sight to a wide area is allowed meaning that noise produced in the higher units in a building of this size is transmitted over a wide area and can disturb neighbours over a large area. This can be even worse in buildings where the staircase is open to air. Residents carrying things up and down the stairs also creates noise, as does the process of moving in and out.
- (b) Privacy. Buildings of this height allow residents to look into the back yards of neighbouring properties which reduces privacy.

2. Provision of bus stops within the road.

This will mean that traffic can only move as fast as the bus which will be stopping regularly. This will create restrictions to traffic flow and frustration with motorists



which is a risk for silly or dangerous driving/passing maneuvers.

3. Minimise the use of cul-de-sacs.

In my opinion these are some of the best places to live. They are generally quiet and safe with no through traffic. Minimising these seems counter productive with providing safe, quiet neighbourhoods.

4. Create buildings that face the street.

Having small front yards and minimal fencing means that houses will be close to the road and to traffic. This means that road noise will be closer to where people live and sleep. Having lived in cities like London where houses face the street and yards are in the back, this creates significant noise in bedrooms. There are well documented health consequences of living with road noise and this should be minimised.

**I seek the following decision from the Hamilton City Council:**

I seek the following decision from hamilton city council.

1. Limit residential building height to 3 stories.
2. Provide bus stops where the bus can pull out of the stream of traffic.
3. Place no restrictions on cul-de-sac use.
4. Allow buildings to be placed further back in the sections of people so wish so that they can build fences and have some separation from road noise.

## Additional information

**Do you want to be heard in support of your submission?**

*Please select one item*

(Required)

☐ Yes

☒ No

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26/10/2021

Hamilton City Council  
Private Bag 3010  
Hamilton 3240.  
Attn: Mark Roberts

File ref: LAO61

Dear Mark

**SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA TO PLAN CHANGE 5-PEACOCK  
STRUCTURE PLAN**

**To: Hamilton City Council**

**Name of submitter: Heritage New Zealand Pouhere Taonga**

1. Heritage New Zealand Pouhere Taonga (HNZPT) is an autonomous Crown Entity with statutory responsibility under the Heritage New Zealand Pouhere Taonga Act 2014 for the identification, protection, preservation and conservation of New Zealand's historical and cultural heritage. HNZPT is New Zealand's lead historic heritage agency.
2. **This is a submission to Plan Change 5 by the Hamilton City Council that:**  
  
Proposes changes to the Operative Hamilton City Council District Plan (the District Plan) to better enable the intensification of residential built development within the Peacocks Structure Plan area.
3. **HNZPT supports in part proposed Plan Change 5. The specific parts of this Plan Change that the Heritage New Zealand submission relates to are:**
  - Recognising and supporting the proposed scheduling of historic heritage sites and seeking an additional site to be included to the District Plan schedules, and
  - Recognising and supporting the provisions enabling Maaori to be Kaitiaki, and
  - Recognising and supporting the subdivision and earthworks provisions that enable the retention of historic and cultural sites and seeking amendments /modification of those provisions that in the opinion of HNZPT do not sufficiently protect historic heritage from adverse effects, and

- Recognising current consultation and seeking further consultation with affected parties, and
  - Recognising current research and seeking additional research with regard archaeology.
4. **HNZPT's submission is:**  
As per the submission points within Appendix 1 attached to this submission.
5. **The reasons for HNZPT's position is as follows:**  
As per the submission points within Appendix 1 attached to this submission.
6. **Heritage New Zealand seeks the following decision:**  
As per the submission points within Appendix 1 attached to this submission.
7. **Heritage New Zealand does wish to be heard in support of our submission.**

Yours sincerely

P.P. 

Sherry Reynolds, Director, Northern

**Address for service**

Heritage New Zealand Pouhere Taonga  
Lower Northern Office  
P O Box 13339  
Tauranga 3141  
Attn: Carolyn McAlley  
PH: 07 577 4535  
Email [cmcalley@heritage.org.nz](mailto:cmcalley@heritage.org.nz)

Attachment: Appendix 1 - Submission points table of HNZPT to PC 5

## Appendix 1

### Submission points of Heritage New Zealand Pouhere Taonga to Plan Change 5 to the Operative Hamilton City Council District Plan

(Strike: ~~abc~~ =delete and underline: abc = addition) HCC = Hamilton City Council

Draft Proposed Plan: Part & provision number	Support or Oppose	Reasons for submission	Relief sought
Recognition of Maaori Heritage and Kaitiaki role	Support	HNZPT recognises and supports the proposed provisions that contribute towards Maaori to be Kaitiaki of the proposed structure plan area, as follows:  <i>"Objective DEV01-PSP:022-Identify, communicate and promote the Maaori history of the Peacock area."</i>  <i>"DEV01-PSP-P54-Respect the known pa sites, borrow pits and other cultural associations with waterways and the land, through the creation of protective reserves or enlightening developers to ways of integrating these features into new developments for the benefit of all stakeholders."</i>  <i>"DEV01-PSP-P55 Ensure the Maaori history of the site is communicated through place names and the design of public places and structures."</i>	That the proposed provisions: <ul style="list-style-type: none"><li>• <i>DEV01-PSP:022 and</i></li><li>• <i>DEV01-PSP-P54 and</i></li><li>• <i>DEV01-PSP-P55</i></li></ul> are retained at the time of decision making.
Objective DEV01-PSP:022			
DEV01-PSP-P54			
DEV01-PSP-P55			
		These provisions will assist to recognise at the time of subdivision and development the Cultural values and sites identified in the Cultural Values assessment <sup>1</sup> . HNZPT is very supportive of the consideration, within in these objectives and policies of the creation of protective reserves given the proposed intensity of housing. It is considered that these historic heritage sites should continue to be part of this new urbanised landscape.	
		These provisions also assist to give effect to RMA sections "6e) the relationship	

<sup>1</sup> Cultural Values Assessment, Project Name-Nukuhau Whenua: Review of the Peacocks Structure Plan, Report Authors-Te Haa O Te Whenua O Kirikiriroa, Title of Report-Cultural Values Assessment for Nukuhau Whenua (Peacocks area), date of report-February 2021, Authorised signatory-Sonny Karena, Chairman, Te Haa O Te Whenua O Kirikiriroa.

## Appendix 1

# Submission points of Heritage New Zealand Pouhere Taonga to Plan Change 5 to the Operative Hamilton City Council District Plan

(Strike: ~~abc~~ = delete and underline: abc = addition) HCC = Hamilton City Council

Draft Proposed Plan: Part & provision number	Support or Oppose	Reasons for submission	Relief sought
		<i>of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga: and 6 (f) the protection of historic heritage from inappropriate subdivision, use, and development</i> <sup>2</sup> .	
Proposed additions Schedule 8B:Group 1 Archaeological and Cultural sites, and Schedule 8A: Group 2 Archaeological and Cultural sites.	Support	<p>HNZPT supports the research<sup>2</sup> undertaken by HCC that has enabled the recognition and proposed scheduling of additional historic heritage archaeological and cultural sites.</p> <p>The scheduling, and the protective rule framework for the Schedule 8 B-Group 1 sites gives effect to "<i>s6 (f) the protection of historic heritage from inappropriate subdivision, use, and development</i>" of the RMA and assists to ensure the preservation of these sites into the future.</p>	<p>That the proposed additions to the following schedules;</p> <p>Schedule 8B:Group 1 Archaeological and Cultural sites, and</p> <p>Schedule 8A:Group 2 Archaeological and Cultural sites, are retained at the time of decision making.</p>
Lack of inclusion of certain archaeological site into Historic Heritage schedules.	Oppose	<p>As part of the recent "Amberfield" subdivision HNZPT supported the recognition of archaeological site s14/318 within an historic reserve.</p> <p>HNZPT is concerned that this site is not proposed to be addition to Schedule 8B: Group 1 Archaeological and Cultural sites. HNZPT considers that there is sufficient scope within this plan change process to include this site as Plan Change 5 covers the entire peacocks structure plan area.</p>	That the archaeological site s14/318 is included into Schedule 8B: Group 1 Archaeological and Cultural sites.

<sup>2</sup> Plan Change 5, Assessment of Environmental Effects: Appendix 1, Peacock Structure Plan: Archaeology, Warren Gumbley & Matthew Gainsford, W Gumbley Ltd Archaeologists, February 2021

## Appendix 1

### Submission points of Heritage New Zealand Pouhere Taonga to Plan Change 5 to the Operative Hamilton City Council District Plan

(Strike: ~~abc~~ =delete and underline: abc = addition) HCC = Hamilton City Council

Draft Proposed Plan: Part & provision number	Support or Oppose	Reasons for submission	Relief sought
		<p>These sites have sufficient historic heritage significance to be part of Schedule 8B: Group 1 Archaeological and Cultural sites.</p> <p>The scheduling and the protective rule framework for the Schedule 8B sites gives effect to s xx of the RMA.</p>	
Proposed Objective Chapter 25-Citywide25.2 Earthworks and vegetation removal	Support	<p>HNZPT supports proposed new Objective 25.2.2.2.2:</p> <p><i>“Enable earthworks in the Peacocke Structure Plan area that facilitate the creation of a high amenity, medium density environment where they:</i></p> <ol style="list-style-type: none"> <li><i>1. Are undertaken as part of subdivision to establish a cohesive and consistent approach to earthworks throughout a development.</i></li> <li><i>2. Avoid modification of significant natural areas and locations with ecological, cultural and historic value.</i></li> <li><i>3. Are sympathetic to the existing land form.</i></li> <li><i>4. Establish a transport network that works with and reflects the topography of the site”.</i></li> </ol> <p>The proposed objective, at point 2, assists to give effect to “s6 (f) the protection of historic heritage from inappropriate subdivision, use, and development” of the RMA and assists to ensure the preservation of sites of historic and cultural value into the future.</p>	That proposed Objective 25.2.2.2.2.2 is retained at the time of decision making
Proposed amendment to SUB-PREC1-PSP-P4	Oppose in part	<p>HNZPT is concerned at the proposed amendment of this provision as follows:</p> <p><i>“Subdivision <del>avoids, remedies or mitigates adverse effects on, protects and where possible enhances any:</del></i></p> <ol style="list-style-type: none"> <li><i>1. Scheduled heritage item.</i></li> <li><i>2. Scheduled archaeological and cultural site.</i></li> </ol>	That the original wording is retained to ensure that the adverse effects on historic heritage including scheduled heritage items and archaeological sites are avoided, remedied or mitigated.

## Appendix 1

# Submission points of Heritage New Zealand Pouhere Taonga to Plan Change 5 to the Operative Hamilton City Council District Plan

(Strike: ~~abc~~ = delete and underline: abc = addition) HCC = Hamilton City Council

Draft Proposed Plan: Part & provision number	Support or Oppose	Reasons for submission	Relief sought
		<p>3. <i>Scheduled significant trees.</i></p> <p>4. <i>Scheduled significant natural areas.</i></p> <p>5. <i>The Waikato River and gullies and river banks, lakes, rivers and streams."</i></p> <p>as the amendment gives effect to a discussion that is related to the provision of habitat for long tailed bats. This proposed change will have an adverse effect on historic heritage and is also contrary to the proposed Objective 25.2.2.2.2 which seeks avoid adverse earthworks effects on historic heritage and cultural sites.</p> <p>HNZPT seeks that the original wording is retained. It may be that an alternative policy is developed to provide for the needs of the long tailed bat.</p>	
Archaeological research	Support in part	<p>HNZPT support the research, in Appendix 1, Peacock Structure Plan: Archaeology, Warren Gumbley &amp; Matthew Gainsford, W Gumbley Ltd Archaeologists, February 2021 that has enabled additional sites to be proposed for scheduling as part of plan change 5.</p> <p>However HNZPT notes that the same report had identified additional research that should be undertaken For example HNZPT notes the following comments at page 35 of the research, that states:</p> <p><i>"the absence of recorded pā at the mouth of the Mangakotukutuku Stream, represents an unusual exception to an otherwise very predictable pattern in the distribution of pā along the Waikato River. Given this, the area merits further research to investigate the possibility of a pā in this location. We also have some concerns about the reliability of the recording horticultural site S14/243 in the same</i></p>	<p>That the further research identified in Appendix 1, Peacock Structure Plan: Archaeology, Warren Gumbley &amp; Matthew Gainsford, W Gumbley Ltd Archaeologists, February 2021 is undertaken as prior to decision making to inform the location of development and to avoid adverse effects on historic heritage.</p>



## Appendix 1

# Submission points of Heritage New Zealand Pouhere Taonga to Plan Change 5 to the Operative Hamilton City Council District Plan

(Strike: ~~abc~~ =delete and underline: abc = addition) HCC = Hamilton City Council

Draft Proposed Plan: Part & provision number	Support or Oppose	Reasons for submission	Relief sought
		<p><i>area and recommend that this site is further examined to assess the veracity of the sites status".</i></p> <p>HNZPT seeks that this additional work is undertaken prior to decision making on the plan change to inform the location of development/location of protective reserves as required in the structure plan area.</p>	
Extent of Consultation with Mana Whenua	Support in part	<p>HNZPT supports the consultation that has taken place to date with Mana Whenua as part of the development of the proposed structure plan. However HNZPT is concerned that there is a consultation deficiency that may pose a potential risk with regard ongoing consenting processes related to this structure plan area, including HNZPT Authorities.</p> <p>At this time HNZPT would encourage additional consultation with both representative entities of NAMTOK which include Mr Wiremu Puke and Boris Samujh, regarding this structure plan. The collective voice of NAMTOK has been active in commenting/opposing development proposals in this area in the past and has been one of the primary representatives consulted over HNZPT Archaeological Authorities over at least the last 7 years. Consultation at this time would assist to ensure consistency through the RMA and HNZPT regulatory processes.</p>	That additional consultation is undertaken with other parties prior to the decision making on this structure plan area.

**FORM 5****Waka Kotahi NZ Transport Agency submission on a notified proposal for Plan Change 5 - Peacocke Structure Plan under Clause 6 of Schedule 1 of the Resource Management Act 1991**

4 November 2021

Hamilton City Council  
Private Bag 3010  
Hamilton 3240

via email: [haveyoursay@hcc.govt.nz](mailto:haveyoursay@hcc.govt.nz)

**Submitter details**

Waka Kotahi New Zealand Transport Agency

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**This is a submission on a change proposed to the following plan:**

Peacocke Structure Plan

**The specific provisions of the proposal that our submissions relate to are:**

The Peacocke Structure Plan in its entirety to the extent the provisions have the potential to compromise Waka Kotahi NZ Transport Agency's (Waka Kotahi) statutory obligations in terms of ensuring an integrated, safe, and sustainable transport system.

**The Waka Kotahi submission is as follows:**

1. Waka Kotahi is a Crown entity that takes an integrated approach to transport planning, investment and delivery. The statutory objective of Waka Kotahi is to undertake its functions in a way that contributes to an affordable, integrated, safe, responsive, and sustainable land transport system. Our vision is for a sustainable, multi-modal land transport system where public transport, active or shared modes are the first choice for most daily transport needs.
2. Waka Kotahi has a mandate under the Land Transport Management Act 2003 (LTMA), the Government Rounding Powers Act 1989 (GRPA), and the Government Policy Statement on Land Transport 2018/19-2027/28 (GPS) to carry out its functions in a way that delivers on the transport outcomes set by the government.
3. In the 2021-2024 National Land Transport Programme, Waka Kotahi has allocated significant investment in the Waikato Region to the improvement, operation and maintenance of the State Highway network, including public transport investment, walking and cycling and transport planning. In addition, Waka Kotahi is a co-funder of the local roading network. Waka Kotahi is therefore a significant investor in the

infrastructure required to achieve the land use change and growth anticipated in the Peacocke Structure Plan area.

4. Overall, Waka Kotahi has an interest in Plan Change 5 as a result of its role as a:

- Transport investor – to maximise effective, efficient and strategic returns for New Zealand;
- Planner of land transport networks – to ensure the integration of infrastructure and land use so as to support liveable communities and the development of an effective and resilient land transport network for customers;
- Provide or access to and the use of the land transport system – to shape smart, efficient, safe and responsible transport choices; and
- Manager of the state highway network – to deliver efficient, safe and responsible highway solutions for customers.

5. In general, Waka Kotahi supports the intent of Plan Change 5 and commends Hamilton City Council for an integrated approach to addressing sustainable management issues of the Peacocke Structure Plan area, and high level consistency with the:

1. Waikato Regional Policy Statement 2016 (WRPS);
2. Waikato Regional Public Transport Plan 2018-2028 (WRPTP);
3. Waikato Regional Land Transport Plan 2021-2051 (WRLTP);
4. Future Proof Strategy 2017 and draft updated Future Proof Strategy 2021; and
5. Government Policy Statement on land transport (GPS)

6. Waka Kotahi submission seeks amendments to Plan Change 5 to further improve consistency with the above documents. See general comments below, and further points summarised in Table 1.

7. Where a provision is not specified in Table 1 below, Waka Kotahi generally supports the way it is drafted.

8. Waka Kotahi could not gain an advantage in trade competition through this submission.

**We seek the following decision from the local authority:**

- a. Amend the provisions of the Peacocke Structure Plan as detailed in the general comments and Table 1 (attached) including such further, alternative or consequential relief as may be necessary to fully achieve the relief sought in this submission.

Waka Kotahi would like to be heard in support of its submission. If others make a similar submission, Waka Kotahi will consider presenting a joint case with them at a hearing.

Signature of person authorised to sign on behalf of Submitter:



Sam Le Heron – Team Lead Waikato / Bay  
of Plenty

Poutiaki Taiao – Environmental Planning

Waka Kotahi NZ Transport Agency

[Environmentalplanning@nzta.govt.nz](mailto:Environmentalplanning@nzta.govt.nz)

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## Submission

This submission is split into three sections:

- **Commentary on the alignment between stated policies and objectives and the development of the transport network shown in the plans and associated Appendices;**
- **Detailed comments on the 'effects' of the Plan Change and adequacy of that assessment;**
- **Detailed comments on the policies, including suggested changes to wording.**

### Achieving Objectives and Policies within the Structure Plan

Waka Kotahi support the overall broad intent of the planning objectives and policies outlined in this plan change. Of particular merit is the emphasis on more dense urban form, active modes, reduced car dependency and public transport supported by permeability. The wording of the structure plan shows a strong commitment to these principles.

As currently drafted, the Structure Plan and the evidence in the Appendices do not provide comfort that the current roading hierarchy and design principles will achieve some of the outcomes sought by the objectives and policies. This is combined with other, more specific doubts about the Integrated Transport Assessment that cannot provide comfort that the above policies can be achieved and therefore that the transport effects can be managed in line with Government expectations.

In order to illustrate this point and to provide clarity on this concern we have identified a few examples where the intent of the policy has not been well integrated into the transport network design.

#### *Example 1 – Domination of Road Frontages.*

In the Peacocke Structure Plan under “DEVO1-PSP Overview and Vision” there are a number of bullet points. One in particular identifies:

“Ensuring road frontages are not dominated by carparking, garaging and vehicle access.”

Despite this, all of the cross sections, in particular the collector roads, incorporate on-street car parking. The cross sections are also inclusive of somewhat long setbacks from buildings in the medium density residential zone, being 3 metres for dwellings and 5 metres for garaging. This approach, allied to a minimum berm shown in the cross sections of 4 metres means that there is a strong possibility of the roading network being dominated by these items.

#### *Example 2 – Safe speeds and road design*

The stated desired speed on the collector roads is less than 40km per hour. This is a commendable approach.

The current design allocates a 3.4m wide road in each direction, with a further 2.1m to each side of the road shown for car parking, with a further 2.0m for a segregated cycle lane. Assuming this cross section were constructed, drivers would have nearly 11 metres of road space, much of which may not have any cars parked along it, with no impedance expected by drivers due to separated bike lanes (which are discussed below), limited access points and large setbacks to property. This form of design will encourage higher speeds and will likely require narrowing in order to improve safety. It is suggested that the cross-section requirement for car parking provision is clarified such that the collector road design speeds can be met. Reducing car parking will also make delivery of appropriate cycling facilities easier and less expensive to deliver.

Similarly, the cross sections for local streets also contain illustrative examples with car parking provided to both sides of the street. This is not conducive to creating low speeds and makes the roads wider to cross (when these bays are not in use).

#### *Example 3 - Severance and universal design*

Many future residents in the area will have to interact with and cross the collector road network. The width of the indicative cross sections has been described above. However, there are also other considerations that arise from the design; in particular the ability of pedestrians (made up of those who are elderly, very young, mobility impaired etc) to cross the road. The current design allows for a protected cycleway (with upstand) then car parking with this mirrored on the other side of the street. This would be impossible to cross for those in a wheelchair and is likely to be dangerous for children who have to navigate cycleways and parked cars. Further consideration of minimum spacing between crossings and the design of these facilities (allied with whether car parking is needed) should be provided.

#### *Example 4 – Mass transit stop location*

The current structure plan shows a mass transit stop located at the point at which the east-west and north-south arterials cross. If public transport design were to be led by traffic volumes, then this location would be considered optimal. However, public transport users access these services primarily on foot, not by car. This mass transit stop is located within an area where the gully network dominates, and minimal activity will be present. This significantly undermines the usefulness of this interchange. It is also irregular to have a mass transit service that does not co-locate or pass by major activity node such as a town centre. It is unclear who would use this stop (even if a service were to be provided). It is also noted in Appendix V that the current roading configuration is limited in terms of providing a corridor that could have mass transit operating bi-directionally and would require reconfiguration.

It is noted that a more realistic public transport network provision is allowed for in Appendix U. This is primarily focussed on the collector road network and generally penetrates residential areas more effectively. It is therefore suggested that consideration of protection of this network, and key locations upon it are more necessary considerations for this Structure Plan.

It is noted that the structure plan design has a significant road hierarchy expectation within it. There is very little consideration of providing a range of street typologies or the creation of Low Traffic Neighbourhoods. The design is somewhat skewed towards achieving movement, rather than creating great places to live.

Notwithstanding the above examples, the policies are generally thoughtful and in line with best practice, particularly around increasing the use of other modes and creating a safe and pleasant environment. The examples above seek to illustrate that it is also important how this is articulated through cross sections and key design elements that will drive the infrastructure delivery and the success (or otherwise) of meeting the objectives. Good integration will lead to achieving growth which is line with Government expectation around mode shift and significantly decreasing transport carbon emissions. The demonstration of which feeds into the assessment of effects and the next section.

#### Understanding “effects” – Integrated Transport Assessment

Waka Kotahi have reviewed the Integrated Transport Assessment (ITA) which supports the Plan Change and have identified that it does not include an appraisal of the effects the proposal will have on the wider transport network, or how the proposed network integrates with surrounding future land uses.

The ITA states that the number of dwellings associated with this plan change, albeit denser, is in line with previously modelled 2041 projections of households and therefore there is an assumption that transport effects would be “similar or less than originally planned for”. The Southern Links modelling assessment was based on TRACKS modelling. Subsequent investigations on this model have shown that the trip rates per household were too low and produced under-estimates of forecast future travel demand. Therefore, by assuming “similar or less” transport effects, the ITA may be under-estimating the effects of the intensified land use on the surrounding transport network, including the state highway network. This is a fairly wide ranging and critical assumption in the ITA, and more information showing the effects of changes in development area and density between the existing Structure Plan and Plan Change 5 would be beneficial to support the claims made in the ITA.

It should be further noted that the Future Proof Strategy and NPS-UD outline significantly more growth in the Greater Hamilton Region than was included in the Southern Links modelling. This will produce more travel demand on the transportation network that may need to be accommodated through capacity where the Peacocke area interacts with the wider transportation network. Increased travel movements will result in more conflicts at these locations affecting safety, capacity and potentially the design of solutions at these locations.

The above could be significantly ameliorated by the development of a network in Peacocke for which active modes and public transport are more convenient and faster than driving to key destinations both within the site but also to the CBD, Hospital, Airport and other local nodes. Noting the comments above, in particular on the commitment to through movements in the current structure plan as a result of an extensive arterial and collector road network, more consideration of how the proposed infrastructure will deliver reduced private car demand is therefore a key requirement of the ITA.

Waka Kotahi seek that an updated ITA which reflects current modelling and analyses the likelihood of achieving mode shift (based on speed and convenience) is provided to help inform our final position on this plan change.

Waka Kotahi reserve the right to make further comments on the outcomes of this updated ITA at the further submissions stage or in subsequent hearing processes.

The following section provides a more detailed commentary on wording.

**Table 1: Decisions Sought Plan Change 5 – Peacocke Structure Plan**

The following table sets out the amendments sought to the Hamilton City District Plan and also identifies those provisions that Waka Kotahi supports.

Italics = *Notified text*

Underline, not italics = proposed additions.

Strikethrough, italics = ~~*proposed deletions*~~.



Chapter	Plan Provision	Support / Oppose	Reasons	Relief Sought
<b>Chapter 3 – Structure Plan</b>	DEV01-PSP: Overview and Vision	Support in part	Waka Kotahi supports the overview and vision of the Plan Change but seek some amendments to provide further clarity.	Amend DEV01-PSP: Vision as follows:  The Peacocke area 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. <i>It also means developing direct and safe routes for cyclists to the CBD, Hospital, Grey Street, Hamilton Airport and surrounding existing local centres.</i>
<b>Chapter 3 – Structure Plan</b>	DEV01-PSP: Overview and Vision	Oppose in part	Waka Kotahi suggests removal of the statement regarding trips under 3km as most public transport trips will be longer than this and it is perceived that this conflicts with the 20 minute vision detailed in the previous paragraph.	Amend DEV01-PSP: Vision as follows:  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, <del>in particular for shorter trips of less than 3km.</del>
<b>Chapter 3 – Structure Plan</b>	DEV01-PSP:017 DEV01-PSP:018 DEV01-PSP:019 DEV01-PSP:020	Support	Waka Kotahi supports this objective	Retain as notified
<b>Chapter 3 – Structure Plan</b>	DEV01-PSP:P39 DEV01-PSP:P40 DEV01-PSP:P41 DEV01-PSP:P42	Support	Waka Kotahi supports these policies.  It should however be noted that, as discussed above, Waka Kotahi consider that the proposed locations of future mass transit stops do not align well with policy DEV01-PSP:P42.	Retain as notified

Chapter	Plan Provision	Support / Oppose	Reasons	Relief Sought
	DEV01-PSP:P43 DEV01-PSP:P44 DEV01-PSP:P45 DEV01-PSP:P46 DEV01-PSP:P47 DEV01-PSP:P48 DEV01-PSP:P49 DEV01-PSP:P50 DEV01-PSP:P51 DEV01-PSP:P52 DEV01-PSP:P53			
<b>Chapter 3 – Structure Plan</b>	DEV01-PSP:P62	Support	Waka Kotahi supports the policy that Integrated Transport Modelling shall be undertaken for all Structure Plan areas.	Retain as notified
<b>Chapter 3 – Structure Plan</b>	DEV01-PSP:P63	Oppose	Waka Kotahi supports the intent of this policy and agree with requiring integration of transport routes with surrounding neighbourhoods and existing and planned transport networks. It is however noted that this may be repetition of earlier policies, notably DEV01-PSP:39 and DEV01-PSP:P51.	Delete DEV01-PSP:P63 <del>Movement routes are integrated with surrounding neighbourhoods and existing and planned transport networks.</del>
<b>Chapter 3 – Structure Plan</b>	DEV01-PSP:P65	Oppose	Waka Kotahi consider that the intent of this policy is adequately addressed by policies DEV01-PSP:P42, DEV01-PSP:P44, DEV01-PSP:P45, DEV01-PSP:P46, DEV01-PSP:P49 and DEV01-PSP:P50, therefore seek deletion of the duplication.	Delete DEV01-PSP:P65 <del>The transport network supports efficient passenger transport and opportunities for walking and cycling.</del>
<b>Chapter 3 – Structure Plan</b>	DEV01-PSP:P65	Support	Waka Kotahi supports minimisation of the environmental impacts associated with construction of new transport infrastructure.	Retain as notified.

Chapter	Plan Provision	Support / Oppose	Reasons	Relief Sought
<b>Chapter 3 – Structure Plan</b>	DEV01-PSP:P67	Oppose	Waka Kotahi consider that the intent of this policy is adequately addressed by policies  DEV01-PSP:P39, DEV01-PSP:P40, DEV01-PSP:P45, DEV01-PSP:P46, DEV01-PSP:P47, DEV01-PSP:P48, DEV01-PSP:P49, DEV01-PSP:P50 and DEV01-PSP:P51.	Delete DEV01-PSP:P67  <del>Opportunities for improved safety, accessibility, connectivity and efficiency within the transportation network are provided.</del>
<b>Chapter 3 – Structure Plan</b>	DEV01-PSP:Components of the Peacocke Structure Plan  Peacocke Transportation Network (Page 18)	Support in part	Waka Kotahi supports the paragraphs detailed below, however note these are duplicated within this chapter.  <i>A fundamental urban design principle is the ease of movement to ensure well connected communities. It is essential that transportation routes are designed to give priority to walking and cycling and facilitate a seamless web of direct and efficient public transport corridors that connect neighbourhoods within the structure plan area and with the rest of the city and other key destinations. In considering the final alignment of the Transport Network the alignment of transport corridors needs to be taken into account, as identified in Volume 2, Appendix 2, Figure 2-3 Peacocke Structure Plan Transport Network.</i>  <i>The transport network (refer to Figure 3.4.4a) shown on the Structure Plan is indicative and not intended to show exact alignments. It is important that the Arterial and Collector networks are established in general accordance with the structure plan in order to deliver a well-connected network that provides a high level of service for public transport and walking and cycling. The final alignment will be largely determined as individual subdivisions are progressed.</i>	Deletion of duplication
<b>Chapter 3 – Structure Plan</b>	DEV01-PSP:Components of the Peacocke Structure Plan  Peacocke Transportation	Support in part	Waka Kotahi supports the provisions detailed but seeks that some minor amendments are made to promote active modes and public transport.	Amend as follows:  The transport network will be staged as development progresses within Peacocke. The principles for the transport network are:  • <del>Priorities</del> <u>Prioritises</u> residents of Peacocke’s mobility and accessibility <del>by active modes and public transport to places</del>

Chapter	Plan Provision	Support / Oppose	Reasons	Relief Sought
	Network (Pages 20-21)			<p>within Peacocke and to the rest of Hamilton, including employment areas</p> <ul style="list-style-type: none"> <li>• provide clear, safe and direct access for residents <u>by active modes and public transport</u> to community facilities, commercial areas, places of recreation and other neighbourhoods.</li> <li>• provides people with transport choices (is multi modal) by promoting <del>Public Transport</del> <u>public transport</u> and active modes, at expense of level of service (LOS) for private car. <del>if necessary.</del></li> <li>• Maximise network efficiency for <del>Public Transport-public transport, buses, High Occupancy Vehicles (HOV)</del> and active modes through design.</li> <li>• Flexible design to cater for evolution &amp; steps changes in transport system, <del>such as future high occupancy vehicles.</del></li> </ul>
<b>Chapter 3 – Structure Plan</b>	DEV01-PSP: Components of the Peacocke Structure Plan  a) Walkway and cycleway Key Design Principles (Page 21)	Support in part	Waka Kotahi supports these principles subject to some minor amendments. Clarification is also sought on what is meant by ‘facilities’ as this is not defined.	<p>Amend as follows:</p> <p>Key Design Principles</p> <ul style="list-style-type: none"> <li>• Separate walking and cycling <del>where possible.</del></li> <li>• Provide <i>facilities</i> near destinations such as commercial areas, bus stops and schools.</li> <li>• Short block lengths to create a <del>permiable</del> <u>permeable</u> urban form that the most direct routes for cycling and</li> <li>• A local road network that prioritises walking and cycling and promotes safe vehicle speeds.</li> </ul>
<b>Chapter 3 – Structure Plan</b>	DEV01-PSP: Components of the Peacocke Structure Plan	Support in part	<p>Waka Kotahi supports these principles subject to some amendments to align more closely with ‘movement and place’ and to reflect the Network Operating Framework.</p> <p>Clarity is also sought on the meaning of ‘limited destination types’, with Waka Kotahi proposing a change to this language for transparency.</p>	<p>Amend as follows:</p> <p>Minor Arterial Transport Network: The minor arterial network is characterised by high <del>traffic volumes</del> <u>through movement</u>, with some limited <del>destination types</del> <u>access points</u> such as offices, shops and residences. Large volumes of mixed traffic are anticipated on these routes, including frequent public transport services. Public transport should</p>

Chapter	Plan Provision	Support / Oppose	Reasons	Relief Sought
	d) Minor Arterial Transport Network (Page 24)		<p>Additionally, Waka Kotahi seeks that the first two points under Key Design Principles be reviewed, as it is not clear why a higher speed environment is indicated for the minor arterial. The minor arterial is still likely to predominate in residential urban environments and lower speeds should still form a key part of the design. It is also considered that the second point contradicts the first. Waka Kotahi proposes new wording to address this.</p> <p>It is noted more generally that pedestrian crossings should be provided at regular intervals if active frontage is being encouraged on these arterials. Waka Kotahi suggest changes to the wording of the final bullet point to reflect this.</p>	<p>be given priority <u>over private vehicles</u>. Safety of vulnerable users moving along and across the road should be <del>ensured</del> <u>prioritised</u>. Due to the high volumes of <del>traffic through</del> <u>movement along</u> on this network a <del>seperated</del> <u>separated</u> cycling network <del>need to</del> <u>will</u> be provided along with <u>separate</u> pedestrian facilities.</p> <p>Key Design Principles</p> <ul style="list-style-type: none"> <li>• <del>Higher speed environment</del></li> <li>• <del>Allow for a high level of intersection density to reduce speeds</del></li> <li>• <u>Active frontages would still be considered acceptable on these routes as a means of implementing roading hierarchy and reducing vehicular speeds</u></li> <li>• <u>Separated cycle facilities and pedestrian routes.</u></li> <li>• <u>High frequency public transport service with priority</u></li> <li>• <u>Pedestrian crossings near bus stops and key land uses</u></li> </ul>
<b>Chapter 3 – Structure Plan</b>	<p>DEV01-PSP: Components of the Peacocke Structure Plan</p> <p>e) Major Arterial Transport Network (Page 24)</p>	Support in part	<p>Waka Kotahi supports these principles subject to some minor amendments.</p> <p>It is sought to remove the design principle relating to parallel routes for local traffic and cycling, and instead perhaps a note made in general text above. A suggestion around how this will be dealt with if parallel routes cannot be provided might be more applicable in the 'Key Design Principles'.</p> <p>Additionally, it is suggested that there are few if any locations with the structure plan area that should be operating at 80kph and why high levels of visibility are required as this is intrinsically linked to operating speeds.</p> <p>With regards to the following paragraph, Waka Kotahi note that it is unclear how the alternative modes discussed (light rail/HOV) are incorporated into the design of the arterials and their surrounding land uses. The arterial cross sections do not make up part of the structure plan but</p>	<p>Amend as follows:</p> <p>This major arterial route along with the Mangkootukutuku Gully creates significant severance issues for the development of Peacocke. To minimise this impact for both vehicles and pedestrians access to and across the major arterial routes <del>needs to</del> <u>will</u> be provided.</p> <p>Key Design Principles</p> <ul style="list-style-type: none"> <li>• Highest speed environment (50, 60-80 km/h in peri-urban areas with no accesses)</li> <li>• <del>Good parallel routes for local traffic and cycling</del></li> <li>• No parking</li> <li>• Keep high amounts of visibility</li> </ul>

Chapter	Plan Provision	Support / Oppose	Reasons	Relief Sought
			<p>the Report in Appendix V highlights that the cross sections that were developed would not be capable of carrying any two way mass transit service. Reconfiguration of the cross section was recommended. It is also evident that the majority of the effort with respect to the public transport network must focus on ensuring appropriate designs of the collector roads as the majority of public transport services identified in Appendix U use these corridors. As such it is questionable whether a lower standard collector option (Collector Road no PT) should be considered. This suggests that the roading hierarchy needs further consideration. This is further detailed as part of the general commentary above.</p> <p><i>The distribution of roads across Peacocke is based on this hierarchy through linking key nodes and provides a logical public transport network. While in the foreseeable future this will be based on buses, it is intended that the arterial routes can potentially accommodate alternative modes of transport such as light rail or a high-speed frequent transport service.</i></p>	
<b>Chapter 3 – Structure Plan</b>	DEV01-PSP: Components of the Peacocke Structure Plan  Strategic Infrastructure Required (Staging table, Page 28)	Oppose	<p>Waka Kotahi seeks amendments be made to Stage D and Stage E to remove reference to upgrades to Hall Road/SH3 intersection.</p> <p>The structure plan staging table identifies the Hall Road/SH3 intersection upgrades in Stages D and E. As further detailed in the submission below on Appendix AA, Waka Kotahi does not support this intersection being formalised as part of the Structure Plan as there are a number of uncertainties which mean we are not in a position to support a new connection at this time.</p>	<p>Waka Kotahi seek that amendments are made to wording of Stage D and E within table titles ‘Strategic Infrastructure Required’ to remove reference to upgrades to Hall Road/SH3 intersection as this prospect is not a given.</p> <p>Council may want to consider some revised wording which requires developers to engage with Waka Kotahi at these stages if they seek a connection to the highway.</p>
<b>Chapter 4A – Peacocke Medium Density</b>	MRZ-PREC1-PSP:P20	Support	Waka Kotahi support minimising the number of vehicle crossings on road frontages where shared paths and separated cycle ways are located.	Retain as notified

Chapter	Plan Provision	Support / Oppose	Reasons	Relief Sought
<b>Residential Zone</b>				
<b>Chapter 4A – Peacocke Medium Density Residential Zone</b>	MRZ - PREC1-SP: R3	Oppose	Waka Kotahi considers that further consideration should be given to allowing single dwellings as permitted activities within the High Density Residential Overlay. By permitting this there is the potential to undermine the intention of the overlay and risk not achieving the desired outcome of compact development that is a key value of the Peacocke Structure Plan area and supports connectivity and accessibility.	Waka Kotahi recommends that HCC considers whether the activity statuses and development standards of various dwelling types should be differentiated for the wider Medium Density Zone vs the High Density Residential Overlay, considering the suitability of single dwellings as a permitted activity in each.
<b>Chapter 6A – Neighbourhood Centre Zone</b>	NCZ– PREC1-PSP: P5	Support	Waka Kotahi supports this policy	Retain as notified
<b>Chapter 6B – Local Centre Zone</b>	LCZ – PREC1-PSP: O4	Support	Waka Kotahi supports this objective	Retain as notified
<b>Chapter 6B – Local Centre Zone</b>	LCZ – PREC1-PSP: P16	Support	Waka Kotahi supports this policy	Retain as notified
<b>Chapter 6B – Local Centre Zone</b>	LCZ – PREC1-PSP: P17	Support in part	Waka Kotahi supports this policy subject to a deletion. Waka Kotahi believe that Waikato Regional Council are best placed to advise the location of public transport stops within a local centre.	Amend as follows: Incorporate public transport stops into the Local Centre. <del>where it will provide an efficient and convenient access to the network.</del>
<b>Chapter 6B – Local Centre Zone</b>	LCZ – PREC1-PSP: R24 LCZ – PREC1-PSP: R26 LCZ – PREC1-PSP: R30	Oppose	Waka Kotahi consider it would be more appropriate for Light Industry and Drive-through services to have a non-complying activity status. This is suggested on the basis that these activities do not encourage walkability and are ill suited to local centres due to size of parking required and circulation space.	Amend the activity status of Light Industry and Drive-through services in the Local Centre Zone to Non-Complying.

Chapter	Plan Provision	Support / Oppose	Reasons	Relief Sought
<b>Chapter 23A – Subdivision Peacocke Precinct</b>	SUB – PREC1-PSP: PURPOSE	Support	Waka Kotahi support higher densities adjacent to public transport corridors and block patterns which provide for permeability to prioritise walking and cycling movements.	Retain as notified
<b>Chapter 23A – Subdivision Peacocke Precinct</b>	SUB – PREC1-PSP: 08	Support	Waka Kotahi supports this objective	Retain as notified
<b>Chapter 23A – Subdivision Peacocke Precinct</b>	SUB - PREC1-PSP:P8	Support	Waka Kotahi supports this policy	Retain as notified
<b>Chapter 23A – Subdivision Peacocke Precinct</b>	SUB - PREC1-PSP:P9	Support	Waka Kotahi supports providing for higher density residential development in walkable distance from local centres and public transport routes. It is however noted that, as discussed above, future mass transit stops are proposed to be located in close proximity to the gully network which reduces the ability for high density development within a walkable distance.	Retain as notified
<b>Chapter 23A – Subdivision Peacocke Precinct</b>	SUB - PREC1-PSP:P11 SUB - PREC1-PSP:P12 SUB - PREC1-PSP:P13	Support	Waka Kotahi supports these policies which prioritise the safety of footpath and cycleway users.	Retain as notified
<b>Chapter 23A – Subdivision Peacocke Precinct</b>	SUB - PREC1-PSP:P16	Support	Waka Kotahi supports this policy.	Retain as notified
<b>Chapter 23A – Subdivision</b>	SUB - PREC1-PSP:P18	Support in part	Waka Kotahi supports limiting the length of rear lanes to promote slow vehicle speeds and safety and to make walking and cycling more attractive by minimising trip	Incorporate a rule in Table 15-6b which limits the length of rear lanes.



Chapter	Plan Provision	Support / Oppose	Reasons	Relief Sought
<b>Peacocke Precinct</b>			lengths. However, it does not appear that there are any rules which enforce the length of a rear lane.	
<b>Chapter 23A – Subdivision Peacocke Precinct</b>	SUB - PREC1-PSP:P22	Support	Waka Kotahi supports this policy.	Retain as notified
<b>Chapter 23A – Subdivision Peacocke Precinct</b>	SUB-PREC1-PSP: R18 Block Structure and roading	Support	Waka Kotahi support block length and perimeter provision which provide for permeability for active modes.	Retain as notified
<b>Chapter 23A – Subdivision Peacocke Precinct/ Chapter 25 – City Wide - Transportation</b>	SUB-PREC1-PSP: R20 Provision of parking and access – (2)/ Rule 25.14.4.1a)v.	Support in part	Waka Kotahi support requiring reasonable distance between vehicle crossings on transport corridors with separated cycle lanes, to provide for cyclist safety. However, this conflicts with the aim to create high amenity and low speeds through increasing frontage activity and access. As discussed in the general comments above, there is a disconnect between good planning outcomes and infrastructure design.	Consider how appropriate this rule is based on the comments made on Collector roads in the general text above.
<b>Chapter 23A – Subdivision Peacocke Precinct</b>	SUB-PREC1-PSP: R25 Provision of Public Transport Infrastructure	Support	Waka Kotahi support provision of public transport infrastructure on corridors identified in the structure plan.	Retain as notified.
<b>Appendix 1 – District Plan Administration – Definitions and Terms</b>	Definition of Public Transport Station	Oppose	Waka Kotahi oppose this definition as the structure plan does not refer to ‘Public Transport Station’, rather it references Proposed Public Transport Hub, Key Public Transport Stops and Future Mass Transit Stop.	Offer clarification as to why ‘Public Transport Station’ has been defined and ensure that all intended references have been made to Public Transport Stations throughout the Structure Plan and supporting documents.
<b>Appendix 1 – District Plan Administration – Definitions and Terms</b>	Definition of Public Transport Station Catchments	Support in part	Waka Kotahi supports the intent of this definition but recommends that it is amended to be in line with Section 3.1.2 of the Waikato Regional Public Transport Plan which states in policy P4 that accessing public transport services in Hamilton should require a walk of 600 metres or less.	Investigate changes necessary to reduce walking distances for catchments in the Structure Plan area to 600 metres or less.

Chapter	Plan Provision	Support / Oppose	Reasons	Relief Sought
<b>Appendix 15 - Transportation</b>	15-2 Integrated Transport Assessment Requirements	Support in part	Waka Kotahi support the requirements of ITA's within the Peacocke Structure Plan Area. There is however a concern that only developments which generate an excess of 500 vpd are required to produce a design statement which requires an explanation of how the objectives and policies will be achieved. This means that if piecemeal development is allowed there is some potential for outcomes which lack universal design.	Investigate changes necessary in the trip generation triggers within the Peacocke Structure Plan area to ensure all development is to demonstrate compliance with principles of universal design etc
<b>Appendix AA – Zoning and Features Maps</b>	Proposed Transport Network Plans	Oppose	<p>Waka Kotahi concur with the ITA which states that the existing Hall Road / SH3 intersection is below standard and there shall not be any increase in traffic volumes on Hall Road from either developments or by connections to the road without this being addressed.</p> <p>Furthermore, Waka Kotahi agree that the options presented in the ITA for the relocated Hall Road intersection treatments are sensible, however being able to support a specific option or a new intersection at all is dependent on many factors. These include consideration of if SH3 remains a state highway at the time works would occur, timeframes for Southern Links, whether the Houchens Road Structure Plan proceeds, and if SH3/Raynes Road intersection is converted to a roundabout. Until more is known around these variables it is hard to conclude the Waka Kotahi strategy for a relocated Hall Road intersection.</p> <p>The ITA states that “...the developer of these stages will need to investigate options and deliver the infrastructure are part of their development”, which describes that the intersection solution will need to be negotiated between the developer/s and Waka Kotahi in the future. Waka Kotahi support this approach but cannot support showing a link to State Highway 3 on the Structure Plan Maps at this time given the uncertainties around if we could practically approve this.</p>	Waka Kotahi seek that the relocated Hall Road does not connect with State Highway 3 and that this connection is removed from the Structure Plan Transport Network Plan.

## Submission by

## Hamilton City Council

# PLAN CHANGE 5 - PEACOCKE STRUCTURE PLAN

5 November 2021

### 1.0 EXECUTIVE SUMMARY AND KEY MESSAGES

- 1.1 Hamilton City Council submits on Plan Change 5 (PC5) to align the plan change with the final outcomes under the passing of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill. It is noted that this is a Bill and changes may occur before it comes into law. This is anticipated to occur in December 2021.
- 1.2 Hamilton City Councils seeks changes to **Chapter 4A Medium Density Residential Zone** and **Chapter 23A SUB – PREC1-PSP: Subdivision - Peacocke Precinct** to align these chapters with the final outcomes under the passing of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill.

### 2.0 INTRODUCTION

- 2.1 Hamilton City Council would like to make a submission to **Plan Change 5 - Peacocke Structure Plan**.
- 2.2 Plan Change 5 (PC5) seeks to introduce a new medium density zoning framework based on the requirements of the current National Policy Statement on Urban Development (NPS-UD). PC5 sought to enable higher density and a range of housing typologies within Peacocke by introducing a set of objectives and policies that support higher density and a variety of housing typologies as well as a more permissive set of development standards.

### 3.0 RESOURCE MANAGEMENT (ENABLING HOUSING SUPPLY AND OTHER MATTERS) AMENDMENT BILL

- 3.1 The Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill (Bill) was released on the 19 October 2021 and is designed to improve housing supply in New Zealand's five largest cities (including Hamilton) by speeding up implementation of the NPS-UD and enabling more medium density homes. It is noted that this is a Bill and changes to it may occur before it comes into law. This is anticipated to occur in December 2021.
- 3.2 Once passed into law, the Bill will require Hamilton City to adopt the Medium Density Residential Standards (MDRS) set out in the Bill. MDRS sets seven building requirements to enable development and must be incorporated into RMA plans for current and future residential zones in Tier 1 urban areas. The requirements will enable landowners to build up to three houses of up to three storeys on their site as of right on most sites. This includes alterations to existing buildings.
- 3.3 Hamilton City Council will be lodging a submission on the Bill seeking amendments to the Bill prior to being passed into law. Key aspects of the submission relevant to Peacocke will include how the Bill and MDRS enable well-functioning urban environments, and that the MDRS need

to support high quality urban design outcomes. Hamilton City Council will also be seeking that the Bill provides an avenue for plan changes, such as the Peacocke Plan Change, to continue on their current First Schedule trajectory to avoid any perverse outcome of slowing down the supply of housing that would result from the withdrawal of the Peacocke Plan Change.

- 3.4 MDRS aim to enable medium density to be built across much more of our urban areas but will not require it. It will result in fewer resource consents being required and a simpler process that avoids notification when a resource consent is needed. The changes that are required to be made to the District Plan are found in Schedule 3A of the Bill. These changes are summarised in Table 1 below.

**Table 1: Summary of Proposed Medium Density Residential Standards**

Council RMA plans must permit housing that at least meets the following: Height	up to	<b>11m</b> high + an additional <b>1m</b> for a qualifying pitched roof
Height in relation to boundary	up to	<b>6m</b> high at site boundary + <b>60°</b> recession plane
Setbacks	as close as	<b>2.5m</b> of the front yard boundary <b>1m</b> of the side yard boundaries <b>1m</b> of the rear boundary (except on corner sites)
Building coverage	up to	<b>50%</b> coverage of the site area
Impervious surface	up to	<b>60%</b> coverage of the site area (ie. 50% building coverage plus 10% for pavement)
Outdoor living space (one per unit)	of at least	<b>15m<sup>2</sup></b> for houses at ground floor, with a minimum dimension of <b>3m</b> <b>8m<sup>2</sup></b> for houses with no ground floor per floor, with a minimum dimension of 1.8m
Outlook space (per unit)	of at least	<b>3m x 3m</b> space from a principal living room: From all other habitable rooms: <b>1m x 1m</b>

#### **4.0 RELIEF SOUGHT: PROPOSED AMENDMENTS TO PLAN CHANGE 5 - PEACOCKE STRUCTURE PLAN**

- 4.1 PC5 is aligned with the purpose of the NPS-UD to provide more housing, however Central Government now requires Council to make changes to the Plan Change to align it with the MDRS introduced by the Bill. As a result, and depending on the final outcomes of the legislative process, there may be a need to make amendments to the current PC5 provisions set out in the following chapters:

- Chapter 4A Medium Density Residential Zone – MRZ – PREC1-PSP: Medium Density Residential Zone Peacocke Precinct (See Attachment 1).**

- a) Amended the existing objective and policy framework set out in **MRZ – PREC1-PSP: Objectives** and **MRZ – PREC1-P: Policies** to enabling the implementation of the MDRS as required under Schedule 3A (8) of the Bill.

- b) Amended **MRZ – PREC1-PSP: Rules – Activity Status**

- i. To allow as a permitted activity the construction and use of 1, 2, or 3 residential units on a single site as set out in Schedule 3A (2) and (3).
  - ii. Amended the activity Status for 4 or more residential units on a single site as set out in Schedule 3A (3).
  - iii. Make amendments to the notification process to align with the requirements of Schedule 3A (4).

- c) Amended the following Standards to align with Schedule 3A of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill.

- MRZ – PREC1-PSP: Rules – Development Standards**

- i. Amended the current development standards to align with the standards set out in Schedule 3A Part 2 Building Standards (9) to (15) (See table 1)
    - ii. Amended the current development standards to align with the standards set out in Schedule 3A Part 2 Building Standards in relation to 4 or more residential units on a single site

## 2. Chapter 23A SUB – PREC1-PSP: Subdivision – Peacocke Precinct (See Attachment 2)

- a) Amendment to **SUB – PREC1-PSP: Rules – General Standards** to align the standards with Schedule 3A (5), (6) and (7)

- 4.2 The amendments set out above are contingent on the final outcomes of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill once it is passed into legislation. This submission is limited to seeking relief to reflect Hamilton City Council's legal obligations under the Act which is to be passed. In addition to these amendments, Hamilton City Council seeks all further amendments to PC 5 that are necessary to give effect to the MDRS and the requirements of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill once the final form of the Bill is passed into law and becomes an Act of Parliament.
- 4.3 Hamilton City Council reserves the right to withdraw this submission if it transpires that it has no legal obligation to pursue these amendments to the notified version of PC5.

## 5.0 FURTHER INFORMATION AND HEARINGS

- 5.1 Should further clarification of the submission, or additional information be required, please contact **Jamie Sirl** (Team Leader, City Planning), phone 07 929 2714 or email [Jamie.Sirl@hcc.govt.nz](mailto:Jamie.Sirl@hcc.govt.nz) in the first instance.
- 5.2 Hamilton City Council **does wish to speak** at the hearings in support of this submission.

Yours faithfully



**Lance Vervoort**  
**CHIEF EXECUTIVE**



### **4A Medium Density Residential Zone – MRZ**

#### **MRZ – PREC1-PSP: Medium Density Residential Zone** **Peacocke Precinct**

Provisions that are not tracked changed (insertions underlined, deletions ~~struck-out~~), have been transferred from the Hamilton Operative District Plan 2017 under s58I of the RMA for the purposes of complying with the format requirement of the National Planning Standards.

The following provisions have legal effect under Section 86B of the RMA

The following Provisions that are tracked changed (insertions Underlined, deletions ~~struck-out~~) in Blue indicate relief sought through the submission to align Plan Change 5 with the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill.

#### **MRZ – PREC1-PSP: ISSUES**

The Medium Density Zone applies to identified greenfield areas that will provide for a higher density than is currently established in the General Residential Zone. Medium density development provides a number of benefits, including a more efficient use of land and infrastructure and the ability to foster walkable communities, which provide for access to services, jobs and daily needs within a walkable or cyclable distance.

The Peacocke Precinct provides for increased density across the entire structure plan with the vision to create a high quality urban neighbourhood. The precinct/development area is subject to its own planning framework due to the different outcomes that are envisaged throughout the structure plan compared to Hamilton City's other Medium Density Zone locations and the unique environmental features that are present in the area. The Peacocke Precinct applies in the Peacocke Development Area. It spatially identifies and manages the area, applying additional place-based provisions to refine the policy direction and standards that apply to development in the area. The policy direction for the Peacocke Precinct recognises the unique qualities of the Peacocke area and the need to deliver a high amenity greenfield development that focuses on the creation of a walkable and cyclable environment.

Increased density supports public transport and viable commercial centres, increasing the number of people within a walkable catchment. It also provides more housing options, such as one or two person homes, smaller families and opportunities for retirees to downsize. For this reason, the Peacocke Precinct includes a high density overlay which is located within walkable distances from the suburban centre, identified public transport routes and areas of amenity including the river and gully network, parks and community facilities. This overlay enables the delivery of higher density housing and in combination with the objectives and policies of the plan, will create a walkable environment that provides ease of access to facilities and amenities and public transport.

In order to ensure a pleasant living environment, it is important that higher density housing is well designed. This is because, when compared to lower density housing, there is less space to provide onsite amenity for individual properties and generally less flexibility to arrange smaller sites. For this reason, council reserves discretion over the development of multi-unit housing including duplex dwellings, terrace dwellings and apartments throughout the zone.

## MRZ – PREC1-PSP: OBJECTIVES

### Land use and development

REFERENCE	OBJECTIVE	RELEVANT POLICIES
<b>MRZ - PREC1-PSP: O1</b>	A range of housing types and densities is available to meet the needs of all communities.	<a href="#">MRZ - PREC1-PSP: P1</a>
<b>MRZ - PREC1-PSP: O2</b>	Residential activities remain the dominant activity in Residential Zones.	<a href="#">MRZ - PREC1-PSP: P2</a> <a href="#">MRZ - PREC1-PSP: P3</a> <a href="#">MRZ - PREC1-PSP: P4</a> <a href="#">MRZ - PREC1-PSP: P15</a>
<b>MRZ - PREC1-PSP: O3</b>	Buildings and activities at the interface of Residential Zones with other zones will be compatible with the form and type of development anticipated in the adjacent zone.	<a href="#">MRZ - PREC1-PSP: P17</a> <a href="#">MRZ - PREC1-PSP: P18</a>
<b><a href="#">MRZ - PREC1-PSP: O4</a></b>	<a href="#"><i>The Peacocke Precinct establishes a high amenity, medium density residential environment with areas of high density around identified activity nodes, corridors and areas of natural amenity.</i></a>	<a href="#">MRZ - PREC1-PSP: P5</a> <a href="#">MRZ - PREC1-PSP: P21</a> <a href="#">MRZ - PREC1-PSP: P22</a>
<b><a href="#">MRZ - PREC1-PSP: O5</a></b>	<a href="#"><i>Development in Peacocke provides a range of housing typologies that are consistent with the neighbourhood's planned urban built character of two to three-storey buildings in the medium density zone and two – five storey buildings within the high-density area.</i></a>	<a href="#">MRZ – PREC1-PSP: P5</a> <a href="#">MRZ - PREC1-PSP: P21</a> <a href="#">MRZ - PREC1-PSP: P22</a>

### Amenity

REFERENCE	OBJECTIVE	RELEVANT POLICIES
<b>MRZ - PREC1-PSP: O6</b>	Residential development produces good on-site amenity.	<a href="#">MRZ - PREC1-PSP: P7</a> <a href="#">MRZ - PREC1-PSP: P8</a> <a href="#">MRZ - PREC1-PSP: P9</a> <a href="#">MRZ - PREC1-PSP: P10</a>

<b>MRZ - PREC1-PSP: O7</b>	The development contributes to good neighbourhood amenity as the area matures.	<a href="#">MRZ - PREC1-PSP: P11</a> <a href="#">MRZ - PREC1-PSP: P12</a> <a href="#">MRZ - PREC1-PSP: P13</a> <a href="#">MRZ - PREC1-PSP: P14</a>
<b>MRZ - PREC1-PSP: O8</b>	Activities in Residential Zones are compatible with residential amenity.	<a href="#">MRZ - PREC1-PSP: P3</a> <a href="#">MRZ - PREC1-PSP: P15</a> <a href="#">MRZ - PREC1-PSP: P16</a>
<b><u>MRZ - PREC1-PSP: O9</u></b>	<u>Residential dwellings within the Peacocke Precinct are designed and developed to create an attractive and safe urban environment, providing a high level of amenity:</u> <ol style="list-style-type: none"> <li><u>1. On site for residents;</u></li> <li><u>2. On adjoining sites; and</u></li> <li><u>3. For the transport corridor and public open spaces.</u></li> </ol>	<a href="#">MRZ -PREC1-P: P7</a> <a href="#">MRZ -PREC1-P: P19</a> <a href="#">MRZ -PREC1-P: P20</a>

## Infrastructure

REFERENCE	OBJECTIVE	RELEVANT POLICIES
<b>MRZ - PREC1-PSP: O10</b>	Efficient use of land and infrastructure	<a href="#">MRZ - PREC1-PSP: P6</a> <a href="#">MRZ - PREC1-PSP: P23</a> <a href="#">MRZ - PREC1-PSP: P24</a> <a href="#">MRZ - PREC1-PSP: P25</a>
<b>MRZ - PREC1-PSP: O11</b>	Residential buildings make efficient use of water and energy resources.	<a href="#">MRZ - PREC1-PSP: P26</a>



## MRZ – PREC1-P: POLICIES

### Land use and development

<b>MRZ - PREC1-PSP: P1</b>	Higher-density residential development should be located within and close to the Central City, suburban and neighbourhood centres, tertiary education facilities and hospital, and in areas serviced by passenger transport.
<b>MRZ - PREC1-PSP: P2</b>	Non-residential activities should not establish in residential areas, unless the adverse effects on all zones are avoided, remedied or mitigated.
<b>MRZ - PREC1-PSP: P3</b>	Home-based businesses shall: <ol style="list-style-type: none"> <li>1. Be ancillary to the residential activity of the site.</li> <li>2. Avoid adverse effects on the neighbourhood, character, amenity and the transport network.</li> <li>3. Take place within dwellings or ancillary buildings.</li> <li>4. Involve no outdoor storage of vehicles, equipment or goods visible from a public place.</li> <li>5. Be compatible with the character and amenity of the locality, in terms of location, type and scale of activity, number of visitors to the site, and hours of operation.</li> </ol>
<b>MRZ - PREC1-PSP: P4</b>	Community facilities and community support activities (including managed care facilities and residential centres) shall: <ol style="list-style-type: none"> <li>1. Serve a local social or cultural need.</li> <li>2. Be compatible with existing and anticipated residential amenity.</li> </ol>
<b><u>MRZ - PREC1-PSP: P5</u></b>	<b><u>Ensure the efficient development of land by requiring development to demonstrate it is consistent with the Peacocke Structure Plan.</u></b>

## Amenity

<b>MRZ - PREC1- PSP: P6</b>	Residential land uses should be managed to avoid potential effects, such as noise, from arterial transport corridors and state highways.
<b>MRZ - PREC1- PSP: P7</b>	Residential design shall achieve quality on-site amenity by providing: <ol style="list-style-type: none"> <li>1. Private, useable outdoor living areas that are located to the rear of the site.</li> <li>2. Access to sunlight and daylight throughout the year.</li> <li>3. Adequate service areas to accommodate typical residential living requirements.</li> <li>4. Insulation to minimise adverse noise effects.</li> <li>5. <u>Where offered</u>, parking and manoeuvring areas on-site to meet the needs, safety and convenience of residents.</li> <li>6. Energy-efficient and sustainable design technologies where compatible with the scale and form of residential development.</li> <li>7. <u>Principal living areas with sufficient outlook to create a sense of space.</u></li> </ol>
<b>MRZ - PREC1- PSP: P8</b>	Residential sites adjacent to public space shall achieve visual and physical connectivity to these areas.
<b>MRZ - PREC1- PSP: P9</b>	Building design and location shall protect the privacy of adjoining dwellings.
<b>MRZ - PREC1- PSP: P10</b>	Development in areas identified for medium and high-density residential activities should be in general accordance with the appropriate Design Assessment Criteria.
<b>MRZ - PREC1- PSP: P11</b>	The size and scale of buildings and structures shall be compatible with the locality.
<b>MRZ - PREC1- PSP: P12</b>	Buildings should be designed so they do not physically dominate or adversely affect the residential character of the neighbourhood.
<b>MRZ - PREC1- PSP: P13</b>	Significant vegetation and trees should be preserved wherever possible.
<b>MRZ - PREC1- PSP: P14</b>	Garages, carports and vehicle access points shall be sited to ensure the safety of all road users and the safe and efficient function of the transport corridor.
<b>MRZ - PREC1- PSP: P15</b>	Non-residential activities shall be of an appropriate size to maintain character of the site.
<b>MRZ - PREC1- PSP: P16</b>	Adverse effects of activities on the amenity values of the locality shall be minimised including: <ol style="list-style-type: none"> <li>1. Effects of noise, glare, odour, dust, smoke, fumes and other nuisances.</li> <li>2. Effects on traffic, parking, and transport networks.</li> </ol>
<b>MRZ - PREC1- PSP: P17</b>	Adverse effects of activities that cross zone boundaries shall be managed through setbacks, building design, and landscaping.



<b>MRZ - PREC1- PSP: P18</b>	Buildings and structures on the boundary between Residential Zones and public areas shall incorporate CPTED principles.
<b><u>MRZ - PREC1- PSP: P19</u></b>	<p><u>Dwellings within the Peacocke Structure Plan are designed and constructed to provide a high amenity environment by:</u></p> <ol style="list-style-type: none"> <li><u>1) Providing passive surveillance of public spaces (including roads and areas of open space) and creating a clear delineation between public and private spaces through the use of low fence heights, landscaping, glazing and clear pedestrian entrances.</u></li> <li><u>2) Encouraging buildings to be located towards the front of the site, so they front the street and enable space for private outdoor living areas that have access to sunlight.</u></li> <li><u>3) Providing high quality front yard landscaping that adds amenity to the streetscape.</u></li> <li><u>4) Ensuring the visual dominance of garage doors and carparking is minimised.</u></li> <li><u>5) Designing the facades of dwellings to provide visual interest and engage with the street; including through the provision of front porches, low fences, glazing, setbacks, direct pedestrian access and the management of parking.</u></li> </ol>
<b><u>MRZ -PREC1- PSP: P20</u></b>	<u>Ensure vehicle crossings are minimised on road frontages where narrow dwellings are proposed and where shared paths and separated cycle ways are located.</u>
<b><u>MRZ - PREC1- PSP: P21</u></b>	<u>Residential development is designed to manage effects of lighting on adjacent areas of Natural Open Space.</u>
<b><u>MRZ - PREC1- PSP: P22</u></b>	<u>Residential development considers and responds to the future effects of climate change.</u>

## Infrastructure

<b>MRZ - PREC1- PSP: P23</b>	New residential development shall be able to be adequately serviced in terms of Three Waters infrastructure.
<b>MRZ - PREC1- PSP: P24</b>	Residential development shall use land and infrastructure efficiently by: <ol style="list-style-type: none"> <li>1. Delivering target yields from housing development in both greenfield growth areas and intensification areas, as indicated by rules or Structure Plans.</li> <li>2. Staging and sequencing the development as indicated by <del>rules or the</del> <u>Peacocke</u> Structure Plans.</li> <li>3. Otherwise complying with <u>the Peacocke Structure Plan</u>, <del>relevant Structure Plans</del>.</li> </ol>
<b>MRZ - PREC1- PSP: P25</b>	New buildings and activities shall mitigate effects on and from regionally significant infrastructure.
<b>MRZ - PREC1- PSP: P26</b>	Development should encourage the efficient use of energy and water, by: <ol style="list-style-type: none"> <li>1. Incorporating water-sensitive techniques.</li> <li>2. Reducing the use of reticulated electricity.</li> <li>3. <u>Utilizing solar energy.</u></li> <li>4. <u>Providing for electric bikes and charging network throughout the area.</u></li> </ol>

## MRZ – 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.

Plan Change 5  
Peacocke Structure  
Plan

MRZ - PREC1- PSP: R1	Accessory Buildings	
Medium density residential zone – Peacocke Precinct	<p>Activity Status: Permitted</p> <p>Where the following are complied with: PER-1</p> <ol style="list-style-type: none"> <li>Up to 3 units PREC1-P R34 – R40.</li> <li>4 or more units PREC1-P R41 - R53.</li> </ol> <del>1. PREC1-P R36 – R48.</del>	<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"> <li>A – General Criteria</li> </ol>

MRZ - PREC1- PSP: R2	Ancillary residential structure	
Medium density residential zone – Peacocke Precinct	<p>Activity Status: Permitted</p> <p>Where the following are complied with: PER-1</p> <ol style="list-style-type: none"> <li>Up to 3 units PREC1-P R34 – R40.</li> <li>4 or more units PREC1-P R41 - R53.</li> </ol> <del>1.3. PREC1-P R36 – R48.</del>	<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"> <li>A – General Criteria</li> </ol>

MRZ - PREC1- PSP: R3	Single One, two or three Dwellings on a site	
Medium density residential zone – Peacocke Precinct	<p>Activity Status: Permitted</p> <p>Where the following are complied with: PER-1</p> <ol style="list-style-type: none"> <li>Only one dwelling is provided per site.</li> <li><del>1. PREC1-P R36-R34– R48R40.</del></li> </ol>	<p>Activity Status where compliance is not achieved with PER 1 1: Restricted Discretionary (*):</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li><del>B – Design and Layout</del></li> <li><del>C – Character and Amenity</del></li> <li><del>P – Peacocke Structure Plan</del></li> </ol>



		<p><u>Activity Status where compliance is not achieved with PER-1-21: Restricted Discretionary.</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p>1. <u>A – General</u></p>
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<b><u>MRZ - PREC1- PSP: R4</u></b>	<b><u>Managed care facilities</u></b>	
<b><u>Medium density residential zone – Peacocke Precinct</u></b>	<p><u>Activity Status: Permitted</u></p> <p><u>Where the following are complied with:</u></p> <p><u>PER-1</u></p> <p><u>1. . Up to 3 units PREC1-P R34 – R40.</u></p> <p><u>1-2. 4 or more units PREC1-P R41 - R53.</u></p> <p><u>1. PREC1-P R36 – R48.</u></p> <p><u>PER-2</u></p> <p><u>2-3. No more than 9 people, including staff and their dependents reside on site.</u></p> <p><u>PER-3</u></p> <p><u>3-4. Within one calendar month of its occupancy, the Agency/person(s) responsible for the Managed Care Facility shall provide the residents of the properties adjoining the site and Council's Planning Department a written information pack. The information pack shall include an overview of the Agency and the range of services provided (if relevant), and the type of care and programs to be provided within the Managed Care Facility and shall include the following.</u></p>	<p><u>Activity Status where compliance is not achieved with PER-1: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p>1. <u>A - General</u></p> <p><u>Activity status where compliance is not achieved with PER-2: Discretionary</u></p> <p><u>Activity Status where compliance is not achieved with PER-3 – PER-7: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p>1. <u>A - General</u></p>



	<ul style="list-style-type: none"> <li>a) <u>Proposed number of residents.</u></li> <li>b) <u>The anticipated number of visitors to the site per week and daily visiting hours.</u></li> <li>c) <u>Anticipated full time equivalent staff at the facility.</u></li> <li>d) <u>Regular and emergency contact details to enable prompt and effective contact if necessary.</u></li> <li>e) <u>The policies for the management of possible emergency situations including the management of neighbour relations in an emergency situation.</u></li> </ul> <p><u>PER-4</u></p> <p><u>4-5. The outdoor living area shall be provided communally which shall comprise:</u></p> <ul style="list-style-type: none"> <li>a) <u>At least 15m<sup>2</sup> per resident in the General Residential Zone-Medium Density Residential Zone – Peacocke Precinct.</u></li> <li>b) <u>At least 12m<sup>2</sup> per resident in the Residential Intensification Zone-High Density Overlay Area of the Medium Density Residential Zone - Peacocke Precinct</u></li> <li>c) <u>A minimum dimension of not less than 4m.</u></li> <li>d) <u>An area capable of containing a 6m diameter circle.</u></li> <li>e) <u>At least 60% at ground level, and any outdoor living space that is not at ground level is provided on upper floor decks wider than 1m.</u></li> <li>f) <u>Comprise not more than 35% impermeable surface area.</u></li> <li>g) <u>For the exclusive use of the residents.</u></li> <li>h) <u>Readily accessible for all residents.</u></li> <li>i) <u>Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.</u></li> </ul> <p><u>PER-5</u></p>	
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	<p><u>5-6. A service area shall be provided that has:</u></p> <ul style="list-style-type: none"> <li>a) <u>A minimum area of 20m<sup>2</sup> with a minimum dimension of 3m.</u></li> <li>b) <u>In cases where a fully equipped laundry (washing and drying machines) is provided, then the service area can be reduced to a minimum of 16m<sup>2</sup> with a minimum dimension of 2m.</u></li> </ul> <p><u>PER-6</u></p> <p><u>6-7. Staff providing supervision for managed care facilities accommodating eight or more residents shall be present on site at all times that residents are in occupation.</u></p> <p><u>Per-7</u></p> <p><u>7-8. No part of any site or premises used as a managed care facility shall contain a secure unit.</u></p>	
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<u>MRZ - PREC1- PSP: R5</u>	<u>Emergency housing</u>	
<u>Medium density residential zone – Peacocke Precinct</u>	<p><u>Activity Status: Permitted</u></p> <p><u>Where the following are complied with:</u></p> <p><u>PER-1</u></p> <ul style="list-style-type: none"> <li><u>1. Up to 3 units PREC1-P R34 – R40.</u></li> <li><u>1-2. 4 or more units PREC1-P R41 - R53.</u></li> </ul> <p><u>PER-2</u></p> <ul style="list-style-type: none"> <li><u>1. No more than 10 people, including staff and their dependents reside on site.</u></li> </ul>	<p><u>Activity Status where compliance not achieved with PER-1: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ul style="list-style-type: none"> <li><u>1. A - General</u></li> </ul> <p><u>Activity status where compliance is not achieved with PER-2: Non Complying</u></p>





<u>MRZ - PREC1- PSP: R6</u>	<u>Residential activities</u>	
<u>Medium density residential zone – Peacocke Precinct</u>	<u>Activity Status: Permitted</u>  <u>Where the following are complied with:</u>  <u>PER-1</u> <ol style="list-style-type: none"> <li><u>Up to 3 units PREC1-P R34 – R40.</u></li> <li><u>4 or more units PREC1-P R41-53.</u></li> <li><u>PREC1-P R36 – R48.</u></li> </ol>	<u>Activity Status where compliance not achieved with PER-1: Restricted Discretionary</u>  <u>Matters of discretion are restricted to:</u> <ol style="list-style-type: none"> <li><u>A – General</u></li> </ol>

<u>MRZ - PREC1- PSP: R7</u>	<u>Home based business</u>	
<u>Medium density residential zone – Peacocke Precinct</u>	<u>Activity Status: Permitted</u>  <u>Where the following are complied with:</u>  <u>PER-1</u> <ol style="list-style-type: none"> <li><u>For the avoidance of doubt, if an activity does not comply with all of the standards specified, it is not a home-based business. Home-based businesses shall:</u></li> <li><u>Employ no more than 2 people, one of whom must reside on the site on a permanent basis.</u></li> <li><u>Not exceed 30% of the total gross floor area of buildings on the site.</u></li> <li><u>Not generate any trips by a heavy motor vehicle.</u></li> <li><u>Not generate vehicle trips or pedestrian traffic between 2000 to 0800 hours.</u></li> <li><u>Not display any indication of the activity from outside the site including the display or storage of materials, except for permitted signs.</u></li> </ol>	<u>Activity Status where compliance not achieved with PER-1: Non complying</u>



	<p>7. <u>Retail only those goods which have been manufactured, repaired, renovated or otherwise produced on the site.</u></p> <p>8. <u>Not create electrical interference with television and radio sets or other types of receivers in adjacent residential units.</u></p> <p>9. <u>Not generate nuisances, including smoke, noise, dust, vibration, glare, and other noxious or dangerous effects – these shall be measured at the boundaries of the site.</u></p> <p>10. <u>Have only one sign with a maximum area of 0.6m<sup>2</sup>, a maximum dimension of 1m and having no part higher than 2m above the adjacent ground level. The sign must be attached to either a fence, wall or building.</u></p>	
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<b><u>MRZ - PREC1- PSP: R8</u></b>	<b><u>Homestay accommodation</u></b>	
<b><u>Medium density residential zone – Peacocke Precinct</u></b>	<p><u>Activity Status: Permitted</u></p> <p><u>Where the following are complied with:</u></p> <p><u>PER 1</u></p> <p>1. <u>PREC1-P R36 – R48.</u></p>	<p><u>Activity Status where compliance not achieved with PER 1: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>A – General</u></p>

<b><u>MRZ - PREC1- PSP: R9</u></b>	<b><u>Show homes</u></b>	
<b><u>Medium density residential zone – Peacocke Precinct</u></b>	<p><u>Activity Status: Permitted</u></p> <p><u>Where the following are complied with:</u></p> <p><u>PER-1</u></p> <p>1. <u>Up to 3 units PREC1-P R34 – R40.</u></p> <p>2. <u>4 or more units PREC1-P R41 - R53.</u></p> <p>1.3. <u>PREC1-P R36 – R48.</u></p> <p>2.4. <u>Shall be staffed by a maximum number of two staff at any time.</u></p>	<p><u>Activity Status where compliance not achieved with PER-1: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p>1. <u>A - General</u></p>



	<p><u>3.5. Shall be located on a front, corner or through site.</u></p> <p><u>4.6. Shall have a maximum activity duration of two years from the time of first occupation.</u></p>	
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<b><u>MRZ - PREC1- PSP: R10</u></b>	<b><u>Informal recreation</u></b>	
<b><u>Medium density residential zone – Peacocke Precinct</u></b>	<p><u>Activity Status: Permitted</u></p> <p><u>Where the following are complied with:</u></p> <p><u>PER-1</u></p> <p>1. <u>PREC1-P R36 – R48.</u></p>	<p><u>Activity Status where compliance not achieved with PER-1: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p>1. <u>A – General</u></p>

<b><u>MRZ - PREC1- PSP: R11</u></b>	<b><u>Organised recreation</u></b>	
<b><u>Medium density residential zone – Peacocke Precinct</u></b>	<p><u>Activity Status: Permitted</u></p> <p><u>Where the following are complied with:</u></p> <p><u>PER-1</u></p> <p>1. <u>PREC1-P R36 – R48R41 - R53.</u></p>	<p><u>Activity Status where compliance not achieved with PER-1: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p>1. <u>A - General</u></p>

<b><u>MRZ - PREC1- PSP: R12</u></b>	<b><u>Demolition or removal of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)</u></b>	
<b><u>Medium density residential zone – Peacocke Precinct</u></b>	<p><u>Activity Status: Permitted</u></p> <p><u>Where the following are complied with:</u></p> <p><u>PER-1</u></p> <p><u>PREC1-P R36 – R48.</u></p>	<p><u>Activity Status where compliance not achieved with PER-1: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p>1. <u>A – General</u></p>



<u>MRZ - PREC1- PSP: R13</u>	<u>Maintenance, repair and alterations and additions to existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)</u>	
<u>Medium density residential zone – Peacocke Precinct</u>	<p><u>Activity Status: Permitted</u></p> <p><u>Where the following are complied with:</u></p> <p><u>PER-1</u></p> <ol style="list-style-type: none"> <li><u>1. Up to 3 units on a site PREC1-P R34 – R40.</u></li> <li><u>2. 4 or more units on a site PREC1-P R41-R53.</u></li> <li><u>1-3. PREC1-P R36 – R4840.</u></li> </ol>	<p><u>Activity Status where compliance not achieved with PER-1: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li><u>1. A - General</u></li> </ol>

<u>MRZ - PREC1- PSP: R14</u>	<u>Relocated buildings</u>	
<u>Medium density residential zone – Peacocke Precinct</u>	<p><u>Activity Status: Permitted</u></p> <p><u>Where the following are complied with:</u></p> <p><u>PER-1</u></p> <ol style="list-style-type: none"> <li><u>1. Up to 3 units on a site PREC1-P R34 – R40.</u></li> <li><u>2. 4 or more units on a site PREC1-P R41-R53.</u></li> <li><u>1-3. PREC1-P R36 – R48.</u></li> <li><u>2-4. Any relocated building intended for use as a dwelling (excluding previously used accessory buildings) must have previously been designed, built and used as a dwelling.</u></li> <li><u>3-5. A building inspection report shall accompany the application for a building consent. That report is to identify all reinstatement works that are to be completed to the exterior of the building.</u></li> <li><u>4-6. All reinstatement work required by the building inspection report and the building consent to reinstate the exterior of any relocated dwelling shall be completed within six months of the building being delivered to the site. Reinstatement work is to include</u></li> </ol>	<p><u>Activity Status where compliance not achieved with PER-1: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li><u>1. A - General</u></li> </ol>



	<p><u>connections to all infrastructure services and closing in and ventilation of the foundations.</u></p> <p><u>5.7. The proposed owner of the relocated building must certify that the reinstatement work will be completed within the six month period.</u></p>	
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<u>MRZ – PREC1- PSP: R15</u>	<u>Duplex Dwelling*</u>	
<u>Medium density residential zone – Peacocke Precinct</u>	<p><u>Activity Status: Restricted Discretionary</u></p> <p><u>Where the following are complied with:</u></p> <p><u>RDIS-1</u></p> <p><u>1. PREC1-P R36 – R48.</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>1. B – Design and Layout</u></p> <p><u>2. C – Character and Amenity</u></p> <p><u>3.1. P – Peacocke Structure Plan</u></p>	<p><u>Activity Status where compliance is not achieved with RDIS-1 1: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>1. A – General</u></p>

<u>MRZ - PREC1- PSP: R16R15</u>	<u>Terrace dwelling (Peacocke Precinct)*Four or more Dwellings on a site (*)</u>	
<u>Medium density residential zone – Peacocke Precinct</u>	<p><u>Activity Status: Restricted Discretionary</u></p> <p><u>Where the following are complied with:</u></p> <p><u>RDIS-1</u></p> <p><u>The maximum number of units in a terrace housing development building is no more than 6.</u></p> <p><u>RDIS-2</u></p> <p><u>1. PREC1-P R36-R41 – R48R53.</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>4.1. B – Design and Layout</u></p> <p><u>5.2. C – Character and Amenity</u></p> <p><u>6.3. P – Peacocke Structure Plan</u></p>	<p><u>Activity Status where compliance not achieved with RDIS-1 1): Restricted Discretionary(*)</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>1. A - General</u></p> <p><u>Activity Status where compliance is not achieved with RDIS-2-2): Restricted Discretionary (*).</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>1. A - General</u></p>



# DISTRICT PLAN



Hamilton City Council  
Te Kaunihera o Kirikiriroa

Plan Change 5  
Peacocke Structure  
Plan

<u>Medium density residential zone – Peacocke Precinct</u>	<u>Activity Status: Restricted Discretionary</u>  <u>Where the following are complied with:</u>  <u>RDIS-1</u> 1. <u>PREC1-P R36 – R48.</u>  <u>Matters of discretion are restricted to:</u> 1. <u>B – Design and Layout</u> 2. <u>C – Character and Amenity</u> 3. <u>P – Peacocke Structure Plan</u>	<u>Activity Status where compliance is not achieved with RDIS-1-1: Restricted Discretionary.</u>  <u>Matters of discretion are restricted to:</u>  2. <u>A – General</u>
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<b>MRZ - PREC1- PSP: R18R16</b>	<b>Papakāinga*</b>	
<u>Medium density residential zone – Peacocke Precinct</u>	<u>Activity Status: Restricted Discretionary</u>  <u>Where the following are complied with:</u>  <u>RDIS-1</u> 1. <u>Up to 3 units on a site PREC1-P R34 – R40.</u> 2. <u>4 or more units on a site PREC1-P R41 – 53.</u> 1. <u>PREC1-P R36 – R48.</u>  <u>Matters of discretion are restricted to:</u> 1. <u>B – Design and Layout</u> 2. <u>C – Character and Amenity</u> 3. <u>P – Peacocke Structure Plan</u>	<u>Activity Status where compliance not achieved with PERRDIS-1: Restricted Discretionary</u>  <u>Matters of discretion are restricted to:</u>  1. <u>A – General</u>

<b>MRZ - PREC1- PSP: R19R17</b>	<b>Rest Home*</b>	
<u>Medium density residential zone – Peacocke Precinct</u>	<u>Activity Status: Restricted Discretionary</u>  <u>Where the following are complied with:</u>  <u>RDIS-1</u> 1. <u>PREC1-P R36 R41 – R48R53.</u> 2. <u>Maximum occupancy shall be 10 residents (including live-in staff).</u>	<u>Activity Status where compliance not achieved with PERRDIS-1: Restricted Discretionary</u>  <u>Matters of discretion are restricted to:</u>



	<p>3. <u>The maximum density for rest homes shall be:</u></p> <p>a. <u>One person per 50m<sup>2</sup> of net site area.</u></p> <p>4. <u>An outdoor living area shall be provided that:</u></p> <p>a. <u>Is for the exclusive use of the residents.</u></p> <p>b. <u>Is readily accessible to all residents.</u></p> <p>c. <u>Is free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.</u></p> <p>d. <u>Has a maximum area of impermeable surfaces not exceeding 60% of the outdoor living area.</u></p> <p>5. <u>The outdoor living area shall be provided communally which shall comprise:</u></p> <p>a. <u>At least 12m<sup>2</sup> per resident.</u></p> <p>b. <u>A minimum dimension of not less than 4m.</u></p> <p>c. <u>At least capable of containing a 6m-diameter circle.</u></p> <p>d. <u>At least 60% provided at ground level, and any outdoor living space that is not at ground level is provided on upper floor decks wider than 1m.</u></p> <p>6. <u>A service area shall be provided with areas and dimensions as follows:</u></p> <p>a. <u>Minimum area of 20m<sup>2</sup>.</u></p> <p>b. <u>Minimum dimension of 3m.</u></p> <p>c. <u>Provided that where a fully equipped laundry (both washing and drying machines) is provided in rest home, then the service area can be reduced to a minimum of 16m<sup>2</sup> with a minimum dimension of 2m</u></p>	<p>1. <u>A - General</u></p>
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	<p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li><u>B – Design and Layout</u></li> <li><u>C – Character and Amenity</u></li> <li><u>P – Peacocke Structure Plan</u></li> </ol>	
<b>MRZ - PREC1- PSP: <a href="#">R20R18</a></b>	<b>Dairy</b>	
<b>Medium density residential zone – Peacocke Precinct</b>	<p><u>Activity Status: Restricted Discretionary</u></p> <p><u>Where the following are complied with:</u></p> <p><u>RDIS-1</u></p> <ol style="list-style-type: none"> <li><u>PREC1-P <a href="#">R4136</a> – <a href="#">R48R53</a>.</u></li> <li><u>The gross floor area of retail activity on the site shall not exceed 100m<sup>2</sup>.</u></li> <li><u>The hours of operation shall be 0700-2200 hours.</u></li> </ol> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li><u>B – Design and Layout</u></li> <li><u>C – Character and Amenity</u></li> <li><u>P – Peacocke Structure Plan</u></li> </ol>	<p><u>Activity Status where compliance not achieved with <a href="#">PERDIS-1: Restricted Discretionary</a></u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li><u>A – General</u></li> </ol>

<b>MRZ - PREC1- PSP: <a href="#">R21R19</a></b>	<b>Childcare facility</b>	
<b>Medium density residential zone – Peacocke Precinct</b>	<p><u>Activity Status: Restricted Discretionary</u></p> <p><u>Where the following are complied with:</u></p> <p><u>RDIS-1</u></p> <ol style="list-style-type: none"> <li><u>PREC1-P <a href="#">R4136</a> – <a href="#">R48R53</a>.</u></li> <li><u>The Childcare Facility shall not be part of a multiunit residential development.</u></li> <li><u>The activity shall be located on a front, corner or through site.</u></li> <li><u>The activity shall have a maximum gross floor area for all buildings of 250m<sup>2</sup>.</u></li> </ol> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li><u>B – Design and Layout</u></li> <li><u>C – Character and Amenity</u></li> <li><u>P – Peacocke Structure Plan</u></li> </ol>	<p><u>Activity Status where compliance not achieved with <a href="#">PERDIS-1: Restricted Discretionary</a></u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li><u>A – General</u></li> </ol>



<u>MRZ - PREC1- PSP: <del>R22R20</del></u>	<u>Visitor accommodation</u>	
<u>Medium density residential zone – Peacocke Precinct</u>	<p><u>Activity Status: Restricted Discretionary</u></p> <p><u>Where:</u></p> <p><u>RDIS-1</u></p> <ol style="list-style-type: none"> <li><u>PREC1-P <del>R4136</del> – <del>R48R53</del>.</u></li> <li><u>The maximum occupancy for visitor accommodation shall be 12 guests.</u></li> <li><u>Visitor accommodation shall not provide for the sale of liquor through an ancillary facility such as a bar or a restaurant.</u></li> </ol> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li><u>B – Design and Layout</u></li> <li><u>C – Character and Amenity</u></li> <li><u>P – Peacocke Structure Plan</u></li> </ol>	<p><u>Activity Status where compliance not achieved with <del>PERRDIS-1: Restricted Discretionary</del></u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li><u>A – General</u></li> </ol>

<u>MRZ - PREC1- PSP: <del>R23R21</del></u>	<u>Emergency service facilities</u>	
<u>Medium density residential zone – Peacocke Precinct</u>	<p><u>Activity Status: Restricted Discretionary</u></p> <p><u>Where the following are complied with:</u></p> <p><u>RDIS-1</u></p> <ol style="list-style-type: none"> <li><u>PREC1-P <del>R4136</del> – <del>R48R53</del>.</u></li> </ol> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li><u>B – Design and Layout</u></li> <li><u>C – Character and Amenity</u></li> <li><u>P – Peacocke Structure Plan</u></li> </ol>	<p><u>Activity Status where compliance not achieved with <del>PERRDIS-1: Restricted Discretionary</del></u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li><u>A - General</u></li> </ol>

<u>MRZ - PREC1- PSP: <del>R24R22</del></u>	<u>Community centre</u>	
<u>Medium density residential zone – Peacocke Precinct</u>	<p><u>Activity Status: Restricted Discretionary</u></p> <p><u>Where the following are complied with:</u></p>	<p><u>Activity Status where compliance not achieved with <del>PERRDIS-1: Restricted Discretionary</del></u></p>



	<p><b>RDIS-1</b></p> <ol style="list-style-type: none"> <li>1. <u>PREC1-P R4136 – R48R53.</u></li> <li>2. <u>The maximum gross floor area of all buildings on a site shall not exceed 250m<sup>2</sup>.</u></li> <li>3. <u>The hours of operation shall be restricted to 0700 – 2200 hours.</u></li> <li>4. <u>Once per calendar year a special event may operate from 0700-0200 hours.</u></li> <li>5. <u>The display or storage of materials, except for permitted signage shall not be visible from outside the table.</u></li> </ol> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li>1. <u>B – Design and Layout</u></li> <li>2. <u>C – Character and Amenity</u></li> <li>3. <u>P – Peacocke Structure Plan</u></li> </ol>	<p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li>1. <u>A – General</u></li> </ol>
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<b>MRZ - PREC1- PSP: R25R23</b>	<b><u>Place of worship</u></b>	
<b><u>Medium density residential zone – Peacocke Precinct</u></b>	<p><u>Activity Status: Restricted Discretionary</u></p> <p><u>Where the following are complied with:</u></p> <p><b>RDIS-1</b></p> <ol style="list-style-type: none"> <li>1. <u>PREC1-P R36-R41 – R48R53.</u></li> <li>2. <u>The maximum gross floor area of all buildings on a site shall not exceed 250m<sup>2</sup>.</u></li> <li>3. <u>The hours of operation shall be restricted to 0700 – 2200 hours.</u></li> <li>4. <u>Once per calendar year a special event may operate from 0700-0200 hours.</u></li> <li>5. <u>The display or storage of materials, except for permitted signage shall not be visible from outside the table.</u></li> </ol> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li>1. <u>B – Design and Layout</u></li> <li>2. <u>C – Character and Amenity</u></li> <li>3. <u>P – Peacocke Structure Plan</u></li> </ol>	<p><u>Activity Status where compliance not achieved with <b>PERRDIS-1: Restricted Discretionary</b></u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li>1. <u>A – General</u></li> </ol>

MRZ - PREC1- PSP: <a href="#">R26R24</a>	Retirement Village*	
Medium density residential zone – Peacocke Precinct	<p><u>Activity Status: Restricted Discretionary</u></p> <p><u>Where the following are complied with:</u></p> <p><u>RDIS-1</u></p> <p><u>2.1. <a href="#">PREC1-P R36-R41 – R48R53.</a></u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li><u>B – Design and Layout</u></li> <li><u>C – Character and Amenity</u></li> <li><u>P – Peacocke Structure Plan</u></li> </ol>	<p><u>Activity Status where compliance is not achieved with RDIS-1-1: Restricted Discretionary.</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li><u>A – General</u></li> </ol>

MRZ - PREC1- PSP: <a href="#">R27R25</a>	Residential centre	
Medium density residential zone – Peacocke Precinct	<p><u>Activity Status: Discretionary</u></p> <p><u>Where the following are complied with:</u></p> <p><u>DIS-1</u></p> <ol style="list-style-type: none"> <li><u><a href="#">PREC1-P R36-R41 – R48R53.</a></u></li> </ol>	<p><u>Activity Status where compliance not achieved: Discretionary</u></p>

MRZ - PREC1- PSP: <a href="#">R28R26</a>	School	
Medium density residential zone – Peacocke Precinct	<p><u>Activity Status: Discretionary</u></p> <p><u>Where the following are complied with:</u></p> <p><u>DIS-1</u></p> <ol style="list-style-type: none"> <li><u><a href="#">PREC1-P R36-R41 – R48R53.</a></u></li> </ol>	<p><u>Activity Status where compliance not achieved: Discretionary</u></p>

MRZ - PREC1- PSP: <a href="#">R29R27</a>	Marae	
Medium density residential zone – Peacocke Precinct	<p><u>Activity Status: Discretionary</u></p> <p><u>Where the following are complied with:</u></p> <p><u>DIS-1</u></p> <ol style="list-style-type: none"> <li><u><a href="#">PREC1-P R36-R41 – R48R53.</a></u></li> </ol>	<p><u>Activity Status where compliance not achieved: Discretionary</u></p>

<b>MRZ - PREC1- PSP: <a href="#">R30R28</a></b>	<b><u>Office</u></b>	
<b><u>Medium density residential zone – Peacocke Precinct</u></b>	<b><u>Activity Status: Non Complying</u></b>	<b><u>Activity Status where compliance not achieved: Not applicable.</u></b>

<b>MRZ - PREC1- PSP: <a href="#">R31R29</a></b>	<b><u>Retail</u></b>	
<b><u>Medium density residential zone – Peacocke Precinct</u></b>	<b><u>Activity Status: Non Complying</u></b>	<b><u>Activity Status where compliance not achieved: Not applicable.</u></b>

<b>MRZ - PREC1- PSP: <a href="#">R32R30</a></b>	<b><u>Places of assembly</u></b>	
<b><u>Medium density residential zone – Peacocke Precinct</u></b>	<b><u>Activity Status: Non Complying</u></b>	<b><u>Activity Status where compliance not achieved: Not applicable.</u></b>

<b>MRZ - PREC1- PSP: <a href="#">R33R31</a></b>	<b><u>Health care services</u></b>	
<b><u>Medium density residential zone – Peacocke Precinct</u></b>	<b><u>Activity Status: Non Complying</u></b>	<b><u>Activity Status where compliance not achieved: Not applicable.</u></b>

<b>MRZ - PREC1- PSP: <a href="#">R34R32</a></b>	<b><u>Tertiary Education and specialised training facility</u></b>	
<b><u>Medium density residential zone – Peacocke Precinct</u></b>	<b><u>Activity Status: Non Complying</u></b>	<b><u>Activity Status where compliance not achieved: Not applicable.</u></b>

<b>MRZ - PREC1- PSP: <a href="#">R35R33</a></b>	<b><u>Any activity not listed above</u></b>	
<b><u>Medium density residential zone – Peacocke Precinct</u></b>	<b><u>Activity Status: Non Complying</u></b>	<b><u>Activity Status where compliance not achieved: Not applicable.</u></b>

## **MRZ – PREC1-PSP: RULES – DEVELOPMENT STANDARDS:**

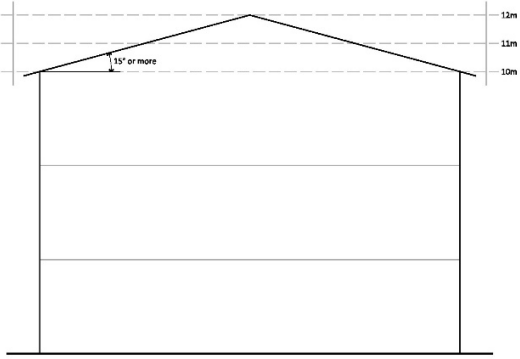
### MRZ - PREC1-PSP: R34 Maximum site coverage

<u>1)</u>	<u>The maximum site coverage</u>	<u>50%</u>
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### MRZ - PREC1-PSP: R35 Permeable surfaces and landscaping

	<u>The maximum impervious area</u>	<u>60% of the site area</u>
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### MRZ - PREC1-PSP: R36 Building height

	<u>Location</u>	<u>Height limit (maximum)</u>
<u>1)</u>	<u>Peacocke Precinct</u> 	<u>Buildings must not exceed 11 metres in height, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more, as shown on the following diagram: Maximum of 3 storeys</u>

### MRZ - PREC1-PSP: R37 Setbacks

	<u>Boundary</u>	<u>Minimum Distance</u>
<u>1)</u>	<u>Transport corridor boundary</u>	<u>2.5m</u>
<u>3)</u>	<u>Side yards</u>	<u>1m</u>
<u>4)</u>	<u>One side yard per site where:</u> <u>a) <u>Legal provision is made for access and maintenance; and</u></u>	<u>0m</u>



	<p><u>b) Neighbours consent is obtained; and</u></p> <p><u>c) The opposite side yard is a minimum of 2m.</u></p> <p><u>OR</u></p> <p><u>d) It is a common/party wall;</u></p>	
<u>5)</u>	<u>Rear yard</u>	<u>1m</u>
<u>6)</u>	<u>Rear yard where it adjoins a rear lane.</u>	<u>0m</u>
<u>7)</u>	<u>Waikato Riverbank and Gully</u>	<u>6m (applies to buildings and swimming pools)</u>
<u>8)</u>	<u>Significant Bat Habitat Area boundary.</u>	<u>5m</u>

## MRZ - PREC1-PSP: R38 Height in relation to boundary

<p><u>1)</u> <u>Buildings must not project beyond a 60° recession plane measured from a point 6 metres vertically above ground level along all boundaries, as shown on the following diagram. Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the height in relation to boundary applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way</u></p> <p><u>This standard does not apply to—</u></p> <p><u>(a) a boundary with a road:</u></p> <p><u>(b) existing or proposed internal boundaries within a site:</u></p> <p><u>(c) site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed.</u></p>	
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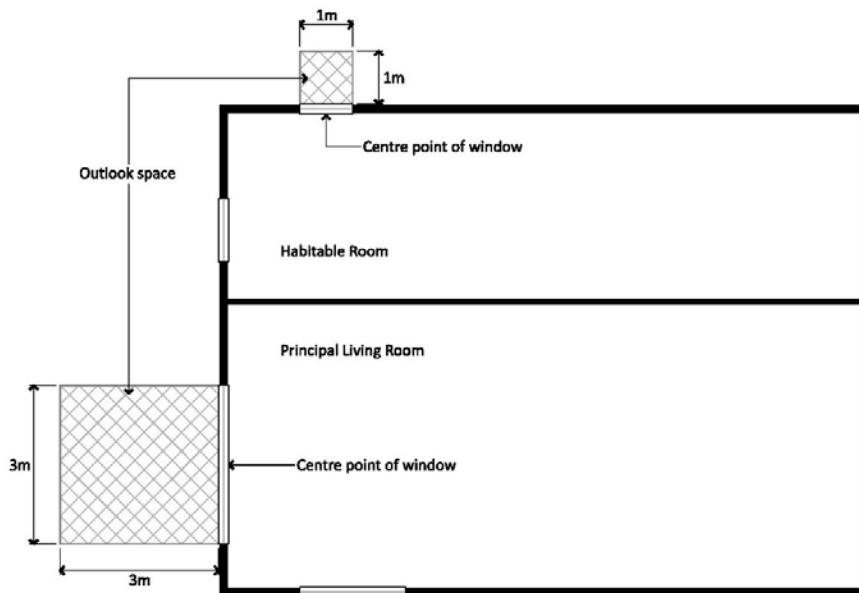


## MRZ - PREC1-PSP: R39 Outlook Space

<u>1</u>	<u>An outlook space must be provided from the face of a building containing windows to a habitable room. If a room has two or more external faces with windows, the outlook space must be provided from the face with the largest area of glazing.</u>
<u>2</u>	<u>The main living room of a dwelling must have an outlook space with a minimum dimension of 3m depth and 3m width.</u>
<u>3</u>	<u>All other habitable rooms must have an outlook space of 1m in depth and 1m in width.</u>
<u>4</u>	<u>The depth of the outlook space is measured at right angles to and horizontal from the window to which it applies.</u>
<u>5</u>	<u>The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies</u>
<u>6</u>	<u>The height of the outlook space is the same as the floor height, measured from floor to ceiling, of the building face to which the standard applies.</u>
<u>7</u>	<u>Outlook spaces may be within the site, over a public street, or other public open space.</u>
<u>8</u>	<u>Outlook spaces required from different rooms within the same building may overlap.</u>
<u>9</u>	<u>Outlook spaces may overlap where they are on the same wall plane</u>
<u>10</u>	<u>Outlook spaces must:</u> <ul style="list-style-type: none"><li><u>a) be clear and unobstructed by buildings;</u></li><li><u>b) not extend over adjacent sites, except for where the outlook space is over a public street or public open space as outlined in R39-7 above; and</u></li><li><u>c) not extend over an outlook spaces or outdoor living space required by another dwelling.</u></li></ul>



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## MRZ - PREC1-PSP: R40 Outdoor living area

4	<u>Outdoor living areas shall have minimum areas and dimensions as follows:</u>
	<p><u>A residential unit at ground floor level must have an outdoor living space that is at least 15 square metres and that comprises ground floor or balcony or roof terrace space that,—</u></p> <ul style="list-style-type: none"> <li><u>(a) where located at ground level, has no dimension less than 3 metres; and</u></li> <li><u>(b) where provided in the form of a balcony, patio, or roof terrace, is at least 8 square metres and has a minimum dimension of 1.8 metres; and</u></li> <li><u>(c) is accessible from the residential unit; and</u></li> <li><u>(d) is free of buildings, parking spaces, and servicing and maneuvering areas.</u></li> </ul>





## MRZ - PREC1-PSP: ~~R36-R41~~ Maximum site coverage

1)	<u>The maximum site coverage for:</u> a) <u>Single dwellings</u> b) <u>Duplex dwellings</u>	<u>50%</u>
2)	<u>The maximum site coverage for:</u> a) <u>Terraced Houses (Peacocke Precinct)</u> b) <u>Apartment buildings (Peacocke Precinct)</u>	<u>60%.</u>

## MRZ - PREC1-PSP: ~~R37-R42~~ Permeable surfaces and landscaping

1)	<u>The maximum impervious area</u> <del>Minimum permeable surface required across the entire site</del>	<u>80% of the site area</u> <del>Minimum 20%</del>
2)	<u>On front, corner and through sites, landscaping planted in grass, shrubs and trees required forward of the front building line.</u>  a) <u>Single dwellings and Duplex dwellings and apartment buildings (Peacocke Precinct).</u> b) <u>Terrace dwelling (Peacocke Precinct) with a dwelling width 6m or greater.</u> c) <u>Terrace dwelling (Peacocke Precinct) with a dwelling width of less than 6m</u>	<u>Minimum 50%.</u>  <u>Minimum 40%</u> <u>Minimum 30%</u>
3)	<u>Specimen trees shall be planted within the front yard landscaping area required by <del>R39-242-2</del> at a planted size of 80L as required below:</u> a) <u>Single dwelling</u> b) <u>Duplex dwelling</u> c) <u>Terrace dwellings (Peacocke Precinct) and Apartment Buildings (Peacocke Precinct)</u>	<u>One per dwelling unit.</u> <u>One per dwelling unit.</u> <u>Minimum of one tree per site with an additional tree for every 10m of frontage.</u>

## MRZ - PREC1-PSP: ~~R38-R43~~ Building height

	<u>Location</u>	<u>Height limit (maximum)</u>
1)	<u>Peacocke Precinct</u>	<u>Buildings must not exceed 11 metres in height, except that 50% of a building's roof in</u>



		<p>elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more, as shown on the following diagram: <del>12m</del> <b>Maximum of 3 storeys</b></p>
2)	<p><u>Peacocke Precinct High Density Overlay</u></p>	<p>Buildings must not exceed 15 metres in height, except that 50% of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1 metre, where the entire roof slopes 15° or more, as shown on the following diagram: <del>16m</del></p>

## MRZ - PREC1-PSP: R39-R44 Setbacks

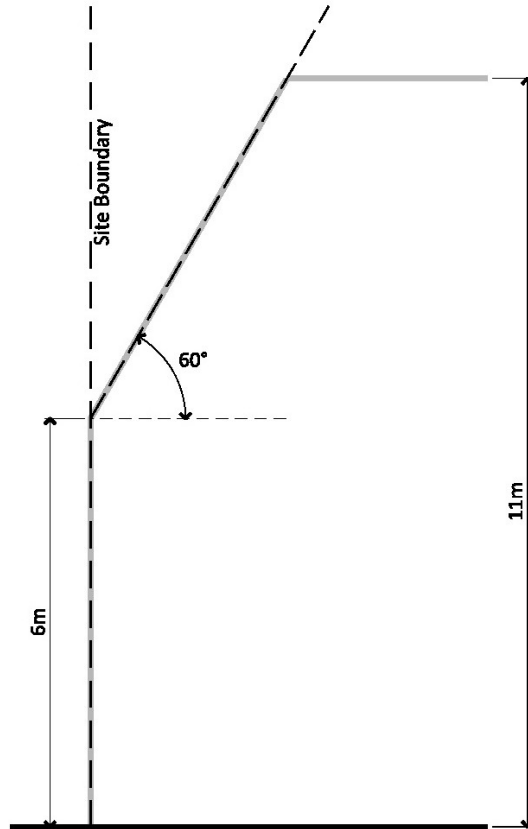
	<u>Boundary</u>	<u>Minimum Distance</u>
1)	<u>Transport corridor boundary</u>	<u>3m</u> <del>2.5m</del>
2)	<u>Garage door or carport facing towards a transport corridor shall be set back from the transport corridor boundary</u>	<u>5m</u>
3)	<u>Side yards</u>	<u>1m</u>
4)	<u>One side yard per site where:</u> a) <u>Legal provision is made for access and maintenance; and</u> b) <u>Neighbours consent is obtained; and</u> c) <u>The opposite side yard is a minimum of 2m.</u> <u>OR</u>	<u>0m</u>



	<u>d) It is a common/party wall;</u>	
<u>5)</u>	<u>Rear yard</u>	<u>1m</u>
<u>6)</u>	<u>Rear yard where it adjoins a rear lane.</u>	<u>0m</u>
<u>7)</u>	<u>Waikato Riverbank and Gully</u>	<u>6m (applies to buildings and swimming pools)</u>
<u>8)</u>	<u>Significant Bat Habitat Area boundary.</u>	<u>5m</u>

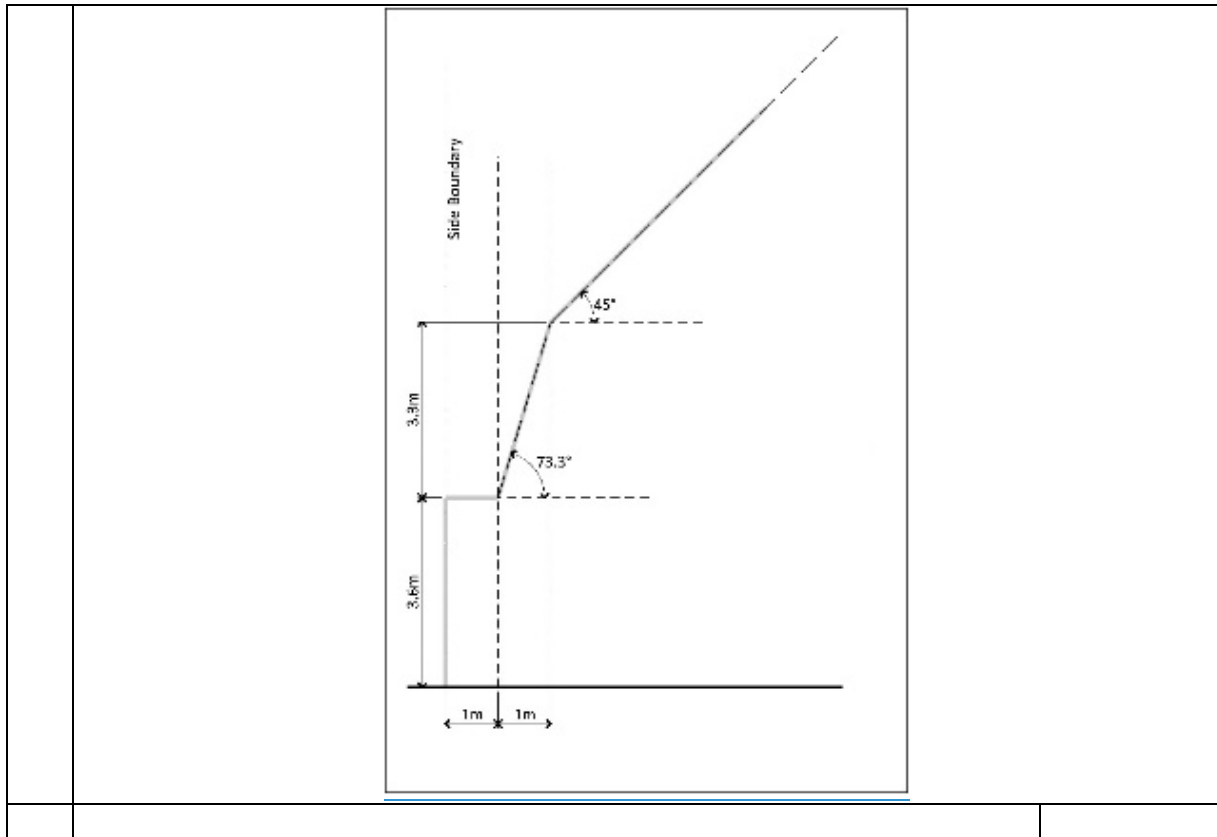
## **MRZ - PREC1-PSP:R40-R45 Height in relation to boundary**

<u>1)</u>	<p><u>For the transport corridor boundary:</u></p> <p><u>The top storey of any building over 10m in height shall be set back by a minimum of 3m.</u></p>
<u>2)</u>	<p><u>For side and rear boundaries, no part of any building shall protrude through a height control plane rising at an angle of 45 degrees.</u></p> <p><u>This angle is to be measured from 3m above ground level at all boundaries.</u></p> <p><u>Except that no height control plane shall apply:</u></p> <ul style="list-style-type: none"> <li><u>a) Where a boundary adjoins a rear lane.</u></li> <li><u>b) Where there is existing or proposed internal boundaries within a site.</u></li> <li><u>a) Where there is an existing or proposed common wall between two buildings on adjacent sites.</u></li> </ul> <p><u>Buildings must not project beyond a 60° recession plane measured from a point 6 metres vertically above ground level along all boundaries, as shown on the following diagram. Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the height in relation to boundary applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way</u></p> <p><u>This standard does not apply to—</u></p> <ul style="list-style-type: none"> <li><u>(a) a boundary with a road;</u></li> <li><u>(b) existing or proposed internal boundaries within a site;</u></li> <li><u>(c) site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed</u></li> </ul>



3) As an alternative to R42(2), the following alternative height in relation to boundary may be used for development that is within 20m of the transport corridor boundary.

Any buildings or parts of buildings within 20m of the site frontage must not exceed a height of 3.6m measured vertically above ground level at side and rear boundaries. Thereafter, buildings must be set back 1m and then 0.3m for every additional metre in height (73.3 degrees) up to 6.9m and then 1m for every additional metre in height (45 degrees).



## MRZ - PREC1-PSP: ~~R41~~R46 Public interface

<u>1</u>	<p>a. <u>For single dwellings, duplex dwellings and terrace dwellings, each dwelling unit must have a separate pedestrian access, separate from any driveway, that is provided from the transport corridor or an area of public open space.</u></p> <p>b. <u>For apartment buildings containing four or more dwelling units, a pedestrian access, separate from any driveway, must be provided from the transport corridor or an area of public open space to the entrance to the building.</u></p>
<u>2</u>	<u>At least one habitable room of <del>the</del> each residential unit shall have a clear glazed window facing the transport corridor from which the transport corridor is not blocked by any accessory building.</u>
<u>3</u>	<u>Any wall facing the street must consist of at least 20% glazing (If a garage door is contained in the wall facing the street the area of the garage door is not to be included in the calculation of the 20% glazing area).</u>



## **MRZ - PREC1-PSP: ~~R42-R47~~ Accessory buildings and Parking**

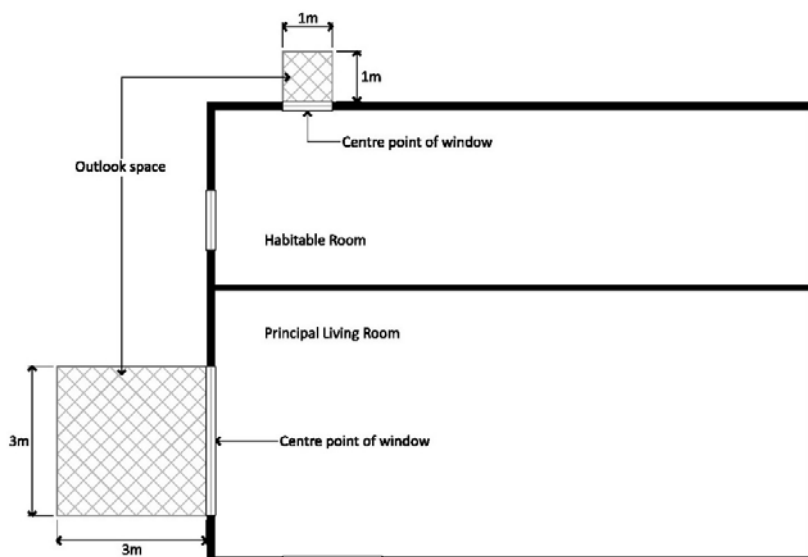
<u>1</u>	<u>Parking, whether provided in an accessory building, or parking pad, shall form no more than 50% of the width of the ground floor front façade of the residential unit that is visible from the transport corridor, except where <del>R42—4 R47-4</del> applies.</u>
<u>2</u>	<u>Any accessory building must be setback at least 1m from the front building line of the dwelling.</u>
<u>3</u>	<u>Where the width of any duplex dwelling unit or terrace dwelling unit is less than 7.5m, no accessory building shall be located on the façade facing the primary transport boundary and garaging is to be provided by a rear lane.</u>
<u>4</u>	<u>For dwellings with a width of less than 7.5m, that comply with the requirements of <del>R37R42-Permeable surfaces and landscaping</del> and <del>R4641</del>, one external carpark may be provided in the front yard.</u>

## **MRZ - PREC1-PSP:~~R43-R48~~ Outlook Space**

<u>1</u>	<u>An outlook space must be provided from the face of a building containing windows to a habitable room. If a room has two or more external faces with windows, the outlook space must be provided from the face with the largest area of glazing.</u>
<u>2</u>	<u>The main living room of a dwelling must have an outlook space with a minimum dimension of <del>6m-3m</del> depth and <del>4m-3m</del> width.</u>
<u>3</u>	<u><del>The principal bedroom of a dwelling must have an outlook space with a minimum dimension of 3m in depth and 3m in width.</del></u>
<u>43</u>	<u>All other habitable rooms must have an outlook space of 1m in depth and 1m in width.</u>
<u>54</u>	<u>The depth of the outlook space is measured at right angles to and horizontal from the window to which it applies.</u>
<u>65</u>	<u>The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies</u>
<u>76</u>	<u>The height of the outlook space is the same as the floor height, measured from floor to ceiling, of the building face to which the standard applies.</u>
<u>87</u>	<u>Outlook spaces may be within the site, over a public street, or other public open space.</u>
<u>98</u>	<u>Outlook spaces required from different rooms within the same building may overlap.</u>
<u>109</u>	<u>Outlook spaces may overlap where they are on the same wall plane</u>
<u>110</u>	<u>Outlook spaces must:</u> <u><del>a)d</del> be clear and unobstructed by buildings;</u> <u><del>b)e</del> not extend over adjacent sites, except for where the outlook space is over a public street or public open space as outlined in R44-8 above; and</u> <u><del>c)f</del> not extend over an outlook spaces or outdoor living space required by another dwelling.</u>



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## MRZ - PREC1-PSP: ~~R44-R49~~ Outdoor living area

<u>1</u>	<u>These standards do not apply to managed care facilities or rest homes.</u>
<u>2</u>	<p><u>Each residential unit, except for when a communal area is provided, shall be provided with an outdoor living area that is:</u></p> <ul style="list-style-type: none"> <li>a. <u>For the exclusive use of each residential unit.</u></li> <li>b. <u>Readily accessible from a living area inside the residential unit.</u></li> <li>c. <u>Free of driveways, <del>manoeuvring</del>maneuvering areas, parking spaces, accessory buildings and service areas</u></li> </ul>
<u>3</u>	<p><u>Communal open space for 4 or more residential units and apartment buildings (Peacocke Precinct) shall comply with R45-2 c) as well as being:</u></p> <ul style="list-style-type: none"> <li>a. <u>For the shared use of all residents on site, and</u></li> <li>b. <u>Readily accessible from all residential units on site.</u></li> </ul>



<u>4</u>	<u>Outdoor living areas shall have minimum areas and dimensions as follows:</u>		
	<u>Typology</u>	<u>Outdoor Living area per residential unit</u>	<u>Shape</u>
<u>a.</u>	<u>Single residential dwellings, Duplex dwellings Terrace dwelling (Peacocke Precinct)</u>	<u>i) <math>35m^2-15m^2</math>;</u>  <u>ii) Or where located in the High Density Overlay: <math>20m^2-15m^2</math></u>  <u>iii) is accessible from the residential unit; and is free of buildings, parking spaces, and servicing and maneuvering areas.</u>	<u>No width contributing to the complying area less than <math>43.0m</math>.</u>  <u>Outside the High-Density Overlay, as an alternative, the open-space may be split, allowing a front courtyard of at least <math>8m^2</math> with a minimum depth of <math>1.8m</math>, the balance shall be provided in the rear yard with no dimension less than <math>4.0m</math>.</u>
<u>b.</u>	<u>Apartment Building (Peacocke Precinct)</u>	<u>i) Ground Floor: <math>20m^2-15m^2</math></u>  <u>ii) Where the sole outdoor living area is above ground floor and provided in the form of a balcony, patio, or roof terrace, :</u> <ul style="list-style-type: none"> <li><u>- A studio unit and one-bedroom residential unit: <math>5m^2</math></u></li> <li><u>- A residential unit with two or more bedrooms: <math>12m^2-8m^2</math></u></li> </ul> <u>iii) is accessible from the residential unit; and is free of buildings, parking spaces, and servicing and maneuvering areas.</u>	<u>i) No dimension less than <math>2.5m</math></u>  <u>ii) No dimension less than <math>1.8m</math></u>

## MRZ - PREC1-PSP: R45-R50 Service Areas

<u>1</u>	<u>Each residential unit, except for when a communal area is provided shall be provided with a service area that is:</u>	
	<u>Typology</u>	<u>Minimum requirements per Residential unit:</u>
<u>2</u>	<u>Single dwellings and Duplex dwellings</u>	<u>a. A minimum of <math>10m^2</math> that may be made up of two separate areas incorporating:</u> <ul style="list-style-type: none"> <li><u>i. <math>6m^2</math> for clothes drying</u></li> <li><u>ii. <math>4m^2</math> for rubbish storage.</u></li> </ul>





		<u>b-a. Service areas shall have a minimum dimension of 1.5m</u>
<u>3</u>	<u>Terrace dwellings and Apartment buildings (Peacocke Precinct).</u>	<u>Individual or communal</u> <u>a. A minimum of 10m<sup>2</sup></u> <u>b-a. Minimum dimension of 1.5m</u>
<u>41</u>	<u>Community centres, visitor accommodation, conference facilities</u>	<u>a. A minimum of 10m<sup>2</sup></u> <u>b. Minimum dimension of 1.5m</u>
<u>52</u>	<u>Dairies (may be indoor or outdoor)</u>	<u>a. Minimum 10m<sup>2</sup></u> <u>b. Minimum dimension 1.5m</u> <u>c. Readily accessible to service vehicles</u> <u>d. Indoor service area separately partitioned.</u> <u>e. Outdoor service area; all-weather dust-free surface.</u>
<u>63</u>	<u>All service areas</u>	<u>a. Clothes drying areas shall be readily accessible from each residential unit</u> <u>b. Not visible from a public place unless screened from view by vegetation or fencing in accordance with Section 25.5.</u> <u>c. Rubbish and recycling areas required for each residential unit shall be located where bins can be moved for roadside collection without requirement for them to be moved through the residential unit (excluding garages).</u> <u>d. Service areas may be located within garages where it is demonstrated that there is sufficient room to accommodate the minimum area without impeding parking.</u>

## **MRZ - PREC1-PSP: R46-R51 Fences and Walls**

<u>Rule</u>	<u>Requirement</u>
<u>1</u>	<u>Front and side boundary fences or walls located forward of the front building line of the dwelling.</u> <u>Maximum height 1.2m</u>
<u>2</u>	<u>Fences or walls adjoining Open Space Zone.</u> <u>Maximum height 1.5m</u>
<u>3</u>	<u>All other boundary fences or walls.</u> <u>Maximum height 1.8m</u>
<u>4</u>	<u>Any retaining wall which is higher than 1.5m and load bearing is not subject to this standard and will be considered, for the purpose of assessment, as a building.</u>
<u>5</u>	<u>Any fence and/or wall that is taller than 2.5m is not subject to this standard and will be considered, for the purpose of assessment, as a building.</u>
<u>6</u>	<u>This rule shall not apply to any fence and/or wall which:</u>

	<p><u>following construction will be located at or below the natural ground level of the land that existed prior to construction commencing; or</u></p> <p><u>is internal to a proposed development and does not result in any fence or wall which has a height of 1.8m or more in relation to natural ground level of any adjoining external property boundary not in common ownership.</u></p>
	<p><b>Note 1.</b> For the purpose of the Building Act 2004 any retaining wall with a fall height greater than 1.0m requires the provision of a fall protection fence or similar of not less than 1.0m high. For the purpose of this rule this fall protection will be considered as an integral part of the retaining wall and the combined height will be assessed as the overall height of both structures.</p>

## **MRZ - PREC1-PSP: ~~R47-R52~~ Separation and Privacy**

<u>1</u>	<u>Residential buildings shall be set back at least <del>3m</del> 2m from the nearest part of any other residential building on the same site, except:</u>
	<u>a. No separation is required between buildings that are attached.</u>
	<u>b. Where windows are located and designed (including by glazing) to avoid views between rooms in different buildings on the same site, separation distance shall be a minimum of 1.5m.</u>

## **MRZ - PREC1-PSP: ~~R48-R53~~ Residential unit size**

<u>1</u>	<u>The minimum floor area required in respect of each residential unit shall be:</u>	
	<u><b>Form of Residential Unit</b></u>	<u><b>Floor Area</b></u>
	<u>Studio unit</u>	<u>Minimum 35m<sup>2</sup></u>
	<u>1 bedroom unit</u>	<u>Minimum 45m<sup>2</sup></u>
	<u>2 bedroom unit</u>	<u>Minimum 55m<sup>2</sup></u>
	<u>3 or more bedroom unit</u>	<u>Minimum 90m<sup>2</sup></u>

## **MRZ – PREC1-P: OTHER RESOURCE CONSENT INFORMATION**

Refer to Chapter 1: Plan Overview for guidance on the following:

- [How to Use this District Plan](#)
- [Explanation of Activity Status](#)
- [Activity Status Defaults](#)



- [Notification / Non-notification Rules](#)
- [Rules Having Early or Delayed Effect](#)

[Refer to Volume 2, Appendix 1: District Plan Administration for the following:](#)

- [Definitions and Terms Used in the District Plan](#)
- [Information Requirements](#)
- [Discretionary and Non-Complying Activities Assessment Criteria](#)
- [Design Guides](#)
- [Other Methods of Implementation](#)

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

Provisions that are not tracked changed (insertions underlined, deletions ~~struck-out~~), have been transferred from the Hamilton Operative District Plan 2017 under s58I of the RMA for the purposes of complying with the format requirement of the National Planning Standards.

The following **provisions** have legal effect under Section 86B of the RMA

The following Provisions that are tracked changed (insertions Underlined, deletions ~~struck-out~~) in Blue indicate relief sought through the submission to align Plan Change 5 with the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act.

### SUB – PREC1-PSP: PURPOSE

The Peacocke subdivision chapter recognises the role of subdivision in creating a high-quality urban environment that provides a high level of amenity for residents in their homes and throughout the wider structure plan area. Subdivision sets out the roading and block pattern and will have a direct influence on how easy it is to move through the structure plan, providing access to the local centre, neighbourhood centres, parks, community facilities, schools and the river and gully network.

The Peacocke Structure Plan seeks to establish an attractive and sustainable community. This means establishing block patterns and roading cross sections that recognise the need to prioritise walking and cycling movements and connectivity, assisting in developing a 20-minute city, providing residents easy access to centres, areas of open space and public transport.

By orienting the road network and subdivision to establish, where possible, a north-south block pattern, it allows for development to establish public frontages and private backyards, which still have access to sunlight. This assists in building homes with a high level of on-site amenity and adequate privacy while creating a safe and attractive streetscape.

To support the creation of a walkable environment that supports the viability and vitality of the Peacocke Town Centre and use of public transport, the Peacocke area provides for medium and higher density housing. The Structure Plan focuses on delivering high density housing within a walkable catchment of the town centre, identified public transport routes and allows for higher density development to occur in areas of higher amenity such as the Waikato River corridor and near the Mangakootukutuku Gully.

It is important that development occurs in an efficient and cost-effective manner. For this reason, it is important that development follows the staging and delivering of infrastructure.

## SUB – PREC1-PSP: OBJECTIVES

REFERENCE	OBJECTIVE	RELEVANT POLICIES
<b>SUB – PREC1-PSP: O1</b>	To ensure that risk to people, the environment and property is not exacerbated by subdivision.	SUB - PREC1-PSP: P1
<b>SUB – PREC1-PSP: O2</b>	Subdivision contributes to the achievement of functional, attractive, sustainable, safe and well-designed environments.	SUB - PREC1-PSP: P2
<b>SUB – PREC1-PSP: O3</b>	To ensure the provision of infrastructure services as part of the subdivision process.	SUB - PREC1-PSP: P3
<b>SUB – PREC1-PSP: O4</b>	Subdivision occurs in a manner that recognises historic heritage and natural environments.	SUB - PREC1-PSP: P4 SUB - PREC1-PSP: P5 SUB - PREC1-PSP: P6
<b>SUB – PREC1-PSP: O5</b>	Subdivision of an existing, or an approved, development shall have suitable instruments in place to manage individual ownership, and any shared rights and interests in common.	SUB - PREC1-PSP: P7
<b><u>SUB – PREC1-PSP: O6</u></b>	<u>Subdivision contributes to a well-designed urban environment that is consistent with the Peacocke Structure Plan.</u>	<u>SUB - PREC1-PSP: P9</u> <u>SUB - PREC1-PSP: P10</u> <u>SUB - PREC1-PSP: P14</u> <u>SUB - PREC1-PSP: P15</u>
<b><u>SUB – PREC1-PSP: O7</u></b>	<u>Subdivision considers the planned medium density development outcomes and enables a range of building typologies to be constructed.</u>	<u>SUB - PREC1-PSP: P17</u>
<b><u>SUB – PREC1-PSP: O8</u></b>	<u>Subdivision creates a transport network that:</u> <u>1. Is well connected and legible.</u> <u>2. Delivers a high-quality walking and cycling experience.</u> <u>3. Manages the amenity effects associated with parking.</u> <u>4. Defines areas of public open space.</u> <u>5. Creates a safe, low speed environment</u> <u>6. Provides for a high quality public transport network.</u>	<u>SUB - PREC1-PSP: P8</u> <u>SUB - PREC1-PSP: P11</u> <u>SUB - PREC1-PSP: P12</u> <u>SUB – PREC1-PSP:P13</u> <u>SUB - PREC1-PSP: P16</u>
<b><u>SUB – PREC1-PSP: O9</u></b>	<u>Subdivision responds to and restores the natural environment with a focus on those areas identified in the Peacocke Structure Plan including the creation and protection and enhancement of identified ecological corridors.</u>	<u>SUB - PREC1-PSP: P19</u> <u>SUB - PREC1-PSP: P20</u>
<b><u>SUB - PREC1-PSP: O10</u></b>	<u>Subdivision in the Peacocke Local Centre Zone gives effect to the Peacocke Local Centre Concept Plan and achieves a cohesive and integrated development pattern, creating a high</u>	<u>SUB - PREC1-PSP: P21</u> <u>SUB - PREC1-PSP: P22</u>

amenity urban centre.

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## SUB – PREC1-PSP: POLICIES

<b>SUB - PREC1-PSP: P1</b>	<p>Subdivision:</p> <ol style="list-style-type: none"> <li>1. Does not result in increased risk of erosion, subsidence, slippage or inundation.</li> <li>2. Minimises any adverse effects on water quality.</li> <li>3. Ensures that a building platform can be accommodated within the subdivided allotment clear of any areas subject to natural hazards.</li> <li>4. Ensures that any risks associated with soil contamination are appropriately remedied as part of the subdivision process.</li> <li>5. Ensures reverse sensitivity mitigation measures avoid or minimise effects such as noise associated from an arterial transport corridor or State Highway.</li> </ol>
<b>SUB - PREC1-PSP: P2</b>	<p>Subdivision:</p> <ol style="list-style-type: none"> <li>1. Is in general accordance with Subdivision Design Assessment Criteria to achieve good amenity and design outcomes.</li> <li>2. Is in general accordance with any relevant Structure Plan.</li> <li>3. Is in general accordance with any relevant Integrated Catchment Management Plan.</li> <li>4. Maintains and, where possible, enhances existing amenity values.</li> <li>5. Promotes energy, water and resource efficiency.</li> <li>6. Provides for the recreational needs of the community.</li> <li>7. Discourages cross-lease land ownership.</li> <li>8. Ensures that any allotment is suitable for activities anticipated for the zone in which the subdivision is occurring.</li> <li>9. Contributes to the achievement of identified residential yield requirements over time where appropriate.</li> <li>10. Avoids or minimises adverse effects on the safe and efficient operation, maintenance of and access to network utilities and the transport network.</li> <li>11. Is avoided where significant adverse effects on established network utilities or the transport network are likely to occur.</li> </ol>



	<p>12. Promotes connectivity and the integration of transport networks.</p> <p>13. Provides appropriate facilities for walking, cycling and passenger transport usage.</p> <p>14. Provides and enhances public access to and along the margins of the Waikato River and the City's lakes, gullies and rivers.</p> <p>15. Facilitates good amenity and urban design outcomes by taking existing electricity transmission infrastructure into account in subdivision design, and where possible locating compatible activities such as infrastructure, roads or open space under or in close proximity to electricity transmission infrastructure.</p> <p>16. Ensures that a compliant building platform can be accommodated within the subdivided allotment outside of the National Grid Yard.</p>
<b>SUB - PREC1-PSP: P3</b>	<p>Subdivision:</p> <ol style="list-style-type: none"> <li>1. Provides an adequate level of infrastructure and services appropriate for the proposed development.</li> <li>2. Takes into account and shall not compromise the infrastructural needs of anticipated future development.</li> <li>3. Does not occur unless appropriate infrastructure and/or infrastructure capacity is available to service the proposed development.</li> <li>4. Ensures that the capacity, efficiency, performance and sustainability of the wider infrastructure network is not compromised.</li> <li>5. Uses public infrastructure ahead of private infrastructure where appropriate.</li> </ol>
<b>SUB - PREC1-PSP: P4</b>	<p>Subdivision <del>avoids, remedies or mitigates adverse effects on:</del> , <u>protects and where possible enhances any:</u></p> <ol style="list-style-type: none"> <li>1. Scheduled heritage items.</li> <li>2. Scheduled archaeological and cultural sites.</li> <li>3. Scheduled significant trees.</li> <li>4. Scheduled significant natural areas.</li> <li>5. The Waikato River and gullies and river banks, lakes, rivers and streams.</li> </ol>
<b>SUB - PREC1-PSP: P5</b>	<p>Subdivision <del>protects, and where possible enhances any:</del> <u>enables development while managing</u> effects on:</p> <ol style="list-style-type: none"> <li>1. Landforms and natural features.</li> </ol>

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	2. Vegetation.
<b>SUB - PREC1-PSP: P6</b>	Subdivision of land which protects and enhances the riparian margins of the Waikato River and the City's lakes, gullies and rivers.
<b>SUB - PREC1-PSP: P7</b>	To ensure that any subdivision is supported by management structures and legal mechanisms that provides certainty of, and enables effective ongoing, management, maintenance and operation of land, structures, services, apartment buildings, and common areas.
<b><u>SUB - PREC1-PSP: P8</u></b>	<p><u>Subdivision within the Peacocke Structure Plan creates a block pattern that enables an integrated, well- connected neighbourhood that encourages walking and cycling by:</u></p> <ol style="list-style-type: none"> <li><u>1. Providing clear, direct and safe routes to business areas, schools, open space and other destinations.</u></li> <li><u>2. Establishing a transport network and design that is safe, accessible and prioritises the needs of pedestrians and cyclists.</u></li> <li><u>3. Managing the size and shape of blocks to create a permeable and legible block pattern and enable the provision of rear lanes.</u></li> <li><u>4. Providing safe links for pedestrians and cyclists.</u></li> <li><u>5. Reflecting approved land use consents.</u></li> </ol>
<b><u>SUB - PREC1-PSP: P9</u></b>	<u>Require subdivision to efficiently use land and to provide for higher density residential development in walkable distances from the Peacocke Local Centre and identified public transport routes.</u>
<b><u>SUB - PREC1-PSP: P10</u></b>	<p><u>Subdivision enables the creation of a safe and attractive urban environment with a high level of amenity by:</u></p> <ol style="list-style-type: none"> <li><u>1. Designing the street and lot layout to maximise access to sunlight.</u></li> <li><u>2. Creating lots that enable buildings to front the street establishing public frontages and private backyards.</u></li> <li><u>3. Providing road frontages to areas of public open space.</u></li> <li><u>4. Enabling the provision of larger lots for the provision of duplexes, terraced dwellings and apartments where they are of a suitable size and shape.</u></li> <li><u>5. Avoiding the creation of rear lots, except where it can be clearly demonstrated topography necessitates their use.</u></li> <li><u>6. Minimises the use of culs-de-sac to where there are no alternatives due to clearly demonstrable topographical constraints.</u></li> </ol>

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	<p>7. <u>Ensuring that connectivity is provided for pedestrians and cyclists.</u></p> <p>8. <u>Enabling space for the provision of rear access lanes.</u></p> <p>9. <u>Enabling a range of lot sizes to provide for a mix of building typologies.</u></p>
<b><u>SUB - PREC1-PSP: P11</u></b>	<u>Minimise vehicle access being provided across separated cycleways or shared paths on identified transport corridors in order to ensure a high level of safety on the footpath and cycleway.</u>
<b><u>SUB - PREC1-PSP: P12</u></b>	<u>Require rear lanes to be designed to create low vehicle speeds and provide for the safety of users.</u>
<b><u>SUB - PREC1-PSP: P13</u></b>	<u>Encourage the consolidation of vehicle crossings for adjacent sites in order to minimise interruption of the footpath by vehicle crossings.</u>
<b><u>SUB - PREC1-PSP: P14</u></b>	<p><u>Ensure the development of Peacocke occurs in a comprehensive and integrated manner by requiring subdivision to:</u></p> <ol style="list-style-type: none"> <li>1. <u>Integrate and connect with existing development.</u></li> <li>2. <u>Provide for connection into adjacent sites in locations that are feasible and support the creation of a well-connected and integrated urban environment.</u></li> </ol>
<b><u>SUB - PREC1-PSP: P15</u></b>	<p><u>Require subdivision to provide for areas of open space that are:</u></p> <ol style="list-style-type: none"> <li>1. <u>Located in areas that are accessible to pedestrians.</u></li> <li>2. <u>Of a size and frequency suitable for the density expected in the Peacocke Structure Plan and consistent with Council's Open Space Provision Policy.</u></li> <li>3. <u>Designed to be safe and useable for people of all abilities.</u></li> </ol>
<b><u>SUB - PREC1-PSP: P16</u></b>	<p><u>Create high amenity streets by designing the transport corridor to:</u></p> <ol style="list-style-type: none"> <li>1. <u>Provide for high quality pedestrian and cycling facilities.</u></li> <li>2. <u>Provide for public transport and associated stops on identified routes.</u></li> <li>3. <u>Provide for on-street parking in recessed parking bays to ensure carriageways are kept clear from parked cars.</u></li> <li>4. <u>Including planting and landscaping and stormwater management devices.</u></li> <li>5. <u>Create a low speed environment.</u></li> </ol>
<b><u>SUB - PREC1-PSP: P17</u></b>	<u>Enable larger lots where they are to be used as a tool to provide for future high-density development.</u>
<b><u>SUB - PREC1-PSP: P18</u></b>	<u>Ensure the length of a rear lane is limited to promote slow vehicle speeds and safety and to make walking and cycling more attractive by minimising trip lengths.</u>
<b><u>SUB - PREC1-PSP: P19</u></b>	<u>Require subdivision to be designed to provide ecological areas where they are identified within the Peacocke Structure Plan and ensure that the role, function and connectivity of ecological areas is maintained.</u>

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<p><b><u>SUB - PREC1-PSP:</u></b> <b><u>P20</u></b></p>	<p><u>Require roads that are proposed in ecological corridors to:</u></p> <ol style="list-style-type: none"> <li><u>1. Take the shortest route practicable.</u></li> <li><u>2. Design lighting to ensure that the bat corridor maintains its role and function.</u></li> <li><u>3. Designed to enable bats to continue to access the rest of the corridor.</u></li> </ol>
<p><b><u>SUB - PREC1-PSP:</u></b> <b><u>P21</u></b></p>	<p><u>Require subdivision in the Peacocke Local Centre be in general accordance with the Peacocke Local Centre Concept Plan and Local Centre Design Guide and establish:</u></p> <ol style="list-style-type: none"> <li><u>1. Public transport stops in an efficient and convenient location.</u></li> <li><u>2. A high-amenity pedestrian focused main street.</u></li> <li><u>3. A high-quality public plaza adjacent to the Waikato River Corridor.</u></li> </ol>
<p><b><u>SUB - PREC1-PSP:</u></b> <b><u>P22</u></b></p>	<p><u>Establish a road network within the Peacocke Local Centre that:</u></p> <ol style="list-style-type: none"> <li><u>1. Is a low speed environment.</u></li> <li><u>2. Portrays a sense of arrival that helps define the Local Centre location.</u></li> <li><u>3. Enables safe connections between Local Centre precincts.</u></li> <li><u>4. Creates a high amenity pedestrian environment.</u></li> <li><u>5. Is accessible for people of all ages and abilities.</u></li> </ol>

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## **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.

<b><u>SUB-PREC1-PSP: R1</u></b>	<b><u>Boundary Adjustments in Peacocke Precinct</u></b>	
<b><u>Subdivision – Peacocke Precinct</u></b>	<p><u>Activity Status: Permitted</u></p> <p><u>PER-1:</u> <u>Where the following are complied with:</u></p> <ol style="list-style-type: none"> <li><u>SUB-PREC1-PSP: R12-R25.</u></li> <li><u>Any boundary adjustment shall not result in the creation of additional allotments, except in circumstances where a boundary adjustment creates an additional allotment or allotments which are required to be held together with another allotment or allotments by way of compulsory amalgamation condition.</u></li> <li><u>Any boundary adjustment shall not alter the size of an existing allotment by greater than 10% of the registered allotment size.</u></li> <li><u>Any allotment subject to a boundary adjustment shall comply with all relevant development and performance standards.</u></li> <li><u>Where required to protect services, easements shall be provided.</u></li> </ol>	<p><u>Activity Status where compliance is not achieved with PER-1: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li><u>A - General</u></li> </ol>

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<b><u>SUB-PREC1-PSP: R2</u></b>	<b><u>Conversion of cross-lease titles into fee simple titles</u></b>	
<b><u>Subdivision – Peacocke Precinct</u></b>	<p><u>Activity Status: Permitted</u></p> <p><u>PER-1:</u> <u>Where the following are complied with:</u></p> <ol style="list-style-type: none"> <li><u>SUB-PREC1-PSP: R12-R25.</u></li> <li><u>The proposed boundaries shall align with those exclusive use area</u></li> </ol>	<p><u>Activity Status where compliance is not achieved with PER-1: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li><u>A - General</u></li> </ol>

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	<p><u>boundaries on the cross-lease plan.</u></p> <p><u>Where no exclusive use areas are shown on the cross lease plan the boundaries shall align with the exclusive and established pattern of occupation associated with the existing underlying development.</u></p> <p>3. <u>Where required to protect services, easements shall be provided.</u></p> <p>4. <u>Rule 23.7 – Subdivision Design Standards shall not apply to subdivisions under this rule.</u></p> <p>5. <u>The relevant land use rules in the respective zones (excluding Chapter 25.13 Three Waters) shall not apply to existing legally established buildings.</u></p>	
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<b><u>SUB-PREC1-PSP: R3</u></b>	<b><u>Amendments to cross-lease, unit-titles and company lease plans for the purpose of showing alterations to existing buildings or additional lawfully established buildings.</u></b>	
<b><u>Subdivision – Peacocke Precinct</u></b>	<p><u>Activity Status: Permitted</u></p> <p><u>PER-1:</u></p> <p><u>Where the following are complied with:</u></p> <ol style="list-style-type: none"> <li><u>SUB-PREC1-PSP: R12-R25.</u></li> <li><u>The amendments shall be for the purpose of showing alterations to existing buildings or additional lawfully established buildings.</u></li> <li><u>The alteration shall be either permitted or otherwise lawfully established.</u></li> </ol>	<p><u>Activity Status where compliance is not achieved with PER-1: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li><u>A – General</u></li> </ol>

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SUB-PREC1-PSP: R4	Fee simple subdivision in Peacocke Precinct*	
<u>Subdivision – Peacocke Precinct</u>	<p><u>Activity Status: Restricted Discretionary</u></p> <p><u>Where the following are complied with:</u></p> <p><u>RDIS-1</u></p> <ol style="list-style-type: none"> <li><u>SUB-PREC1-PSP: R12-R25.</u></li> </ol> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li><u>C – Character and Amenity</u></li> <li><u>P – Peacocke Structure Plan</u></li> </ol>	<p><u>Activity Status where compliance not achieved with RDIS-1: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li><u>A – General</u></li> </ol>

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SUB-PREC1-PSP: R5	Unit title subdivision in Peacocke Precinct*	
<u>Subdivision – Peacocke Precinct</u>	<p><u>Activity Status: Restricted Discretionary</u></p> <p><u>Where the following are complied with:</u></p> <p><u>RDIS-1</u></p> <ol style="list-style-type: none"> <li><u>SUB-PREC1-PSP: R12-R25.</u></li> <li><u>All existing buildings to which the subdivision relates shall have:</u> <ol style="list-style-type: none"> <li><u>Existing use rights; or</u></li> <li><u>Been erected in accordance with a resource consent or certificate of compliance and building consent has been issued ; or</u></li> <li><u>Comply with any relevant standards.</u></li> </ol> </li> <li><u>All areas to be set aside for the exclusive use of each building or unit shall be shown on the survey plan, in addition to any areas to be used for common access or parking or such other purpose.</u></li> <li><u>In all staged subdivisions, provision shall be made for servicing the building or buildings and all proposed future buildings on the allotment.</u></li> <li><u>Where subdivision consent has been approved, no alterations shall be</u></li> </ol>	<p><u>Activity Status where compliance not achieved with RDIS-1: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li><u>A – General</u></li> </ol>

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	<p><u>made to the position of the boundary lines delineated on the survey plan, or otherwise defined, without further subdivision consent.</u></p> <p>6. <u>A design report shall be submitted detailing the effects of the proposed subdivision on the existing buildings pursuant to Section 116A of the Building Act 2004.</u></p> <p>7. <u>If alterations to buildings are necessary to fulfil the requirements of the Building Act or conditions of subdivision consent, they shall be undertaken in terms of a building consent and completed before the issue of a certificate under Section 224 of the Resource Management Act 1991. Such alterations shall comply with the relevant standards of the relevant zone and this chapter.</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li><u>C – Character and Amenity</u></li> <li><u>P – Peacocke Structure Plan</u></li> </ol>	
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<b><u>SUB-PREC1-PSP: R6</u></b>	<b><u>Leasehold subdivision in Peacocke Precinct</u></b>	
<b><u>Subdivision – Peacocke Precinct</u></b>	<p><u>Activity Status: Restricted Discretionary</u></p> <p><u>Where the following are complied with:</u></p> <p><u>RDIS-1</u></p> <ol style="list-style-type: none"> <li><u>SUB-PREC1-PSP: R12-R25.</u></li> <li><u>Where an allotment is subject to an application for subdivision consent by way of leasehold subdivision the following rules shall apply where relevant.</u> <ol style="list-style-type: none"> <li><u>Section 23.4 Application of the Transport Corridor</u></li> <li><u>Section 23.5 Rules - General Standards</u></li> </ol> </li> </ol>	<p><u>Activity Status where compliance not achieved with RDIS-1: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li><u>A - General</u></li> </ol>

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	<p>c. <u>Section 23.6 Rules - Specific Standards</u></p> <p>d. <u>Section 23.7 Subdivision Design Standards</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li>1. <u>C – Character and Amenity</u></li> <li>2. <u>P – Peacocke Structure Plan</u></li> </ol>	
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<u>SUB-PREC1-PSP: R7</u>	<u>Company lease subdivision in Peacocke Precinct*</u>	
<u>Subdivision – Peacocke Precinct</u>	<p><u>Activity Status: Restricted Discretionary</u></p> <p><u>Where the following are complied with:</u></p> <p><u>RDIS-1</u></p> <ol style="list-style-type: none"> <li>1. <u>SUB-PREC1-PSP: R12-R25.</u></li> <li>2. <u>All existing buildings to which the subdivision relates shall have:</u> <ol style="list-style-type: none"> <li>a. <u>Existing use rights.</u></li> <li>b. <u>Been erected in accordance with a resource consent or certificate of compliance and building consent has been issued.</u></li> <li>c. <u>Comply with any relevant standards.</u></li> </ol> </li> <li>3. <u>All areas to be set aside for the exclusive use of each building or unit shall be shown on the survey plan, in addition to any areas to be used for common access or parking or such other purpose.</u></li> <li>4. <u>In all staged subdivisions, provision shall be made for servicing the building or buildings and all proposed future buildings on the allotment.</u></li> <li>5. <u>Where subdivision consent has been approved, no alterations shall be made to the position of the boundary lines delineated on the survey plan, or otherwise defined, without further subdivision consent.</u></li> </ol>	<p><u>Activity Status where compliance not achieved with RDIS-1: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li>1. <u>A – General</u></li> </ol>



	<p>6. <u>A design report shall be submitted detailing the effects of the proposed subdivision on the existing buildings pursuant to Section 116A of the Building Act 2004.</u></p> <p>7. <u>If alterations to buildings are necessary to fulfil the requirements of the Building Act or conditions of subdivision consent, they shall be undertaken in terms of a building consent and completed before the issue of a certificate under Section 224 of the Resource Management Act 1991. Such alterations shall comply with the relevant standards of the relevant zone and this chapter.</u></p> <p><i>Matters of discretion are restricted to:</i></p> <ol style="list-style-type: none"> <li>1. <u>C – Character and Amenify</u></li> <li>2. <u>P – Peacocke Structure Plan</u></li> </ol>	
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<b>SUB-PREC1-PSP: R8</b>	<b><u>Subdivision to accommodate a network utility service or transport corridor in Peacocke Precinct.</u></b>	
<b><u>Subdivision – Peacocke Precinct</u></b>	<p><u>Activity Status: Restricted Discretionary</u></p> <p><u>Where the following are complied with:</u></p> <p><u>RDIS-1</u></p> <ol style="list-style-type: none"> <li>1. <u>SUB-PREC1-PSP: R12-R25.</u></li> </ol> <p><i>Matters of discretion are restricted to:</i></p> <ol style="list-style-type: none"> <li>1. <u>C – Character and Amenify</u></li> <li>2. <u>I – Network Utilities and Transmission</u></li> <li>3. <u>P – Peacocke Structure Plan</u></li> </ol>	<p><u>Activity Status where compliance not achieved with RDIS-1: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li>1. <u>A – General</u></li> </ol>

<b>SUB-PREC1-PSP: R9</b>	<b><u>Any subdivision of an allotment in the Peacocke Precinct that contains a Significant Natural Area identified in Volume 2, Appendix 9, Schedule 9C.</u></b>	
<b><u>Subdivision – Peacocke Precinct</u></b>	<p><u>Activity Status: Discretionary</u></p> <p><u>Where the following are complied with:</u></p> <p><u>DIS-1</u></p> <ol style="list-style-type: none"> <li>1. <u>SUB-PREC1-PSP: R12-R25.</u></li> </ol>	<p><u>Activity Status where compliance not achieved with DIS-1: Discretionary</u></p>

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<b>SUB-PREC1-PSP: R10</b>	<b>Cross lease subdivision</b>	
<b>Subdivision – Peacocke Precinct</b>	Activity Status: Non Complying	

## SUB – PREC1-PSP: RULES – GENERAL STANDARDS

### SUB-PREC1-PSP: R12 Telecommunication, Electricity, Gas and Computer Media

1)	<u>Telecommunication, electricity, gas and ducting for computer media shall be provided at the time of subdivision, in accordance with the requirements of the relevant network utility operator and the relevant standards of the applicable zone.</u>
2)	<u>Telecommunication, electricity, gas and ducting for computer media shall be underground where possible.</u>
	<p><b>Note</b></p> <ol style="list-style-type: none"> <li><u>Acceptable means of compliance for the provision, design and construction of infrastructure is contained within the <del>Hamilton City Infrastructure Technical Specifications</del> <i>Waikato Local Authority Shared Services Regional Infrastructure Technical Specifications (RITS)</i></u></li> <li><u>Where density exceeds the outcomes anticipated by the <i>Waikato Local Authority Shared Services Regional Infrastructure Technical Specifications (RITS)</i> development will need to be undertaken in consultation with Hamilton City Council.</u></li> </ol>

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### SUB-PREC1-PSP: R13 Provision of Esplanade Reserves and Strips

1)	<p><u>An Esplanade Reserve or Esplanade Strip of not less than 20m measured from the edge of any river or lake shall be set aside and vested in Council in accordance with section 231 of the Act where any subdivision of land results in the creation of an allotment that adjoins the banks of:</u></p> <ol style="list-style-type: none"> <li><u>The Waikato River.</u></li> <li><u>The margins of Lake Rotoroa (Hamilton Lake).</u></li> <li><u>Any watercourse where the average width of the bed is 3m or more where the river flows through or adjoins an allotment.</u></li> <li><u>Where a reserve or road of less than 20m width already exists along the edge of any river or lake, then additional land shall be vested to increase the minimum width to 20m.</u></li> </ol> <p><u>Or</u></p> <ol style="list-style-type: none"> <li><u>Is identified in the Peacocke Structure Plan as required to provide an Esplanade Reserve.</u></li> </ol>
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## SUB – PREC1-PSP: RULES – DESIGN STANDARDS

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### Medium Density Residential Zone – Peacocke Precinct.

#### SUB-PREC1-PSP: R14 Design standards

1)	<u>The standards of Rule SUB – PREC1-PSP: R12-R21 shall not apply to the subdivision of land to accommodate a network utility service.</u>
2)	<u>The standards of Rule SUB – PREC1-PSP: R15, R17 and R23-1 and R23-2 shall not apply to:</u>
	a) <u>The unit title of existing lawfully established buildings; or</u>
	b) <u>The fee simple subdivision of existing lawfully established dwellings <del>single dwellings, duplex dwellings,</del> or Terrace Dwellings (Peacockes Precinct)</u>
	<u>Provided that all relevant development and performance standards are met in relation to the proposed boundaries around that building or unless otherwise authorised by resource consent.</u>

#### SUB-PREC1-PSP: R15 Minimum allotment size for vacant sites

		<u>Minimum net site area</u>
1)	<u>Peacocke Precinct</u>	<u>300m<sup>2</sup></u>
2)	<u>Peacocke Precinct High Density Overlay</u>	<u>300m<sup>2</sup></u>
	<u>Where allotments are proposed that contain existing development or development that has been approved under separate land use consent SUB-PREC1-PSP: R15 does not apply</u>	

#### SUB-PREC1-PSP: R16 Subdivision Suitability

1)	<u>All subdivisions creating fee simple allotments shall ensure that new allotments (excluding any utility, road or reserve allotment, or allotment subject to amalgamation) are of a size and shape to enable activities anticipated in the zone.</u>
2)	<u>Where allotments are proposed that contain existing development on the existing title,</u> a) <u>the applicable general and specific standards for the zone and activity under consideration shall be complied with for each allotment; and</u> b) <u>the applicable standards in Chapter 25 – City Wide shall be complied with for each allotment</u>  <u><b>Note</b></u> <u>For the avoidance of doubt, Rule R16-2 does not apply to an infringement that has existing use rights or was approved under a Land Use Resource Consent.</u>
3)	<u>Where allotments are proposed that contain development that has been approved under separate land use consent, compliance with the approved layout shall be achieved as part of the subdivision.</u>
4)	<u>Where R16-2 or R16-3 is not complied with, a concurrent application for land use consent for the identified areas of non-compliance with the applicable general and specific standards, or the approved layout shall be made.</u>

## **SUB-PREC1-PSP: R17 Allotment shape for vacant sites**

<u>1)</u>	<u>Minimum transport corridor boundary length for a front site</u>	<u>10m</u>
	<u>Where allotments are proposed that contain existing development or development that has been approved under separate land use consent SUB-PREC1-PSP: R17 does not apply</u>	

## **SUB-PREC1-PSP: R18 Block Structure and roading**

<u>1)</u>	<u>Maximum block length</u>	<u>250m</u>
<u>2)</u>	<u>Maximum block perimeter</u>	<u>750m</u>
	<u>For clarity the measurements above may be curvilinear and include frontage to a green linkage/corridor, accessway or reserve. Measurements will be taken from the relevant transport corridor boundary of the proposed lots.</u>	

## **SUB-PREC1-PSP: R19 Culs de sac**

<u>1)</u>	<u>Maximum length of cul de sac</u>	<u>150m</u>
<u>2)</u>	<u>Maximum number of cul-de-sac accessing directly onto a cul-de-sac</u>	<u>0</u>

## **SUB-PREC1-PSP: R20 Provision of parking and access.**

<u>Where on-site parking and/or access is provided:</u>		
<u>1)</u>	<u>Parking, access and manoeuvring areas shall meet the requirements of Chapter 25.14 Transportation.</u>	
<u>2)</u>	<u>Vehicle crossings located over a separated cycle lane on transport corridors shall be separated by a minimum of 50m.</u>	
<u>3)</u>	<u>All rear lanes shall meet the following standards:</u>	
	<u>A.</u>	
	<u>i) Minimum legal width</u>	<u>7m</u>
	<u>ii) Maximum number of residential units served</u>	<u>20</u>
	<u>B.</u>	
	<u>Each rear lane shall be:</u>	
	<u>i) Designed to provide access and egress for large rigid trucks such as fire, furniture removal, refuse and recycling-collection trucks.</u>	
	<u>ii) Connected to a transport corridor at each end.</u>	
	<u>iii) Privately-owned and its owners shall be responsible for its operation and maintenance.</u>	
	<u>iv) Common property under the Unit Titles Act when it serves more than 9 residential units.</u>	
	<u>C.</u>	
	<u>Shall have a maximum gradient of 1:5.</u>	



<u>4.</u>	<u>Where vehicle access is provided by a rear lane, each dwelling shall have a separate pedestrian access from the primary transport corridor boundary.</u>	
<u>5.</u>	<u>The ability for any proposed lot in a subdivision to comply with the vehicle crossing separation distance requirements in Rule 25.14.4.1a) and 25.14.4.1c) shall be demonstrated.</u>	

## **SUB-PREC1-PSP: R21 Roading and Access**

<u>1)</u>	<u>Minimum road width of vehicle access to be formed and vested as public road:</u> a) <u>Local Road</u> b) <u>Collector Road - no Public transport</u> c) <u>Collector Road – Public transport Route</u>	<u>16.8m (See note 1)</u> <u>24.2m (See note 1)</u> <u>24.6m (See note 1)</u>
	<u><b>Note 1:</b> 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.</u>	
<u>2)</u>	<u>Maximum pedestrian/cyclist access way length through a block</u>	<u>80m</u>
<u>3)</u>	<u>Minimum width for pedestrian/cyclist through a block:</u> a) <u>40m or less in length.</u> b) <u>41m – 60m in length.</u> c) <u>61m – 80m in length:</u>	<u>6m wide</u> <u>9m wide</u> <u>12m wide</u>
<u>4)</u>	<u>Minimum paved width for shared pedestrian/cyclist path through a block.</u>	<u>3m</u>

## **SUB-PREC1-PSP: R22 Neighbourhood Parks**

<u>1)</u>	<u>Where a Neighbourhood Park is identified as being required in the Peacocke Structure Plan, a neighbourhood park shall be provided that meets the following standards:</u>	
	<u>a) Minimum area</u>	<u>5,000m<sup>2</sup></u>
	<u>b) Minimum transport corridor frontage</u>	<u>50% of the perimeter of the total park boundary.</u>
	<u>c) Is able to accommodate a 30m x 30m square area.</u>	
	<u>d) Is generally flat.</u>	
<u>2)</u>	<u>Neighbourhood parks shall be located so that no residential dwelling is more than 500m from a neighbourhood park.</u>	



## **SUB-PREC1-PSP: R23 Local Centre: Peacocke Precinct and Neighbourhood Centre Zones: Peacocke Precinct**

1.	<u>Minimum net site area</u>	<u>1,000m<sup>2</sup></u>
2.	<u>Minimum shape factor</u>	<u>20m diameter circle.</u>
3.	<u>Minimum transport corridor boundary length</u>	<u>8m</u>
4.	<u>Minimum transport corridor boundary length adjoining a major arterial transport corridor</u>	<u>20m</u>
5.	<u>Minimum access or private way width serving an allotment with a net site area of less than 2000m<sup>2</sup></u>	<u>8m</u>
6.	<u>Minimum access or private way width serving an allotment with a net site area of 2000m<sup>2</sup>–5000m<sup>2</sup></u>	<u>10m</u>
7.	<u>Minimum access or private way width serving an allotment with direct access to a major arterial transport corridor</u>	<u>10m</u>
8.	<u>Minimum private way width serving 1-5 allotments</u>	<u>10m</u>
9.	<u>Maximum private way gradient</u>	<u>1:8</u>
10.	<u>Maximum private way length</u>	<u>100m</u>
11.	<u>Maximum pedestrian accessway length</u>	<u>80m</u>
12.	<u>Minimum pedestrian accessway width</u>	<u>40m or less in length: 6m wide</u> <u>41m – 60m in length: 9m wide</u> <u>61m – 80m in length: 12m wide</u>
13.	<u>The ability for any proposed lot in a subdivision to comply with the vehicle crossing separation distance requirements in Rule 25.14.4.1a) and 25.14.4.1c) shall be demonstrated.</u>	<u>=</u>

## **SUB-PREC1-PSP: Provision of Ecological Areas**

1) Where subdivision includes areas identified as Bat Corridors these shall be provided in accordance with the Peacocke Structure Plan and be designed to meet the following requirements:

a)	<u>Maintain a minimum width of 50m.</u>
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## **SUB-PREC1-PSP: R25 Provision of Public Transport Infrastructure**

1) Subdivision creating a new, or requiring the upgrading of an existing, transport corridor that is identified as a Public Transport Route in the Peacocke Structure Plan shall:

a)	<u>Provide bus stops in locations as agreed with Waikato Regional Council.</u>
b)	<u>Design the transport corridor to ensure bus stops are constructed to be accessible to all users.</u>
c)	<u>Provide pedestrian crossing facilities that enable safe and step free access between stops.</u>

## **SUB – PREC1-P: OTHER RESOURCE CONSENT INFORMATION**

Refer to Chapter 1: Plan Overview for guidance on the following:

- How to Use this District Plan
- Explanation of Activity Status
- Activity Status Defaults
- Notification / Non-notification Rules
- Rules Having Early or Delayed Effect

Refer to Volume 2, Appendix 1: District Plan Administration for the following:

- Definitions and Terms Used in the District Plan
- Information Requirements
- Discretionary and Non-Complying Activities Assessment Criteria
- Design Guides
- Other Methods of Implementation

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**Submission on Plan Change 5 to the Hamilton City District Plan  
(Peacocke Structure Plan)**

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**To:** Hamilton City Council

**From:** Jones Lands Limited

**Address for Service:** PO Box 305002, Triton Plaza, Auckland 0757  
Tristan Jones, Director [tristan@jonesgroup.co.nz](mailto:tristan@jonesgroup.co.nz)

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**Introduction**

1. This is a submission on Plan Change 5 (PC5) to the Hamilton City District Plan (Peacocke Structure Plan) made by Jones Lands Limited (the submitter).
2. The submitter:
  - (a) Is not a trade competitor for the purposes of PC5 and could not gain an advantage in trade competition through this submission;
  - (b) Supports PC5 subject to the matters in this submission being addressed; and
  - (c) Seeks that PC5 be approved, subject to objectives, policies, rules, plans and provisions being amended to address the matters raised in this submission (and any consequential relief), for the reasons outlined below.
3. This submission relates generally to the structure plan, ecological corridors and ecology rules, proposed road network and supporting provisions in PC5, infrastructure and development staging and their relationship and effect on the opportunities to develop land in the PC5 area. The submitter is concerned that staging rules limit flexible approaches to the supply of infrastructure and housing, which could reduce market competition, increase development costs and cause unnecessary delay to the availability of much needed housing stock.

**The submitter**

4. The submitter is the equitable owner (via an unconditional contract to purchase) of the land at 15 Hall Road, 3109 Ohaupo Rd and Peacockes Road, identified in red within the Peacocke Structure Plan area as outlined below.





### Reasons for Submission and Relief Sought

5. Table 1 attached includes the submissions matters, reasons for submission and relief sought.
6. While the submitter generally supports PC5 there are specific aspects of the plan change which are opposed and sought to be amended.
7. The reasons for this submission are that PC5, without giving effect to the relief sought in this submission:
  - (a) will not promote sustainable management of resources, and will not achieve the purpose of the Resource Management Act 1991 ("Act");
  - (b) is contrary to Part II and other provisions of the Act;
  - (c) will not meet the reasonably foreseeable needs of future generations;
  - (d) will not enable social, economic and cultural well being;
  - (e) is otherwise contrary to the purposes and provisions of the Act and other relevant planning documents;
  - (f) is inappropriate and inconsistent with the purpose and principles of the Act;
  - (g) does not represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and

effectiveness of other available means and are therefore not appropriate in terms of s32 and other provisions of the Act;

8. In particular, but without limiting the generality of the above, for those additional reasons set out in Table 1.
9. Consequential amendments may be needed to give full effect to submission points in Table 1.
10. The submitter wishes to be heard in support of its submission.
11. If others make a similar submission, the submitter will consider presenting a joint case with them at any hearing.



Tristan Jones for Jones Lands Limited


Table 1 Jones Lands Limited Submission

Ref:	Support/Oppose	Submission matter Rule / reference	Submission and Reasons
1	<b>Support in part.</b> Hall Road from Ohaupo Rd / SH3	Appendix 2 – Structure Plans  Proposed partial closure / severance of Hall Road from Ohaupo Rd / SH3 and the disestablishment of the intersection.	This is currently an unsafe intersection. Further urbanisation / intensification as a result of PC5 will increase current shortcomings and the need for the intersection is made redundant by the proposed PC5 SH3 intersection just south of Hall Rd and the wider road network proposed as part of the plan change. PC5 is not clear about who is responsible for or at what stage the road stopping will occur and the submitter requests more clarity in this regard.
2	<b>Support in part.</b> Proposed Ohaupo Rd Intersection location.	Appendix 2 – Structure Plans and technical assessment in Gray Matter ITA supporting the Section 32.	A new intersection and road network is proposed between the structure plan's arterial road network and the State Highway 3. The submitter supports this location and a connection that aligns with the adjoining structure plan. The submitter seeks PC5 goes a step further and undertakes a draft design of the intersection (including taking into account existing or proposed access on the opposite side of the road) to provide certainty and the early ability to coordinate and better integrate the two structure plan areas and for the purpose of engagement with NZTA.
3	<b>Oppose</b> all reference to pre-requisite staging or sequencing of strategic infrastructure required.	Appendix 2 – Structure Plans and,	The proposed staging programme hinders growth within the area. Poor consideration has been given to alternative viable sequencing of development to facilitate growth in the area, or other methods to

Ref:	Support/Oppose	Submission matter Rule / reference	Submission and Reasons
		Chapter 3A – Peacocke Structure Plan - Peacocke Infrastructure and Staging	<p>Enable housing supply outside the specified sequence/staging.</p> <p>Delete the chapter 3a strategic infrastructure table requirements and remove any reference or requirement within PC5 for fixed staging or sequencing of development subject to a fixed infrastructure sequence.</p> <p>Delete the structure plan staging map.</p> <p>Certain infrastructure pre-requisites are not required and or are poorly considered. The proposed text and map hinder potential growth opportunities and preclude developers' ability to advance certain sections of work or infrastructure and it sets only one outcome for sequential development. They also allow landowners who do not develop to prevent the implementation of subsequent stages.</p> <p>In usual greenfield development, it is generally accepted that not all "integration" or outcomes for transport will be achieved from day 1 – they occur over time as development continues. The combined staging and infrastructure maps and provisions set an expectation which is contrary to this and seek to achieve these outcomes from the</p>

Ref:	Support/Oppose	Submission matter Rule / reference	Submission and Reasons
			<p>outset. This creates significant delays in delivering development and housing.</p> <p>Fixed staging or phasing of infrastructure and any delays as a result would have direct negative effects on restricting housing supply and increasing cost.</p> <p>The rules as drafted, hinder the ability to advance certain sections of key infrastructure ahead of others (by PDA or other agreement) to help enable housing supply. Predetermined staging will restrict supply, temper market competition and ultimately have the effect of increasing holding or development costs for the delivery for housing. We submit that the sequential staging as contemplated by the structure plan contradicts the current government initiatives / policies (including the NPS-UD) and intention to increase housing supply.</p>
4	<b>Oppose</b> proposed Ecological corridor's location and extents including any proposed Bat corridors, reserves, Significant Natural Areas and Significant Bat Habitat Area	<p>Appendix 2 – Structure Plans, Chapter 3A – Peacocke Structure Plan</p> <p>Rules including but not limited to:</p> <p>DEV01-PSP: P35 - <i>Protect bat habitat adjoining the edge of</i></p>	<p>HCC has adopted a somewhat broad-brush approach to mapping the green networks, reserves and the like – but has tied these broad bush concepts to key outcomes and provisions.</p> <p>This has largely been a desktop exercise and HCC has used a mix of Lidar data, aerial photos and other sources. The mapped areas are larger than are necessary to maintain and enhance ecological</p>

Ref:	Support/Oppose	Submission matter Rule / reference	Submission and Reasons
		<p><i>the Mangakotukutuku Gully and Waikato River to ensure long tailed bats are able to continue to utilise these areas.,</i></p> <p>DEV01-PSP: P36 - <i>Require development adjacent to the gully network and Waikato River to meet required setbacks to support the ecological function of these areas.</i></p> <p>DEV01-PSP: P37 - <i>Provide ecological corridors between the major arms of the Mangakotukutuku Gully and Waikato River of sufficient width that enables the movement of long tailed bats between the two areas.</i></p>	<p>features, streams and bush and the proposed corridors have not been subject to appropriate consultation or recent assessment and do not appear to relate to or be appropriately informed by current and historic habitat.</p> <p>The submitter generally supports the concept of ecological corridors aligning with the natural features of the land, however PC5's approach to the definition of these areas has been unsatisfactory and in some cases, they have mapped areas which previously had vegetation but are now cleared.</p> <p>The corridors do not make provision for connectivity (including road) and this needs to be clearly provided for otherwise the corridors will have the effect of severing portions of the PC5 area and causing a series of disconnected neighbourhoods.</p> <p>The submitter seeks the following;</p> <ul style="list-style-type: none"> <li>A) Ground truthing, further assessment and consultation to occur prior to the corridors being fixed.</li> <li>B) Provision for connectivity / roads to pass through the corridors with an acceptable / agreed cross section / design etc.</li> </ul>

Ref:	Support/Oppose	Submission matter Rule / reference	Submission and Reasons
			<p>C) Some flexibility to re-align corridors in consultation with landowners and concurrently with masterplans which are currently being developed to ensure an overall more considered and better design outcome for the area.</p> <p>D) The Ecological corridor following the Hall Road alignment and adjoining SH3 to be removed.</p>
5	<b>Support in part</b> the Peacocke structure plan roading layout, seek amendments to create more logical and functional connectivity and to support proposed neighbourhood centre. Consider better integration with adjoining identified future growth cell.	Appendix 2 – Structure Plans and Zones	 <p>Extend the collector road proposed over the adjoining Aurora development south east toward</p>

Ref:	Support/Oppose	Submission matter Rule / reference	Submission and Reasons
			<p>Southern Links north-south Arterial to achieve better connectivity and support the identified neighbourhood centre.</p> <p>In conjunction with the above, reduce classification of road marked X above to a local road to afford a better urban design and ecological outcome.</p> <p>Remove overbridge proposed along Peacocke Road crossing Southern Links and consider partial closure of Peacocke Road, re-routing of roads and better integration with adjoining growth cell.</p> <p>Provide for any changes as a result of the above, including the possible relocation of neighbourhood centre in locality.</p>
6	<b>Support in part</b> the location of Neighbourhood Centre on the submitters land and as identified on the Peacocke Structure plan	Appendix 2 – Structure Plans and Zones	Request the ability to ensure that the general location of the node remains on the submitters land but the exact location and extent of zoning is coordinated with masterplanning work the submitter is currently undergoing. This may result in refinements to the structure plan and/or confirmation via a zoning extent as beign shown on the zoning maps
7	<b>Support</b> Neighbourhood Centre Zone rules	Chapter 6A – Neighbourhood Centre Zone	<p><b>Support</b> rules in their entirety.</p> <p>Rules as drafted allow for appropriate scale and mix of activity which will result in a viable offering to</p>



Ref:	Support/Oppose	Submission matter Rule / reference	Submission and Reasons
			support neighbourhood catchment(s) whilst resulting in good design outcomes.
8	<b>Oppose in part</b> the structure plan in particular the location mapping of the Stormwater wetlands or any other reference to the same within PC5	Appendix 2 – Structure Plans and other , and Zones	<p>Stormwater wetlands are currently mapped on the structure plan. The submitter generally supports the indication of location but exact location needs to be defined as part of detailed design and some stormwater wetlands may not be possible where illustrated.</p> <p>The underlying zoning should be identified as residential and the reference on the structure plan should change to 'indicative location' or similar as a dashed line or hatch over the residential zoning.</p>
9	<b>Oppose</b> Bat monitoring	Any requirement for bat monitoring.	<p>We submit that HCC should be doing this over the entire area prior to the conclusion of the Peacocke structure plan. It's simply not suitable to fix ecological corridors and then to separately require monitoring on to developers and this causes unnecessary delays, confusion and the process will undoubtedly frustrate the ability to deliver housing in a timely manner.</p> <p>This includes the associated yard setbacks from the bat corridors.</p>
10	<b>Oppose</b> – Medium density zone provisions	Chapter 4A and Chapter 23 provisions	The new Chapter 4A and 23A provisions should be updated to meet the Resource Management

Ref:	Support/Oppose	Submission matter Rule / reference	Submission and Reasons
			<p>(Enabling Housing Supply and Other Matters) Amendment Bill.</p> <p>This includes amendments need to make residential development more enabling (and deletion of restricted discretionary activity status for duplex dwellings and terraced housing).</p> <p>However where the MDZ provision is more enabling these should be retained.</p>
11	<b>Oppose</b> - Rest Home and retirement village provisions	All provision relating to Rest Home and retirement village provisions	Provision relating to rest homes and retirement villages should be updated to be more enabling in their provision in the MDZ, and that where there are development controls that are less enabling than the outdoor living etc requirements set by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill, that they be amended.
12	<b>Oppose</b> - Dairy provisions in the MDZ	All provision relating to Dairy provisions in the MDZ	Neighbourhood Centre activities should be encouraged to occur in those areas identified for a NC, and the notified provisions undermine the viability of future NC's.
13	<b>Oppose</b> - Childcare Facility in the MDZ	All provision relating to Childcare Facility in the MDZ	The gfa restriction for childcare activities should be deleted – this unduly restricts the efficient use of such sites.
14	<b>Oppose</b> – Rear Lanes	All provision relating to the rear lanes	The submitters supports the inclusion of rear lanes as an option to achieve the medium density outcomes

Ref:	Support/Oppose	Submission matter Rule / reference	Submission and Reasons
			– however the PC5 provisions limiting the length, number of units, ownership model or any reference that they should provide for planting, walking and cycling or trip reduction, and/or large trucks and their manoeuvring are inappropriate and will have a deterrent effect on their use or will create perverse outcomes if designed to meet the PC5 provisions.
15	<b>Oppose</b> - Walking and cycling “through block” provisions	All provision relating to walking and cycling “through block” provisions	The provisions for maximum lengths and minimum widths for pedestrian/cyclist access through blocks should be deleted – these will encourage the use of accessways through the rear of properties rather than the primary aim of having pedestrian and cyclists form part of the transport “street” network.
16	<b>Oppose</b> Neighbourhood Parks	All provision relating to Neighbourhood Parks	Any provision requiring local neighbourhood parks should be deleted. This is a Council function under the LGA for purchase.
17	<b>Oppose</b> Public Transport	All provision relating to Provision for Public Transport	Any provision requiring public transport infrastructure provision or liaison/agreement with WRC should be deleted. These are inappropriate to be required in the District Plan when public transport is a Regional Council function.

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**Submission on Plan Change 5 to the Hamilton City District Plan  
(Peacocke Structure Plan)**

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**To:** Hamilton City Council

**From:** Northview Capital Limited (Aurora development)

**Address for Service:** PO Box 305002, Triton Plaza, Auckland 0757  
Tristan Jones, Director [tristan@jonesgroup.co.nz](mailto:tristan@jonesgroup.co.nz)

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**Introduction**

1. This is a submission on Plan Change 5 (PC5) to the Hamilton City District Plan (Peacocke Structure Plan) made by Northview Capital Limited (the submitter).
2. The submitter:
  - (a) Is not a trade competitor for the purposes of PC5 and could not gain an advantage in trade competition through this submission;
  - (b) Supports PC5 subject to the matters in this submission being addressed; and
  - (c) Seeks that PC5 be approved, subject to objectives, policies, rules and provisions being amended to address the matters raised in this submission (and any consequential relief), for the reasons outlined below.
3. This submission relates generally to the structure plan, ecological corridors and ecology rules, proposed road network and supporting provisions in PC5, infrastructure and development staging and their relationship and effect on the opportunities to develop land in the PC5 area. The submitter is concerned that staging rules limit flexible approaches to the supply of infrastructure and housing, which could reduce market competition, increase development costs and cause unnecessary delay to the availability of much needed housing stock.

**The submitter**

4. The submitter owns and controls the land at 0 & 49 Hall Road, 3109 Ohaupo Road, identified in blue within the Peacocke Structure Plan area as outlined below.



### Reasons for Submission and Relief Sought

5. Table 1 attached includes the submissions matters, reasons for submission and relief sought.
6. While the submitter generally supports PC5 there are specific aspects of the plan change which are opposed and sought to be amended.
7. The reasons for this submission are that PC5, without giving effect to the relief sought in this submission:
  - (a) will not promote sustainable management of resources, and will not achieve the purpose of the Resource Management Act 1991 ("Act");
  - (b) is contrary to Part II and other provisions of the Act;
  - (c) will not meet the reasonably foreseeable needs of future generations;
  - (d) will not enable social, economic and cultural well being;
  - (e) is otherwise contrary to the purposes and provisions of the Act and other relevant planning documents;
  - (f) is inappropriate and inconsistent with the purpose and principles of the Act;


- (g) does not represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of other available means and are therefore not appropriate in terms of s32 and other provisions of the Act;
8. In particular, but without limiting the generality of the above, for those additional reasons set out in Table 1.
  9. Consequential amendments may be needed to give full effect to submission points in Table 1.
  10. The submitter wishes to be heard in support of its submission.
  11. If others make a similar submission, the submitter will consider presenting a joint case with them at any hearing.

A handwritten signature in black ink, appearing to read 'Tristan Jones', with a stylized flourish at the end.

Tristan Jones for Northview Capital Limited


**Table 1 Northview Capital Limited Submission**

Ref:	Support/Oppose	Submission matter Rule / reference	Submission and Reasons
1	<b>Support</b> any updates or amendments to align PC5 to the <i>Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill</i> and any subsequent Acts as a result of that Bill provided that such changes are not contrary to the submission matters below	PC5  Chapter 4A and Chapter 23 provisions	<p>PC5 was notified prior to the proposed Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill. PC5 makes consideration for the NPS-UD directive but not the subsequent Bill.</p> <p>PC5 is largely medium density and therefore proposes a density similar to the Bill however its likely that HCC will need to align with the Bill. Northview Capital Limited support these changes to achieve a consistent and clear outcome between PC5 and the Bill (proposed by the Government to have a third reading on 16 December 2021).</p> <p>The new Chapter 4A and 23A provisions should be updated to meet the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill.</p> <p>This includes amendments need to make residential development more enabling (and deletion of restricted discretionary activity status for duplex dwellings and terraced housing).</p> <p>However where the MDZ provision is more enabling these should be retained.</p>

Ref:	Support/Oppose	Submission matter Rule / reference	Submission and Reasons
2	<b>Support</b> proposed collector Road alignment over Ohaupo / Hall Road blocks (extension of current road 2 under construction in the Aurora development).	Appendix 2 – Structure Plans	The proposed Structure plan seeks to re-align prior collector road over 3019 Ohaupo Road and 49 Hall Road land. The revised road location is a logical location that can be accommodated appropriately with the site contour and is an extension of a road that is currently under construction at 3019 Ohaupo Rd. The proposed alignment is supported by the submitter's masterplan and overall, it creates an efficient and practical road link and a good urban design outcome. The submitter supports this alignment particularly as its critical to the development the balance of its landholdings in a logical / efficient manner.
3	<p><b>Support in part</b> the location of Neighbourhood Centre with the Aurora development as identified on the Peacocke Structure Plan and supported by ME report.</p> <p><b>Oppose in part</b> to extent that submitter seeks the Western side of proposed Road 3 (3109 Ohaupo Rd) to also be zoned Neighbourhood Centre and also the boundary extents of the Eastern side to remain flexible</p>	Appendix 2 – Structure Plans, Zones	



Ref:	Support/Oppose	Submission matter Rule / reference	Submission and Reasons
	to allow the conclusion of a land take currently in play and resolution of the extent of public works in that same area.		The location of this centre is already identified/ supported on the operative Peacocke Structure Plan however there is currently no 'zoning' and therefore there is ambiguity around the exact location and the process. PC5 proposes zoning to neighbourhood centre zone and the provisions of this zone are supported. Part of the PC5 zoning is proposed over a designation boundary which is likely not going to be acquired by HCC however the submitter requests that the extents of the zoning boundaries have flexibility (or be resolved through further investigation as part of PC5) and can be resolved and amended in the event the designation land is acquired. The submitter seeks that the Western side of the proposed road 3 within the Aurora development (3109 Ohaupo Rd) is also zoned Neighbourhood Centre to allow the lower floor of a proposed apartment development to be sleeved with retail to form an appropriate frontage to the road and strengthen the node and entrance to the development. This establishes a small length of road where development on both sides contributes to an active neighbourhood centre. Community destination and streetscape.
4	<b>Oppose in part</b> Neighbourhood Centre Zone rules	Chapter 6B - local Centre Zone (Ref: 6B-PREC1-P)	<b>Oppose in part.</b> Rules were drafted prior to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill. PC5 allows for a medium density zoning however it's likely that the

Ref:	Support/Oppose	Submission matter Rule / reference	Submission and Reasons
			catchment densities need to be reconsidered in light of the recent Bill because any surrounding residential land will be now be able to support an increased density. The submitter opposes any unreasonable restrictions around the size and scale of the Neighbourhood Centre Zone located on 3019 Ohaupo Rd.
5	<b>Oppose</b> the location of the proposed second neighbourhood park shown on the structure plan on the southeast side of the Aurora development. Reposition this secondary reserve to a location adjoining the East wetland reserve within Aurora (0 & 49 Hall Road, 3109 Ohaupo Road).	Appendix 2 – Structure Plans	 <p>The submitter has undertaken a comprehensive masterplanning process for the Aurora development. Within the masterplan it has proposed a secondary neighbourhood park adjacent to the Eastern Wetland reserve. This location is more logical and accessible with</p>

Ref:	Support/Oppose	Submission matter Rule / reference	Submission and Reasons
			<p>proposed walkways within the wetland reserve that will provide connectivity to the wider area. The proposed location also aligns well with the proposed neighbourhood centre and the adjoining open wetland reserve which will both complement each other and provide added amenity.</p> <p>The proposed location is supported by commentary within chapter 3A Structure Plan of PC5:</p> <p>Page 17, "f) Recreational facilities for the area, including the parks and reserves network need to meet multiple functions. Thus where possible: Neighbourhood reserves will be integrated with the gullies,."</p> <p>And:</p> <p>Where possible neighbourhood parks should incorporate existing natural features and be sited in prominent locations where there is scope for passive surveillance, outlooks and a high degree of accessibility.</p> <p>And:</p> <p>Criteria for the location of neighbourhood parks are:</p>

Ref:	Support/Oppose	Submission matter Rule / reference	Submission and Reasons
			<p><i>f. Ability to protect or enhance natural features,</i></p> <p><i>i. Ability to provide off-road linkages between residential neighbourhoods and facilities, and</i></p> <p><i>j. Ability to link areas of natural and ecological value.</i></p>
6	<b>Oppose</b> all reference to pre-requisite staging or sequencing of strategic infrastructure required.	Appendix 2 – Structure Plans and, Chapter 3A – Peacocke Structure Plan - Peacocke Infrastructure and Staging	<p>The proposed staging programme hinders growth within the area. Poor consideration has been given to alternative viable sequencing of development to facilitate growth in the area, or other methods to enable housing supply outside the specified sequence/staging.</p> <p>Delete the chapter 3a strategic infrastructure table requirements and remove any reference or requirement within PC5 for fixed staging or sequencing of development subject to a fixed infrastructure sequence.</p> <p>Delete the structure plan staging map.</p> <p>Certain infrastructure pre-requisites are not required and or are poorly considered and the proposed text and map hinder potential growth opportunities and preclude developers' ability to advance certain sections of work or infrastructure. They also allow landowners who do not develop to prevent the implementation of subsequent stages.</p>

Ref:	Support/Oppose	Submission matter Rule / reference	Submission and Reasons
			<p>In addition, the proposed staging provisions hinder the ability to advance development and it sets only one outcome for sequential development. In usual greenfield development, it is generally accepted that not all "integration" or outcomes for transport will be achieved from day 1 – they occur over time as development continues. The combined staging and infrastructure maps and provisions set an expectation which is contrary to this and seek to achieve these outcomes from the outset. This creates significant delays in delivering development and housing.</p> <p>Fixed staging or phasing of infrastructure and any delays as a result would have direct negative effects on restricting housing supply and increasing cost.</p> <p>This inhibits the ability of private development to get projects off the ground and as a consequence adds to the holding costs. This contradicts the current government initiatives / policies (including the NPS-UD) and intention to increase housing supply.</p>
7	<b>Oppose</b> proposed Ecological corridor's location and extents including any	Appendix 2 – Structure Plans, Chapter 3A – Peacocke Structure Plan	HCC has adopted a somewhat broad-brush approach to mapping the green networks, reserves

Ref:	Support/Oppose	Submission matter Rule / reference	Submission and Reasons
	proposed Bat corridors, reserves, Significant Natural Areas and Significant Bat Habitat Area	<p>Rules including but not limited to:</p> <p>DEV01-PSP: P35 - <i>Protect bat habitat adjoining the edge of the Mangakotukutuku Gully and Waikato River to ensure long tailed bats are able to continue to utilise these areas.,</i></p> <p>DEV01-PSP: P36 - <i>Require development adjacent to the gully network and Waikato River to meet required setbacks to support the ecological function of these areas.</i></p> <p>DEV01-PSP: P37 - <i>Provide ecological corridors between the major arms of the Mangakotukutuku Gully and Waikato River of sufficient width that enables the movement of long tailed bats between the two areas.</i></p> <p>Any other rule that is related to Ecological corridors or Bat</p>	<p>and the like – but has tied these broad bush concepts to key outcomes and provisions.</p> <p>This has largely been a desktop exercise and HCC has used a mix of Lidar data, aerial photos and other sources. The mapped areas are larger than are necessary to maintain and enhance ecological features, streams and bush.</p> <p>The submitter generally supports the concept of ecological corridors aligning with the natural features of the land, however PC5's approach to the definition of these areas has been unsatisfactory and, in some cases, they have mapped areas which previously had vegetation but are now cleared.</p> <p>The corridors do not make provision for connectivity (including road) and this needs to be clearly provided for.</p> <p>The submitter seeks the following;</p> <p>A) Ground truthing, further assessment and consultation to occur prior to the corridors being fixed.</p>

Ref:	Support/Oppose	Submission matter Rule / reference	Submission and Reasons
		Habitat or any part on any plan that defines these areas.	<p>B) Provision for connectivity / roads to pass through the corridors with an acceptable / agreed cross section / design etc.</p> <p>C) Some flexibility to re-align corridors in consultation with landowners and concurrently with masterplans which are currently being developed to ensure an overall more considered and better design outcome for the area.</p>
8	<b>Support in part</b> Neighbourhood Centre Zone rules	Chapter 6A – Neighbourhood Centre Zone	<p><b>Support in part</b> rules.</p> <p>Rules as drafted allow for appropriate scale and mix of activity which will result in a viable offering to support neighbourhood catchment(s) whilst resulting in good design outcomes.</p>
9	<b>Oppose in part</b> the structure plan in particular the location mapping of the Stormwater wetlands or any other reference to the same within PC5	Appendix 2 – Structure Plans and other , and Zones	<p>Stormwater wetlands are currently mapped on the structure plan. The submitter generally supports the indication of location but exact location needs to be defined as part of detailed design and some stormwater wetlands may not be possible where illustrated.</p> <p>The underlying zoning should be identified as residential and the reference on the structure plan should change to 'indicative location' or similar as a dashed line or hatch over the residential zoning.</p>

Ref:	Support/Oppose	Submission matter Rule / reference	Submission and Reasons
10	<b>Oppose</b> Bat monitoring	Any requirement for bat monitoring.	<p>We submit that HCC should be doing this over the entire area prior to the conclusion of the Peacocke structure plan. It's simply not suitable to fix ecological corridors and then to separately require monitoring on to developers.</p> <p>This includes the associated yard setbacks from the bat corridors.</p>
11	<b>Oppose</b> - Rest Home and retirement village provisions	All provision relating to Rest Home and retirement village provisions	Provision relating to rest homes and retirement villages should be updated to be more enabling in their provision in the MDZ, and that where there are development controls that are less enabling than the outdoor living etc requirements set by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill, that they be amended.
12	<b>Oppose</b> - Childcare Facility in the MDZ	All provision relating to Childcare Facility in the MDZ	The gfa restriction for childcare activities should be delete – this unduly restricts the efficient use of such sites.
13	<b>Oppose</b> – Rear Lanes	All provision relating to the rear lanes	The submitters supports the inclusion of rear lanes as an option to achieve the medium density outcomes – however the PC5 provisions limiting the length, number of units, ownership model or any reference that they should provide for planting, walking and cycling or trip reduction, and/or large trucks and their manoeuvring are inappropriate and will have a



Ref:	Support/Oppose	Submission matter Rule / reference	Submission and Reasons
			deterrent effect on their use or will create perverse outcomes if designed to meet the PC5 provisions.
14	<b>Oppose</b> - Walking and cycling "through block" provisions	All provision relating to walking and cycling "through block" provisions	The provisions for maximum lengths and minimum widths for pedestrian/cyclist access through blocks should be deleted – these will encourage the use of accessways through the rear of properties rather than the primary aim of having pedestrian and cyclists form part of the transport "street" network.
15	<b>Oppose</b> Neighbourhood Parks	All provision relating to Neighbourhood Parks	Any provision requiring local neighbourhood parks should be deleted. This is a Council function under the LGA for purchase.
16	<b>Oppose</b> Public Transport	All provision relating to Provision for Public Transport	Any provision requiring public transport infrastructure provision or liaison/agreement with WRC should be deleted. These are inappropriate to be required in the District Plan when public transport is a Regional Council function.

# Proposed Plan Change 5 – Peacocke Structure Plan (<https://haveyoursay.hamilton.govt.nz/city-planning/plan-change-5/>)

## Response 409730318

[Back to Response listing \(https://haveyoursay.hamilton.govt.nz/city-planning/plan-change-5/consultation/published\\_select\\_respondent?sort=excerpt&order=ascending\)](https://haveyoursay.hamilton.govt.nz/city-planning/plan-change-5/consultation/published_select_respondent?sort=excerpt&order=ascending)

☐ Include unanswered questions

## About you

### Your full name

(Required)

Graeme McMillan

### Your postal address

7 Moiras Lane

Postcode

3206

Your email address

(Required)

graeme@momenta.nz

Chapters

The specific provisions of the Proposed Plan Change that my submission relates to are as follows:

Please select all that apply

- ☐ Amend Chapter 3: Structure Plans and Section 3.4 Peacocke
- ☐ Amend Chapter 5: Special Character Zones
- ☒ Create a new Chapter 4A: Medium Density Zone: Peacocke Precinct
- ☐ Create a new Chapter 6A: Peacocke Neighbourhood Centre Zone
- ☐ Create a new Chapter 6B: Peacocke Local Centre Zone
- ☐ Create a new Chapter 15A: Natural Open Space Zone: Peacocke Precinct
- ☐ Create a new Chapter 15B: Sport and Active Recreation Zone: Peacocke Precinct
- ☐ Amend Chapter 23: Subdivision
- ☐ Create a new Chapter 23A: Subdivision: Peacocke Precinct

My submission is that:

I have several concerns about Chapter 4A Medium Density Zone: Peacocke Precinct, in particular relating to the proposed high density overlay.

1. Firstly, I believe there is a lack of transparency showed by the Council in relation to this high density overlay, and that many people may not have known about this veiled

/

change.

1a. Although proposed high density areas are shown on the Land Use map, there is no chapter in the list above about high density. The detail of this proposed high density area is hidden in the medium density documentation.

1b. Illustrations in the consultation booklet sent to nearby residents are misleading. I refer you to the second to last page which talks about key bat habitats, bat buffers and proposed bat corridors. The top illustration shows a gully profile with a 20m bat buffer, then urban development with a 2-storey building. The lower illustration shows a bat corridor with a 5m setback and a 2-storey building. I find the following issues misleading.

i) When you look at the Land Use map, a large proportion of the land bordering a gully or proposed bat corridor is High density, therefore the building that may be built could be 5-storey's high.

ii) When you look at the illustrations, both of them show a road directly against at least one side of the gully or bat corridor. While this is true in some locations, there are plenty of other locations where a road won't be directly against these areas. This means the setback of 5-storey buildings from the edge of the gully/bat corridor will be much less than what is represented in these illustrations.

I feel the Council has mislead the public about the possible impact of the high density zone.

2. I believe there is a risk that 5-storey buildings near to bat habitats will cause higher lighting and glare risks to bats from residential use - patios, windows etc. These risk elements may only be partly controlled by the design of the building. There is much less risk of affecting bats if the building height beside gullies/bat corridors is limited to 2-storeys.

3. I don't believe we should have taller buildings blocking the view of green spaces like gullies. I refer you to Victoria Street, where high commercial properties have blocked the river views from the person on the ground. There is a risk here that the same may occur. Lower level buildings behind the higher level buildings won't be able to see these green areas.

4. Related to point 3 above, taller buildings have a greater foundational requirements than lower buildings. My house is half built over the no-build line, supported on a forest of driven piles, so I know that engineering solutions can be found. However I think the Land Use plan should take this into account.

I seek the following decision from the Hamilton City Council:

5. I ask the Council to create a new chapter specifically for high density zone, instead of hiding it in medium density. I also ask for marketing information/illustrations to reflect the proposed zoning instead of presenting a 'best-case' illustration.

7. I ask for a review of high-density zones in specific areas where bat zones border proposed high-density on more than one side. I have indicated areas of concern in my attachment. I believe these red-circled areas are a risk for bats, public view of green spaces and foundation stability for 5-storey buildings, and should be zoned medium-density.

----- Unrelated to the above, but I don't know where to mention it -----

8. In the open days held at Te Wananga and the Glenview Club over the last couple of years, there was mention of skink protection areas, but I can't see this detail anywhere in this plan or supporting information. Can Council please elaborate on skink protection?

## City-Wide Chapters

The specific provisions of the Proposed Plan Change that my submission relates to are as follows:

*Please select all that apply*

- ☐ 25.2 Earthworks and Vegetation Removal
- ☒ 25.6 Lighting and Glare
- ☐ 25.14 Transportation

My submission is that:

25.6.2 describes how Peacocke Precinct is an important habitat for long-tail bats and that significant bat habitat areas are protected from the effects of lighting and glare, but

25.6.4.4 doesn't account for the high density overlay and doesn't account for the risk of bat glare from tall buildings with patios and unshuttered windows.

As written, Peacocke High Density Zone fits under section 25.6.4.5 All Other Zones, where the lux measurement is 33x higher (10 lux vs. 0.3 lux) than what applies to Peacocke Medium Density.

**I seek the following decision from the Hamilton City Council:**

Add high density to 25.6.4.4  
Add consideration of high density buildings on bat glare and what the appropriate controls and measures are.

## Additional information

**Do you want to be heard in support of your submission?**

*Please select one item*

(Required)

- ☐ Yes
- ☒ No

If others make a similar submission would you be prepared to consider presenting a joint case with them at any hearing?

Please select one item

☒ Yes

☐ No

## Attachments

 Graeme McMillan supporting information.png

([https://haveyoursay.hamilton.govt.nz/city-planning/plan-change-5/consultation/download\\_public\\_attachment?sqlId=pasted-question-1629164755.26-65302-1629164755.63-74035&uuld=409730318](https://haveyoursay.hamilton.govt.nz/city-planning/plan-change-5/consultation/download_public_attachment?sqlId=pasted-question-1629164755.26-65302-1629164755.63-74035&uuld=409730318))

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Help / feedback (<https://haveyoursay.hamilton.govt.nz/support/>)

Citizen Space ([https://www.delib.net/citizen\\_space](https://www.delib.net/citizen_space)) from Delib (<https://www.delib.net>)



# Submission by Waikato Environment Centre t/as Go Eco

## *Plan Change 5 - Peacocke Structure Plan*

November 2021.

Prepared by:

Harvey Aughton

We wish to make an Oral Submission

Contact:

Jo Wrigley

0211966968



## Overview

We recognise that our natural ecosystem is a crucial part of our lives. Our native flora and fauna, and the places they inhabit are all part of who we are. Native biodiversity helps provide clean water, nutrient cycling, mahinga kai (food provisioning) and materials for other purposes such as raranga (weaving) and rongoā (medicinal uses).

Regionally, Waikato Indigenous biodiversity is declining. Go Eco advocates for, and supports the work of local community groups and Territorial Local Authorities to enhance and increase the Waikato region's ecological and natural areas, to extend beyond the Waikato Wellbeing Goal of 10% Indigenous biodiversity cover in the region. Go Eco strives for flourishing natural ecosystems in which flora and fauna thrive as well as places for the community to enjoy.

Go Eco takes guidance from the [The Waikato-Tainui Environmental Plan - Tai Tumu, Tai Pari, Tai Ao](#).

## Recommendations

### Chapter 3

#### 3.4.1.3b

- We support the deletion of suggestions that large scale modification and earth should be avoided. Replace with specific legal policy. Gullies elsewhere in the city have been filled in and once the damage is done the ecosystem is wrecked forever.

### Policy

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**DEV01-PSP: P27** *The loss of significant vegetation is minimised.*

- This is unacceptable wording. Minimised is relative. Change wording to creating a net increase of significant vegetation or 100% maintained.

**DEV01-PSP: P31** *Provide for revegetated gullies and river margins.*

- Change to - *actively restore gullies and river margins as they represent the vital eco-tone for numerous native species.*

**DEV01-PSP: P35** *Protect bat habitat adjoining the edge of the Mangakotukutuku Gully and Waikato River to ensure long tailed bats are able to continue to utilise these areas.*

**DEV01-PSP: P36** *Require development adjacent to the gully network and Waikato River to meet required setbacks to support the ecological function of these areas.*

- Our only addition here is that 5m setbacks from SNA is limited and should be increased where possible.

**DEV01-PSP: P37** *Provide ecological corridors between the major arms of the Mangakotukutuku Gully and Waikato River of sufficient width that enables the movement of long tailed bats between the two areas.*

- We support these additions to the policy section of the plan as they are distinct and specific references to how pekapeka should be protected during and after the development.
- **DEV01-PSP: P37** should include a specific minimum width, otherwise there is too much flexibility to decrease the width. Increasing the width of pekapeka habitat is fine. Finding loopholes to decrease the width would be very bad.

## Transportation Network

- There is no mention of the transportation infrastructure on a policy level in regard to mitigating the impacts on the wellbeing of the pekapeka i.e.
  - o maximum road width,
  - o maximum light brightness,
  - o minimum suburban tree coverage (not just in gullies),
  - o maximum street lights,
  - o commercial centre light restrictions,
  - o walking and cycle path lighting which will go through parks and gullies,

- o issues surrounding tree felling when a potential bat tree causes the risk to the transport system.

## Cultural values

*d) The natural environment should be protected and enhanced, including the Waikato River and local waterways such as the Mangakōtūktuku Gully network. The mauri, mana and quality of these waterways should be enhanced to give effect to Te Ture Whaimana o te Awa o Waikato*

We support this objective as Mangakōtūktuku is both a cultural taonga as well as the habitat of a number of native taonga species, including and extending beyond pekapeka. The protections for this area should be strengthened in perpetuity.

## Natural Environment and Open Space Network

Support the Broad statements about the importance of Mangakōtūktuku Gully and the Waikato River, but addition should be made to align with DOC's new tree felling protocol, as this now protects bat roots in any tree as a SNA value.

*b) ... 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.*

*c) ... 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.*

- Support this statement while also encouraging enhancement focused on native foliage. Exotic pine trees have become bat roost sites across Hamilton and therefore cannot be interfered with unless there is strong evidence bats do not use the trees in question. This should follow the new DOC Tree Felling protocol.

### Bat Habitat Buffer

- This bat specific module is good news. 20m is an acceptable distance, but flexibility for what accounts for a Bat SNA may be needed. An area of the gully might not be considered a specific bat SNA one year, but then the bats may start roosting in a different area, and then it would become a SNA.
- The proposed style of bat corridor is 50 metres, which includes the bat buffer making habitat 30m wide which is quite limited.
- 0.3 lux lighting is recommended in the plan and is outlined in figures displaying habitat and road layouts. A limit on this lighting must be mandated.
- The number of light poles must also be mandated, as if there are lots more low level lighting then the benefits may be limited.

### *Sports parks may have natural areas, play lots and links to gullies,*

- This statement is unclear. What does links to gullies mean? Will it mean that there will be substantial vegetation clearance where deemed 'necessary'.
- A network of tree copses in parks will both make them nicer to be in and allow bats a further pathway over the suburb. This is important because massive open parks do not seem to be something the bats like in the city, they prefer gullies and parks linked by corridors.

## Chapter 15 – Natural Areas and Open Spaces

We support the addition of the policy **NOSZ – PREC1- P: P18**, to ensure that pekapeka (long-tailed bat) habitat is protected through mitigation of the effects of the development. Corridors are essential to this project.

Furthermore, the objective **NOSZ – PREC1- P: O7** should be to enhance the habitat of pekapeka through restoration and establishment of healthy new habitats where possible.

**NOSZ – PREC1- P: R16** - Support the idea of community gardens. The restrictions of no lighting are good and the stipulation that no vegetation should be removed is essential. However, a statement on the practical way this can be enforced needs to be included here.



**NOSZ – PREC1- P: R36 Setbacks** support the ruling to not allow development within 5m of SNA (significant natural area), however for known bat roost sites this should be extended as these trees may impede properties and then landowner and council conflict is inevitable.

# **SUBMISSION ON PROPOSED PLAN CHANGE 5 – PEACOCKE STRUCTURE PLAN HAMILTON CITY OPERATIVE DISTRICT PLAN**

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**To:** Hamilton City Council  
Private Bag 3010  
Hamilton 3240

**Name of Submitter:** Woolworths New Zealand Limited

**Woolworths New Zealand Limited** provides this submission on Proposed Plan Change 5 (“**PC5**”) to the Hamilton City Operative District Plan.

The purpose of PC5 is described in the public notice as being to:

- review and make amendments to the operative Peacocke Structure Plan and associated planning provisions;
- update the Peacocke Structure Plan and rezone the area from Peacocke Special Character Zone and General Residential Zone to Peacocke Medium Density Residential Zone, Peacocke Natural Open Space, Peacocke Sports and Active Recreation Zone, Local Centre Zone and Neighbourhood Centre Zone; and
- enable urban residential development within the Peacocke area.

The Submitter could not gain an advantage in trade competition through this submission and the submission does not raise matters that relate to trade competition or the effects of trade competition.

The submission relates to the proposed amendments to the text and provisions of the Hamilton City District Plan as set out in PC5. In particular, the Submitter **opposes** the proposed provisions relating to the Local Centre and seeks amendments to the form and extent of the Local Centre.

The provisions that are opposed include those contained in:

- proposed Chapter 6B: Peacocke Local Centre Zone;
- proposed Appendix 1.4 – Design Guides (specifically, the Peacocke Local Centre Design Guideline);

- proposed Appendix 2 – Structure Plans (the amendments to the Peacocke Structure Plan maps and the inclusion of a Peacocke Local Centre concept plan); and
- proposed Appendix 17A – Planning Maps (those zoning and features maps that relate to the Local Centre).

The Submitter seeks that the Local Centre maps and other provisions be amended to include the site at 410 Peacockes Road within the Local Centre (refer **Figure 1**), together with any consequential amendments that are required to appropriately give effect to that relief.

### **Reasons for submission**

- The Submitter is concerned that the extent and placement of the Local Centre Zone will not result in an optimum outcome for the Local Centre in terms of amenity and efficiency;
- The current proposal, which positions the entire Local Centre to the east of Peacockes Road, does not take sufficient advantage of the prominent frontage that is available at the intersection of Peacockes Road and the proposed east-west minor arterial road. As a result, much of the land proposed to be zoned for the Local Centre will be set well back from any existing or proposed primary road. Future sites in those locations are likely to contribute little to the amenity and vibrancy of the Local Centre and would be too remote from the main retail street or arterial roads to attract significant foot-traffic. The lack of visibility of these sites will reduce their value and attract low amenity land uses that would undermine the outcomes sought for the Local Centre;
- The Waikato River and associated green space is not likely to provide a sufficiently strong anchor at the eastern end of the proposed Local Centre to draw customers down the main street. In the absence of an anchor at the western end, there is a significant prospect that the Local Centre will suffer from poor visibility, being effectively located down a cul-de-sac, away from more intensive housing, education facilities or other anchors that attract customers and contribute to the vibrancy of the Centre;
- Much of the walkable catchment of the proposed Local Centre under PC5 would be comprised of open space, stormwater wetland, the Waikato River corridor, and relatively lower-density housing. The high proportion of those uses within close proximity to the Local Centre is not consistent with a well-functioning urban environment. The Submitter considers that the focal point of the Local Centre should be shifted further to the west, so that the Centre can benefit from the visibility and frontage provided by the intersection of two arterial roads, the activity levels of the proposed school, and the convenience of the proposed public transport hub;
- The Submitter considers that the Local Centre should straddle the intersection of Peacockes Road and the proposed east-west minor arterial road, as proposed in the original structure planning undertaken by the Council. That will allow a separation of the retail uses so that the finer-grained retail, office, and entertainment activities are focused on the eastern side of Peacockes Road and the larger format supermarket can utilise the regular-shaped and flat land at 410 Peacockes Road. That outcome is consistent with the vision for the Local Centre main street that is articulated in the Peacocke Local Centre Design Guideline and in the objectives and policies of PC5;

- Supermarkets are inevitably more car-oriented than smaller-format retail activities because consumers need to transport often large quantities of grocery items back to their homes. The amendments to the geographical extent of the Local Centre that the Submitter seeks provide a logical separation of different retail categories and enables more efficient servicing of the supermarket from the existing and proposed arterial roads;
- PC5 specifically anticipates that the Local Centre will include a supermarket in order to provide for the needs and wellbeing of the community. For the Local Centre to be successful, the supermarket needs to be successful. The supermarket should be well-positioned so that it is easily accessible by heavy vehicles (for deliveries of goods) and private motor vehicles (for customers), and so that it does not compromise the focus on creating a pedestrian-friendly environment with active street frontages within the core area of the Local Centre;
- The limited length of the main street shopping environment means that the supermarket cannot realistically exist in that location without compromising the pedestrian environment and removing the potential for a greater variety of centre-based activities. A location to the rear of the main shopping street will provide poor accessibility for the supermarket and encourage cars and heavy vehicles into the pedestrian focused retail street. This will undermine the proposed PC5 policy seeking to facilitate a vibrant centre by establishing activities that encourage pedestrian activity on the ground floor. PC5 includes a proposed policy requiring activities with large floor areas, including supermarkets, to be located outside of areas identified as having active frontages;
- The Peacocke Local Centre Design Guideline makes it clear that the main street is to accommodate fine grain retail activity with active street frontages and small footprints. Larger commercial activities, such as a supermarket, are to be located outside of the main street. These principles are accepted as being sound from an urban design perspective. However, the Submitter considers that the best supermarket location for the supermarket operator, the general public, and the amenity and prosperity of the main street is on the site at 410 Peacockes Road. That corner site will enable the competing supermarket design outcomes of a pedestrian friendly entrance, convenient parking, and separated servicing areas to be achieved;
- Any concerns that might arise regarding the potential for Peacockes Road to form a barrier to the efficient movement of pedestrians between different parts of the Local Centre are unfounded. The intersection will be signalised, so priority can be afforded to pedestrian movement through the intersection design. Successful Local Centres are often located on intersections of main roads in traditional high-street environments;
- The Peacocke Local Centre Design Guideline states that the road corridor in the vicinity of the Local Centre should create a low-speed environment (30km/hr) that is safe for pedestrians and enables safe and easy crossing of Peacockes Road. That will facilitate pedestrian access between the main street on the eastern side of Peacockes Road and a school and supermarket on the western side of Peacockes Road;
- The school will also assist in anchoring the Local Centre at its eastern end so that all four corners of the intersection have an identifiable presence and an appropriate level of activity.



## Relief sought

The Submitter seeks the following decision from Hamilton City Council in respect of PC5:

- That, subject to the amendments set out below, PC5 be confirmed;
- That the Peacocke Precinct Planning Maps be amended so that the site at 410 Peacockes Road is reidentified from proposed Medium Density Residential Zone to Local Centre Zone, as illustrated in **Figure 1**;
- That the Peacocke Precinct Planning Maps be amended so that land within the Local Centre Zone (generally as shown in **Figure 1**) is reidentified to Medium Density Residential Zone; and
- Such other consequential amendments to the provisions of the District Plan as may be necessary to give effect to the relief sought in this submission.



**Figure 1:** Area to be reidentified as Local Centre Zone (brown outline) and areas to be reidentified as Medium Density Residential Zone (blue outline)

The Submitter wishes to be heard in support of this submission. If other parties make a similar submission, the Submitter would consider presenting a joint case with them at any hearing.



Philip Brown  
Campbell Brown Planning Limited  
For and on behalf of Woolworths New Zealand Limited as its duly authorised agent.

5 November 2021

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# Proposed Plan Change 5 – Peacocke Structure Plan (<https://haveyoursay.hamilton.govt.nz/city-planning/plan-change-5/>)

## Response 367044206

[Back to Response listing \(https://haveyoursay.hamilton.govt.nz/city-planning/plan-change-5/consultation/published\\_select\\_respondent?sort=excerpt&order=ascending\)](https://haveyoursay.hamilton.govt.nz/city-planning/plan-change-5/consultation/published_select_respondent?sort=excerpt&order=ascending)

☐ Include unanswered questions

## About you

### Your full name

(Required)

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(Required)

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Chapters

The specific provisions of the Proposed Plan Change that my submission relates to are as follows:

Please select all that apply

- ☒ Amend Chapter 3: Structure Plans and Section 3.4 Peacocke
- ☐ Amend Chapter 5: Special Character Zones
- ☐ Create a new Chapter 4A: Medium Density Zone: Peacocke Precinct
- ☐ Create a new Chapter 6A: Peacocke Neighbourhood Centre Zone
- ☒ Create a new Chapter 6B: Peacocke Local Centre Zone
- ☒ Create a new Chapter 15A: Natural Open Space Zone: Peacocke Precinct
- ☐ Create a new Chapter 15B: Sport and Active Recreation Zone: Peacocke Precinct
- ☐ Amend Chapter 23: Subdivision
- ☐ Create a new Chapter 23A: Subdivision: Peacocke Precinct

My submission is that:

Topic A: Bat protection  
As a private citizen with recent experience of spending an enormous amount of time over the last two-and-a-half years fighting for proper protection of bats in the Peacocke area, I realise that getting these provisions right will make an enormous difference to the ability to continue to protect the bats, a species which is at

/

nationally critical risk of extinction. To be clear, this means that right now, they are at a critical risk of going extinct.

I had hoped that with the excellent report by the 4Sight consulting that was commissioned by HCC for this plan change, and the clear direction given by the Environment Court in 2020 and 2021 (and, in 2021, strong criticism of Hamilton City Council's poor provision for bats by Judge Smith: "It therefore comes as a surprise to the Court, in light of the warranted concern held for the future of the Long tailed Bat, that no commonly identified and generally agreed Bat Protection Area is currently contained in Schedule 9C. This is an unfortunate oversight. It is a matter requiring urgent redress." [Para 40, 2021 Decision]) that all efforts would be made to implement the recommendations of 4Sight and the Court.

I support many of the provisions made for bats and acknowledge the progress that has been made. However, there appear to be a number of omissions, in particular:

1. A lack of design standards to maximise bat 'hop over' habitats for any streets intruding or intersecting with bat buffer or corridor habitats (including shelterbelts).
2. Standards for vegetation design and maintenance where it is required to attenuate light intrusion into bat habitat. This must include a minimum height and density of vegetation to be maintained on in perpetuity. There should be a requirement for lots to be deferred until the appropriate height and density has been maintained (1.8 m height minimum, depending on the surrounding topography).
3. Clear direction that lighting from ANY building lighting, street lighting, outdoor lighting or vehicle headlights must not exceed 0.1 lux within 3 metres of the edge of any high-value bat habitat. This was traversed in Court in great detail, in the presence of Hamilton City Council planners. The Court also made it clear that in terms of the warmth of street lights, "We consider that the 2,700 kelvin limit is appropriate for the public roads. [66]". This should be spelt out in the proposed changes to Chapter 25 objective and policies (25.6.2). At present there are only vague statements in that chapter: 25.6.2.2a Manage light spill and glare of fixed lighting at the boundary of the Significant Bat Habitat Area to ensure that the useability of long-tailed bat habitat is maintained ... 25.6.2.2b Ensure that fixed lighting in public spaces, such as parks and road corridors is designed to minimise the effects of lighting and glare on Significant Bat Habitat Area. Words like 'useability' and 'minimise' are, I have learnt, easily contested by well-paid lawyers and defended with difficulty by those seeking to prevent the complete extinction of a species that humans have driven to the brink by placing their own needs first. Given that the scientific and legal basis for these limits has been well-traversed and established, they should be a core part of the plan change.

It must also be made clear how this limit is to be monitored and maintained; after all, in a matter of hours a building owner can install a very bright outdoor light. It is unreasonable to expect passive surveillance by the public to take care of this; after all,

who has any idea what a certain lux level even looks like, let alone what a 'lux' is! A requirement for quarterly inspections is advisable, with developers contributing to a fund to fund inspections in perpetuity.

4. The need for screening of high-value bat habitats to outweigh and be prioritised over views and line-of-sight safety considerations. To avoid any confusion and legal 'fudging', this must be spelt out clearly at a high level.

There are numerous mentions of high-value bat zones (riparian strips, gullies, SNAs) being used for amenity by the public. This is fine, but the priority must clearly be stated to lie with the bats, EVEN IF it means that there are no 'safe' lines of sight for people.

Concerningly the overview and vision of Chapter 3 states that: 'Subdivision is designed to respond to the gully network and areas of open space ensuring that where these are accessible to the public and they are visible and safe.' There are also references to this sharing of spaces in Objective 16 and Policy 5. By all means these co-uses should be considered, but they should be rejected if the biodiversity values of SNAs will be at all undermined by requirements that come with recreational co-use.

Note that 'visible and safe' to people means exposed and unscreened to bats if there is any nearby lighting (or vehicle lights) at night.

The 4Sight Consulting report states that "Dark buffer zones may be used for hard and soft amenity landscaping, provided that this use does not compromise the functioning and maintenance of the High value bat habitat it protects." The Court's 2021 Decision stated that: [46] One of the matters on which the experts agreed is that reasonable use by people during the day (especially with the construction of paths) is not likely to disturb the Bat population. However, it does require that the area is protected from light and noise disturbance at night ...."

I experienced this conflict of interest during the Environment Court hearing when a HCC planner insisted that planting be kept low where a road will lie adjacent to a 'bat priority area'. Despite the potential for vehicle headlights to enter the area, the planner insisted that a line of sight must be maintained for safety reasons and therefore planting must be kept low.

This is also an issue raised under the section Natural Environment and Open Space Network (page 13)

B) '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.' I suggest adding 'To give effect to (a) above in terms of protecting the long-tailed bat and its habitat, any conflict over use requirements will fall in favour of design choices that prioritise bats rather than recreational or transport provisions.'

C) – second bullet point '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.' Suggest adding 'If there is any conflict of design choices between biodiversity values in SNAs or the buffers around them and recreational or pedestrian facilities, the choices will fall in favour of prioritising support and protection of biodiversity values.' This may, for example, affect planting, surfacing and lighting choices.

Similarly, in Chapter 15 (Open Space Zone) there is a need to clarify the hierarchy of priorities:

Objective 04 – 'Open spaces are used and developed in a way that minimises adverse effects on the surrounding environment.' Change minimise to avoid.

Policy 07 – 'Public access, walkways and cycleways shall be maintained and enhanced within areas of open space, provided that adverse effects on the amenity, natural and heritage values of those areas are minimised'. Change minimised to avoided.

Policy 08 – 'Open space shall be designed and developed to ensure a safe physical environment by: i. Providing clear sightlines that maximise visibility of public areas, provided that natural values are not compromised. ii. Achieving passive surveillance by having open space that is overlooked by surrounding development.' Note in advance that when screening and light protection is required for SNAs, tall planting as screens will be at odds with maximising visibility. Therefore, I suggest a stronger, clearer policy: i. Providing clear sightlines that maximise visibility of public areas, acknowledging that in sensitive locations the requirement to prioritise biodiversity outweighs the desirability of clear sightlines.

In this era of terrible biodiversity loss, I hope all will agree that the Peacocke vision of 'environmental responsibility' should not be undermined by an unspoken suffix: 'unless it disadvantages people'. The approach of establishing in advance an overarching hierarchy of priorities is exemplified in the recent National Policy Statement on Freshwater; the 'Te Mana o te Wai' hierarchy means that for freshwater the environment must be considered first, the needs of people second, and the economy third. I consider this to be a suitable hierarchy for Peacocke, at least for the gullies and other high-value bat areas. It would help to name them, as the Court did, 'bat priority areas'.

5. The need to implement screening planting well in advance of construction. Please implement, as the 4Sight Consulting report recommends, "Measures during the construction phase of urban development measures, such as lot deferrals, to ensure artificial light is not introduced adjacent to retained or re-created bat habitat until the vegetative buffers have grown sufficiently to meet the specified performance criteria".

6. The Environment Court placed a cat ban on Amberfield, and made it clear that



while it was unable to require this for the rest of Peacocke, it is necessary. Similarly, the 4Sight Consulting report states that “Therefore, some form of control over domestic cats within the PSPA is considered to be the most effective method to protect these habitats”. And yet this is not referred to or mentioned in the proposed plan change. This is an oversight that needs to be rectified. While I acknowledge that this is not a traditional NZ way of living, the biodiversity crisis, in which New Zealand ranks so poorly, is such that we must all begin to be far more bold and imaginative than we have been in the past. Again: the long-tailed bat is, right now, at a critical risk of going extinct. In contrast, Hamilton City Council must merely tackle how to monitor a cat ban. The disparity in stakes between the parties (the bats and the Council) is striking.

7. Overt requirements for bat monitoring, pre-and post-development, should be made clear to developers. This is expensive and developers are likely to resist this unless it is clear from the outset that it’s required. The 4Sight Report states recommends the following should be required, but I am unable to see any requirement for it in the proposed plan change:

“Pre-development surveys should cover aspects such as light levels, habitat availability, bat activity levels, habitat use and behaviour, and occupied and potential roost identification, using methods that can be replicated in future years. Post-development monitoring should focus on studying the effectiveness of habitat enhancement measures, and include monitoring of light levels, available and newly created habitat, habitat usage, bat activity levels, and roost occupancy.”

8. Similarly, 4Sight recommends: “Early planting of new bat foraging and commuting vegetation, well ahead of development phases affecting bat habitat.” This appears to be absent from the proposed plan change and needs to be added.

9. I support the designation of extensive SNAs. The bats’ use of these areas is the basis of this designation. However, we must be aware that the land use is about to dramatically change in a way that has been shown to be aversive to bats and may drive them to local extinction: urbanisation. Therefore, it is imperative that we provide some compensation for this by restoring and recreating bat habitat in these SNAs. Many of them are considerably degraded. 4Sight recommends: “...recreating bat habitats during the design and impact assessment stages of urban development.”

10. While the SNAs are protected, low-to-moderate-value habitat is also present in the PSPA area. This enables bats to move between high-value habitats and, crucially, according to 4Sight includes roost trees. It is essential that this habitat is protected, and while the proposed plan change protects against tree-felling and vegetation clearance in the SNAs, this is currently not the case in the lower-value habitat. This may create a perverse incentive for developers and land-owners to clear-fell these areas before applying for resource consent to develop the land, and it should therefore be urgently addressed.



11. Policy 7 of Chapter 3 states that 'Avoid new development 'turning its back' or privatising edges to major natural features and recreational areas.' However, if that means that a road rather than buildings front these areas, I suggest that this is a poor choice for both amenity and ecological reasons. Roads expose biodiversity and pedestrians/micromobility users to the noise, light and particulate emissions of vehicles. For example, compare walking along the Hamilton East side of the Waikato River just north of Hamilton Gardens to walking along the opposite bank adjacent to Cobham Drive, and imagine the difference in darkness and insect abundance on the two sides. Active transport paths also allow access to river and gully edges; the concept that true access is only provided by vehicles is an outdated and environmentally unsound concept.

12. Policy 13, Chapter 3, states that higher density development may be provided along areas of natural open space including the river corridor and gully network. These are key areas where biodiversity values, particularly for bats, are the highest priority. The extra lighting associated with higher density development, including vehicle headlights as residents arrive and depart, must be considered when deciding whether these are appropriate areas. Policy 23 appears to confirm this.

Policy 70: Manage stormwater to minimise the effect of urban development on Mangakotukutuku stream values and functions, maintain the ability of the stream to continue to provide habitat for threatened aquatic species and minimise adverse effects on the stream water quality and habitat. As Peacocke is to be sustainable development, it is far more apt to enshrine the imperative to regenerate the stream's quality, not minimise the harms – the latter is outdated, exploitative thinking. The current wording directly contradicts cultural value D (The natural environment should be protected and enhanced, including the Waikato River and local waterways such as the Mangakotukutuku Gully network. The mauri, mana and quality of these waterways should be enhanced to give effect to Te Ture Whaimana o te Awa o Waikato). The Mangakotukutuku Streamcare Group includes experienced freshwater scientists who are very familiar with the stream and who can advise on approaches to restore the stream.

Suggested change: Manage stormwater to protect and enhance the values and functions of the Mangakotukutuku stream, and regenerate the stream's health to provide habitat for indigenous aquatic species and to have the highest water quality. Note also that there is a close ecological link between bats and healthy waterways, including streams. Stream health is a basis of local ecological health. Note also that to regenerate the stream's health, a regenerated area of land around the stream's banks will be required and should be provided for.

Topic B: Climate change provisions

I support the provisions for active transport and a 20-minute city, but they do not go far enough to discourage private vehicle usage or to adapt to climate change. It

appears that our accepted norm – that vehicles are King – is being maintained in this subdivision.

Unless we massively slow emissions, climate change will leave large parts of the world uninhabitable and cause suffering on a scale never seen before, in addition to the extinction of many non-human species. Aside from agriculture, the vast majority of New Zealand's greenhouse gas emissions come from transport. This would be much easier to tackle in cities if they were not designed around vehicle use. There are hints within this plan change that in Peacocke active transport use will be encouraged and facilitated. However, we all know that we humans are a bit lazy. The only way to get us out of cars is to actively discourage their use – to make it possible to use them, but more inconvenient and slower than the alternatives. I recently spoke to the chief science advisor for the Ministry of Transport. He told me that we simply **MUST** get out of our cars. If Peacocke doesn't move boldly here, it will be a terrible missed opportunity, and outdated subdivision designs will be entrenched for decades or centuries more. Conversely, there is a superb opportunity to show the rest of New Zealand how it can be done.

Policy 41 states: 'Encourage urban form that reduces dependency on the car by focusing on intensification and encouraging walking, cycling and the use of passenger transport.' Discouraging car dependence is a further vital step. This can include subdivision roading layouts with many short loop-roads and roads that are disjointed (but inconveniently accessible) for a vehicles, but fully connected by walking and cycling paths. Saved road space can be used for extra housing, green space, community gardens and perhaps parking and charging points for shared/to-hire electric vehicles (thus also saving wasted garage and driveway space that could be better-used). This may seem heretical now, but anyone who fully understands the science around climate change already considers it to be the very least we should be doing. I will attach a road map of a subdivision in Germany, called Vauban, which has a road layout as I have described.

Policy 43: 'Align collector and local street networks to create strong physical and visual connections between the gully network and the Waikato River.' Please delete 'street' and replace with 'path' – the inherent concept that we will continue to see and move only via vehicles on roads is a relic of when we didn't realise we were in the process of making large swathes of the planet uninhabitable by burning fossil fuels. Electric vehicles do not change this because they continue to contribute to congestion, the need for large-scale mineral mining, microplastics from tyres and brake pads, and the need for further road-building.

Policy 47 and 48. 'Consider the needs and requirements of all users of the transport system.' Actually, there is no justification for placing the needs of vehicle-drivers as equal with other users. To transition to a low-carbon society, we must make active and public transport the easiest choices. Thus, vehicle driving must be the

inconvenient choice (but still possible for disabled people, for example). Its needs and requirements must become secondary to those of other uses. Fortunately this is made clear in Policy 50 (but note typo: priorities instead of prioritise). This priority needs to be made consistent between the various policies, otherwise developers without an environmental vision will be able to fight for the status quo.

Policy 25 – ‘Development within the Peacocke Structure Plan considers the effects of climate change.’ This is far too vague and should include specifics backed up by evidence. For example, scientists who study this speak of the need for mass planting on and around buildings and on any available green space to provide shade and cool the air (and to reduce the need for energy-hungry air conditioning); to consider the high emissions profile of cement (are there lower-carbon alternatives that could be prioritised even if they cost more?); the avoidance, where possible, of impermeable surfaces that increase the urban heat island effect; the need to plan for the much heavier rainfall dumped by hotter air. The latter is particularly relevant for stream and river health because heavy rainfall events scour out streams and wash contaminants from roads and other hard surfaces into the water. Hence, again, there is a need for regenerated riparian planting along all waterways and the available land to implement this.

**I seek the following decision from the Hamilton City Council:**

A revision and rewording of all the policies, objectives, vision and non-specific topics I have touched on, in order to protect the environment. In some cases extra vision points, policies or objectives are needed.

**The specific provisions of the Proposed Plan Change that my submission relates to are as follows:**

*Please select all that apply*

- ☐ 25.2 Earthworks and Vegetation Removal
- ☒ 25.6 Lighting and Glare
- ☐ 25.14 Transportation

**My submission is that:**

I have incorporated comments into my additional information on the previous chaptgers about the vague nature of lighting and glare considerations for the bats, despite the clear evidence from experts and conclusions from the Environment Court Amberfield hearings. This relates mainly to lux limits and the need to monitor these on an ongoing basis.

**I seek the following decision from the Hamilton City Council:**

Alter the bat-relevant provisions to recognise the Court's Decision for Amberfield.

## Additional information

**Do you want to be heard in support of your submission?**

*Please select one item*

(Required)

☒ Yes

☐ No


**If others make a similar submission would you be prepared to consider presenting a joint case with them at any hearing?**

*Please select one item*

☒ Yes

☐ No

## Attachments

 [Andrea Graves supporting information - Vauban road layout.pdf](https://haveyoursay.hamilton.govt.nz/city-planning/plan-change-5/consultation/download_public_attachment?sqlId=pasted-question-1629164755.26-65302-1629164755.63-74035&uuld=367044206)  
([https://haveyoursay.hamilton.govt.nz/city-planning/plan-change-5/consultation/download\\_public\\_attachment?sqlId=pasted-question-1629164755.26-65302-1629164755.63-74035&uuld=367044206](https://haveyoursay.hamilton.govt.nz/city-planning/plan-change-5/consultation/download_public_attachment?sqlId=pasted-question-1629164755.26-65302-1629164755.63-74035&uuld=367044206))

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File No: 25 01 00  
Document No: 21860172  
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3 November 2021

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Tēnā koe,

**Waikato Regional Council Submission to proposed Plan Change 5: Peacocke Structure Plan (PC5) to the Operative District Plan 2017**

Thank you for the opportunity to make a submission on proposed Plan Change 5: Peacocke Structure Plan (PC5) to the Operative District Plan 2017. Please find attached the Waikato Regional Council's submission, endorsed by the Submissions Subcommittee on 2 November 2021.

We look forward to being involved in further discussions regarding the development of the proposed plan change.

Should you have any queries regarding the content of this document please contact Matthew Vare, Senior Policy Advisor, Strategic and Spatial Planning directly on (07) 859 0545 or by email [Matthew.Vare@waikatoregion.govt.nz](mailto:Matthew.Vare@waikatoregion.govt.nz).

Regards,

A handwritten signature in black ink, appearing to read "Tracey May". The signature is stylized with loops and a long horizontal stroke at the end.

Tracey May  
**Director Science, Policy and Information**

## Submission from Waikato Regional Council on proposed Plan Change 5: Peacocke Structure Plan (PC5) to the Operative District Plan 2017

### Introduction

1. Waikato Regional Council (WRC) appreciates the opportunity to make a submission to proposed Plan Change 5: Peacocke Structure Plan (PC5). WRC's primary interests relate to the Waikato Regional Policy Statement. District Plans, including Plan Changes such as this one, are required to give effect to the RPS (RMA s75(3)(c)).
2. In general, WRC **supports** the provisions of PC5 and commends Hamilton City Council (HCC) for an integrated approach to addressing sustainable management issues of the Peacocke Structure Plan area, and high level consistency with the:
  1. Waikato Regional Policy Statement 2016 (WRPS);
  2. Waikato Regional Public Transport Plan 2018-2028 (WRPTP);
  3. Waikato Regional Land Transport Plan 2021-2051 (WRLTP); and
  4. Future Proof Strategy 2017 and draft updated Future Proof Strategy 2021
3. Our submission seeks some amendments to PC5 to further improve consistency with the above documents. General comments pertaining to the built environment, transport policy, and biodiversity and ecology are shared below, followed by the attached 'Table A' that sets out further details of our submission, covering the broader scope of matters of WRC interest.

### Submitter details

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I could not gain an advantage in trade competition through this submission.

I am not directly affected by an effect of the subject matter of the submission that:

- (a) does not adversely affect the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

### FURTHER INFORMATION AND HEARINGS

4. WRC wishes to be heard at the hearings for proposed Plan Change 5: Peacocke Structure Plan (PC5) in support of this submission and is prepared to consider a joint submission with others making a similar submission.
5. 3.2 WRC could **not** gain an advantage in trade competition through this submission.



## Submission

### Built Environment – General Comments

6. Overall, WRC **supports** the built environment goals and objectives of the Structure Plan and its supporting documents.
7. It is **cautioned** that allowing single dwellings and duplexes as permitted activities within the High Density Residential Overlay may undermine the intention of the overlay and not guarantee the desired outcome of compact development that is a key value of the Peacocke Structure Plan area and support connectivity and accessibility. WRC **recommends** that HCC considers whether the activity statuses and development standards of various dwelling types should be differentiated for the wider Medium Density Zone and its High Density Residential Overlay, paying particular attention to the suitability of single dwellings as a permitted activity in each.
8. WRC would support amendments that work to improve the alignment of development in the Peacocke Structure Plan Area with the density target provided in the Future Proof Strategy Consultation Draft (September 2021). We agree that higher densities can help to support modal shift and provide for a more effective use of land, allow people to live closer to key urban areas, and help deliver more affordable housing options.
9. WRC **queries** whether controls have been tested, noting that evidence of testing is not included in Appendix H of the Urban Design Report. It is considered that testing controls is beneficial and can demonstrate that the desired positive development outcomes can be achieved under the proposed development controls.
10. We expect for the effects and requirements of development in the Peacocke Structure Plan Area, alongside other growth in Hamilton and surrounds, to be well-integrated and to acknowledge the Future Proof Three Waters programme work.
11. Specific comments and recommendations concerning the built environment are made in Table A below.

### Transport Policy - General Comments

12. The Peacocke growth area has long been **supported** by key transport partners and the Peacocke Structure Plan is generally **consistent** with national, regional and local strategic planning and policy documents, including transportation frameworks and policy.
13. The arterial transport network envisaged for Peacocke is predicated on the Southern Links designation, which is key to the development of the Peacocke Structure Plan. Southern Links is a **key priority** for the Waikato Regional Transport Committee as articulated in the Waikato Regional Land Transport Plan 2021-2051. Whilst the Housing Infrastructure Fund (HIF) will develop components of the Southern Links transport network (along with other infrastructure projects that will enable development), the RLTP continues to advocate strongly for government funding to advance the full package of transport activities which make up the regionally significant Southern Links strategic transport corridor.
14. Further, national, regional and sub-regional policy documents are seeking a radical transport shift to multi-modal networks that support liveable city environments. The Peacocke Structure Plan provides a unique greenfield development opportunity to enact the outcomes we are seeking through the Hamilton-Waikato Metro Spatial Plan, RLTP, WRPS and Hamilton City's strategies and plans. WRC would, therefore, not support a watering down of the Structure Plan proposals that we have specifically commented on, should this be advocated for through the submission process.

15. We draw attention to the proposed Sunfield Development in South Auckland, which proposes to enable car-less living for the inhabitants of its 5000 homes<sup>1</sup>. We consider that the Sunfield approach, which presents a mode shift from private vehicles to active transport as the preferable choice and not just an option, is a model to strive to align to and we would support amendments to the Structure Plan that strengthen such alignment. This includes support for the acknowledgement or identification of areas needed for possible future car-sharing initiatives that reduce reliance on private vehicles, as encouraged by the WRLTP.

16. Specific comments and recommendations concerning transport policy are in Table A below.

### **Biodiversity and Ecology - General Comments**

17. Plan Change 5 (Peacocke structure Plan) contains several key biodiversity elements which includes:

1. Increase the Natural Open Space Zone from 16 to 143 hectares. These areas will include significant bat habitat buffers and corridors outside of the gully network, to join the Mangakootukutuku Gully network with areas outside of the Peacocke Structure Plan Area. This Zone along with the proposed stormwater wetland areas makes up a defined “ecological network” which is referred to in this submission.
2. Increase the extent of Significant Natural Area (SNA) to 58.2 hectares.
3. New provisions to protect areas of significant bat habitat from future urban development. These provisions include controls over fixed lighting associated with urban development as well as a building setback from the boundary of Significant Bat Habitat Areas.
4. Identification of the indicative location of stormwater wetlands as an important component of managing adverse effects of changed hydrology on aquatic biodiversity.

18. The combination of these elements and their notation on the Peacocke Structure Plan Maps and District Plan Maps is supported as they respond positively to previous comments and feedback from WRC (for example in its submission to the HCC District Plan Review in 2013) and from WRC staff in previous workshops on the development of the Peacocke Structure Plan. They provide for larger and connected ecological areas and they identify and protect the habitat of threatened species such as bats and fish (as opposed to the previous focus on areas of remnant indigenous vegetation).

19. Additionally, the provisions assist to control the design of any subsequent urban development in the Peacocke area to avoid or reduce adverse effects on ecological values and habitats in terrestrial and aquatic environments. In doing so, the provisions largely give effect to the WRPS Chapter 11 Indigenous Biodiversity, and those parts of Chapter 8 in relation to freshwater biodiversity and habitats. WRPS Chapter 11 has adopted a ‘no net loss’ approach to managing biodiversity established in Policy 11.1 and Methods 11.1.3 for non-significant biodiversity and Method 11.2.2 for significant (s6(c)) biodiversity.

20. In the context of Hamilton City where less than 2% indigenous cover remains, the maintenance of indigenous biodiversity requires active restoration and enhancement back towards key ecological thresholds. Both the HCC District Plan and the HCC Biodiversity Strategy (Nature in the City) seek a 10% indigenous vegetation cover target. Plan Change 5 provides a significant opportunity to align biodiversity (and pending climate strategy) outcomes alongside housing and growth goals to help meet these specified biodiversity targets.

21. The principles, objectives, and policies of Plan Change 5 should make explicit reference to how these outcomes can be aligned. For example, restoration of the defined ecological network (delineated by the Natural Open Space Zone) can incentivise permanent native forests that sequester carbon, restore lost habitat, reduce sediment run-off, and enhance natural character. Opportunities also exist to manage adverse effects of stormwater on gully systems and aquatic biodiversity by “making space for nature”. In existing developed parts of the city, nature has been squeezed so that gully systems receive

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<sup>1</sup> Sunfield Specified Development Project Application under the Urban Development Act 2020. (October 2021). [https://www.winton.nz/media/3238/sunfield\\_information\\_pack.pdf](https://www.winton.nz/media/3238/sunfield_information_pack.pdf)

direct inputs of stormwater resulting in peak flows that erode banks and produce water pollution and sedimentation as well as increases in water temperature that are harmful to fish and other aquatic life.

22. In addition to these opportunities, specific submission points (Table A below) outline where the policy framework, development standards, and assessment criteria of Plan Change 5 can be retained or improved to give better effect to the WRPS. Some key examples include:
1. Greater recognition of the ecological network and its provision of critical “green infrastructure”.
  2. Improved integration of other key strategic outcomes such as climate change.
  3. Clearer focus on protection and restoration of aquatic habitats and biodiversity.
  4. Addition to ICMP requiring the setting of catchment hydrology targets and ongoing hydrological monitoring and model validation in response to those targets.
  5. Addressing policy gaps for natural character.
  6. Addressing policy gaps for financial contributions to enable restoration and enhancement of the defined ecological network in Peacocke.
  7. Improving the scope and range of ecological assessment criteria, including assessing noise, visual and physical disturbance to indigenous species.
  8. Increasing the scope of matters contained in both the Ecological Rehabilitation Plan and the Bat Management Plan.
  9. Clarity around delineation of wetlands as SNAs and of proposed stormwater wetlands as critical part of “green infrastructure”.
  10. Clarity around the issue of 20% permeable surface standard and how the retention of road runoff volume will be managed.

**23. Table A: Submission on proposed Plan Change 5: Peacocke Structure Plan (PC5)**

Item numbers	Support/ Oppose	Submission	Relief sought
<b>Assessment of Environmental Effects (AEE)</b>			
Overall document	Support	Satisfied with assessment against WRPS and support the high-level alignment with WRPS objectives and policy direction.	None
4.7.2 Transport	Support	WRC supports the approach promulgating the integrated transport vision for Peacocke through Chapter 3 Peacocke Structure Plan Objectives and Policies, rather than through the transport provisions in Chapter 25.14 as proposed. It is agreed this approach will ensure that transport is viewed holistically and alongside other considerations such as density, amenity and open space provision.	None
<b>Chapter 3: Structure Plans and Section 3.4 Peacocke.</b>			
DEV01-PSP: Overview + Vision	Support with amendment	None of the principles adequately accounts for the unique ecological values of the area and their ongoing protection and restoration.	Amend provision by adding principle: <u>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.</u>
DEV01-PSP: Overview + Vision	Support with amendment	Principles should explicitly recognise the opportunity for greenfield housing and urban growth within Peacocke to deliver other key strategic goals of HCC – such as contribution to the 10% indigenous vegetation cover of the Biodiversity Strategy and native forest planting incentives to sequester carbon as part of any Climate Strategy response.	Amend Principles to make explicit reference to meeting other key HCC strategic goals – Biodiversity and Climate Change especially.
Package of objectives and policies under DEV01-PSP	Support	Objectives and policies for Urban Environment, Natural Environment, Cultural Outcomes, Transportation Network, and Infrastructure Network all broadly align with objectives and policies of the WRPS.	Retain, subject to relief sought for any specific objectives or policies set out below.
New Objective	New	Add a new Objective that addresses the important aquatic biodiversity values and functions (e.g., hydrology) of the ecological network linked to the Mangakotukutuku Gully system. The	Add a new Objective to address the protection and enhancement of aquatic biodiversity values from an

		Mangakotukutuku river catchment is the most biologically diverse urban gully catchment within the Waikato region, ostensibly because it has (though this is already changing) the lowest level of impervious surface of any of the urban gully systems. These values are at risk from urbanisation, changes to hydrology, and the changing pollution profile as the catchment changes from largely rural to urban. The ability to address cumulative adverse effects in this context is critical, as is setting meaningful and measurable catchment-based targets against which to monitor.	urbanising catchment, including cumulative adverse effects, and the ability to monitor against appropriate post development hydrological targets.
DEV01-PSP: 07 Urban development responds to the area's natural environment, ecological values and natural hazards.	Support with amendment	<p>The objective covers two distinct matters (ecology, natural hazards) in one objective and is rather broad.</p> <p>The natural hazards objective should continue to manage urban development to reduce risks from natural hazards, giving effect to WRPS policy 13.2.</p>	<p>Provide separate objectives for ecology and for natural hazards.</p> <p>Amend ecology objective as follows: <u>Urban development provides for positive indigenous biodiversity outcomes when managing subdivision and land use change.</u></p>
DEV01-PSP: O13 Protect and enhance identified significant habitat of indigenous fauna and significant indigenous vegetation.	Support	This policy relates to the 58.2 ha of the Peacocke area identified as SNA in accordance with the criteria in Appendix 11-1 of the WRPS. The policy gives effect to Policy 11.2 of the WRPS. As noted later in this submission some areas identified as wetlands and shown on the Peacocke natural features map and on the planning maps in Appendix 17A have not been identified as SNA. These areas should also be delineated as SNA.	Retain and add any identified wetlands as SNA.
DEV01-PSP: O14 Create and protect ecological and open space corridors identified in the Peacocke Structure Plan.	Support	This policy relates to the 143ha of the Peacocke area identified as Natural Open Space Zone. It defines important green infrastructure that plays an important role for ecology and for future residents of the area. Some areas of this network are currently degraded and require restoration to improve their values. In terms of the Mangakotukutuku Gully (and the Peacocke arm of this gully system in particular) a series of existing (possibly unconsented) on-line dams are severely limiting access for migratory aquatic taxa to upper parts of the catchment and are likely to constrain potential biodiversity gains that would likely arise from broader habitat rehabilitation works as part of future development.	Retain but with addition noting that restoration is a key policy element of the ecological and open space corridor and that in relation to the gully system restoration should also address key ecological function impediments such as fish passage.

DEV01-PSP: O15 Enable development adjacent to ecological areas where it is designed to manage the effects of development on the function of these areas.	Support in part	Adjacent development still needs to be designed and managed so that ecological functions and processes of the defined ecological network are protected and enhanced.	Reword DEV01-PSP: O15 so that any adjacent development is managed to protect and enhance <u>ecological functions and processes</u> .
DEV01-PSP: O16 Establish a network of open space, that supports the ecological values of the Peacocke Area and provides passive recreation opportunities where they do not conflict with ecological values.	Support	This policy reflects previous comments and feedback from WRC seeking combined solutions for managing biodiversity, water management, amenity, walkability and connectivity.	Retain.
DEV01-PSP: O20 The transport network is designed to be a high amenity environment that incorporates stormwater management.	Support in part	<p>This objective aligns with WRPS Objective 3.12, and gives effect to WRPS Policy 6.1 for development, including transport and other infrastructure, to occur in an integrated, sustainable, and planned manner.</p> <p>This objective could highlight an intention to regard opportunities to avoid adverse effects of development (including transport) on natural hydrological characteristics and processes, water quality and aquatic ecosystems, as set out under WRPS method 6.1.1 and development principle 6A(m). This is relevant to any stormwater management that is incorporated.</p>	Amend to highlight intention to give effect to WRPS method 6.1.1.
Existing DEV01- PSP: O24 Effective and integrated management of Three Waters so as to sustainably manage the impact of development on the City's natural and physical resources.	Support in part	Although this section covers "traditional" infrastructure it should also highlight the considerable benefit and range of ecosystem services provided by the "green infrastructure" of the ecological network. Benefits include amenity, open space, recreation, water storage and cleansing, shading and cooling, carbon storage, and habitat protection. Such critical infrastructure that provides a range of services and benefits for Peacocke deserves high level policy direction so that future investment in restoration of the green network can be obtained through financial contributions and in situations where trade-offs are required (for example, between the	Add to this section objective(s) that ensure key green infrastructure continues to be provided through protection and restoration of the Peacocke ecological network and that there is investment in this critical infrastructure.



		through explanations in supporting documents, that policies in the district plan align with Future Proof intentions.	
DEVO1-PSP: P23 Near identified ecological corridors, ensure the design and location of buildings, infrastructure and lighting is managed throughout the Peacocke Structure Plan in order to maintain their role and function.	Support	Support the policy which controls location, design of buildings and infrastructure and lighting near ecological corridors, however, clarify that it is ecological function and processes of the ecological corridor that need to be maintained and enhanced.	Amend policy as follows: Near identified ecological corridors, ensure the design and location of buildings, infrastructure and lighting is managed throughout the Peacocke Structure Plan to maintain <u>and enhance ecological their role and functions and processes</u> .
DEV01-PSP: P26 Ensure development manages the risks associated with natural hazards to ensure the safety of people and structures.	Support in part	Natural hazards should not solely be managed in reference to people and property (or structures). A lack of proper focus on the environment could lead to situations where the environmental values that other parts of this proposed Structure Plan work to protect, are not taken into consideration when managing the risk associated with natural hazards.	Amend P26 to read: Ensure development manages the risks associated with natural hazards to <u>consider the environment and</u> ensure the safety of people and structures.
DEV01-PSP: P27 The loss of significant vegetation is minimised.	Support in part	It is not clear if this policy relates to significant <u>indigenous</u> vegetation as per S6c) RMA direction. If so, then the policy needs to be amended to reflect that such vegetation needs to be protected and that plans shall require that activities avoid the loss or degradation of such areas in preference to remediation or mitigation, consistent with WRPS Policy 11.2 and Method 11.2.2.	Amend policy to give effect to WRPS Policy 11.2 and Method 11.2.2.
DEV01-PSP: P28 Road layouts adjacent to identified natural features recognise and retain their natural form where practicable.	Support in part	A greenfields situation provides significant ability to plan and design around natural features, retaining and enhancing them as part of critical green "infrastructure" network.	Retain policy but remove the words "where practicable".
DEV01-PSP: P30 Protect the physical integrity and ecological and stormwater function of the Mangakotukutuku Gully and Waikato River margins.	Support in part	Protection of the physical integrity of the river and gully system in the Peacocke area and its ecological functioning is supported as giving effect to WRPS Policies 8.3 and 11.1. Reference to "stormwater" as a function of a natural system is not appropriate, natural drainage into the gully system is part of its hydrological functions which are covered more broadly by the term "ecological	Amend Policy as follows: Protect the physical integrity, <u>and ecological and stormwater functions and aquatic biodiversity values</u> of the Mangakotukutuku Gully and Waikato River margins.



		functions". The policy would also benefit from broader reference to indigenous aquatic biodiversity, in addition to ecological functions, consistent with submissions above seeking addition of an Objective addressing aquatic biodiversity values and functions of the ecological network linked to the Mangakotukutuku Gully.	
DEV01-PSP: P31 Provide for revegetated gullies and river margins.	Support in part	Although revegetation of gullies and river margins is an important policy direction, the scope of the policy should be expanded to include revegetation as part of ecological restoration and enhancement of the gully and river margins. Given the importance of Peacocke as critical habitat for threatened Long-Tailed Bat, species selection should also look to support requirements wherever possible.	Amend Policy as follows: <del>Provide for revegetated gullies and river margins.</del> <u>Provide for the ecological restoration and enhancement (including revegetation with appropriate native species and trees with short, medium, and long-term bat roosting potential) of gullies and river margins.</u>
DEVO-1-PSP: P35-37	Support in part	<p>The addition of these policies to protect the density, range, and viability of long-tailed bats, is consistent with WRPS Policies 11.1 j) and 11.2.</p> <p>Policy P35 should be amended to cover all defined bat habitat within the Peacocke Structure Plan area rather than being limited to "bat habitat adjoining the edge of the Mangakotukutuku Gully and Waikato River". Some key parts of bat habitat such as roost trees are unlikely to be identified so the policy should cover "potential" habitat as well.</p> <p>Policy P37 should be broadened to include additional habitat requirements other than "movement", such as foraging and roosting habitat.</p>	<p>Retain policies P35-37 with following amendments:</p> <p>P35 – protection refers to defined and potential bat habitat within the Peacocke Structure Plan area.</p> <p>P37 – links the provision and width of ecological corridors to additional habitat requirements other than "bat movement" such as foraging and roosting habitat.</p>
DEV01-PSP: P53 Transport corridors are designed to provide a high level of amenity and include space to provide for street trees and stormwater management	Support in part	This policy direction responds to O20 above, however will need to be amended to remain consistent with emphasis on intention to regard opportunities to avoid adverse effects on natural hydrological characteristics and processes, water quality and aquatic ecosystems, as set out under WRPS method 6.1.1 and development principle 6A(m).	Amend P53 for consistency with amended O20.

DEVO-1-PSP: P60 and P61	Support in part	<p>We support these policies which require three waters infrastructure to be managed in accordance with development of an Integrated Catchment Management Plan (ICMP). WRC technical staff have been involved in reviewing progress of this plan over the last 3 years and apart from one key issue are supportive of this document.</p> <p>Although P61 is supported, amendments are required to provide greater consistency with requirements of the National Policy Statement on Freshwater Management (NPS FM) and Te Ture Whaimana o Te Awa o Waikato, Vision and Strategy for the Waikato River and to maintain and enhance aquatic biodiversity values. Maintenance of pre-development catchment hydrology is a critical factor in maintaining existing biodiversity and both the NPS-FM and Te Ture Whaimana require an improvement to water quality and biodiversity values rather than maintenance of existing values. This requires amendments to wording of P61 parts 3, 4, and 5.</p> <p>Another critical aspect that needs to be included into ICMP is the type of monitoring proposed that can demonstrate achievement of pre-development (greenfield) hydrological conditions. The frequency of climate change induced volatility (be it extended droughts or extreme rainfall events) is increasing, meaning that a much more precautionary approach to the sizing of installed infrastructure needs to be seriously considered if structures are to perform in a manner that will enable biodiversity and water quality to at least be maintained. An additional part to the policy needs to be added to address this issue.</p>	<p>Amend as per the below: Integrated Catchment Management Plans shall be developed to determine how to manage Three Waters in an effective and integrated manner including by:</p> <p>3. Sustaining groundwater levels in peat soils <del>as far as practicable</del>.</p> <p>4. Safeguarding and enhancing the natural functioning and ecological health of freshwater bodies and areas of indigenous vegetation, <u>riparian vegetation, aquatic biodiversity</u>, water features and habitats.</p> <p>5. Retaining a hydrological cycle that meets <del>close to</del> the pre-development hydrological cycle <del>as far as practicable</del>.</p> <p><u>10. Setting catchment hydrology targets and undertaking ongoing hydrological monitoring and regular model validation and response to achievement of those targets.</u></p>
DEV01-PSP: P70 Manage stormwater to minimise the effect of urban development on Mangakotukutuku stream values and functions, maintain the ability of the stream to continue to provide habitat for threatened aquatic species and	Support in part	<p>Policy direction to manage adverse effects of stormwater on ecological functions, habitats, and water quality is supported as giving effect to WRPS Policies 8.3, 8.5, 11.1 and 12.2. The current wording of the policy can be amended to reduce duplication (i.e. maintain habitat and minimise effects on habitat) and improve clarity.</p>	<p>Amend Policy as follows: Manage stormwater to minimise the effect of urban development on the Mangakotukutuku stream values and functions, maintain <del>the ability of the stream to</del> <u>continue to provide habitat for threatened aquatic</u></p>

minimise adverse effects on the stream water quality and habitat.			<del>species and minimise adverse effects on the stream</del> <del>water quality and habitat. and</del> <u>enhance riparian and aquatic habitat and control adverse effects onstream water quality and habitat.</u>
New Policy to cover natural character	New	Addressing natural character of wetlands, lakes, rivers and their margins is an important part of achieving s6 RMA and in giving effect to WRPS Policy 12.2. Method 12.2.2 is particularly relevant for structure planning as it seeks restoration of natural character where it has been compromised. An additional policy providing direction around preservation of natural character of the Mangakotukutuku Gully and Waikato River margins and direction to restore natural character where compromised would provide improved consistency with these directions.	Add new policy as part of Natural Environment policies as follows: <u>Preserve the natural character of the Mangakotukutuku Gully and Waikato River margins and protect it from inappropriate development. Where natural character has been compromised utilise opportunities to restore and enhance it.</u>
New policy to cover financial contributions to protect, restore and enhance biodiversity values and ecological network within Peacocke.	New	<p>Provision needs to be made for financial contributions from the subdivision and development of Peacocke to protect and restore ecological values, habitat, hydrological values and aquatic biodiversity and ecological functions provided by the defined ecological network (Natural Open Space Zone).</p> <p>Appendix K provides a high level and qualitative preliminary assessment of effects associated with proposed land use change in Peacocke and assesses the type and quantum of habitat restoration and enhancement measures that would be required to address residual adverse effects to at least a no net loss standard. This approach gives effect to WRPS Policy 11.1 a) and j) and Method 11.1.3 and Policy 11.2 and Method 11.2.2. The assessment highlights that to achieve a not net loss outcome for long-tailed bats would likely require:</p> <ul style="list-style-type: none"> <li>• A reduction in the development footprint coupled with an increase in the quantum of habitat restoration and enhancement measures; and/or</li> </ul>	Add a new policy that provides for financial contributions to deliver maintenance and enhancement (restoration) of the defined natural environment and open space network within Peacocke, to provide for appropriate biodiversity mitigation and offsetting, and to provide a precautionary approach to achieving catchment hydrology targets of the ICMP.

		<ul style="list-style-type: none"> <li>Additional habitat restoration and enhancement measures in areas outside of the Peacocke Structure Plan area.</li> </ul> <p>Habitat restoration and enhancement measures are identified as native revegetation and pest control.</p> <p>In addition to residual effects on bats, catchment hydrology targets need to be set up front and monitored through time and there needs to be a clear feedback mechanism and funding to address any problems should they arise.</p> <p>A policy is therefore required to enable financial contributions to be taken on subdivision and development to deliver these required restoration and enhancement activities. These funds can then contribute to the ongoing maintenance and enhancement of critical green infrastructure within the Peacocke Area. A specific link from this policy to chapter 24 of the plan is also required.</p>	
<b>Chapter: 4A Medium Density Zone: Peacocke Precinct chapter</b>			
Package of objectives and policies under MRZ-PREC1-PSP	Support	Objectives and policies all broadly align with objectives and policies of the WRPS.	Retain subject to relief sought for any specific objectives or policies set out below.
MRZ - PREC1- PSP: P22 Residential development considers and responds to the future effects of climate change.	Support	<p>We support alignment with the following provisions of the WRPS:</p> <ul style="list-style-type: none"> <li>Implementation method 4.1.13: District plans shall recognise and provide for the projected effects of climate change.</li> <li>Development principle 6A(p): New development should be appropriate with respect to projected effects of climate change and be designed to allow adaptation to these changes.</li> </ul>	Retain.

MRZ - PREC1- PSP: P26 Development should encourage the efficient use of energy and water	Support	<p>This provision strengthens alignment with WRPS policy direction, including RPS policy 6.5 that encourages energy-efficient urban development, such as through promotion of energy-efficient urban form and design, energy-efficient buildings, innovative energy technologies and provision for multi-modal transport systems; and encourage the use of on-site and community-based renewable energy technologies.</p> <p>The WRLTP, which has an underlying objective for “an environmentally sustainable, energy efficient and low-carbon transport system”, acknowledges the role that low emission transport options have in the transition towards greater energy-efficiency, and sets policy and methods around progressing actions that increase their use. We suggest that to improve alignment with these policies and methods, when infrastructure is provided across the Peacocke Structure Plan area, it should be provided in a way that facilitates the uptake of electric vehicles.</p>	<p>Retain and include additional policy that encourages the development of infrastructure that is electric vehicle capable.</p> <p>Or amend as follows: Development should encourage the efficient use of energy and water, <u>including consideration of</u></p> <p>a) <u>the role of low emissions transport options and</u></p> <p>b) <u>the requirements of electric vehicles in planning new infrastructure.</u></p>
MRZ - PREC1- PSP: R37 Permeable Surfaces and landscaping Minimum permeable surface: 20%	Oppose in part	WRC technical staff note that HCC has included the proposed 80% impermeable surface standard into its hydrological assessments and hydraulic models to determine peak flows etc. This stormwater management approach relies on large, constructed wetlands to provide water quality treatment, extended detention (to help mitigate erosion and scour effects in the streams) and to attenuate peak flows to pre-development rates for the 2- and 10-year Annual Return Interval (ARI) events. HCC also proposes a 10mm retention across the catchment to maintain adequate base flow for streams. HCC proposes to over-retain on-lot to achieve the 10mm retention across developed areas. WRC does not support over-retention on-lot in lieu of retention in roading corridors.	Amend the approach to require the retention of road runoff volume within the road corridor and not pass on the responsibility to compensate for this volume onto third party lot owners.
MRZ - PREC1- PSP: R39 Setbacks	Support	The additional building setbacks (including swimming pools) from river and gully margins and bat habitat area provide extra buffering of important ecological areas and gives effect to WRPS Policy 11.1.	Retain.
<b>Chapter 15A: Natural Open Space Zone: Peacocke Precinct</b>			
NOSZ – PREC1- P: O7	Support in part	The objective is supported with some minor amendments. The Natural Open Space network defined within the Peacocke area	Amend NOSZ – PREC1- P: O7 to include riparian and gully habitats and aquatic

Natural Open Space areas in the Peacocke Structure Plan Area are identified, protected and enhanced to provide and protect habitat for long tailed bats.		consists of more than bat habitat, although this is an important element. Other important areas and values include riparian areas, wetlands and gullies, and aquatic biodiversity. The objective should be broadened to include these values as well.	biodiversity as well as reference to habitat for long tailed bats.
<p>NOSZ – PREC1- P: P18</p> <p>Identify and manage areas of Natural Open Space in the Peacocke Structure Plan to:</p> <ol style="list-style-type: none"> <li>1. Ensure the protection of, and access to, identified habitat of long-tailed bats.</li> <li>2. Provide habitat and connections for long tailed bats.</li> <li>3. Mitigate the effects of development on the habitat of long-tailed bats.</li> </ol>	Support in part	<p>As with submissions to O7 above, the policy needs to cover more than long tailed bat habitat.</p> <p>In part 1 of the policy, access to bat habitat may be inconsistent with ensuring bat habitat is protected.</p> <p>In part 2 of the policy, habitat connections for bats are supported, however connectivity for other threatened species such as fish is equally important.</p> <p>In part 3 of the policy adverse effects on long tailed bats (and other threatened species) should be avoided in preference to remediation or mitigation to give effect to WRPS Policy 11.2 and Method 11.2.2.</p>	<p>Amend P18 so that part 1 of the policy removes reference to access and is broadened to include riparian, wetland and gully habitats as well as identified habitat of long tailed bats.</p> <p>Amend part 2 of the policy so that connections are provided for aquatic biodiversity such as fish as well as for bats.</p> <p>Amend part 3 of the policy so that adverse effects from development on SNAs and threatened species are avoided in preference to remediation or mitigation.</p>
NOSZ-PREC1-P: R36 Setbacks	Support	<p>The minimum building setback of 5m from an SNA boundary will assist in buffering SNA values from effects of development and gives effect to WRPS Policy 11.1.</p> <p>Providing for a minimum building setback of 6m from boundaries with the Waikato Riverbank and Gully Hazard Area aligns with implementation methods under WRPS Policy 13.2.</p>	Retain
<b>Chapter 15B: Sport and Active Recreation Zone: Peacocke Precinct</b>			
SARZ-PREC1-P: R36 Setbacks	Support	Providing for a minimum building setback of 6m from boundaries with the Waikato Riverbank and Gully Hazard Area aligns with RPS implementation methods under RPS policy 13.2 that avoid new use or development in areas subject to natural hazards.	Retain
<b>Chapter 23A: Subdivision: Peacocke Precinct</b>			
SUB-PREC1-PSP: PURPOSE	Support	We support higher densities adjacent to public transport corridors.	Retain

Existing SUB-PREC1-PSP: O1 To ensure that risk to people, the environment and property is not exacerbated by subdivision.	Support	This has been retained from the operative District Plan with no changes and WRC considers it provides continued alignment with WRPS policy direction to reduce risks associated with natural hazards.	Retain
SUB-PREC1-P: O9 Subdivision responds to and restores the natural environment with a focus on those areas identified in the Peacocke Structure Plan including the creation and protection and enhancement of identified ecological corridors.	Support in part	<p>The intent of this objective is supported. Subdivision of the Peacocke area needs to support the continued functioning of the defined ecological network (Proposed Natural Open Space Zone and Proposed Stormwater Wetland Areas) and to enhance it through restoration. The objective gives effect to WRPS Policies 8.3, 8.5, 11.1, 11.2 and 12.2.</p> <p>However, the purpose of this objective under s6(c) RMA is not properly articulated in the s32 report for this section and WRC raises concern that proper implementation of the WRPS may not be achieved.</p>	<p>Amend this chapter to include an objective aligned with s6(c) RMA and WRPS Policy 11.1 to ensure inclusion of no net loss and connectivity between habitats.</p> <p>Amend the Objective to account for no net loss and connectivity. Add: Subdivision responds to and restores the natural environment, ensuring no net loss of indigenous biodiversity and connectivity between habitats, with a focus on those areas identified in the Peacocke Structure Plan, including the creation and protection of identified ecological corridors.</p>
<p>SUB-PREC1-PSP: P4 Subdivision <del>avoids, remedies or mitigates adverse effects on:</del> , <u>protects and where possible enhances any:</u></p> <ol style="list-style-type: none"> <li>1. Scheduled heritage items.</li> <li>2. Scheduled archaeological and cultural sites.</li> <li>3. Scheduled significant trees.</li> <li>4. Scheduled significant natural areas.</li> <li>5. The Waikato River and gullies and river banks, lakes, rivers and streams</li> </ol>	Support in part	To be consistent with subdivision objective O9, this policy needs to protect and restore elements of the natural environment and of the defined ecological network. Parts 1 to 5 help to identify the aspects of particular relevance. Part 5 needs to also reflect that the margins of rivers and gullies and lakes need to be protected and managed and that reference to wetlands should be added (noting that wetlands have been identified and are contained on the planning maps in Appendix 17A). Some of these identified wetlands sit outside the defined Natural Open Space Zone. For clarity, those proposed stormwater wetland areas identified on the Peacocke Structure planning maps should also be included as they provide important ecological infrastructure to protect gully systems and aquatic habitat from the adverse effects of urbanisation. The words “where possible” are not necessary.	<p>Amend policy subject to recommendations provided, and to incorporate the following changes in wording:</p> <p>Subdivision protects and <del>where possible</del> enhances any:</p> <ol style="list-style-type: none"> <li>1. Scheduled heritage items.</li> <li>2. Scheduled archaeological and cultural sites.</li> <li>3. Scheduled significant trees.</li> <li>4. Scheduled Significant Natural Areas.</li> <li>5. The Waikato River, <del>and gullies and river banks, lakes, rivers and streams</del> their margins,</li> </ol>

		In addition, this policy is heavily reliant on scheduling through the district plan to protect archaeological, cultural, and built heritage. WRC considers that this does not appropriately provide for the protection of wāhi tapu and other taonga which can often be kept in iwi private records but should still be protected. The same applies to many items listed by Heritage NZ. This provision could be amended to more accurately reflect WRPS wording, with direction from WRPS method 10.3.1 being to “protect historic and cultural heritage from inappropriate subdivision use and development.” It is recommended that the wording of P4 is adjusted to reflect the protection of natural and cultural and historic heritage, and also that the wording is adjusted to account for non-scheduled heritage to reflect the direction under WRPS policy 10.3 and its implementation methods.	lakes, wetlands and their margins, including proposed stormwater wetlands identified on Peacocke Structure plan maps.
SUB - PREC1-PSP: P5 <del>Subdivision protects, and where possible enhances any, enables development while managing effects on:</del> 1. Landforms and natural features. 2. Vegetation.	Oppose	The intent of the policy should reflect adverse effects on natural features and vegetation be avoided in the first instance, as part of the mitigation hierarchy. Natural features that make up the ecological network of Peacocke provide for a range of ecosystem services which will also be lost or reduced if adverse effects are not avoided or adequately remedied, mitigated or offset.	Amend policy so that subdivision is controlled to enable adverse effects on landforms, natural features and vegetation to be avoided, remedied, mitigated or offset.
SUB - PREC1-PSP: P9	Support	We support higher densities adjacent to public transport corridors.	Retain
SUB - PREC1-PSP: P19 Require subdivision to be designed to provide ecological areas where they are identified within the Peacocke Structure Plan and ensure that the role, function and connectivity of ecological areas is maintained.	Support	This policy direction responds to Objective O9 above. The term “ecological areas” could be expanded to include “infrastructure”. This would incorporate elements such as proposed stormwater wetlands that are critical to water management and aquatic biodiversity outcomes for Peacocke. For improved plan interpretation this policy should be moved alongside P4 and P5 as they provide a package of environmental based policy directions that give further direction to Objective O9.	Retain and add term “ecological areas <u>or infrastructure</u> ”



<p>SUB – PREC1-PSP: P20 Require roads that are proposed in ecological corridors to: 1. Take the shortest route practicable. 2. Design lighting to ensure that the bat corridor maintains its role and function. 3. Designed to enable bats to continue to access the rest of the corridor.</p>	<p>Oppose in part</p>	<p>The intent of this policy applies to any road proposed through an existing or proposed ecological corridor, noting that there may be some pockets of land where access can only be practically provided through a proposed ecological corridor. Although the amount of ecological corridor at risk from loss to roading is likely to be small, WRC has submitted elsewhere to the importance of this defined “green infrastructure” to provide a range of ecosystem services and benefits to Peacocke. Where there is an identified conflict between 2 sets of important infrastructure and the ecological network may be impacted, the policy should be amended to in the first instance seek to avoid impacts as well as specifying that remediation or mitigation to other parts of the ecological network is an option. This will assist to give effect to WRPS Policy 11.1 and 11.2 in providing for positive indigenous biodiversity outcomes and providing the full mitigation hierarchy to SNAs, including avoiding adverse effects in the first instance.</p>	<p>Amend Policy to <i>avoid or</i> reduce the impact of proposed roading network <i>on the ecological functions and connectivity of</i> the defined ecological network. Where effects cannot be avoided, they are remedied, (including by the existing policy elements 1-3) or mitigated in other parts of the ecological network through active restoration measures.</p>
<p>R8 Activity Status for Subdivision to accommodate a transport corridor in Peacocke Precinct</p>	<p>Support in part</p>	<p>Activity Status for subdivision to accommodate transport corridors is a Restricted Discretionary Activity. WRC has submitted elsewhere that potential conflicts exist between provision of the roading network and ecological network. Having appropriate assessment criteria can help to address where such conflicts/trade-offs arise. Currently the matters of discretion do not include any reference to ecological or biodiversity matters which will limit the effectiveness and scope of any assessment. In addition, this rule requires compliance with matters SUB-PREC1-PSP: R12-R25. Of these matters R13 (in relation to provision of Esplanade Reserves) and R24 (in relation to provision of ecological areas) provide for assessment of impact of roading network on ecological networks. The current R24 design standard is constrained to identified bat corridors only. This is a sub-set of the overall green network which also includes SNAs, gullies, wetlands, and aquatic biodiversity and should include the proposed stormwater wetlands.</p> <p>We have also made submissions on Appendix 1.3 Assessment Criteria below which states that the current criteria do not provide</p>	<p>Retain Restricted Discretionary Activity Status.</p> <p>Amend by adding as a matter of discretion: <u>Ecology and Biodiversity</u></p> <p>Amend SUB-PREC1-PSP: R24 by increasing its scope to include any subdivision where it intersects with any part of the defined ecological network.</p>

		an adequate framework within which to assess the ecological impacts of activities on the defined ecological network. The relief sought will result in appropriate ecological criteria being added to Part P- Peacocke Structure Plan.	
R9 Activity Status for subdivision of allotment containing an SNA.	Support	WRC supports the discretionary activity status applied to subdivision which affects sites containing a significant natural area. Discretionary status will allow for the range of matters outlined in Appendix 1.3 of the district plan to be applied to maintain and enhance biodiversity values. The relief sought to general standard SUB-PREC1-PSP: R24 applies to this provision also, as do comments around and relief sought in response to Appendix 1.3 Assessment Criteria.	Retain  Amend SUB-PREC1-PSP: R24 by increasing its scope to include any subdivision where it intersects with any part of the defined ecological network.
R13 General Standard Provision of Esplanade reserves	Support	Part e) as defined on the plan maps will provide for protection of conservation values, mitigate natural hazards, and enable public access and recreation where compatible with conservation values. Bringing these areas into the public reserves network will enable HCC to manage them as a key part of its ecological infrastructure and as an important component of meeting its Nature in the City Strategy.	Retain.
SUB-PREC1-PSP: R24 Provision of Ecological Areas Bat Corridors Maintain a minimum width of 50m.	Support in part	This rule provides one of the measures to protect and enhance habitat for bats and helps to implement the ecological objectives and policies in the subdivision, Open Space Zone and Peacocke Structure Plan sections of the district plan. Extending its scope to include the defined ecological network will assist in giving effect to WRPS Policy 11.1 and 11.2.	Retain but increase scope to include any subdivision where it intersects with any part of the defined ecological network.
SUB-PREC1-PSP: R25 Provision of Public Transport Infrastructure	Support	We support provision of public transport infrastructure on corridors identified in the structure plan.	Retain.
<b>25.2 Earthworks and Vegetation Removal</b>			
Objective 25.2.2.2 Earthworks enabled where they:  2. Avoid modification of significant natural areas and locations with	Support in part	The objective gives effect to WRPS Policy 11.2 and highlights that in some situations minimising effects from earthworks (as in Objective 25.2.2.1) is not stringent enough. The objective should be extended in scope to clarify that earthworks and vegetation clearance should also avoid modification to ecological corridors and buffers and riparian vegetation which are a key part of the defined Peacocke	Amend Objective to include reference to ecological corridors and buffers and riparian vegetation and to known and potential bat roost trees.

ecological, cultural and historic value.		ecological network. In addition, a key part of potential bat habitat within Peacocke are roost trees. Technical advice from WRC staff notes that roost trees identified to date will likely be a proportion of the total – especially for maternity roosts. There needs to be specific policy direction to enable assessment of potential roost trees before vegetation is cleared.	
Objective 25.2.2.2 Enable earthworks in the Peacocke Structure Plan area that facilitate the creation of a high amenity, medium density environment where they: ...	Support in part	The enabled activities should include those that avoid creating the need or demand for new structural protection works. This is part of the direction in WRPS Policy 13.2 and its intention is to avoid the creation of new risk. This is particularly important for the parts of the Structure Plan area that are next to the river and other areas subject to natural hazards.	Amend Objective 25.2.2.2 to include the following additional point: 24. <u>Avoid the creation of new risks or do not exacerbate existing risks from natural hazards, and do not create the need or demand for new structural protection works.</u>
Policy 25.2.2.1a(iii) Earthworks and vegetation removal does not create new, or exacerbate existing natural hazards.	Support	This policy broadly aligns with WRPS policies 13.1 and 13.2 for natural hazard risk management, and recognises WRPS Objective 3.16 that seeks to manage riparian areas and wetlands to maintain or enhance natural hazard risk reduction.	Retain
Policy 25.2.2. 2a for Earthworks and Vegetation Removal Earthworks maintain the hydrology of the Peacocke Structure Plan Area.	Support in part	We support the intent of this policy as it helps to address earlier concerns around retaining a hydrological cycle that meets the pre-development hydrological cycle. The policy should be extended (or new policy added) to cover the impacts from earthworks and vegetation clearance on natural character of gully and river/stream margins and riparian areas, wetland areas identified on the Peacocke plan maps, and aquatic biodiversity values.	Amend policy (or add new policy) to address impacts on: <ul style="list-style-type: none"> <li>• Natural character of gully system and riparian margins</li> <li>• Identified wetland areas</li> <li>• Aquatic biodiversity values.</li> </ul>
Policy 25.2.3j Earthworks that do not meet the requirements of 25.2.5.1 are given a Discretionary activity status.	Support in part	This policy should include consideration of natural hazards, in line with the level of consideration outlined above, as part of the matters of discretion.	Amend to align with suggested amendments to objective 25.2.2.2
<b>25.6 Lighting and Glare</b>			
Objective 25.6.2.2 Lighting managed to ensure areas identified as Significant Bat Habitat Area retain their	Support in part	We support the intent of the Objective. The design and management of lighting is one of the key factors in protecting the habitat of NZ long-tailed bat. This section notes that bats are particularly sensitive to light, which has the potential to inhibit their	Reword Objective as follows:

usability and functionality for bat activity.		movement and feeding habits. The objective could be reworded to clarify that the outcome required is to protect bats from the adverse effects of lighting. The Objective gives effect to WRPS policy 11.1 i) and Policy 11.2.	<u>Identified bat habitat in Peacocke is protected from the adverse effects of lighting and glare.</u>
Policies 25.6.2.2a and 25.6.2.2b	Support	These policies provide more detailed guidance around design, light spill, and glare in relation to boundary of bat habitat and fixed lighting.	Retain.
25.6.4.4 Specific standards Peacocke Medium Density Zone. Lighting shall not exceed 0.3 lux (horizontal and vertical) when measured at the external boundary of the Significant Bat Habitat Area.	Support in part	Appendix Q supporting the Peacocke Structure Plan Change provides the basis and rationale for informing bat sensitive lighting rules. This standard has been set at 0.3 lux. At the recent Amberfield Subdivision Environment Court hearing it was discovered that, while 2700K luminaires are obtainable for commercial luminaires (e.g., roadway lights), residential outdoor luminaires are invariably available with a minimum of 3000K colour temperature. The report notes that the rationale for 2700K emanates from a desire to minimise the 'blue' content and there are only a few percentage-points difference in that regard between 2700K and 3000K. Therefore, the 'permitted activity' for residential lots mandates 3000K, but the report notes to include a preference for 2700K in the Guidance notes.	Amend the lighting standard to reflect the preference for 0.27 lux  OR  Amend the lighting standard to differentiate between commercial lighting standard = 0.27 lux and residential lighting standard = 0.3 lux.
<b>Appendix 1.1 - Definitions and Terms</b>			
New definition for Public Transport Station: A public transport stop that is or is planned to be serviced by a frequent public transport service during peak travel times.	Oppose	The purpose of defining a 'Public Transport Station' is not clear, as no reference to the terminology appears to be made in the proposed Structure Plan documents. Further, the terminology is not commonly used, and it is cautioned that it could be confused with rail services / mass transit stops.	Offer clarification as to why 'Public Transport Station' has been defined and ensure that all intended references have been made to Public Transport Stations throughout the Structure Plan and supporting documents.
New definition for Public Transport Station Catchments: Means areas that are within 1.0-kilometre walking distance or 3.0-kilometre cycling distance from the public transport station.	Support in part	Alignment with the Waikato Regional Public Transport Plan (WRPTP) could be strengthened here. Section 3.1.2 of the WRPTP sets policy (P4), that accessing public transport services in Hamilton should require a walk of 600 metres or less.	Investigate changes necessary to reduce walking distances for catchments in the Structure Plan area to 600 metres or less.

Appendix 1.2 – Information Requirements			
Section 1.2.2.2 iii) Natural Environment Network	Support	This provision is supported as it identifies that the concept plan will need to identify natural and ecological systems and demonstrate how these have been integrated into the urban design or how they have been protected.	Retain.
1.2.2.25 Ecological Rehabilitation Plan Peacocke Structure Plan. Required for any subdivision application in the Peacocke Structure Plan adjoining or including any open space zone or involving more than two hectares of land.	Support in part	<p>The Natural Open Space Zone covers 143ha of the Peacocke Structure Plan. The intent of this provision is supported as it provides the ability to integrate aquatic and terrestrial biodiversity values as part of urban development and protect them as well as avoiding adverse effects and identifying opportunities to enhance and restore degraded values as part of mitigation and off-setting.</p> <p>While parts i) to iv) of the Ecological Rehabilitation and Management Plan are supported, WRC technical advice suggests that it requires additional detail to be included, especially around the intended purpose of the ecological corridors, the type or range of habitat types the corridors are connecting, the type of species and their threat status that the ecological corridors will support and the relevant needs of those species. For example, how will ecological corridors accommodate dispersal, foraging and breeding for each of the relevant species identified, and what are the key impediments to dispersal? Providing for appropriate monitoring protocols and methods for each species is also required, as is specific detail around pest control and alignment with Southern Links Environmental Management and Monitoring Plan which also includes requirements for pest control.</p>	<p>Retain this provision but extend its scope to cover:</p> <ul style="list-style-type: none"> <li>• intended purpose of the ecological corridors</li> <li>• the type or range of habitat types the corridors are connecting</li> <li>• the type of species and their threat status that the ecological corridors will support and</li> <li>• the relevant needs of those species</li> <li>• opportunities to undertake pest control to protect indigenous species and alignment with other existing pest control requirements</li> <li>• provision of appropriate and species-specific monitoring protocols and methods.</li> </ul>
1.2.2.27 Bat Management Plan For applications in the Significant Bat Habitat area that seek to remove any trees or vegetation with a Diameter at Breast Height (DBH) higher than 15cm.	Support	The intent of this provision is supported. It provides additional species-specific requirements for long-tailed bats. Roost trees that have yet to be identified through other studies can be identified and necessary measures undertaken to avoid, remedy or mitigate adverse effects. Given the threat status of long-tailed bats, adverse effects should be avoided in preference to remediation or mitigation. This is also consistent with the latest directions from DOC (Bat Recovery Group Bat Roost Protocols). This protocol	Retain and incorporate step-by-step decision support tool from DOC Bat Protocol (2021) into this provision.

		provides a step-by-step decision tool for tree removal in bat areas and could either be referred to in this provision or could be incorporated into the provision.	
<b>Appendix 1.3 – Assessment Criteria - 1.3.3 Matters of discretion for RD activities:</b>			
Existing provision E20 for the Peacocke Special Character Zone The extent to which the development provides for the avoidance of natural hazards.	Oppose	WRC recommends that HCC incorporates the existing E20 provision into 1.3.3 as we consider that the most appropriate way to manage the risk of natural hazards is to avoid placing subdivision in areas of known natural hazards and risk (avoidance of natural hazards).	Amend 1.3.3 by incorporating the existing E20 provision for the Peacocke Special Character Zone.
F5 Earthworks	Support in part	This provision should have a wider scope in considering natural hazards, beyond the effects of sediment release. WRC considers that the Structure Plan's whole package of provisions should work to avoid the creation of new risks or not exacerbate existing risks from natural hazards, and not create the need or demand for new structural protection works.	Amend to the same effect as sought by suggested amendments to objective 25.2.2.2 and policy 25.2.3j
F6 Hazardous Facilities	Support in part	This provision should also work to avoid placing hazardous facilities in areas of known natural hazards that might increase the chance of accidental release, or loss of control, of hazardous substances.	Amend F6 to include an additional point: a) <u>Avoid placing hazardous facilities in areas of known natural hazards that might increase the chance of accidental release, or loss of control, of hazardous substances.</u>
P1 Earthworks  P3(e) and (i) Development in Peacocke  P5(g) and (r) Subdivision	Support in part	The assessment of activities that fail to meet standards as restricted discretionary or discretionary activities is supported.  However, the criteria within Appendix 1.3 require further detail to provide an adequate framework within which to assess the ecological impacts of activities on the defined ecological network (Natural Open Space Zone) of Peacocke.  P1 Earthworks provides no assessment criteria with which to assess potential ecological impact.	Retain parts P3 e) and j) and P5 parts g) and r) and amend Appendix 1.3 of the plan to enable appropriate ecological assessment of activities in the Peacocke Structure Plan area including the following:  <i>The extent to which the activity may cause:</i> a) <i>fragmentation and isolation of indigenous ecosystems and habitats</i>

		<p>P3 parts (e) and (i) provide some useful guidance for assessment and are supported as is P5 parts (g) and (r).</p> <p>WRPS Method 11.1.2 provides direction as to the types of adverse effects on biodiversity that plans should recognise.</p>	<p><i>b) reduction in the extent of indigenous ecosystems and habitats</i></p> <p><i>c) loss of corridors or connections linking indigenous ecosystems and habitat fragments or between ecosystems and habitats (ecological sequences from mountains to sea)</i></p> <p><i>d) loss or disruption to migratory pathways in water, land or air</i></p> <p><i>e) effects of changes to hydrological flows, water levels, and water quality on ecosystems</i></p> <p><i>f) loss of buffering of indigenous ecosystems</i></p> <p><i>g) loss of ecosystem services</i></p> <p><i>h) Loss, damage or disruption to ecological processes, functions and ecological integrity</i></p> <p><i>i) Changes resulting in an increased threat from animal and plant pests</i></p> <p><i>j) effects which contribute to a cumulative loss or degradation of indigenous habitats and ecosystems</i></p> <p><i>k) noise, visual and physical disturbance on indigenous species.</i></p>
P3(f) Development in the Peacocke Precinct and P5(s) Subdivision	Support	<p>Aligns with the following provisions of WRPS:</p> <ul style="list-style-type: none"> <li>• Implementation method 4.1.13: District plans shall recognise and provide for the projected effects of climate change.</li> <li>• Development principle 6A(p): New development should be appropriate with respect to projected effects of climate change and be designed to allow adaptation to these changes.</li> </ul>	Retain.
P3(g) and P5(u) Development in the Peacocke Precinct where	Support.	These provisions align with WRPS policies 13.1 and 13.2 for natural hazard risk management.	Retain.

located within the Seismic Setback Line ...			
<b>Appendix 1.4 - Design Guides</b>			
1.4.10 Peacocke Local Centre Design Guide	Support	We particularly support emphasis on connectivity to public transport corridors and access to local centre.	Retain.
<b>Appendix 2 - Structure Plans</b>			
Figure 2-3 Natural Environment and Heritage Map	Support	The overview identification of natural environment and heritage elements on Map 2-3 help to define the key green or ecological infrastructure of the area. Key elements include proposed SNAs, proposed significant bat habitat areas, proposed Esplanade Reserves, proposed bat corridors, existing wetlands, proposed stormwater wetlands, and significant trees. All elements are required to protect and enhance indigenous biodiversity and give effect to WRPS Policy 11.1 and 11.2. The preliminary AEE report notes that completion of a full wetland inventory was deferred (due to lack of data) and consenting processes to give effect to the NPS Freshwater Management (NPS-FM) would pick this up. Any additional wetland areas identified through this process would also need to be added to the plan maps.	Retain Map 2-3. Note that additional wetlands will likely be identified as part of assessments to give effect to NPS-FM requirements.
Transport Network figure on page 2-5	Support in part	A number of additional bus stop locations need to be defined to ensure connectivity and maximise access to the public transport network. It is considered that bus stops on public transport corridors should be spaced 400-600 metres apart.	Additional stops need to be included on the Arterial network as follows: 1. One pair of additional stops at the point at which the new Major Arterial severs Weston Lea Drive. 2. Two pairs of additional stops on the North-South Minor Arterial south of Peacocke Local Centre. 3. One pair of additional stops on the North-South Minor Arterial north of Peacocke Local Centre.
<b>Appendix 9 – Natural Environments</b>			
Add additional Significant Natural Areas in Peacocke: SNA 60 Hall Road, SNA 61	Support	The assessment of SNAs using the WRPS criteria and their identification on planning maps is supported. The SNAs as identified provide for improved protection of landscape scale ecological connectivity and for delineating critical habitat for threatened	Retain extent of SNA as mapped and add any wetlands identified on the Peacocke Features Map and on Maps in 17A.



Mangakotukutuku gully, SNA 62 Waikato River Esplanade.		<p>species. This gives effect to the WRPS Policy 11.2 and methods (including Table 11-1).</p> <p>Some of the wetlands that have been identified (Peacocke Features Map, Planning Maps in 17a) sit outside of the defined Natural Open Space Zone and do not have an SNA delineation. Any wetland identified is likely to trigger criterion 4 of the WRPS and therefore warrants identification as SNA.</p>	
<b>Appendix 15 - Transportation</b>			
Requirement for Integrated Transport Assessments	Support	It is considered that developers must demonstrate how the design of their developments prioritise walking as the fundamental unit of movement within the Structure Plan area as well as demonstrating how they will cater for cycling, the provision of bus stops and the general safety of pedestrians, cyclists and residents. It will also be important to protect the function of the regionally significant Southern Links corridor (key WRPS and RLTP policy requirements), meaning that developers will be required to assess and manage the transportation and land use effects on the main transportation arterials running through the Structure Plan area.	Retain.
Table 15-6b: Criteria for the form of Transport Corridors in the Peacocke Structure Plan for Collector – PT Route	Support	<p>The proposed cross sections are satisfactory, and there is support for no minimum parking standards.</p> <p>The emphasis on an integrated and holistic approach to positive safety outcomes in the Peacocke Structure Plan is strongly supported. Safety perceptions are a key barrier to the uptake of active mode trips, particularly by bike. The proposed design speeds for different environments within the Peacocke Structure Plan are strongly supported – particularly the design speed environment of 30km/hr for local roads. Developing an environment that is designed to be survivable for all road users is strongly commended and is consistent with national and regional Vision Zero safety policy. We note that DEV01-PSP: COMPONENTS OF THE PEACOCKE STRUCTURE PLAN describes the characteristics and principles for</p>	<p>Retain.</p> <p>Amend supporting documents to strengthen guidance on how various design speed environments, particularly that of 30km/hr for local roads, are to be achieved and enforced.</p>

		Peacocke's transportation network, however, it would be beneficial to offer greater guidance around how development and maintenance of the prescribed environments will be enforced to ensure the continued achievement of their intended outcomes.	
Transport corridor hierarchy plans	Support	The priority given to public transport on the proposed minor arterial network is strongly supported, as is the identification of possible future mass transit public transport routes eventually connecting Hamilton Airport with Hamilton City centre.	Retain.
<b>Appendix 17 - Planning Maps</b>			
Peacocke zoning and features maps in the National Planning Standards. Identification of Significant Bat Habitat Areas.	Support	This provides a more detailed view of zoning and features notations. Wetlands are more easily identified on these maps. Maps 57B and 64B identify Waikato River and Gully Hazard Areas that are not part of the Natural Open Space Zone. Such areas could provide opportunities to enhance and restore gullies as part of the overall ecological network and provide for remediation or mitigation for areas of the ecological network that are adversely impacted from other development such as road networks (outside of the Southern Links designation). They could also provide additional mitigation for hydrological effects given uncertainty around climate variability.	Retain plan maps.  Assess opportunity to delineate additional ecological restoration or enhancement areas (or ecological and hydrological mitigation areas) on the maps aligned to gully hazard areas. These areas already have some hazard constraint to development.
<b>APPENDIX H - Peacocke Structure Plan Urban Design Report</b>			
General framework	Support	The Peacocke Structure Plan supports the national and regional vision for a mode shift in transport, setting up a framework for an integrated land use and transport network that prioritises walking and cycling active modes, reduces car dependency and provides a safe and accessible urban environment with well-planned public transport services. For these reasons, we generally <b>support</b> the framework set out, in particular, encouraging high-density development around the suburban and neighbourhood centres and along key transport routes to support a high-frequency public transport service. Density and amenity standards that focus on ensuring pedestrian and cyclist safety and that support a walkable environment with separated cycleways are also supported.	Retain.





Department of Conservation  
*Te Papa Atawhai*

5th November 2021

Hamilton City Council  
Private Bag 3010  
Hamilton 3240  
New Zealand

To whom it may concern,

**SUBMISSION ON PLAN CHANGE 5 (PEACOCKE STRUCTURE PLAN) TO THE HAMILTON CITY OPERATIVE DISTRICT PLAN**

Please find attached a submission on behalf of the Director-General of Conservation in respect of the Plan Change 5 (Peacocke Structure Plan) to the Hamilton City Operative District Plan.

The Director-General recognises the need for housing in Hamilton and is not opposed to urban development in the Peacocke area. The issue is how to ensure that the most appropriate provisions are in place to protect, restore, and enhance significant natural areas, including the habitat of the Threatened Nationally Critical Long-tailed Bat.

Despite this opposition the Director-General remains committed to working with Hamilton City Council to resolve the matters set out in this submission.

If you have any questions or would like to discuss this submission, please contact Jesse Gooding on 027 224 8714 or [jgooding@doc.govt.nz](mailto:jgooding@doc.govt.nz)

Yours sincerely

A handwritten signature in black ink, appearing to read 'D Patterson'.

Dion Patterson  
Acting Operations Manager  
Waikato District  
Department of Conservation

## RESOURCE MANAGEMENT ACT 1991

### SUBMISSION ON PROPOSED PLAN CHANGE 5 TO THE HAMILTON CITY OPERATIVE DISTRICT PLAN: PEACOCKE STRUCTURE PLAN

**TO:** Hamilton City Council

**SUBMISSION:** Proposed Plan Change 5 to the Hamilton City Operative District Plan:  
Peacocke Structure Plan (**Plan Change 5**)

**SUBMITTER:** Penny Nelson  
Director-General of Conservation

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### STATEMENT OF SUBMISSION BY THE DIRECTOR-GENERAL OF CONSERVATION

Pursuant to Clause 6 of the First Schedule, Resource Management Act 1991 (RMA), I, Dion Patterson, Operations Manager, Waikato District, submit the following on behalf of the Director-General of Conservation:

#### SCOPE OF SUBMISSION

1. This submission relates to Plan Change 5 in its entirety.

#### NATURE OF SUBMISSION

2. The Director-General of Conservation (**'the Director-General'**) opposes Plan Change 5 in its notified form.
3. The Director-General recognises the need for housing in Hamilton and is not opposed to urban development in the Peacocke area. The issue is how to ensure that the most appropriate provisions are in place to protect, restore, and enhance significant natural areas, including the habitat of the Threatened Nationally Critical Long-tailed Bat.
4. In its current form, Plan Change 5 raises a number of concerns for the Director-General. In particular:
  - a. There are gaps in the identification, mapping, and protection of the significant natural areas in the Peacocke Structure Plan Area, including habitat that is used by the Threatened Nationally Critical Long-tailed Bat. In addition, there are gaps in the protection of other areas that are required for commuting, foraging and socialisation of Long-Tailed Bats.

- b. A landscape wide approach is required and Plan Change 5 needs to include appropriate provisions to ensure that the conditions applying to the Weston Lea subdivision<sup>1</sup> (**'Amberfield'**) provide minimum standards for subdivision within the Peacocke Structure Plan Area, including in relation to the protection of the Threatened Nationally Critical Long-tailed Bat.

- 5. The Environment Court noted in *Weston Lea Ltd v Hamilton City Council*<sup>2</sup> that:

The Objective of Chapter 20 of the HDP is clear: *Significant Natural Areas are protected, restored and enhanced...*

## BACKGROUND

- 6. The Director-General has all the powers reasonably necessary to enable the Department of Conservation (**'the Department'**) to perform its functions. A function of the Department is to advocate for the conservation of natural and historic resources generally. Section 2 of the Conservation Act 1987 defines 'conservation' to mean *'the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations'*.
- 7. The Director-General could not gain an advantage in trade competition through this Submission.

## REASONS FOR SUBMISSION

- 8. The decisions sought in this submission are required to ensure that Plan Change 5:
  - a. promotes the sustainable management of natural and physical resources as required by Part 2 of the RMA;
  - b. provides for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna as required by section 6 (c) of the RMA;
  - c. has particular regard to the intrinsic values of ecosystems as required by section 7 (d) of the RMA;
  - d. is otherwise consistent with Part 2 of the RMA.
- 9. Section 6(c) of the RMA states:

**6. Matters of national importance**

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural

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<sup>1</sup> See final decision in *Weston Lea Ltd v Hamilton City Council* [2021] NZEnvC 149.

<sup>2</sup> Interim decision in *Weston Lea Ltd v Hamilton City Council* [2020] NZEnvC 189 at para 43.

and physical resources, shall recognise and provide for the following matters of national importance:

...

- (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

10. A district plan must give effect to the Waikato Regional Policy Statement ('**WRPS**'). Policy 11A of the WRPS specifies that to be identified as significant an area needs to meet one or more of the criteria in Table 11.1. Criteria 3 in Table 11-1 includes:

... vegetation or habitat that is currently habitat for indigenous species or associations of indigenous species that are:

- Classed as threatened or at risk, or
- Endemic to the Waikato region, or
- At the limit of their natural range.

11. In *Weston Lea Ltd v Hamilton City Council*<sup>3</sup> the Environment Court stated:

[40] ... It ... comes as a surprise to the Court, in light of the warranted concern held for the future of the Long-tailed Bat, that no commonly identified and generally agreed Bat Protection Area is currently contained in Schedule 9C.

[41] This is an unfortunate oversight. It is a matter requiring urgent redress. In fairness, we understand this to be the case with the necessary policy development work being undertaken by the Council.

[42] At the same time, the oversight cannot be ignored. There is a diminishing population of an endangered species of native New Zealand fauna, deemed to be so rare as to be classified Nationally Critical pursuant to the New Zealand Threat Classification System. Given the acknowledged adverse effects from land use development, appropriate steps need to be taken based on Part 2 of the Act s 6(c) and relevant plans.

12. This submission includes Attachment 1 and further reasons for this submission are set out in Attachment 1.

## **RELIEF SOUGHT**

13. The Director-General opposes Plan Change 5 in the form as notified and seeks changes to address the matters raised above.
14. In addition to the matters raised above, which the Director-General seeks to be resolved, the Director-General also seeks:
  - a. The detailed relief, including changes to the proposed provisions, set out in Attachment 1; and
  - b. Any other similar, alternative, additional, or consequential relief which will address the matters outlined in this submission.

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<sup>3</sup> Interim decision in *Weston Lea Ltd v Hamilton City Council* [2020] NZEnvC 189.

15. The Director-General remains committed to working with Hamilton City Council to resolve the matters set out in this submission.
16. I **do** wish to be heard in support of my submission. If others make a similar submission, I will consider presenting a joint case with them at a hearing.

DATED AT HAMILTON THIS 5th DAY OF NOVEMBER 2021



Dion Patterson  
Acting Operations Manager  
Waikato District

Acting pursuant to delegated authority  
on behalf of Penny Nelson  
Director-General of Conservation

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Hamilton

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A copy of the Instrument of Delegation may be inspected at the Office of the Director-General of Conservation.



**ATTACHMENT 1**  
**PROPOSED PLAN CHANGE 5 [PEACOCKE STRUCTURE PLAN]**  
**SUBMISSION BY THE DIRECTOR-GENERAL OF CONSERVATION**

The decision that has been requested may suggest new or revised wording for identified sections of the proposed plan. This wording is intended to be helpful but similar, alternative, or additional wording which will address the matters outlined in this submission may be equally acceptable. The wording of decisions sought shows new text as underlined and original text to be deleted as ~~striketrough~~. I also seek such consequential relief as may be necessary or appropriate to address the matters outlined in this submission

PC REF	SUPPORT/OPPOSE	POSITION AND REASON	RELIEF SOUGHT
Plan Wide Issues			
Terminology relating to bat habitat.		<p>The Director-General submits there needs to be consistency between the Environment Court decision and conditions of consent for the Amberfield subdivision and the Structure Plan. In particular, there is a disconnect between what are referred to as 'Bat Priority Areas' in Amberfield and the terminology used in the Structure Plan. In Amberfield Bat Priority Areas cover ecological corridors for the movement of bats, including Significant Natural Areas (SNAs), development setbacks to buffer ecological corridors along with roost trees and their respective buffers or development setbacks.</p> <p>The Structure Plan refers to the Natural Environment and Open Space Network at a high level, or at a more granular level to ecological corridors and identified significant bat habitat. This only includes bat corridors identified on the zoning map but does not include roost trees or other areas</p>	<p>Amend the Structure Plan to refer to significant bat habitat such as ecological corridors for the movement of bats, Significant Natural Areas (SNAs), development setbacks to buffer ecological corridors along with roost trees and their respective buffers or development setbacks to <u>Bat Priority Areas</u>.</p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>

PC REF	SUPPORT/OPPOSE	POSITION AND REASON	RELIEF SOUGHT
		of habitat outside of these corridors or SNAs. For consistency with Amberfield and to address the full range of bat habitat within the PSPA the Structure Plan should use the term 'Bat Priority Area/s' where appropriate.	
Mapping		The Director-General submits that the Peacocke Precinct Land-use, Features and Zoning Maps omit areas of bat habitat that require protection. Of the 720 ha Structure Plan Area there will be the loss of c.500 ha of habitat that has been classified as low and medium value habitat as well as c.3.09 ha of high value habitat. The Director-General is willing to work with the council and other submitters to resolve mapping issues and secure appropriate protection for long-tailed bats and their habitat.	Amend the Peacocke Precinct Land-use, Features and Zoning maps to include additional areas of bat habitat as 'Bat Priority Areas.'  Any other amendments that may be necessary or appropriate to address my concerns.
Bat habitat outside of identified habitat		The Director-General is cognisant that Bats will continue to use areas that will not be identified for protection through this plan review. This might include areas of pasture, potential roost trees and flight paths throughout the PSPA. As a result, the design of land development needs to respond to bat activity across PSPA not just at the margins of Bat Priority Areas.	Amend Objectives, Policies and Rules so that development is designed to respond to long-tailed bat activity across the PSPA.  Any other amendments that may be necessary or appropriate to address my concerns.
Walking /Cycleways		The Director-General is concerned that the location of walking/cycleways within and at the margins of Bat Priority Areas may require the removal of actual and potential roost trees due to health and safety requirements. The Director-General wishes to ensure that walking/cycle ways are designed to avoid the removal bat roosts and other habitat.	Include a directive that walking/cycleways are located and designed to avoid the removal of bat roosts and other habitat in the first instance. Where this is not possible protocols for minimising the risk of felling bat roosts must be adhered to.  Any other amendments that may be necessary or appropriate to address my concerns.

PC REF	SUPPORT/OPOSE	POSITION AND REASON	RELIEF SOUGHT
Density of housing in proximity to Bat habitat		\ The Director-General asks Council to consider the impact of high and medium density housing adjacent to Bat Priority Areas as will be enabled through the Structure Plan. Further, there should be consideration of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill that will enable multiple houses of up to three storeys on most residential sites. This level of intensification adjoining or adjacent to Bat Habitat is likely to fragment airspace that bats would otherwise use to access their habitat and have an overall adverse impact on bats.	<p>Include consideration of, and provision for, the buffers and other measures that will be required to protect the Bat Priority Areas from housing intensification.</p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
Restoration and enhancement		<p>The Director-General notes there is a focus throughout the Structure plan on management of adverse effects on indigenous biodiversity but considers there needs to be a shift towards restoration and enhancement to better have regard to Section 6(c) In addition, the Structure Plan lacks clear guidance for plan users on biodiversity offsetting in terms of bat habitat and other significant biodiversity such as wetland and wetland fauna.</p> <p>This should be provided. Up to date guidance is available here <a href="https://www.doc.govt.nz/about-us/our-policies-and-plans/guidance-on-biodiversity-offsetting/">https://www.doc.govt.nz/about-us/our-policies-and-plans/guidance-on-biodiversity-offsetting/</a></p>	<p>Provide clear guidance in the Structure Plan on biodiversity offsetting.</p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
Bat and Habitat and Enhancement Review Panel ('The Panel')		Given the difficulty associated with ensuring consistency, communication and efficiencies across multiple developments and time frames within the area, it is suggested the formation of an overarching panel be considered for the PSPA as per condition 80 of the Amberfield subdivision resource consent. The panel would be notified of any resource consents within the area and seek to ensure consistency of effects management, be responsible for ensuring a net gain in biodiversity is	<p>Amend the Structure Plan to require the formation of a Bat and Habitat Enhancement Panel. The Panel would be similar in composition to that required by Condition 80 of the Amberfield subdivision resource consent, including representatives of the Department of Conservation.</p> <p>The Panel would be required to make recommendations on:</p>

PC REF	SUPPORT/OPPOSE	POSITION AND REASON	RELIEF SOUGHT
		achieved at the conclusion of development in the area and review management plans, monitoring results and enhancement reports submitted by developers.	<p>(a) The initial preparation of Bat Protection Plans and subsequent reviews;  (b) sub-plans for Construction Works within the Bat Priority Areas;  (c) the review of monitoring and compliance reports.</p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
Monitoring		There is no directive to monitor and report on the effectiveness of measures to avoid, remedy and mitigate (or offset and compensate). The absence of such a directive compromises the efficacy of the plan in carrying out its functions under Part 2 of the RMA.	<p>Add an Objective, Policy and guidance to ensure monitoring and reporting is required to assess the efficacy of measures to avoid, remedy and mitigate (or offset and compensate) the effects of development on significant indigenous biodiversity.</p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
Domestic cats		The plan is silent on domestic cats, other predators and pest control. This is inconsistent with Amberfield and inadequate to protect the critically endangered long-tailed bat and other indigenous fauna.	<p>Amend the structure plan to include objectives, policies and rules prohibiting domestic cats within the PSPA.</p> <p>Provide further information on how the Structure Plan will minimise the impact of predation on long-tailed bats and other indigenous fauna.</p>

PC REF	SUPPORT/OPPOSE	POSITION AND REASON	RELIEF SOUGHT
			Any other amendments that may be necessary or appropriate to address my concerns.
Roads		The Director-General is concerned that Bat Priority Areas will adjoin or intersect with sections of the roading network in the PSPA. This is likely to have an adverse impact on long-tailed bats and their habitat if roads are inappropriately designed and located.	Consider relocation of roading sections that cross Bat Priority Areas and introduce Policies and Rules to avoid and minimise the effect of road lighting and light emission from vehicle headlights on Long-tailed bats and their habitat.  Any other amendments that may be necessary or appropriate to address my concerns.
Kauri Dieback		Kauri Dieback is caused by a pathogen that is easily spread through soil movements, including when it is carried on footwear, equipment and vehicles. The disease is threatening Kauri with functional extinction and requires collaborative work to manage the disease and control any further spread. Council. The Director-General considers that provisions of Thames Coromandel District Plan, as they relate to the management of Kauri Dieback disease, should be adopted into the Proposed Plan, where appropriate.	Include provisions to address the management of kauri dieback, particularly around earthworks and measures to prevent spread of the disease.  Any other amendments that may be necessary or appropriate to address my concerns.
Submission points by chapter Chapter 3A - Objectives			
DEV01-PSP: O7	Oppose	The Director-General considers this objective is inconsistent with Section 6(c) of the RMA. Urban development should 'protect' rather than respond to the area's natural environment and ecological values.	Change wording to:  Urban development <del>responds to</del> <u>protects</u> the area's natural environment and ecological values <u>and responds to</u> natural hazards.

PC REF	SUPPORT/OPPOSE	POSITION AND REASON	RELIEF SOUGHT
			Any other amendments that may be necessary or appropriate to address my concerns
DEV01-PSP: O8	Oppose	The Director-General submits that Business Centres should not adversely impact the form and function of long-tailed bats and their habitat just as other development needs to respond to the presence of long-tailed bats.	<p>Change the wording to:</p> <p>Business Centres in the Peacocke Precinct are well designed to <u>avoid adverse effects on long-tailed bats and their habitat and</u> integrate with surrounding neighbourhoods, provide for multi-level apartment buildings and create distinctive places that are functional, safe, attractive and vibrant.</p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
DEV01-PSP: O11	Oppose	The Director-General considers the earthworks objective should aim to protect ecological values.	<p>Change wording to:</p> <p>Earthworks in the Peacocke Structure Plan are undertaken in a comprehensive and integrated manner, ensuring a high amenity urban environment that <u>protects ecological values such as actual and potential long-tailed bat habitat and</u> is sympathetic to the areas topographical character.</p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>

PC REF	SUPPORT/OPOSE	POSITION AND REASON	RELIEF SOUGHT
DEV01-PSP: O13	Oppose	<p>The Director-General considers all significant habitat of indigenous fauna and significant indigenous vegetation needs to be protected or otherwise addressed by the mitigation hierarchy. It is also unclear how the structure plan will achieve this for bat habitat, not protected through an SNA, corridor or buffer. For example, the 4Sight long-tailed bat report identifies long-tailed bat habitat north of the sports field that is not carried over to the Zoning Map for the Peacocke Structure Plan Area. Of further concern to the Director-General is the fact that monitoring has mainly occurred in the south, west and east of the Peacocke area (particularly through the Southern links Road project) so there will be roosting trees that have not been identified within the PSPA.</p>	<p>Change the wording to:</p> <p>Protect and enhance <del>identified significant the</del> habitat of indigenous fauna and significant indigenous vegetation.</p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
Additional Objective		<p>The Director-General suggests adding an objective that specifically protects and enhances the actual and potential habitat of long-tailed bats, acknowledging that they are critically endangered fauna with little tolerance for the actual, potential and/or residual effects of land development.</p> <p>The Director-General notes that in its current form it is unclear how the structure plan will achieve protection and enhancement of bat habitat, not protected through an SNA, corridor, or buffer. For example, the 4Sight long-tailed bat report identifies long-tailed bat habitat north of the sports field that is not carried over to the zoning map for the Structure Plan Area. Of further concern is the fact that long-tailed bat monitoring has mainly occurred in the south, west and east of the Peacocke area (particularly through the</p>	<p>Suggested wording:</p> <p><u>Protect and enhance bat priority areas and avoid adverse effects on other areas of potential bat habitat.</u></p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>

PC REF	SUPPORT/OPPOSE	POSITION AND REASON	RELIEF SOUGHT
		Southern Links Road project) but not in Peacocke so there will be roosting trees that have not been identified within the PSPA. These areas, both known and unknown, need to be protected and enhanced or otherwise addressed through the mitigation hierarchy.	
DEV01-PSP: O14	Oppose	While the intent of the objective is supported there will need to be changes made to the structure plan maps to protect all significant long-tailed bat habitat, corridors and buffers within the PSPA. There also needs to be an acknowledgment that the purpose of creation and protection of open space corridors is to enable long-tailed bats to thrive. It is suggested the Director-General's suggested objective above would better provide for protection of long-tailed bats and their habitat.	<p>Change the wording to:</p> <p>Create and protect <del>identified</del> <u>Bat Priority Areas ecological and open space corridors for the purpose of protecting and enhancing the habitat of long-tailed bats.</u></p> <p>Any other amendments that may be necessary or appropriate to address my concerns</p>
DEV01-PSP: O15	Oppose	The objective needs to acknowledge that 'ecological areas' are home to New Zealand's critically endangered long-tailed bats and that development should effectively apply the mitigation hierarchy by practicing avoidance of adverse effects in the first instance.	<p>Change the wording to:</p> <p>Enable development adjacent to <del>ecological areas</del> <u>Bat Priority Areas</u> where it is designed to <del>manage</del> <u>avoid the adverse effects</u> of development on the function of these areas <u>in the first instance.</u></p> <p>Any other amendments that may be necessary or appropriate to address my concerns</p>



PC REF	SUPPORT/OPPOSE	POSITION AND REASON	RELIEF SOUGHT
DEV01-PSP: O16	Oppose	The Director-General considers these objectives need to enable New Zealand's critically endangered long-tailed bat to thrive.	<p>Change the wording to:</p> <p>Establish a network of open space, and <del>ecological corridors</del> <u>Bat Priority Areas</u> that support ecological values <u>such as, protection and enhancement of long-tailed bat habitat of the Peacocke Area</u> and provides passive recreation opportunities where they do not conflict with ecological values.</p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
Additional Objective		The Director-General submits that more could be done to provide for the connectivity of bat habitat within the PSPA. For instance, the 4Sight long-tailed bat report identifies 'low', 'moderate' and 'high' value bat habitat throughout the PSPA while the proposed Structure Plan Zoning Map only identifies 'high value' areas for protection. More of the 'moderate habitat' could be added to the network of ecological corridors to better provide for the movement of bats. In particular, bat habitat north of the sports field could be added to connect the rest of the network with the bat corridor at the northern margin of the PSPA.	<p>Add Objective:</p> <p><u>The identified <del>ecological and open space corridors</del> Bat Priority Areas provide a high level of connectivity within the Peacocke Structure Plan Area and to surrounding long-tailed bat habitat.</u></p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
Policies			
DEV01-PSP: P5	Oppose	The Director-General considers co-location of recreational activities with bat priority areas would be inappropriate. It is suggested the policy is revised to require avoidance of the actual or potential adverse effects of these activities on long-tailed bat habitat.	<p>Change the wording to:</p> <p>Recreational activities are considered for co-location with:</p>

PC REF	SUPPORT/OPOSE	POSITION AND REASON	RELIEF SOUGHT
			<ol style="list-style-type: none"> <li>1. Multifunctional stormwater management.</li> <li>2. Walkways and cycleways.</li> <li>3. Cultural and heritage sites.</li> <li>4. Significant Natural Areas.</li> </ol> <p><u>While avoiding actual or potential adverse effects on long-tailed bats and their habitat.</u></p> <p>Any other amendments that may be necessary or appropriate to address my concerns</p>
DEV01-PSP: P6	Oppose	This policy should give consideration to the protection of long-tailed bat habitat.	<p>Change the wording to:</p> <p>Promote appropriate and improved access to the Waikato River to better enable sporting, recreational, and cultural opportunities <u>while protecting long-tailed bats and their habitat.</u></p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
DEV01-PSP: P13	Oppose	The Director-General is concerned that part 2 of P13 may conflict with the protection and enhancement of long-tailed bats and their habitat.	<p>Change the wording to:</p> <p>Higher density development in the Peacocke Structure Plan:</p>

PC REF	SUPPORT/OPPOSE	POSITION AND REASON	RELIEF SOUGHT
			<p>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.</p> <p><del>May be provided along areas of natural open space including the river corridor and gully network</del></p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
DEV01-PSP: P23	Oppose	The Director-General considers P23 should be revised to specifically include protection of long-tailed bats.	<p>Change the wording to:</p> <p>Near identified <del>ecological corridors</del> <u>Bat Priority Areas</u>, ensure the design and location of buildings, infrastructure and lighting is managed throughout the Peacocke Structure Plan in order to maintain the ecological role and function of those corridors, <u>including protection for long-tailed bats</u>.</p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
Natural Environment			
DEV01-PSP: P27	Oppose	The Director-General supports the intent of Policy DEV01-PSP: P27, however requests amendments to ensure the policy gives effect to the WRPS.	Change the wording to:

PC REF	SUPPORT/OPPOSE	POSITION AND REASON	RELIEF SOUGHT
			<p>The loss of significant vegetation is <del>minimised</del>. <u>avoided in the first instance.</u></p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
DEV01-PSP: P30	Oppose	The Director-General requests amendments to Policy DEV01-PSP: P30 to provide clear protection of long-tailed bats.	<p>Change the wording to:</p> <p>Protect the physical integrity and ecological and stormwater function of the Mangakotukutuku Gully and Waikato River margins-, <u>including protection for long-tailed bats and their habitat.</u></p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
DEV01-PSP: P31	Oppose	The Director-General generally supports Policy DEV01-PSP: P31 but requests amendments to direct that revegetated gullies and river margins provide for the protection and enhancement of long-tailed bat habitat.	<p>Change the wording to:</p> <p>Provide for revegetated gullies and river margins- <u>to enable protection and enhancement of long-tailed bat habitat.</u></p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
DEV01-PSP: P35	Oppose	The Director supports the intent of this policy but considers significant long-tailed bat habitat is not restricted to the Mangakotukutuku Gully and Waikato River. The Director-	Change the wording to:

PC REF	SUPPORT/OPOSE	POSITION AND REASON	RELIEF SOUGHT
		General requests the policy be amended to include all significant long-tailed bat habitat such as, Significant Natural Areas, ecological corridors, bat habitat buffers and all actual and potential bat roosts.	<p>Protect <u>Bat Priority Areas within the Peacocke Structure Plan Area including Significant Natural Areas, ecological corridors, bat habitat buffers and actual and potential bat roosts adjoining the edge of the Mangakotukutuku Gully and Waikato River</u> to ensure long tailed bats are able to continue to utilise <del>these areas.</del> <u>their habitat.</u></p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
DEV01-PSP: P36	Oppose	The Director-General generally supports Policy DEV01-PSP: P36 but requests the policy be amended to include all development adjacent to long-tailed bat habitat including but not limited to, significant natural areas, ecological corridors, bat habitat buffers and actual and potential bat roosts. P36 should include a directive requiring development meet performance standards, such as lighting standards as setbacks alone are insufficient to support the ecological function of bat habitat	<p>Change the wording to:</p> <p>Require development adjacent to <del>the gully network and Waikato River</del> <u>Bat Priority Areas</u> to meet required setbacks and <u>performance standards</u> to support the ecological function of these areas.</p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
DEV01-PSP: P37	Oppose	The Director-General requests amendments to Policy DEV01-PSP: P37 to ensure connectivity is provided between significant areas of bat habitat across the PSPA. Bat habitat is not restricted to the Mangakotukutuku Gully and Waikato River.	<p>Change the wording to:</p> <p>Provide ecological corridors between <del>the major arms of the Mangakotukutuku Gully and Waikato River</del> <u>Bat Priority Areas</u> of sufficient width that enables the movement of long tailed bats.</p>

PC REF	SUPPORT/OPPOSE	POSITION AND REASON	RELIEF SOUGHT
			Any other amendments that may be necessary or appropriate to address my concerns. <del>between the two areas.</del>
Additional Policy addressing the prohibition of cats.		The Director-General considers there needs to be consistency between the Amberfield subdivision and the Peacocke Structure Plan. For example, if there is not a cat ban in the Peacocke Structure Plan, the efficacy of the cat ban in Amberfield will be compromised. Peacocke Structure Plan aims to incorporate 8000 homes into the area. Cat occupancy in urban areas is around 35% (van Heezik et al. 2010). <sup>4</sup> This means that if there is no cat ban there will be an influx of c.2800 cats to the area. Cats are known to be predators of long-tailed bats (Dwyer 1962, Daniel & Williams 1984, O'Donnell 2000, Unpublished Department of Conservation records) <sup>5</sup> so an increase of thousands of cats is liable to have a significant adverse effect on bats.	Add policy:  <u>Exclude cats and other predators from the Peacocke Structure Plan Area in order to protect long-tailed bats from predation.</u>  Any other amendments that may be necessary or appropriate to address my concerns
Additional Policy to address monitoring of long-tailed bats		The Director-General considers that to protect, enhance and restore long-tailed bat habitat and to enable bats to thrive stakeholders will need to have a more complete understanding of the long-tailed bat population within the	Add a policy directing that monitoring of the PSPA long-tailed bat population must occur before and after development.

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4 van Heezik Y, Smyth A, Adams A, Gordon J 2010. Do domestic cats impose an unsustainable harvest on urban bird populations? *Biological Conservation*, 143, 121–130.

5 Dwyer PD 1962. Studies on the two New Zealand bats. *Zoology Publications from Victoria University of Wellington*, **28**, 1 28.

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PC REF	SUPPORT/OPPOSE	POSITION AND REASON	RELIEF SOUGHT
		PSPA. This will require bat surveys and other monitoring by appropriately qualified person/s to be undertaken prior to the granting of resource consents. Further, there will need to be on-going reporting on the efficacy of measures to avoid, remedy, mitigate or offset and compensate for the adverse effects of development on bats. Consequently, the Director-General submits there should be a policy directive to enable sustained monitoring of long-tailed bats within the PSPA.	Amendments to the 'Information requirements' Appendix will be required to make this policy effective.  Any other amendments that may be necessary or appropriate to address my concerns
Transportation			
Additional Policy to address connectivity of bat habitat		The Director-General requests a further transportation policy directing that the transport network will be designed to avoid adverse effects on long-tailed bats and their habitat by using such methods as a maximum artificial light spill from street lighting, maximum colour temperature for lights of 2700 K, planting to provide 'hop-overs', and screening planting along the sides of roads to reduce the adverse impact of headlight spill-over into long-tailed bat habitat. The Director-General notes that design of the transportation network needs to integrate with and account for the effects mitigation and offsetting measures being undertaken as part of the Southern Links project. In planning for the Peacocke transport network it should be acknowledged that together with the Southern Links Road there will be cumulative effect on long-tailed bats that needs to be minimised.	Add policy:  <u>The transport network, including the Southern Links Road is designed to promote the physical and functional connectivity of long-tailed bat habitat.</u>  Any other amendments that may be necessary or appropriate to address my concerns
Infrastructure			

PC REF	SUPPORT/OPPOSE	POSITION AND REASON	RELIEF SOUGHT
DEV01-PSP: P70	Support	The Director-General supports Policy DEV01-PSP: P70	Retain as notified.
DEV01-PSP: Components of the Peacocke Structure Plan - Natural Environment			
Long-tailed bat habitat		While these paragraphs provide a reasonably comprehensive discussion on long-tailed bat habitat, it should be noted that the Zone Plan does not show as much bat habitat as the paragraph suggests – the long-tailed bat habitat erroneously referred to in the 4Sight's long tailed bat report as medium to low value habitat has been largely omitted from the zoning map.	Amend the Natural Environment component to address protection of and avoidance of adverse effects, areas of potential bat habitat.  Any other amendments that may be necessary or appropriate to address my concerns
5m buffer	Oppose	The Director-General considers there needs to be consistency between the Amberfield subdivision and the Peacocke Structure Plan. To achieve this consistency the 5-metre setback area would have no buildings minimal external lighting within it.	Amend the bullet point addressing <b>Development setback</b> .  Change the wording to:  <u>Along with the <del>Bat Habitat Area</del> Bat Priority Area a 5m development setback is proposed along the interface with the <del>Bat Habitat Area</del> Bat Priority Area. The setback aims to avoid the location of <del>control</del> any buildings and minimise the spill of external lighting and associated effects on the adjoining bat habitat areas.</u>  Any other amendments that may be necessary or appropriate to address my concerns
Lighting controls	Oppose	The Director-General considers there needs to be consistency between the Amberfield subdivision and the Peacocke Structure Plan. The maximum light level applying	Change the wording to:



PC REF	SUPPORT/OPPOSE	POSITION AND REASON	RELIEF SOUGHT
		in the Amberfield subdivision consent is 0.1 lux 3 metres inside the boundary of Bat Priority Areas. The Director-General requests that the paragraph dealing with lighting controls be amended to refer to standards to avoid artificial light spill from buildings and roads, including maximum lux levels and colour temperatures, and buffer planting for light screening.	<p>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 <u>avoidance of artificial light spill from buildings and roads, including maximum lux levels and colour temperatures, and buffer planting for light screening</u> <del>managing the impact lighting may have on the ability for the so that Bat Habitat Areas Bat Priority Areas</del> to remain dark spaces allowing bats to continue to use these areas as Peacocke urbanises.</p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
Additional components of Long-tailed bat habitat not discussed	Oppose	The Director-General requests that consideration be given to other long-tailed bat protection measures not discussed in this component. The importance of actual and potential roost trees i.e., all trees greater than 15 cm diameter at breast height, the need for a prohibition on domestic cats, and of predator control.	<p>Change the wording to:</p> <p>Include discussion of the importance of actual and potential roost trees i.e., all trees greater than 15 cm diameter at breast height, the need for a prohibition on domestic cats, and of predator control.</p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
Sports park	Oppose	It is unclear in this discussion how the operation of the major sports park will be compatible with the protection of long-tailed bats if night lighting is used at the park.	<p>Change the wording to:</p> <p>Include discussion of how operation of the major sports park will be compatible with the</p>

PC REF	SUPPORT/OPOSE	POSITION AND REASON	RELIEF SOUGHT
			<p>protection of long-tailed bats if night lighting is used at the park.</p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
Local Business Centre	Oppose	The local centre identified on the zoning map abuts Bat Priority Area. There is no discussion on how the local centre will be developed in a way that recognises this and ensures protection for Long-tailed bats and their habitat.	<p>Include discussion on how the local centre will be developed in a way that recognises this and ensures protection for the habitat of long-tailed bats.</p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
4A Medium Density Residential Zone – MRZ			
MRZ – PREC1-PSP: ISSUES	Oppose	The Director-General submits Hamilton is one of the few cities that long-tailed bats can be observed in peri-urban areas. How medium density housing will protect long-tailed bats and their habitat needs to address in the issues section.	<p>Include discussion of New Zealand’s critically endangered long-tailed bats, with a focus on how medium density housing will provide for the form and function of their habitat.</p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
MRZ-PREC1-PSP-Rules	Oppose	The rules generally provide for permitted activities that comply with the standards set out in the rules R36 to R48. These standards do not provide adequately for protection of long-tailed bats and their habitats, including no restriction on the removal of actual and potential roost trees, no prohibition on external lights within the 5-metre building setback, and no rule on the keeping of domestic	<p>Add Rules:</p> <p>To address the removal of actual and potential roost trees, prohibition of external lights within the 5-metre building setback, and no rule on the keeping of domestic cats</p>

PC REF	SUPPORT/OPPOSE	POSITION AND REASON	RELIEF SOUGHT
		cats. The Director-General considers these rules should apply across all zones in the PSPA. It is noted that a lighting standard has been added to the City-Wide Chapter 25.6 Lighting and Glare. The Director-General considers this should be referenced within the rule's framework in Chapters 4A and 23A for clarity.	Any other amendments that may be necessary or appropriate to address my concerns
Objectives			
Additional Objective		The Director-General requests including an objective to ensure residential development is compatible with protection and enhancement of long-tailed bats and their habitat.	<p>Add Objective:</p> <p><u>Residential development is designed and located to protect and enhance long-tailed bats and their habitat.</u></p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
Policies			
MRZ-PREC1 – PSP: P13		<p>The Director-General requests the intent of Policy MRZ-PREC1 – PSP: P13 specifically includes preservation of actual and potential bat roosting trees.</p> <p>This will require restrictions on the removal of any tree which has a breast height diameter greater than 15 cm.</p>	<p>Change the wording to:</p> <p><u>The removal of Significant vegetation and trees including actual and potential bat roosting trees is avoided in the first instance.</u></p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
MRZ - PREC1- PSP: P21		The Director-General requests Policy MRZ - PREC1- PSP: P21 be amended to protect long-tailed bats and their habitat from the effects of lighting.	<p>Change the wording to:</p> <p>Residential development is designed to <del>manage</del> avoid <u>adverse</u></p>

PC REF	SUPPORT/OPPOSE	POSITION AND REASON	RELIEF SOUGHT
			<p><del>lighting</del> effects on adjacent areas of <del>Natural Open Space</del>. <u>long-tailed bat habitat by requiring measures such as, a ban on domestic cats, controls on the removal of actual and potential roost trees, and buffer planting.</u></p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
SUB – PREC1-PSP: RULES – Activity Status			
SUB – PREC1-PSP: RULES	Oppose	These rules do not provide adequately for protection of long-tailed bats and their habitats, including no restriction on the removal of actual and potential roost trees, no prohibition on external lights within the 5-metre building setback, and no rule on the keeping of domestic cats. The Director-General considers these rules should apply across all zones in the PSPA. It is noted that a lighting standard has been added to the City-Wide Chapter 25.6 Lighting and Glare. The Director-General considers this should be referenced within the rule’s framework in Chapters 4A and 23A for clarity.	<p>Add Rules:</p> <p>To address the removal of actual and potential roost trees, prohibition of external lights within the 5-metre building setback, and no rule on the keeping of domestic cats.</p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
15A Natural Open Space Zone -NOSZ			
NOSZ – PREC1- P: O7	Support	The Director-General supports Objective NOSZ – PREC1- P: O7	Retain as notified.
NOSZ – PREC1- P: P18	Oppose	The Director-General is generally supportive of Policy NOSZ – PREC1- P: P18 but considers it could be strengthened by amending clause 2 to provide for enhancement of habitat as well as extending clause 3 by listing the important adverse effects to avoid. It is also unclear how ensuring	<p>Change the wording to:</p> <p>Identify and manage areas of Natural Open Space in the Peacocke Structure Plan to:</p>

PC REF	SUPPORT/OPPOSE	POSITION AND REASON	RELIEF SOUGHT
		access to long-tailed bat habitat is necessary for their protection as appears to be inferred in clause 1).	<p>1) Ensure the <u>protection and enhancement</u> <del>and access to</del>, <u>of</u> identified habitat of long-tailed bats;</p> <p>2) Provide habitat and connections for long tailed bats;</p> <p>3) <u>Avoid</u> the <u>adverse</u> effects of development on the habitat of long-tailed bats;</p> <p><u>By:</u></p> <ul style="list-style-type: none"> <li>a) <u>avoiding the adverse effects of lighting and noise within the Bat Priority Areas;</u></li> <li>b) <u>protecting bats from predation;</u></li> <li>c) <u>banning ownership of cats and mustelids within the Peacocke Structure Plan Area;</u></li> <li>d) <u>protecting roosting sites within the Bat Priority Areas; and</u></li> <li>e) <u>avoiding injury and/or mortality of roosting long-tailed bats during any tree removal.</u></li> </ul> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
NOSZ – PREC1- P: RULES – Activity Status			
NOSZ – PREC1- P: RULES	Oppose	These rules do not provide adequately for protection of long-tailed bats and their habitats, including no restriction on the removal of actual and potential roost trees, no	Add Rules:

PC REF	SUPPORT/OPPOSE	POSITION AND REASON	RELIEF SOUGHT
		prohibition on external lights within the 5-metre building setback, and no rule on the keeping of domestic cats. The Director-General considers these rules should apply across all zones in the PSPA. It is noted that a lighting standard has been added to the City-Wide Chapter 25.6 Lighting and Glare. The Director-General considers this should be referenced within the Rules framework in Chapters 4A and 23A for clarity.	To address the removal of actual and potential roost trees, prohibition of external lights within the 5-metre building setback, and no rule on the keeping of domestic cats.  Any other amendments that may be necessary or appropriate to address my concerns.
Chapter 6A: Peacocke Neighbourhood Centre Zone			
Issues	Oppose	The Director-General appreciates that Neighbourhood Centres are being located near open space to act as walkable nodes for these areas. That said, several proposed Neighbourhood Centres will abut Bat Priority Areas and one will be contained within a Bat Priority Area. Consequently, there should be a thorough discussion of how Neighbourhood Centres will be designed and located to avoid and minimise their impact on long-tailed bats.	Change the wording:  To include discussion of how neighbourhood centres will be designed and located to avoid and minimise their impact on long-tailed bats.  Any other amendments that may be necessary or appropriate to address my concerns.
NZC – PREC1-PSP: OBJECTIVES		There is no objective to address the compatibility of Local Neighbourhood Centres with long-tailed bats, their habitat and other significant ecological values.	Add an objective:  Addressing the compatibility of neighbourhood centres with long-tailed bats and their habitat. Such an objective should provide for the protection, enhancement and restoration of bats and their habitat to give effect to the WRPS and be in accordance with Section 6(c) of the RMA.

PC REF	SUPPORT/OPPOSE	POSITION AND REASON	RELIEF SOUGHT
			Any other amendments that may be necessary or appropriate to address my concerns.
NZC – PREC1-PSP: Policy		There is no policy directive to address the compatibility of Local Neighbourhood Centres with long-tailed bats, their habitat and other significant ecological values.	<p>Add a policy:</p> <p>Addressing the compatibility of neighbourhood centres with long-tailed bats and their habitat. Such an objective should require that the design and location of Local Neighbourhood Centres provides for the protection, enhancement and restoration of bats and their habitat to give effect to the WRPS and be in accordance with Section 6(c) of the RMA.</p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
Chapter 6B: Local Centre Zone			
LCZ – PREC1-PSP: ISSUES	Oppose	The Director-General appreciates that a suburban area as large as the PSPA will require a centre for retailing, offices, business and the like. That said, the proposed Local Centre will abut a Bat Priority Area, a fact that has not been considered in the 'issues' paragraph, or the entirety of Chapter 6B. It is considered there should be a thorough discussion of how Neighbourhood Centres will be designed and located to avoid and minimise the impact on long-tailed bats.	<p>Change the wording:</p> <p>To include discussion of how the Local Centre will be designed and located to avoid and minimise its impact on long-tailed bats.</p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
LCZ – PREC1-PSP: OBJECTIVES	Oppose	There is no objective to address the compatibility of the Local Centre with long-tailed bats, their habitat and other ecological values.	Add an objective:

PC REF	SUPPORT/OPPOSE	POSITION AND REASON	RELIEF SOUGHT
			<p>Addressing the compatibility of neighbourhood centres with long-tailed bats and their habitat. Such an objective should provide for the protection, enhancement and restoration of bats and their habitat to give effect to the WRPS and be in accordance with Section 6(c) of the RMA</p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
LCZ – PREC1-PSP: POLICES	Oppose	There is no policy directive to address the compatibility of the Local Centre with long-tailed bats, their habitat and other significant ecological values.	<p>Add a policy:</p> <p>Addressing the compatibility of neighbourhood centres with long-tailed bats and their habitat. Such an objective should require that the design and location of the Local Centre provides for the protection, enhancement and restoration of bats and their habitat to give effect to the WRPS and be in accordance with Section 6(c) of the RMA.</p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
Chapter 23A – Subdivision -Peacocke Precinct			
SUB-PREC1-PSP: O8	Oppose	The Director-General submits that subdivision should create a transport network that protects and enhances the physical and functional connectivity of bat habitat.	<p>Change the wording to:</p> <p>Subdivision creates a transport network that:</p>



PC REF	SUPPORT/OPOSE	POSITION AND REASON	RELIEF SOUGHT
			1. Is well connected and legible. 2. Delivers a high-quality walking and cycling experience. 3. Manages the amenity effects associated with parking. 4. Defines areas of public open space. 5. Creates a safe, low speed environment 6. Provides for a high-quality public transport network. <u>7. Protects and enhances the physical and functional connectivity of bat habitat.</u>
SUB – PREC1- PSP: O9	Oppose	The Director-General is generally supportive of Objective SUB – PREC1- PSP: O9 but considers it could be strengthened with the addition of a protection directive.	Change the wording to:  Subdivision responds to, <u>protects</u> , and restores the natural environment with a focus on those areas identified in the Peacocke Structure Plan including the creation and protection and enhancement of identified ecological corridors.  Any other amendments that may be necessary or appropriate to address my concerns
SUB-PREC1-PSP Policies			
SUB-PREC1-PSP: P19	Oppose	The Director-General considers this policy should be amended to include an enhancement directive.	Change the wording to:

PC REF	SUPPORT/OPPOSE	POSITION AND REASON	RELIEF SOUGHT
			<p>Require subdivision to be designed to provide ecological areas where they are identified within the Peacocke Structure Plan and ensure that the role, function and connectivity of ecological areas is <del>maintained</del>. <u>protected and enhanced</u>.</p> <p>Any other amendments that may be necessary or appropriate to address my concerns</p>
SUB-PREC1-PSP: P20	Support		Retain as notified.
SUB – PREC1-PSP: RULES			
SUB – PREC1-PSP: RULES	Oppose	These rules do not provide adequately for protection of long-tailed bats and their habitats, including no restriction on the removal of actual and potential roost trees, no prohibition on external lights within the 5-metre building setback, and no rule on the keeping of domestic cats. The Director-General considers these rules should apply across all zones in the PSPA. It is noted that a lighting standard has been added to the City-Wide Chapter 25.6 Lighting and Glare. The Director-General considers this should be referenced within the rule's framework in Chapters 4A and 23A for clarity	<p>Add Rules:</p> <p>To address the removal of actual and potential roost trees, prohibition of external lights within the 5-metre building setback, and no rule on the keeping of domestic cats.</p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
Amendments to Chapter 25 – City Wide			
25.2 Earthworks and Vegetation Removal			
25.2.2.1a	Oppose	The Director-General submits Policy 25.2.2.1a should consider the effects of earthworks and vegetation removal specifically on indigenous biodiversity given the significance	Change the wording:

PC REF	SUPPORT/OPPOSE	POSITION AND REASON	RELIEF SOUGHT
		<p>of the PSPA and other peri-urban areas in Hamilton City to New Zealand's indigenous biodiversity. For example, the PSPA contains habitat for significant indigenous vegetation, herpetology and avifauna such as New Zealand's critically endangered long-tailed bats.</p>	<p>Earthworks and vegetation removal shall occur in a way that:</p> <ul style="list-style-type: none"> <li>i. Minimises adverse effects on existing landforms, natural features and significant vegetation.</li> <li>ii. Maintains natural processes and features including natural drainage patterns and streams.</li> <li>iii. Does not create new, or exacerbate existing natural hazards.</li> <li>iv. Minimises adverse effects on land and water, especially effects such as erosion and sedimentation.</li> <li>v. Creates practicable building sites, efficient use of land and infrastructure, ensures effective stormwater flow paths, and a safe living and working environment.</li> <li>vi. Minimises dust, noise, and runoff.</li> <li>vii. Adopts a precautionary approach towards decisions that may result in significant adverse</li> </ul>

PC REF	SUPPORT/OPPOSE	POSITION AND REASON	RELIEF SOUGHT
			<p>effects on the Waikato River and, in particular, those effects that threaten serious or irreversible damage to the Waikato River.</p> <p><u>viii. Adopts a precautionary approach towards decisions that may result in significant adverse effects on Indigenous biodiversity and, in particular, those effects that threaten serious or irreversible damage to indigenous biodiversity.</u></p> <p>ix. Maintains or enhances riparian vegetation on the margins of natural watercourses and wetlands</p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
Chapter 25.6 Lighting and Glare			
25.6.2.2	Support		<p>Lighting in the Peacocke Structure Plan Area is managed to ensure areas identified as <del>Significant Bat Habitat</del> <u>Bat Priority Areas</u> retain their usability and functionality for bat activity.</p>

PC REF	SUPPORT/OPOSE	POSITION AND REASON	RELIEF SOUGHT
			Any other amendments that may be necessary or appropriate to address my concerns.
25.6.2.2a	Oppose		<p>Change the wording to:</p> <p>Manage light spill and glare of fixed lighting at the boundary of the <del>Significant Bat Habitat</del> <u>Bat Priority Area</u> to ensure that the useability of long-tailed bat habitat is maintained.</p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
25.6.2.2b	Oppose		<p>Manage light spill and glare of fixed lighting at the boundary of Bat Priority <del>the Significant Bat Habitat</del> <u>Areas</u> to ensure that the useability of long-tailed bat habitat is maintained.</p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
Additional standards		The Director-General submits that additional lighting standards should be added to create a bat-sensitive road lighting regime adjacent to Bat Priority Areas to minimise spill into Bat Priority Areas.	Add standards requiring that sections of road adjacent to Bat Priority Areas avoid adverse effects on long-tailed bats and their habitat by requiring maximum artificial light spill from street lighting, maximum colour temperature for lights of 2700 K, planting to provide 'hop-overs', and screening planting along the sides of roads to reduce the adverse

PC REF	SUPPORT/OPPOSE	POSITION AND REASON	RELIEF SOUGHT
			<p>impact of headlight spill-over into long-tailed bat habitat.</p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
25.6.4.4 Peacocke Medium Density Zone: Peacocke Precinct	Oppose	The Director-General submits there should be consistency between the Amberfield subdivision and the Peacocke Structure Plan. Residential lighting within the Amberfield subdivision is restricted to a bat friendly 0.1 lux 3 meters from the inside of the Bat Priority Area boundary. The agreed maximum lighting colour temperature for Amberfield was 2700k. 25.6.4.4 lighting standard should also apply to subdivision occurring in the wider Peacocke Precinct, not just those areas zoned for medium density development.	<p>Ensure consistency between the Amberfield subdivision lighting requirements and the Peacockes precinct.</p> <p>Amend the lighting standard to apply to the entire Peacocke precinct, not just areas zoned for medium density development.</p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
<p>Appendices</p> <p>Appendix 1 District Plan Administration</p> <p>Appendix 1.2 Volume 2 Information Requirements</p>			
1.2.1(h)(iii)	Oppose	The Director General requests that guidance on ecological offsetting and compensation to achieve no net loss be added, along with a bullet point addressing ecological effects with a focus on long-tailed bats.	<p>Change the wording to:</p> <p>The AEE should identify how any adverse environmental effects are to be avoided, remedied, <del>or</del> mitigated, <u>or otherwise offset and compensated for</u> and shall also ensure that the following matters are addressed.</p> <ul style="list-style-type: none"> <li>• <u>Ecological effects of the proposal including effects on critically endangered fauna such as long-tailed bats.</u></li> </ul>

PC REF	SUPPORT/OPPOSE	POSITION AND REASON	RELIEF SOUGHT
			Any other amendments that may be necessary or appropriate to address my concerns.
1.2.2.2	Oppose	The Director General requests that guidance on the development of management plans be more detailed.	<p>Make amendments 1.2.2.2 to clarify: That management plans should be developed prior to a resource consent being granted by a suitably qualified person. Management plans should outline measures to avoid, remedy, mitigate, offset or compensate for lost values. Management Plans should be reviewed by Council or an independent overarching body to ensure consistency across the PSPA.</p> <p>1.2.2.2 should also offer guidance on the the objectives and structure of management plans such as a description of the management methods to achieve the objective, financial costs, monitoring and reporting.</p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
1.2.2.1(b)	Oppose	The Director General requests that guidance on the development of management plans be more detailed and that guidance on ecological offsetting and compensation to achieve no net loss be added.	<p>Change the wording to:</p> <p>Reports and management plans demonstrating how adverse environmental effects associated with the proposed activity are to be avoided, remedied, mitigated <u>or</u></p>

PC REF	SUPPORT/OPOSE	POSITION AND REASON	RELIEF SOUGHT
			<p><u>otherwise offset and compensated for</u> with respect to:</p> <p>V. Ecological effects of the proposal including <u>effects on critically endangered fauna such as long-tailed bats.</u></p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
1.2.2.1 Note		The Director-General requests an additional note that any offset, compensation or biobanking package must account for the time delay in the creation of bat habitat. Creation of habitat should commence well in advance of any clearance works.	<p>Add a note:</p> <ul style="list-style-type: none"> <li>• <u>any offset or compensation package must account for the time delay in the creation of bat habitat. Creation of habitat should commence well in advance of any clearance works.</u></li> </ul> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
1.2.2.25		The Director-General considers the Ecological Rehabilitation and Management Plan (ERMP) should address herpetofauna and avifauna where values are affected, including with areas outside of any open space zone and less than 2ha.	<p>Make amendments to:</p> <p>Address herpetofauna and avifauna where values are affected, including with areas outside of any open space zone and less than 2ha.</p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>



PC REF	SUPPORT/OPPOSE	POSITION AND REASON	RELIEF SOUGHT
1.2.2.27		The Director-General considers the Bat Management Plan (BMP) should be amended with clear objectives and measures to avoid and remedy as well as mitigate the effects of development on long-tailed bats.	<p>Make amendments to the BMP to provide clear objectives for management of long-tailed bats across the PSPA, these should aim:</p> <ul style="list-style-type: none"> <li>a) To protect bat habitat and roosts by avoiding adverse effects on the function of their habitat, in terms of commuting, foraging and socialisation.</li> <li>b) To enhance the values and attributes of bat habitat;</li> </ul> <p>To achieve the objectives the following amendments are suggested:</p> <ul style="list-style-type: none"> <li>i. Vegetation removal protocols for trees with a diameter at breast height (DBH) of 15cm or greater should be employed for trees located within and <b>outside</b> of the identified bat habitat area.</li> <li>ii. A BMP being required for areas <b>outside significant bat habitat that contain potential or identified bat habitat.</b></li> <li>iii. When a BMP is required, it is submitted to HCC with the relevant resource consent application.</li> <li>iv. A Bat and Habitat Enhancement Panel should be consulted on the draft BMP and comments</li> </ul>

PC REF	SUPPORT/OPOSE	POSITION AND REASON	RELIEF SOUGHT
			<p>incorporated or a justification provided to Council as to why they were not incorporated.</p> <p>v. The BMP would link to all other areas within the PSPA to create a consistent approach.</p> <p>vi. While the BMP focuses on mitigation it should also outline measures to avoid and remedy bat values and offset or compensate where this is not possible. Roost tree protection should also be included in the BMP for identified or potential roost trees.</p> <p>vii. The BMP should address residual adverse effects on bats to achieve a net biodiversity gain such as habitat enhancement and targeted predator control that achieves residual pest indices relevant to bat conservation.</p> <p>Notwithstanding the above recommended changes, the BMP should, as a minimum, include the same bat management protocols listed in the conditions of the Amberfield Resource Consent, such as:</p> <ul style="list-style-type: none"> <li>• Integration with the planting plan which outlines the restoration and enhancement areas, management and maintenance.</li> </ul>

PC REF	SUPPORT/OPPOSE	POSITION AND REASON	RELIEF SOUGHT
			<ul style="list-style-type: none"> <li>• How vegetation design will minimise light intrusion to the acceptable standard</li> <li>• As per Amberfield resource consent, 0.1 lux 3 meters from the inside of the bat habitat boundary</li> <li>• Bat monitoring plan including before and after restoration, enhancement and pest control</li> <li>• Specifics for pest control, including target species and performance levels reflecting residual indices relevant to bat conservation and how it links to pest control in the wider PSPA area</li> <li>• Use of artificial bat roots</li> <li>• Use of barriers to prevent predators accessing known and potential roost trees.</li> <li>• Any research that may be able to be undertaken in conjunction with the development. This may be conducted by the applicant or another body.</li> <li>• Frequency of BMP review and update</li> <li>• Reporting requirements</li> </ul> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
Appendix 1.3 Assessment Criteria			

PC REF	SUPPORT/OPPOSE	POSITION AND REASON	RELIEF SOUGHT
Matter of Discretion P – Peacocke Structure Plan			
P3 (e)	Oppose	The Director-General submits that the extent to which ecological function is <b>enhanced</b> should be a matter of discretion.	Change the wording to:  P3 (e) The extent to which development is designed to respond to ecological corridors and habitat, and ensures they protect and <del>maintain</del> <u>enhance</u> the ecological function of these corridors; including the management of lighting and building location.
P3 (i)	Oppose	The Director-General submits that the extent to which light has been designed and located to protect and enhance adverse effects on the function and quality of long-tailed bat habitat should be a matter of discretion. This will better align with the mitigation hierarchy as set out in the WRPS and give effect to Section 6(c) of the RMA.	Change the wording to:  P3 (i) The extent to which lighting has been designed and located to <del>maintain-protect and</del> <u>enhance the</u> function and quality of long-tailed bat habitat.  Any other amendments that may be necessary or appropriate to address my concerns
P5 (p)	Oppose	The Director-General submits that the extent to which a proposed subdivision protects, enhances and restores populations of at-risk, threatened or critically endangered flora and fauna should be a matter of discretion.	Change the wording to:  The extent to which the proposal:  1. Restores, protects and enhances aquatic and terrestrial ecological values associated with springs, streams, waterways, wetlands and their margins in Peacocke.

PC REF	SUPPORT/OPOSE	POSITION AND REASON	RELIEF SOUGHT
			<p>2. Protects <del>or</del> <u>and</u> enhances the natural character and ecological, cultural, heritage and amenity values of Peacocke's open spaces.</p> <p>3. <u>Protects, enhances and restores populations of at-risk, threatened or critically endangered flora and fauna in Peacocke.</u></p> <p>3. Provides sites for water related activities and public access to them and to and alongside waterways.</p> <p>4. Recognises and provides for tangata whenua values and relationships with Peacocke and their aspirations for the area, including provision for cultural harvest, interpretation of the landscape's significance, protection, enhancement and commemoration of sites of significance, use of traditional tangata whenua names for sites, developments, street, neighbourhoods and sub-catchments and application of cultural protocols during the development process.</p> <p>5. Reflects the characters and heritage.</p>

PC REF	SUPPORT/OPOSE	POSITION AND REASON	RELIEF SOUGHT
			Any other amendments that may be necessary or appropriate to address my concerns.
P5 (q)	Oppose	The Director-General submits the matter of discretion P5 (q) should address the extent to which the proposal has been designed to avoid the adverse effects of development and subdivision on the role and function of Significant Bat Habitat. This will better align with the mitigation hierarchy as set out in the WRPS and give effect to Section 5(2)(c) of the RMA. It is also considered the matter of discretion outlined in P5 (r) will adequately contemplate mitigation.	<p>Change the wording to:</p> <p>P5 (q) The extent to which subdivision has been designed to <del>manage</del> <u>avoid the adverse</u> effects of development and subdivision on the role and function of <del>Significant Bat Habitat</del>. Bat Priority Areas.</p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
P5 (r)	Oppose	The Director-General submits the matter of discretion P5 (r) should address the extent to which the proposal mitigates, remedies, or otherwise compensates for Significant Bat Habitat. It is considered the full mitigation hierarchy should be considered where avoidance is not achieved. Further, measures to remedy, mitigate, offset or compensate effects need to be considered beyond the provision of ecological corridors.	<p>Change the wording:</p> <p>The extent to which the proposal mitigates, <u>remedies, or otherwise offsets or compensates for</u> the effects of development on <del>Significant Bat Habitat</del>. <del>through the provision and enhancement of ecological corridors</del>. <u>Bat Priority Areas</u>.</p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>
Appendix 1 – District Plan Administration – 1.4 Design Guides			
1.4.10 Peacocke Local Centre Design Guide	Oppose	The local centre identified on the zoning map will abut a Bat Priority Area which adjoins an ecological corridor. There is no discussion on how the local centre will be developed in	Amend Appendix 1.4 Design Guidelines by including guidance on location and design of the Local Centre to protect and enhance long-tailed bat habitat. As a minimum, guidance

PC REF	SUPPORT/OPOSE	POSITION AND REASON	RELIEF SOUGHT
		a way that recognises this and ensures protection of long tailed bat habitat.	<p>should include the performance standards for design and locations of buildings, lighting and roads within the Amberfield subdivision, such as:</p> <ul style="list-style-type: none"> <li>a) A suitable Bat Habitat Buffer</li> <li>b) Buildings in the Local Centre are designed and located appropriately to avoid disruption of bat habitat in terms of commuting, foraging and socialisation.</li> <li>c) A planting plan which outlines the restoration and enhancement areas, and suitable vegetation.</li> <li>d) How vegetation design will minimise light intrusion to the acceptable standard.</li> <li>e) Appropriate lux lighting and colouration levels.</li> <li>f) Appropriate location of lighting.</li> <li>g) Use of artificial bat roots.</li> <li>h) Use of barriers to prevent predators accessing known and potential roost trees.</li> <li>i) Additional standards for the treatment and design of the road corridor in the area of the Local Centre so as to avoid disrupting</li> </ul>

PC REF	SUPPORT/OPPOSE	POSITION AND REASON	RELIEF SOUGHT
			<p>the physical and functional connectivity of bat habitat.</p> <p>Any other amendments that may be necessary or appropriate to address my concerns.</p>



## SUBMISSION ON PROPOSED PLAN CHANGE 5 – PEACOCKE STRUCTURE PLAN

**To:** Hamilton City Council

**Name of submitter:** Cordyline Holdings Limited

**Address for service:** Dentons Kensington Swan  
18 Viaduct Harbour Avenue  
Auckland 1010  
Attention: Christina Sheard  
Phone: 09 375 1185  
Email: christina.sheard@dentons.com

1. This is a submission on Proposed Plan Change 5 to the Hamilton City District Plan.
2. Cordyline Holdings Limited (**Cordyline Holdings**) could not gain an advantage in trade competition through this submission.
3. The specific provisions of the proposal that the submission relates to are set out in the Table 1 (attached).
4. Cordyline Holdings seeks the following decision from Hamilton City Council:
  - a. That the proposed plan change provisions are amended as set out in Table 1 to this submission.
  - b. Further, consequential or alternative relief as may be necessary, desirable, or appropriate to give effect to the decision sought.
5. Cordyline Holdings wish to be heard in support of its submission.
6. If others make a similar submission, Cordyline Holdings will consider presenting a joint case with them at a hearing.



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Christina Sheard  
Solicitor for Cordyline Holdings Limited

5 November 2021

**Table 1: Cordyline Holdings Limited submission on Hamilton City District Plan  
Proposed Plan Change 5 – Peacocke Structure Plan**

No.	Specific provision the submission relates to:	Submission – support/oppose/amendments sought and reasons for submission	Relief sought (text amendments shown in strikethrough and underline)
1.	Whole Plan Change (including Planning Maps and Structure Plan Maps)	<p>Cordyline Holdings owns 17.3785 hectares of land comprised in Computer Freehold Register Identifier 628002, legally described as Lots 1, 6, 8-9 Deposited Plan 408579 and Lot 3 Deposited Plan South Auckland 45202.</p> <p>Cordyline Holdings supports the proposed plan change in part insofar as it will enable up to 8400 residential units, supported by a commercial centre, open space and includes a structure plan to guide development.</p>	<p>Approve the plan change, subject to:</p> <ul style="list-style-type: none"> <li>a) Amendments to enable appropriate development of high density residential on the land held in Computer Freehold Register Identifier 628002;</li> <li>b) The amendments set out in the submissions below;</li> <li>c) Further, consequential or alternative relief as may be necessary, desirable, or appropriate to give effect to the concerns set out in this submission.</li> </ul>
<b>Appendix 2 – Structure Plans</b>			
2.	Figure 2-1: Peacocke Structure Plan – Land Use	<p>Support in part but seek some amendments.</p> <p>Cordyline Holdings seeks that the Proposed Neighbourhood Park annotation on the map is deleted from the land held in Computer Freehold Register Identifier 628002 and relocated to the south to the position shown on Figure 2-3: Peacock Structure Plan – Natural Environment and Heritage.</p> <p>The plan in Figure 2-1 makes provision for a substantial area of Proposed Natural Open Space for the Whatukoruru Reserve and 16 Proposed Neighbourhood Parks within the structure plan. Locating the Proposed Neighbourhood Park shown on the land held in Computer Freehold Register Identifier 628002 further to the south will achieve a</p>	<p>Make amendments to the plan in Figure 2-1 as follows:</p> <ul style="list-style-type: none"> <li>a) Delete Proposed Neighbourhood Park from the land held in Computer Freehold Register Identifier 628002 and relocate to the south to the position shown on Figure 2-3: Peacock Structure Plan – Natural Environment and Heritage.</li> <li>b) Delete the Proposed Stormwater Wetlands from the land held in Computer Freehold Register Identifier 628002</li> </ul>


**Table 1: Cordyline Holdings Limited submission on Hamilton City District Plan  
Proposed Plan Change 5 – Peacocke Structure Plan**

<b>No.</b>	<b>Specific provision the submission relates to:</b>	<b>Submission – support/oppose/amendments sought and reasons for submission</b>	<b>Relief sought (text amendments shown in strikethrough and underline)</b>
		<p>better distribution of open space within the High Density Overlay Area in the structure plan area.</p> <p>Cordyline Holdings seeks that the Proposed Stormwater Wetland annotation on the map is deleted from the land held in Computer Freehold Register Identifier 628002.</p> <p>The supporting technical assessment does not provide an assessment of the number, size and distribution of Proposed Stormwater Wetlands. Flexibility is provided for in the ICMP in relation to the sizing of stormwater management devices and therefore it is not appropriate to identify fixed locations as part of the Structure Plan.</p> <p>Further information on the supporting technical assessment is requested.</p>	
3.	Figure 2-2: Peacocke Structure Plan – Transport Network	<p>Support in part but seek some amendments.</p> <p>Cordyline Holdings seeks that the Proposed Collector Roads shown on the map is deleted from the land held in Computer Freehold Register Identifier 628002.</p> <p>Cordyline Holdings agrees with the explanation in Chapter 3A – Structure Plan, that the final alignment of the transport network (other than those routes that are already designated) should be determined as individual subdivisions are progressed. This will</p>	<p>Delete the Proposed Collector Roads shown on the land held in Computer Freehold Register Identifier 628002.</p> <p>Amend the maps to clarify that the transport network is indicative only and is not intended to show exact alignments.</p>

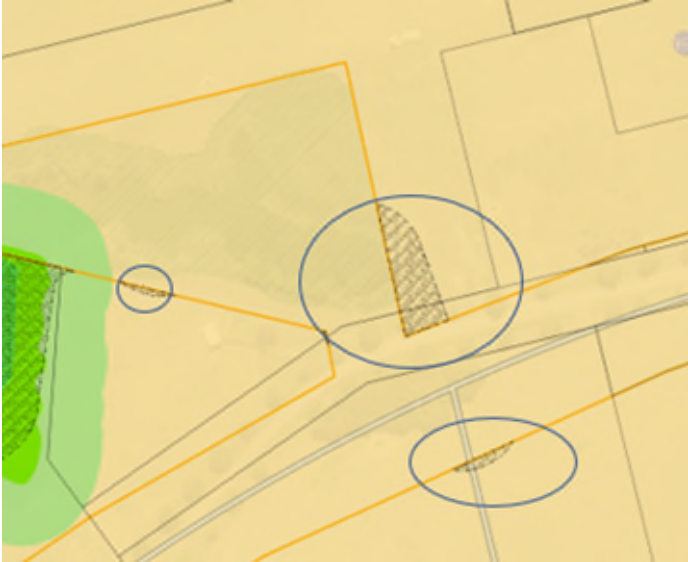
**Table 1: Cordyline Holdings Limited submission on Hamilton City District Plan  
Proposed Plan Change 5 – Peacocke Structure Plan**

No.	Specific provision the submission relates to:	Submission – support/oppose/amendments sought and reasons for submission	Relief sought (text amendments shown in strikethrough and underline)
		ensure that the layout of the road network achieves block lengths and depths that are able to accommodate the anticipated housing typologies.	
4.	Figure 2-3: Peacocke Structure Plan – Natural Environment and Heritage	<p>Support in part but seek with amendments.</p> <p>Cordyline Holdings supports the location of the Proposed Bat Corridor and Proposed Significant Bat Habitat Area as shown on the plan in Figure 2-3. The extent of the proposed Significant Bat Habitat Area shown on the maps is supported by a robust technical assessment and will give effect to the Waikato Regional Policy Statement.</p> <p>Cordyline Holdings also supports the location of the Proposed Neighbourhood Parks as shown on the plan in Figure 2-3, as it will achieve an appropriate distribution of open space within the High Density Overlay Area in the structure plan area.</p> <p>Cordyline Holdings seeks amendment to the plan to delete the Proposed Stormwater Wetlands from its land and part of the Proposed Esplanade Reserve on Lot 8 DP 408579 and Lot 6 DP 408579 of its land. These areas and the Proposed Neighbourhood Park are marked up below (refer red circles).</p>	<p>Retain the plan in Figure 2-3 and the annotations shown in relation to the following:</p> <ul style="list-style-type: none"> <li>a) Proposed Bat Corridor</li> <li>b) Proposed Significant Bat Habitat Area</li> <li>c) Proposed Neighbourhood Park</li> </ul> <p>Amend the plan in Figure 2-3 as follows:</p> <ul style="list-style-type: none"> <li>a) Delete the Proposed Esplanade Reserve shown on Lot 8 DP 408579 Lot 6 DP 408579, held in Computer Freehold Register Identifier 628002.</li> <li>b) Delete the Proposed Stormwater Wetlands from the land held in Computer Freehold Register Identifier 628002.</li> </ul> <p>Ensure the GIS view and figures in Appendix 2 are consistent with the figures in the Peacocke Structure Plan – Natural Environment and Heritage.</p>

**Table 1: Cordyline Holdings Limited submission on Hamilton City District Plan  
Proposed Plan Change 5 – Peacocke Structure Plan**

No.	Specific provision the submission relates to:	Submission – support/oppose/amendments sought and reasons for submission	Relief sought (text amendments shown in strikethrough and underline)
		 <p>The GIS view is inconsistent with Figure 2-3 and shows two additional small areas of Proposed Esplanade Reserve, as marked up in the image below. Cordyline Holdings seeks that these areas are also deleted and that the GIS viewer is updated to be consistent with Figure 2-3.</p>	

**Table 1: Cordyline Holdings Limited submission on Hamilton City District Plan  
Proposed Plan Change 5 – Peacocke Structure Plan**

No.	Specific provision the submission relates to:	Submission – support/oppose/amendments sought and reasons for submission	Relief sought (text amendments shown in strikethrough and underline)
		 <p>The three areas of Proposed Esplanade Reserve shown on the image above do not relate to a watercourse and as such, no esplanade reserve should be required in these locations.</p> <p>Retaining the Proposed Neighbourhood Park in the location shown on Figure 2-3 will achieve a better distribution of open space within the High Density Overlay Area in the structure plan area.</p>	
5.	Figure 2-3a: Peacocke Structure Plan	Cordyline Holdings supports the staging plan.	Retain the staging plan as notified.

**Table 1: Cordyline Holdings Limited submission on Hamilton City District Plan  
Proposed Plan Change 5 – Peacocke Structure Plan**

No.	Specific provision the submission relates to:	Submission – support/oppose/amendments sought and reasons for submission	Relief sought (text amendments shown in strikethrough and underline)
	– Staging and Infrastructure	The staging plan will assist in the sequencing and timing of development. This is supported as it provides certainty for land owners within the structure plan area.	
6.	Figure 2-3b: Peacocke Structure Plan – Peacocke Local Centre Concept	<p>Cordyline Holdings opposes the extent of the Proposed Education Facility shown in Figure 2-3b.</p> <p>The Proposed Education Facility is shown on Figures 2-1 and 2-2 at an indicative location. While it is understood that the Ministry of Education is undertaking due diligence to designate land for two schools in the Peacocke Structure Plan area, a notice of requirement has not yet been lodged. There is no information in the Section 32 Evaluation to support the size or location of future schools, as such this diagram should be amended to clearly show any Proposed Education Facility is indicative only and will be subject to a future notice of requirement process.</p>	Amend Figure 2-3b to reduce the extent of the Proposed Education Facility and to clearly state facility is indicative only and will be subject to a future notice of requirement process.
<b>Appendix 17A - Planning Maps</b>			
7.	All Peacocke Precinct – Features Maps	<p>Oppose the Seismic Setback Line and seek deletion of the Line.</p> <p>Cordyline Holdings opposes the identification of Seismic Setback Line on the Features maps for the Peacocke Precinct (which are shown as a Stability Sensitive Areas on the GIS viewer).</p>	Delete the Seismic Setback Line shown on the Features Maps for the Peacocke Precinct.

**Table 1: Cordyline Holdings Limited submission on Hamilton City District Plan  
Proposed Plan Change 5 – Peacocke Structure Plan**

No.	Specific provision the submission relates to:	Submission – support/oppose/amendments sought and reasons for submission	Relief sought (text amendments shown in strikethrough and underline)
		<p>The extent of the Seismic Setback Line/Stability Sensitive Areas will impose additional costs on applicants to prepare geotechnical assessments of land where no demonstrable risk exists. The section 32 evaluation does not provide any consideration of the potential increased insurance costs that this provision may give rise to. Furthermore, it is unnecessary as section 106 of the Resource Management Act enables consent authorities to refuse a subdivision consent if there is a significant risk from natural hazards.</p> <p>Further information is requested on the technical analysis relating to the location of the Seismic Setback Line.</p>	
8.	Maps No: 57A and 57B	<p>Support</p> <p>Cordyline Holdings supports the zoning map and features map as notified.</p> <p>The proposed Medium Density Residential zone will assist in providing additional housing to meet the needs of Hamilton. The proposed High Density Overlay area applies to land that is in proximity to planned public transport routes and flat terrace areas that are suitable for higher density development.</p>	Retain maps as notified.
9.	Maps No: 64A and 64B	Support	Retain maps as notified.



**Table 1: Cordyline Holdings Limited submission on Hamilton City District Plan  
Proposed Plan Change 5 – Peacocke Structure Plan**

No.	Specific provision the submission relates to:	Submission – support/oppose/amendments sought and reasons for submission	Relief sought (text amendments shown in strikethrough and underline)
		<p>Cordyline Holdings supports the zoning map and features map, subject to the amendments requested in relation to the Seismic Setback Line.</p> <p>The proposed Medium Density Residential zone will assist in providing additional housing to meet the needs of Hamilton. The proposed High Density Overlay area applies to land that is in proximity to planned public transport routes and flat terrace areas that are suitable for higher density development.</p> <p>The extent of the proposed Significant Bat Habitat Area shown on the maps is supported by a robust technical assessment and will give effect to the Waikato Regional Policy Statement.</p>	
<b>Chapter 3A – Structure Plan</b>			
10.	Entire chapter	<p>Support</p> <p>Cordyline Holdings supports the Peacocke Structure Plan. In particular, it supports the description of the Peacocke Transportation Network and in particular, the text that clarifies that the transport network is indicative and not intended to show exact alignments. Cordyline Holdings agrees that the final alignment of the transport network (other than those routes that are already designated) should be determined as individual subdivisions are progressed. This will ensure that block lengths and depths are able to accommodate the anticipated housing typologies.</p>	<p>Retain Chapter 3A as notified and make consequential amendments to all maps in Appendix 2 to clarify that the transport network is indicative only and is not intended to show exact alignments.</p> <p>Amend the typical cross sections to show these at a sufficient size to ensure the legibility of the text.</p>

**Table 1: Cordyline Holdings Limited submission on Hamilton City District Plan  
Proposed Plan Change 5 – Peacocke Structure Plan**

No.	Specific provision the submission relates to:	Submission – support/oppose/amendments sought and reasons for submission	Relief sought (text amendments shown in strikethrough and underline)
<b>Chapter 4A – Peacocke Medium Density Residential Zone</b>			
11.	MRZ – PREC1-PSP: Issues	Support  Cordyline Holdings supports the description of the issues for the Peacocke Medium Density Residential Zone.	Retain as notified.
12.	MRZ – PREC1-PSP: O4	Support  Cordyline Holdings supports the proposed approach to zoning which focuses the greatest density around identified activity nodes, corridors and areas of natural amenity.	Retain as notified.
	MRZ – PREC1-PSP: O5	Support  Cordyline Holdings supports the anticipated building heights of two to three-storeys in the medium density zone and two to five storeys in the high-density overlay area, as this will enable an efficient use of land, that will enable a range of housing typologies.	Retain as notified.
13.	MRZ – PREC1-PSP: O9	Support  Cordyline Holdings supports the intended outcome to create an attractive and safe urban environment, as this will achieve the purpose of the Resource Management Act.	Retain as notified.
14.	MRZ – PREC1-PSP: P5	Oppose	Amend policy P5 to clarify that the transport network, parks, stormwater wetlands and other proposed features shown in the structure plan are indicative.

**Table 1: Cordyline Holdings Limited submission on Hamilton City District Plan  
Proposed Plan Change 5 – Peacocke Structure Plan**

No.	Specific provision the submission relates to:	Submission – support/oppose/amendments sought and reasons for submission	Relief sought (text amendments shown in strikethrough and underline)
		The policy is inconsistent with Chapter 3A, which states that the provision of the transport network and amenities such as parks are indicative only and will be determined at the time of subdivision.	This could be achieved by amending the policy to read:  <i>Ensure the efficient development of land by requiring development to demonstrate it is <u>generally</u> consistent with the Peacocke Structure Plan.</i>
15.	MRZ – PREC1-PSP: P19	Support  Cordyline Holdings supports the intent of the policy to deliver a high amenity environment, as this will achieve the purpose of the Resource Management Act and give effect to the National Policy Statement on Urban Development.	Retain as notified.
	MRZ – PREC1 – PSP: P24	Oppose  Clause 3 of the policy refers to ‘otherwise complying with the Peacocke Structure Plan’. This is too onerous as it implies that indicative/proposed land uses shown in Appendix 2 (including the transport network and proposed parks, stormwater wetlands and other features) are to be provided in fixed locations and are final. Furthermore, this is inconsistent with Chapter 3A which states that land uses, including transport networks and parks, are indicative and not intended to show exact alignments. A degree of flexibility is required to enable amendments once detailed design and master planning takes place on a finer grain that that undertaken for the structure plan process.	Amend policy P24 to clarify that the transport network, parks, stormwater wetlands and other proposed features shown in the structure plan are indicative. This could be achieved by amending the policy to read:  <i>Residential development shall use land and infrastructure efficiently by:</i> <ol style="list-style-type: none"> <li><i>1. Delivering yields from housing development in both greenfield growth areas and intensification areas, as indicated by rules or Structure Plans.</i></li> <li><i>2. Staging and sequencing the development as indicated by the Peacocke Structure Plans.</i></li> <li><i>3. Otherwise <del>complying with</del> <u>being generally consistent with</u> the Peacocke Structure Plan.</i></li> </ol>

**Table 1: Cordyline Holdings Limited submission on Hamilton City District Plan  
Proposed Plan Change 5 – Peacocke Structure Plan**

<b>No.</b>	<b>Specific provision the submission relates to:</b>	<b>Submission – support/oppose/amendments sought and reasons for submission</b>	<b>Relief sought (text amendments shown in strikethrough and underline)</b>
16.	MRZ – PREC1 – PSP: R3	<p>Support</p> <p>Cordyline Holdings supports the permitted activity status for single dwellings that meet the prescribed development standards and restricted discretionary activity status where compliance is not achieved. Cordyline Holdings seeks amendments are made to the matters of discretion/assessment criteria to clarify that development should be generally consistent with the Peacocke Structure Plan.</p>	<p>Retain as notified, subject to amendments to matter of discretion P – Peacocke Structure Plan (as set out in the section of this submission that relates to Appendix 1 – District Plan Administration – Assessment Criteria).</p>
17.	MRZ – PREC1 – PSP: R15	<p>Support</p> <p>Cordyline Holdings supports the restricted discretionary activity status for duplex dwellings that meet the prescribed development standards and restricted discretionary activity status where compliance is not achieved. This is appropriate as it will enable applicants to undertake a more focussed analysis of the proposal and will reduce the costs and complexity of the resource consent application process.</p> <p>Cordyline Holdings seeks that amendments are made to the matters of discretion/assessment criteria to clarify that development should be generally consistent with the Peacocke Structure Plan.</p>	<p>Retain as notified, subject to amendments to matter of discretion P – Peacocke Structure Plan (as set out in the section of this submission that relates to Appendix 1 – District Plan Administration – Assessment Criteria).</p>
18.	MRZ – PREC1 – PSP: R16	<p>Support</p>	<p>Retain as notified, subject to amendments to matter of discretion P – Peacocke Structure Plan (as set out</p>

**Table 1: Cordyline Holdings Limited submission on Hamilton City District Plan  
Proposed Plan Change 5 – Peacocke Structure Plan**

No.	Specific provision the submission relates to:	Submission – support/oppose/amendments sought and reasons for submission	Relief sought (text amendments shown in strikethrough and underline)
		<p>Cordyline Holdings supports the restricted discretionary activity status for terrace dwellings that meet the prescribed development standards and restricted discretionary activity status where compliance is not achieved. This is appropriate as it will enable applicants to undertake a more focussed analysis of the proposal and will reduce the costs and complexity of the resource consent application process.</p> <p>Cordyline Holdings seeks amendments are made to the matters of discretion/assessment criteria to clarify that development should be generally consistent with the Peacocke Structure Plan.</p>	<p>in the section of this submission that relates to Appendix 1 – District Plan Administration – Assessment Criteria).</p>
	MRZ – PREC1 – PSP: R17	<p>Support</p> <p>Cordyline Holdings supports the restricted discretionary activity status for apartment buildings that meet the prescribed development standards and restricted discretionary activity status where compliance is not achieved. This is appropriate as it will enable applicants to undertake a more focussed analysis of the proposal and will reduce the costs and complexity of the resource consent application process.</p> <p>Cordyline Holdings seeks amendments are made to the matters of discretion/assessment criteria to clarify that development should be generally consistent with the Peacocke Structure Plan.</p>	<p>Retain as notified, subject to amendments to matter of discretion P – Peacocke Structure Plan (as set out in the section of this submission that relates to Appendix 1 – District Plan Administration – Assessment Criteria).</p>

**Table 1: Cordyline Holdings Limited submission on Hamilton City District Plan  
Proposed Plan Change 5 – Peacocke Structure Plan**

<b>No.</b>	<b>Specific provision the submission relates to:</b>	<b>Submission – support/oppose/amendments sought and reasons for submission</b>	<b>Relief sought (text amendments shown in strikethrough and underline)</b>
19.	MRZ – PREC1 – PSP: R26	<p>Support</p> <p>Cordyline Holdings supports the restricted discretionary activity status for retirement villages that meet the prescribed development standards and restricted discretionary activity status where compliance is not achieved. This is appropriate as it will enable applicants to undertake a more focussed analysis of the proposal and will reduce the costs and complexity of the resource consent application process.</p> <p>Cordyline Holdings seeks amendments are made to the matters of discretion/assessment criteria to clarify that development should be generally consistent with the Peacocke Structure Plan.</p>	Retain as notified, subject to amendments to matter of discretion P – Peacocke Structure Plan (as set out in the section of this submission that relates to Appendix 1 – District Plan Administration – Assessment Criteria).
20.	MRZ – PREC1 – PSP: R36	<p>Support</p> <p>Cordyline Holdings supports the maximum site coverage standards, as this control will enable a higher density of development while retaining sufficient space for outdoor living on sites.</p>	Retain as notified.
21.	MRZ – PREC1 – PSP: R39	<p>Oppose</p> <p>Cordyline Holdings opposes clause 7, which applies a 6m setback from the Waikato Riverbank and Gully areas. This provision is not consistent with the district-wide objectives and policies.</p>	Delete clause 7 of R39 Setbacks.

**Table 1: Cordyline Holdings Limited submission on Hamilton City District Plan  
Proposed Plan Change 5 – Peacocke Structure Plan**

No.	Specific provision the submission relates to:	Submission – support/oppose/amendments sought and reasons for submission	Relief sought (text amendments shown in strikethrough and underline)
22.	MRZ – PREC1 – PSP: R40	<p>Oppose - Amendments sought</p> <p>Cordyline Holdings supports the inclusion of clause 3, which provides for an alternative height in relation to boundary control for development within 20m of the transport corridor boundary. This control will enable more development close to streets, while preserving daylight and sunlight to the rear of sites. However, amendments are sought to clause 2 of the rule to clarify that the clause 2 does not apply to buildings within 20m of the transport corridor boundary.</p>	<p>Amend clause 2 of R40 Height in relation to boundary as follows:</p> <p><i>For side and rear boundaries, no part of any building shall protrude through a height control plan rising at an angle of 45 degrees, <u>except that this does not apply to buildings that are within 20m of the transport corridor boundary.</u></i></p>
23.	MRZ – PREC1 – PSP: R44	<p>Support</p> <p>Cordyline Holdings supports this standard and in particular, the provision for 20m<sup>2</sup> of outdoor living area where residential units are located in the High Density Overlay. The plan change provisions will enable a network of open space, parks and walking and cycling facilities that will provide a high level of amenity for residents living in the High Density Overlay area.</p>	Retain as notified.
Chapter 23A – Subdivision Peacocke Precinct			
24.	SUB – PREC1 – PSP: O6	<p>Amendments sought</p> <p>This objective is inconsistent with Chapter 3A, which states that the provision of the transport network and amenities such as parks are indicative only and will be determined at the time of subdivision.</p>	<p>Amend objective O6 to clarify that the transport network, parks, stormwater wetlands and other proposed features shown in the structure plan are indicative. This could be achieved by amending the policy to read:</p>

**Table 1: Cordyline Holdings Limited submission on Hamilton City District Plan  
Proposed Plan Change 5 – Peacocke Structure Plan**

No.	Specific provision the submission relates to:	Submission – support/oppose/amendments sought and reasons for submission	Relief sought (text amendments shown in strikethrough and underline)
			<i>Subdivision contributes to a well-designed urban environmental that is <u>generally</u> consistent with the Peacocke Structure Plan.</i>
25.	SUB – PREC1 – PSP: O7	Support  Cordyline Holdings supports the intent for subdivision to enable a range of housing typologies, as this will give effect to the National Policy Statement on Urban Development.	Retain as notified.
26.	SUB – PREC1 – PSP: O8	Support  Cordyline Holdings supports the intent for subdivision to enable a transport network that will establish a high-quality urban environment, as this will give effect to the National Policy Statement on Urban Development.	Retain as notified.
27.	SUB – PREC1 – PSP: P8	Support  Cordyline Holdings supports the policy intent for subdivision to enable a transport network that will establish a high-quality urban environment, as this will give effect to the National Policy Statement on Urban Development.	Retain as notified.
28.	SUB – PREC1 – PSP: P9	Support	Retain as notified.



**Table 1: Cordyline Holdings Limited submission on Hamilton City District Plan  
Proposed Plan Change 5 – Peacocke Structure Plan**

No.	Specific provision the submission relates to:	Submission – support/oppose/amendments sought and reasons for submission	Relief sought (text amendments shown in strikethrough and underline)
		Cordyline Holdings supports the proposed approach to enable the efficient use of land in locations close to the Peacocke Local Centre and identified public transport routes. This policy gives effect to the National Policy Statement on Urban Development.	
29.	SUB – PREC1 – PSP: P14	<p>Support</p> <p>Cordyline Holdings supports this policy as it provides recognition that connections to adjacent sites can be provided where feasible.</p>	Retain as notified.
30.	SUB – PREC1 – PSP: P15	<p>Amendments sought</p> <p>Cordyline Holdings supports the provision of open space that is of a size and distribution commensurate to the density of anticipated development. It is concerned that the reference to Council's Open Space Provision Policy is uncertain, as this document has not been incorporated by reference and could be changed at any time.</p>	<p>Amend policy P15 as follows:</p> <p><i>Require subdivision to provide for areas of open space that are:</i></p> <ol style="list-style-type: none"> <li><i>1. Located in areas that are accessible to pedestrians.</i></li> <li><i>2. Of a size and <del>frequency</del> <u>distribution</u> suitable for the density expected in the Peacocke Structure Plan and <del>consistent with Council's Open Space Provision Policy.</del></i></li> <li><i>3. Designed to be safe and useable for people of all abilities.</i></li> </ol>
31.	SUB – PREC1 – PSP: P17	<p>Support</p> <p>Cordyline Holdings supports this policy, as it would enable super block development to facilitate the delivery of high-density development.</p>	Retain as notified.

**Table 1: Cordyline Holdings Limited submission on Hamilton City District Plan  
Proposed Plan Change 5 – Peacocke Structure Plan**

No.	Specific provision the submission relates to:	Submission – support/oppose/amendments sought and reasons for submission	Relief sought (text amendments shown in strikethrough and underline)
32.	SUB – PREC1 – PSP: R4	<p>Support</p> <p>Cordyline Holdings supports the restricted discretionary activity status for fee simple subdivision that meet the prescribed development standards and restricted discretionary activity status where compliance is not achieved. This is appropriate as it will enable applicants to undertake a more focussed analysis of the proposal and will reduce the costs and complexity of the resource consent application process.</p>	Retain as notified.
33.	SUB – PREC1 – PSP: R5	<p>Support</p> <p>Cordyline Holdings supports the restricted discretionary activity status for unit title subdivision that meet the prescribed development standards and restricted discretionary activity status where compliance is not achieved. This is appropriate as it will enable applicants to undertake a more focussed analysis of the proposal and will reduce the costs and complexity of the resource consent application process.</p>	Retain as notified.
34.	SUB – PREC1 – PSP: R8	<p>Amendments sought</p> <p>Cordyline Holdings supports the restricted discretionary activity status for subdivision to accommodate a network utility service that meet the prescribed development standards and restricted discretionary activity status where compliance is not</p>	<p>Amend rule R8 as follows:</p> <p><i>Subdivision to accommodate a network utility service</i> <del>or transport corridor</del> <i>in Peacocke Precinct.</i></p>

**Table 1: Cordyline Holdings Limited submission on Hamilton City District Plan  
Proposed Plan Change 5 – Peacocke Structure Plan**

No.	Specific provision the submission relates to:	Submission – support/oppose/amendments sought and reasons for submission	Relief sought (text amendments shown in strikethrough and underline)
		<p>achieved. This is appropriate as it will enable applicants to undertake a more focussed analysis of the proposal and will reduce the costs and complexity of the resource consent application process.</p> <p>Cordyline Holdings opposes the inclusion of subdivision to accommodate a transport corridor in the Peacocke Precinct. Any subdivision that results in the vesting of roads for the transport corridor will create balance lots that would be held in fee simple. As such, the inclusion of a specific rule for the transport corridor is unnecessary and would duplicate (SUB – PREC1 – PSP: R4).</p>	
35.	SUB – PREC1 – PSP: R9	<p>Amendments sought</p> <p>Cordyline Holdings opposes the discretionary activity status of subdivision of an allotment that contains a Significant Natural Area. Where a subdivision creates allotments that are to be vested as open space and which wholly contain a Significant Natural Area, then the activity status should provide for consideration as a restricted discretionary activity, as this is consistent with objectives and policies for subdivision in the Peacocke Structure Plan area.</p>	<p>Amend rule R9 as follows:</p> <p><i>Activity Status: <u>Restricted Discretionary</u></i>  <i>Where the following are complied with:</i>  <u>RDIS-1</u></p> <ol style="list-style-type: none"> <li><i>1. SUB-PREC1-PSP: R12-R25.</i></li> <li><i>2. <u>All allotments that contain a Significant Natural Area identified in Volume 2, Appendix 9, Schedule 9C are vested as open space.</u></i></li> </ol> <p><i>Matters of discretion are restricted to:</i>  <u>1. C – Character and Amenity</u>  <u>2. P – Peacocke Structure Plan</u></p> <p><i>Activity Status where compliance not achieve with RDIS-1: Discretionary.</i></p>

**Table 1: Cordyline Holdings Limited submission on Hamilton City District Plan  
Proposed Plan Change 5 – Peacocke Structure Plan**

No.	Specific provision the submission relates to:	Submission – support/oppose/amendments sought and reasons for submission	Relief sought (text amendments shown in strikethrough and underline)
36.	SUB – PREC1 – PSP: R13	<p>Amendments sought</p> <p>Cordyline Holdings supports the provision of esplanade reserves and strips, however is opposed to the provision of these in situations where the Peacocke Structure Plan identifies proposed esplanade reserves that do not relate to a watercourse with an average width of 3m or more.</p>	<p>Amend rule R13 as follows:</p> <p><i>An Esplanade Reserve or Esplanade Strip of not less than 20m measured from the edge of any river or lake shall be set aside and vested in Council in accordance with section 231 of the Act where any subdivision of land results in the creation of an allotment that adjoins the banks of:</i></p> <p><i>a) The Waikato River.</i></p> <p><i>b) The margins of Lake Rotoroa (Hamilton Lake).</i></p> <p><i>c) Any watercourse where the average width of the bed is 3m or more where the river flows through or adjoins an allotment.</i></p> <p><i>d) Where a reserve or road of less than 20m width already exists along the edge of any river or lake, then additional land shall be vested to increase the minimum width to 20m.</i></p> <p><del>Or</del></p> <p><del>e) Is identified in the Peacocke Structure Plan as required to provide an Esplanade Reserve.</del></p> <p>Or in the alternate, amend the Peacocke Structure Plan maps as detailed elsewhere in this submission.</p>
	SUB – PREC1 – PSP: R15	<p>Support</p> <p>Cordyline Holdings supports the minimum allotment sizes for vacant sites, as these standards provide certainty that a complying building can be</p>	Retain as notified.

**Table 1: Cordyline Holdings Limited submission on Hamilton City District Plan  
Proposed Plan Change 5 – Peacocke Structure Plan**

No.	Specific provision the submission relates to:	Submission – support/oppose/amendments sought and reasons for submission	Relief sought (text amendments shown in strikethrough and underline)
		constructed in situations where subdivision precedes resource consent for land use.	
37.	SUB – PREC1 – PSP: R18	<p>Oppose</p> <p>Cordyline Holdings opposes the maximum block length and maximum block perimeter standards. It is unclear whether this standard could be complied with when considered in conjunction with the proposed transport network shown in Figure 2-2 for the Peacocke Structure Plan (at Appendix 2).</p>	Delete design standard SUB – PREC1 – PSP: R18.
38.	SUB – PREC1 – PSP: R22	<p>Amendments sought</p> <p>Cordyline Holdings supports the provision of parks to enhance the amenity of the area for future residents, however it opposes the overly prescriptive standard requiring no dwellings to be more than 500m from a neighbourhood park. This standard lacks certainty and will be complex to administer in a situation where parks may be vested in one stage, before the design and layout of adjacent development is known.</p>	<p>Amend rule R22 as follows:</p> <p><i>1) Where a Neighbourhood Park is identified as being required in the Peacocke Structure Plan, a neighbourhood park shall be provided that meets the following standards:</i></p> <ul style="list-style-type: none"> <li><i>a) Minimum area 5,000m<sup>2</sup></i></li> <li><i>b) Minimum transport corridor frontage 50% of the perimeter of the total park boundary.</i></li> <li><i>c) Is able to accommodate a 30m x 30m square area.</i></li> <li><i>d) Is generally flat.</i></li> </ul> <p><del>2) Neighbourhood parks shall be located so that no residential dwelling is more than 500m from a neighbourhood park.</del></p>

**Table 1: Cordyline Holdings Limited submission on Hamilton City District Plan  
Proposed Plan Change 5 – Peacocke Structure Plan**

<b>No.</b>	<b>Specific provision the submission relates to:</b>	<b>Submission – support/oppose/amendments sought and reasons for submission</b>	<b>Relief sought (text amendments shown in strikethrough and underline)</b>
39.	SUB – PREC1 – PSP: R24	Support  Cordyline Holdings supports this design standard as it provides certainty, will give effect to the Waikato Regional Policy Statement, and will provide for the protection of significant habitats of indigenous fauna.	Retain as notified.
<b>Chapter 25 – City-wide – Earthworks and Vegetation Removal</b>			
40.	25.2.5.1 Earthworks in the Peacocke Medium Density Zone: Peacocke Precinct	Support  Cordyline Holdings supports this rule but seeks clarification that the rule is intended to apply to earthworks 600m <sup>2</sup> in area and not a volume of 600m <sup>3</sup> .	Amend rule 25.2.5.1 to clarify that the standard allows earthworks 600m <sup>2</sup> in area.
<b>Appendix 1 – District Plan Administration – 1.1 Definitions and Terms</b>			
41.	Definition of Apartment Building (Peacocke Precinct)	Support  The definition is necessary to provide clarity to the provisions in Chapter 4A – Peacocke Medium Density Residential Zone.	Retain as notified.
42.	Definition of Terrace Dwelling (Peacocke Precinct)	Support  The definition is necessary to provide clarity to the provisions in Chapter 4A – Peacocke Medium Density Residential Zone.	Retain as notified.
43.	Definition of Urban Block	Amendments sought	Clarify the purpose of the term 'urban block' and where it is used in Proposed Plan Change 5. If the term would result in a change in activity status due to

**Table 1: Cordyline Holdings Limited submission on Hamilton City District Plan  
Proposed Plan Change 5 – Peacocke Structure Plan**

No.	Specific provision the submission relates to:	Submission – support/oppose/amendments sought and reasons for submission	Relief sought (text amendments shown in strikethrough and underline)
		The definition refers to lots 'bounded by roads in the Peacocke Structure Plan Area'. This term does not appear to be used in any of the provisions in Proposed Plan Change 5 and its purpose is unclear.	amendment to the location of roads shown in the Peacocke Structure Plan Area, then amend the definition to enable flexibility in the position of roads.
<b>Appendix 1 – District Plan Administration – 1.2 Information Requirements</b>			
44.	1.2.2.2.1	<p>Oppose</p> <p>Cordyline Holdings opposes the information requirements in 1.2.2.2.1, as they are onerous and lack clarity. The level of information required will impose significant costs on applicants preparing resource consent applications. These information requirements are unnecessary given the extensive and detailed assessment criteria in Appendix 1 – 1.3 Assessment Criteria, clause P Peacocke Structure Plan. Furthermore, the wording of the information requirement is inconsistent with Chapter 3A, which states that the provision of the transport network and amenities such as parks are indicative only and will be determined at the time of subdivision.</p>	Delete clause 1.2.2.2.1 Additional Requirements for Concept Plans for the Peacocke Structure Plan.
<b>Appendix 1 – District Plan Administration – 1.3 Assessment Criteria</b>			
45.	P3 Development in the Peacocke Precinct	<p>Amendments sought</p> <p>Cordyline Holdings opposes the Seismic Setback Line, as the extent of the Seismic Setback Line/Stability Sensitive Areas will impose additional costs on applicants to prepare geotechnical assessments of land where no demonstrable risk exists. The section 32 evaluation does not provide</p>	Amend P3 by deleting clause (g) which relates to the Seismic Setback Line.

**Table 1: Cordyline Holdings Limited submission on Hamilton City District Plan  
Proposed Plan Change 5 – Peacocke Structure Plan**

No.	Specific provision the submission relates to:	Submission – support/oppose/amendments sought and reasons for submission	Relief sought (text amendments shown in strikethrough and underline)
		any consideration of the potential increased insurance costs that this provision may give rise to. Furthermore, it is unnecessary as section 106 of the Resource Management Act enables consent authorities to refuse a subdivision consent if there is a significant risk from natural hazards.	
46.	P5 Subdivision in the Peacocke Structure Plan, clauses (u) and (v)	<p>Amendments sought</p> <p>Cordyline Holdings generally supports the assessment criteria in clause P5, but seeks the deletion of clause (u) relating to the Seismic Setback Line for the reasons discussed above. It also seeks amendment to clause (v) to better provide for flexibility in the staging of development.</p>	<p>Amend clause P5 by deleting clause (u) relating to the Seismic Setback Lines and amending clause (v) as follows:</p> <p>(v) Whether the proposal is <u>generally</u> in accordance with the identified staging in the Peacocke Structure Plan.</p>



5 November 2021

**Attn: Manager, City and Infrastructure Planning**

Hamilton City Council  
Private Bag 3010  
Hamilton 3240

**Submission sent via email:** [districtplan@hcc.govt.nz](mailto:districtplan@hcc.govt.nz)

**SUBMISSION ON PROPOSED PLAN CHANGE 5: PEACOCKE STRUCTURE  
PLAN FROM KĀINGA ORA – HOMES AND COMMUNITIES**

**Introduction**

Kāinga Ora – Homes and Communities (“**Kāinga Ora**”) at the address for service set out below makes the following submission on the Proposed Plan Change 5 (“**PC5**”) to the Hamilton City Council’s District Plan (“**District Plan**”).

Kāinga Ora does not consider it can gain an advantage in trade competition through this submission. In any event, Kāinga Ora is directly affected by an effect of the subject matter of the submission that:

- Adversely affects the environment; and
- Does not relate to trade competition or the effects of trade competition.

This submission provides an overview of the matters of interest to Kāinga Ora with **Attachments (1-3)** providing the substantive detail of submission matters.

**Background to Kāinga Ora and its Submission**

1. Kāinga Ora was established in 2019 as a statutory entity under the Kāinga Ora-Homes and Communities Act 2019. Kāinga Ora consolidates Housing New Zealand Corporation (“**Housing NZ**”), HLC (2017) Ltd and parts of the KiwiBuild Unit. Under the Crown Entities Act 2004, Kāinga Ora is listed as a Crown entity and is required to give effect to Government policies.

2. Kāinga Ora is now the Government's delivery entity for housing and urban development. Kāinga Ora will therefore work across the entire housing spectrum to build complete, diverse communities. As a result, Kāinga Ora has two core roles:
  - a) Being a world class public housing landlord; and
  - b) Leading and co-ordinating urban development projects.<sup>1</sup>
3. Kāinga Ora's statutory objective requires it to contribute to sustainable, inclusive, and thriving communities that:
  - a) provide people with good quality, affordable housing choices that meet diverse needs; and
  - b) support good access to jobs, amenities and services; and
  - c) otherwise sustain or enhance the overall economic, social, environmental and cultural well-being of current and future generations.
4. Kāinga Ora is focused on enabling and delivering quality urban developments by accelerating the availability of build-ready land, and building a mix of housing including public housing, affordable housing, homes for first home buyers, and market housing of different types, sizes and tenures.
5. In the Hamilton context, the housing portfolio managed by Kāinga Ora comprises approximately 3,379 dwellings (as at 30 June 2021). The Hamilton District is identified as a key area for Kāinga Ora to reconfigure and grow its housing stock to provide efficient and effective public housing that is aligned with current and future residential demand in the area, and the country as a whole.
6. As such, in addition to its role as a public housing provider, landowner, landlord, rate payer and developer of residential housing, Kāinga Ora will play a greater role in urban development more generally. The legislative functions of Kāinga Ora illustrate this broadened mandate and outline two key roles of Kāinga Ora in that regard:
  - a) initiating, facilitating and/or undertaking development not just for itself, but in partnership or on behalf of others; and

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<sup>1</sup> Section 13, Kāinga Ora – Homes and Communities Act 2019

- b) providing a leadership or coordination role more generally.
7. Notably, Kāinga Ora's statutory functions in relation to urban development extend beyond the development of housing (which includes public housing, affordable housing, homes for first home buyers, and market housing) to the development and renewal of urban environments, as well as the development of related commercial, industrial, community, or other amenities, infrastructure, facilities, services or works.
8. Kāinga Ora is interested in all issues that may affect the supply and affordability of housing and has a shared interest in the community as a key stakeholder, alongside local authorities. These interests include:
- a) Minimising regulatory barriers that constrain the ability to deliver housing development;
  - b) The provision of public housing to persons who are unable to be sustainably housed in private sector accommodation;
  - c) Leading and co-ordinating residential and urban development projects;
  - d) The provision of services and infrastructure and how this may impact on Kāinga Ora's existing housing, planned residential and community development and Community Group Housing ("CGH") providers; and
  - e) Working with local authorities to ensure that appropriate services and infrastructure are delivered for its developments.

### **Scope of Submission**

9. The submission relates to PC5 as a whole.
10. Kāinga Ora's submission has focused on those provisions of PC5 that, in Kāinga Ora's view, require amendment to ensure:
- a) A range of typologies are enabled to be delivered in appropriate locations for both public and market housing; and
  - b) The provision of quality, affordable housing choices that meet the diverse needs of the community.

11. This submission is informed by the National Policy Statement on Urban Development ("**NPS-UD**"), which provides further direction around where growth should be located (i.e. within proximity to centres, jobs, education, amenities and services). Kāinga Ora also notes that recent policy direction from Government through the announcement and proposed expedition of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill further promotes broad outcomes seeking to improve housing supply through enablement of more medium density housing.
12. From Kāinga Ora's perspective, PC5 as notified by the Council, has the potential to increase housing supply, but does not sufficiently capitalise on this greenfield development opportunity to achieve appropriate intensification outcomes.

**The submission is:**

13. Kāinga Ora opposes PC5, for the reasons set out below and in the attachments.
14. Provided that the relief sought below and attached is granted:
  - a) The PC5 will be in accordance with the purpose and principles of the Resource Management Act 1991 ("**the Act**") and will be appropriate in terms of section 32 of the Act; and
  - b) The potential adverse effects that might arise from activities provided for by PC5 will have been addressed appropriately.
15. In the absence of the relief sought, the PC5:
  - a) is contrary to the sustainable management of natural and physical resources and is otherwise inconsistent with Part 2 of the Act;
  - b) will not meet statutory obligations under the NPS-UD;
  - c) will in those circumstances impact significantly and adversely on the ability of people and communities to provide for their social, economic and cultural wellbeing; and
  - d) does not provide a framework to enable the delivery of sustainable, inclusive, and thriving communities.

16. In particular, but without limiting the generality of the above:

*National Policy Statement on Urban Development (“NPS-UD”)*

17. In our view, PC5 does not sufficiently give effect to the direction within the NPS-UD, specifically Policy 1(a)(i), Policy 2 and Policy 3.

18. On the whole, Kāinga Ora considers that the Council have been too conservative in their approach to the development of the Proposed Peacocke Precinct and does not achieve the objectives for a Tier 1 Council as prescribed by the NPS-UD by:

(a) prescribing high density at a rate of only 30-50 dwellings per hectare. Approximately only 36% of the total Precinct area is available for residential and commercial development (the balance is roads, other infrastructure and the green network). At a high level, this represents a fairly economically inefficient use of the land resource. PC 5 should be maximising the development potential of the developable land available.

(b) only prescribing a maximum height of 16m<sup>2</sup> within the high density overlay; and

(c) not providing commensurate higher density provisions within a walkable catchment of the local centre zone<sup>3</sup>.

19. In order to improve housing choice, liveability, affordability and sustainability outcomes, Tier 1 Councils need to remove District Plan barriers that encourage high quality, higher density residential outcomes and actively discourage sprawling, low density housing outcomes.

20. In addition to the uplift in the MDZ in accordance with the Enabling Bill, Kāinga Ora considers that residential intensification in and around centres and along rapid transit corridors should be further enabled (beyond what is currently proposed by PC5) in accordance with the NPS-UD, unless there are “qualifying matters” which would render this inappropriate. To this end, Kāinga Ora are seeking that the High Density Overlay, be replaced by a High Density Residential Zone with a clear purpose and suite of objectives and policies that will drive high quality, high density outcomes and importantly, avoid undesirable low density development that would compromise the

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<sup>2</sup> MRZ-PREC1-PSP:R38

<sup>3</sup> See Attachment 3

vision of the Peacocke Precinct<sup>4</sup>. In addition, Kāinga Ora are seeking changes to the density targets and height limits across the Precinct, being effective methods to achieve higher density outcomes.

*Review of the Retail Assessment Report and the Dwelling Demand and Feasibility Study*

21. Kāinga Ora have several concerns in regard to both the retail assessment report and the dwelling demand and feasibility study<sup>5</sup>. Both reports have been based off out dated growth projections. The most recent projection series available nationally are higher than previously estimated. This affects total dwelling demand across Hamilton City and therefore consequentially effects the prediction of appropriate housing and retail demand within the Peacocke Precinct. In addition to this, the report relies on existing dwelling preference to determine future demand for typologies, irrespective of growing affordability issues. Kāinga Ora also has concerns regarding the feasibility analysis of high density typologies and the relationship with requisite flexibility in the planning provisions to provide higher density typologies. It is difficult to understand how the growing unaffordability of the stand alone typology is factored into feasibility to deliver affordable stand alone products in the future. This could change the dwelling composition of the Peacocke Precinct materially in the future. Kāinga Ora therefore considers that higher density dwelling opportunities should be given greater prominence.
22. Kāinga Ora consider that PC5 places a heavy reliance on an assumption laden theoretical modelling exercise undertaken within the dwelling demand feasibility report<sup>6</sup> which may bear little resemblance to market realities / practicalities moving forward. There is also concern around the veracity and reliability of the feasibility modelling in general which the policy development of PC5 has relied on.
23. Kāinga Ora considers that the amount of commercial land proposed is inadequate to serve approximately 8,400 or 22,000 people (conservative assessment). The proposed Local Centre has the potential to be a more significantly sized centre with a broader role and function. The economic analysis supporting this aspect of the plan change is considered flawed, and treats the Peacocke Precinct as an isolated catchment, rather than in reality, would be servicing a slightly broader market. This could mean the commercial provision is likely too low to service future market demand.

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<sup>4</sup> See Attachment 2 to submission.

<sup>5</sup> Appendix M and Appendix N of PC5

<sup>6</sup> Appendix N of PC5 – completed by Market Economics

### *Design outcomes*

24. Higher density development requires a design led approach to achieve high quality, liveable and sustainable outcomes for the Peacocke community. Kāinga Ora do not consider that the subdivision led development approach, as favoured by PC5, will achieve the vision of the Precinct. As such, it is important that the provisions for the plan change to prioritise the development of land ahead of subdivision and focus on architectural and urban design outcomes through the use of comprehensive development plans and inclusion of any specific matters as part of the matters of discretion and assessment criteria attached to any standards and rules.
25. Kāinga Ora opposes and seeks the deletion of references to any design codes, guides or guidelines as de facto rules to be complied with in PC5, for example “is in accordance with any relevant design code”. The operative District Plan does not contain Design Guides suited to the medium to high density outcomes anticipated in the Peacocke Precinct. Kāinga Ora would support an alternative, whereby it works with the Council and its consultants to formulate a list of specific matters that should be included as matters of discretion and assessment criteria on design outcomes that are to be considered and could be incorporated into the District Plan.
26. If there are any proposed design guides, design codes or guidelines to be developed, Kāinga Ora seeks that any such guides are treated as a non-statutory document that sits outside of the District Plan and referenced in an advice note against the relevant rules and effects standard to be considered when preparing an application. Urban Design guidelines are identified as providing best practice guidance and can be updated without going through a Schedule 1 of the RMA process.

### *Reverse sensitivity*

27. The urbanisation of the Peacocke Precinct has been in planning since the 1980s when it was included into Hamilton City (from the Waipā District). While Waka Kotahi’s Southern Links project was promulgated in the 2000s (with the Notice of Requirement lodged in 2013). The project is in part driven by the residential intensification of Peacocke. As such, it has been known from the outset of the Southern Links project that significant roading infrastructure would come into close proximity to residential development. Kāinga Ora considers the manner in which reverse sensitivity effects are managed, by requiring acoustically insulated dwellings places a considerable mitigation burden solely on private landowners. Consideration is required of the level of equity and

fair distribution of the responsibility for the management of the effects likely to be generated from within the designation corridor as a result of current and future activities within the Southern Links designation. It is widely accepted that higher density living should be consolidated around key transport corridors and these strategic drivers which promote good urban form and outcomes should not result in a financial burden that rests solely on landowners.

#### *Earthworks*

28. The notified earthworks provisions signal that there are landforms within the Peacocke Precinct that need to be respected during the development of the area. Kāinga Ora considers it is appropriate that the Council establish an “Earthworks Overlay” to clearly signal to developers and landowners where earthworks may be restricted (in order to protect landform). This will assist in determining the feasibility of projects, as significant restrictions on earthworks are a barrier to effectively and efficiently developing high density living opportunities.

#### *Protection of bat habitats*

29. Kāinga Ora supports the protection of bat habitat; however, Kāinga Ora consider that design of public walkways / cycle ways within proximity to the identified bat corridors should promote Crime Prevention through Environmental Design (CPTED) principles to strike the appropriate balance between the protection of bat habitat and the safety of the community. Further work, in terms of urban form / landscape design, is required to resolve this issue.

#### **Relief Sought**

30. Kāinga Ora seeks the following decision from Hamilton City Council on PC5:
  - a) That the proposed provisions of the PC5 be deleted or amended, to address the matters raised in this submission and its attachments 1-3 so as to provide for the sustainable management of the City's natural and physical resources and thereby achieve the purpose of the Act; and
  - b) Such further or other relief, or other consequential or other amendments, as are considered appropriate and necessary to address the concerns set out herein.



31. Kāinga Ora does not consider it can gain an advantage in trade competition through this submission.
32. Kāinga Ora wishes to be heard in support of this submission.
33. If others make a similar submission, Kāinga Ora would be willing to consider presenting a joint case with them at a hearing.

**Dated** this 5<sup>th</sup> day of November 2021

A handwritten signature in black ink, appearing to be 'BL', written over a horizontal dotted line.

**Brendon Liggett**

Manager Development Planning

National Planning, Urban Design and Planning Group

**ADDRESS FOR SERVICE:**

Kāinga Ora – Homes and Communities,

PO Box 74598, Greenlane,

Central Auckland 1546

Email: [developmentplanning@kaingaora.govt.nz](mailto:developmentplanning@kaingaora.govt.nz)

## Attachment 1

Section/Sub-section/Provision	Support/Support in part/Oppose	Reason(s) for submission	Relief sought / decision requested Text proposed as part of the Plan Change is shown as <u>underlined</u> and <del>strikethrough</del> . Text proposed by Kāinga Ora is shown as <u>underlined</u> and <del>strikethrough</del> Consequential amendments may be required to give effect to the relief sought.
<b>MAPPING</b>			
<u>High Density Overlay</u>	Oppose	Kāinga Ora opposes the “High Density Overlay” shown on the Peacocke Structure Plan as it is not considered the most effective tool for achieving the desired high density outcomes for the identified parts of the Peacocke Precinct. Kāinga Ora supports the replacement of the “High Density Overlay” with a “High Density Zone” with its own purpose, objectives, policies and rules.	<b><i>Delete the “High Density Overlay” and replace with a “High Density Zone” that would be controlled with the proposed provisions set out in Attachment 2 of Kāinga Ora submission.</i></b>
<u>Local Centre</u>	Support in part	Kāinga Ora does not consider that the Council has appropriately set the density targets for the Precinct, and as such has incorrectly determined the size and / or type of centre needed to support the Peacocke Precinct.	<b><i>Amend the size of the proposed Local Centre to reflect the recalculation of density targets, or change the type of centre for the Precinct.</i></b>
<u>Earthworks overlay</u>	New overlay	Kāinga Ora considers that a new “Earthworks Overlay” should be included on the Structure Plan to indicate those areas of the Precinct where more sympathetic earthworks are required to respect the natural topography of the land. An overlay would enable developers and purchasers to understand the implications of potentially restricted earthworks, including costs to develop or limitations on development density.	<b><i>Amend and include a new “Earthworks Overlay” on the Structure Plan to indicate those areas of the Precinct where more sympathetic earthworks are required to respect the natural topography of the land.</i></b>

Section/Sub-section/Provision	Support/Support in part/Oppose	Reason(s) for submission	Relief sought / decision requested
DEV01-PSP: OVERVIEW AND VISION			
Overview			
Overview	Support in part	Kāinga Ora considers that the overview needs to be clear that the intent for the Peacocke Precinct is to achieve a medium to high density community.	<p>Text proposed as part of the Plan Change is shown as <u>underlined</u> and <del>strikethrough</del>. Text proposed by Kāinga Ora is shown as <u>underlined</u> and <del>strikethrough</del></p> <p>Consequential amendments may be required to give effect to the relief sought.</p> <p><b>Amend as follows:</b></p> <p><u>The Peacocke area is a 740ha area of rural land...</u></p> <ul style="list-style-type: none"> <li>• <u>Promote medium to high density development by <del>e</del>enabling the development of a range of typologies, enabling supporting housing choice and a range of price points providing diversity in housing, catering for a range of occupants who require a range of housing sizes from one and two bedroom apartments to larger single dwellings.</u></li> <li>• <u>Low density residential development is discouraged.</u></li> <li>• <u>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.</u></li> <li>• <u>Support the amenity of <del>Enable</del> higher density living by enhancing connections with the proposed Open Space Zone in and around housing to borrow amenity from areas of high amenity such as the Waikato River and Mangakootukutuku gully network.</u></li> <li>• <u>Encourage subdivision to occur concurrently with or following land development.</u></li> <li>• <u>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.</u></li> <li>• <del>Subdivision should be undertaken, (where topography allows) to maximise access to sunlight for allotments.</del></li> <li>• <u>Promote active street frontages</u> <del>The block pattern and lot arrangement should create streets that are lined with buildings, with public frontages, directing back yards to be located to the rear of the site creating private</del></li> </ul>

Section/Sub-section/Provision	Support/Support in part/Oppose	Reason(s) for submission	Relief sought / decision requested Text proposed as part of the Plan Change is shown as <u>underlined</u> and <del>strikethrough</del> . Text proposed by Kāinga Ora is shown as <u>underlined</u> and <del>strikethrough</del> Consequential amendments may be required to give effect to the relief sought.
			<p><del>outdoor living areas. that</del> Ensuring road frontages <u>are not dominated by carparking, garaging and vehicle access.</u></p> <ul style="list-style-type: none"> <li>• <u>Development should be well designed and provide a high level of on-site amenity for residents, including maximising access to sunlight, and private living spaces and a high-quality outlook.</u></li> <li>• <u>Developments use quality building materials, variation in architectural form and landscaping to contribute positively to the character of the area.</u></li> <li>• <del>Subdivision is designed to respond to t</del><u>The gully network and areas of open space ensuring that where these are safe and accessible to the public and they are visible and safe</u></li> </ul>
<b>Vision</b>			
Vision	Oppose	<p>Kāinga Ora considers that the vision needs to be clearer that the intent for the Peacocke Precinct is to achieve a medium to high density community and needs to set out the framework for achieving the vision (as it is very unclear at the moment how good design outcomes will be delivered).</p> <p>Kāinga Ora opposes and seeks the deletion of references to any design codes, guides or guidelines as de facto rules to be complied with in PC5, for example “is in accordance with any relevant design code”. The operative District Plan does not contain Design Guides suited to the medium to high density outcomes anticipated in the Peacocke Precinct. Kāinga Ora would support an alternative, whereby it works with the Council and its consultants to formulate a list of specific matters that should be included as matters of discretion and assessment criteria on design</p>	<p><b>Amend as follows:</b></p> <p><u>The vision for the Peacocke <del>area</del> Precinct is that it will become a high-quality medium to high density urban environment that is based on urban design best practice, social well-being, and environmental responsibility.</u></p> <p>...</p> <p><u>The Peacocke <del>area</del> Precinct is Hamilton’s southern growth cell and is ideally located to provide house approximately 20,000[TBC] people homes with easy access to destinations such as the Central City and the University of Waikato...</u></p> <p>...</p> <p><u>These features of the Peacocke <del>area</del> Precinct means that it is important...</u></p> <p><u>The Peacocke <del>area</del> Precinct will be developed in line with Hamilton’s vision for a 20-minute city...This means establishing a local[TBC] centre, which will act as the central community hub, supported by a network of smaller neighbourhood centres, providing day to day convenience for residents.</u></p> <p>...</p> <p><u>The topography in Peacocke is typically undulating and earthworks will be required to achieve the densities envisaged in the area. It is important that <del>these in</del></u></p>

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		outcomes that are to be considered and could be incorporated into the District Plan.  If there are any proposed design guides, design codes or guidelines to be developed, Kāinga Ora seeks that any such guides are treated as a non-statutory document that sits outside of the District Plan and referenced in an advice note against the relevant rules and effects standard to be considered when preparing an application. Urban Design guidelines are identified as providing best practice guidance and can be updated without going through a Schedule 1 of the RMA process.	<u>identified locations of topographical / geological / cultural significance, earthworks are minimised and development responds to the natural landform. 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.</u>  <u>To guide development in the Peacocke Precinct, a Comprehensive Development Plan will need to be prepared with either a landuse or subdivision application to ensure that the vision for the Precinct is delivered. Information requirements will include concept plans for transport, infrastructure, the natural environment network, the open space network, landuse, landscape design, staging and integration, as well as a detailed development response (architecture and urban design) and an ecological rehabilitation and management plan. With respect to the [TBC] centre, a Master Plan is required and developers of the [TBC] Centre will take guidance from the non-statutory Peacocke Local Centre Design Guide.</u>
<b>DEV01-PSP: OBJECTIVES</b>			
<b>Urban Environment</b>			
<u>DEV01-PSP: O1</u>	Oppose	Kāinga Ora does not consider that this objective effectively supports the vision.	<b>Delete objective entirely</b> [Consequential numbering adjustment]
<u>DEV01-PSP: O2</u>	Oppose	Kāinga Ora does not consider that this objective effectively supports the vision.	<b>Delete objective entirely</b> [Consequential numbering adjustment]
<u>DEV01-PSP: O3</u>	Oppose	Kāinga Ora does not consider that this objective effectively supports the vision.	<b>Delete objective entirely</b> [Consequential numbering adjustment]
<u>DEV01-PSP:</u>	Oppose	Kāinga Ora does not consider that this objective	<b>Delete objective entirely</b>

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<u>O4</u>		effectively supports the vision.	[Consequential numbering adjustment]
<u>DEV01-PSP: O5</u>	Oppose	Kāinga Ora does not consider that this objective effectively supports the vision.	<b>Delete objective entirely</b> [Consequential numbering adjustment]
<u>DEV01-PSP: O6</u>	Oppose	Kāinga Ora considers that the objective needs to be clear that the intent for the Peacocke Precinct is to achieve a medium to high density community.	<b>Amend as follows:</b> <del>The Peacocke Structure Plan Precinct is developed to</del> <u>delivers required housing supply for Hamilton and creates a connected, well integrated, high amenity, medium to high density residential environment, with where areas of higher density development established is focused around commercial centres, schools, public transport corridors and areas of open space and natural amenity.</u>
<u>DEV01-PSP: O7</u>	Support	Kāinga Ora supports appropriate and sympathetic urban development that responds to the natural environment.	<b>Retain as notified</b>
<u>DEV01-PSP: O8</u>	Support in part	Kāinga Ora considers that the objective could be clearer as to the role of the centres and the outcomes that will be delivered.	<b>Amend as follows:</b> <del>Business The Centres in the Peacocke Precinct are well designed, functional, safe, attractive and vibrant and provide for the commercial and community needs of the Peacocke residents, as well as high density living opportunities. integrate with surrounding neighbourhoods, provide for multi-level apartment buildings and create distinctive places that are functional, safe, attractive and vibrant.</del>
<u>DEV01-PSP: O9</u>	Support in part	Kāinga Ora considers that the objective could be clearer as to the role of the centres and the outcomes that will be delivered.	<b>Amend as follows:</b> <del>The Peacocke Local [TBC] Centre is the primary business centre within the structure plan area and provides a range of commercial and community services, as well as high density living opportunities. to the local community</del>
<u>DEV01-PSP:</u>	Support in part	Kāinga Ora considers that the objective could be	<b>Amend as follows:</b>

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<u>O10</u>		clearer as to the role of the centres and the outcomes that will be delivered.	<u>Neighbourhood centres</u> provide small scale commercial and community services to the immediate community and are also located in close proximity to recreational areas to support and act as activity nodes for walkable catchments, providing access to smaller scale convenience activities.
<u>DEV01-PSP: O11</u>	Oppose	Kāinga Ora considers that earthworks should only be minimised where significant landforms need to be maintained. A corresponding overlay should be included to identify these geologically / topographically significant areas.	<b>Amend as follows:</b> <u>Earthworks in the “Earthworks Overlay” are sympathetic to the topography of the natural landform. Peacocke Structure Plan are undertaken in a comprehensive and integrated manner, ensuring a high amenity urban environment that is sympathetic to the areas topographical character.</u>
<u>DEV01-PSP: OX</u> <u>New objective</u>	Support	Kāinga Ora supports a specific objective that requires an appropriate amount of quality open space within the Structure Plan Area.	<b>Include new objective:</b> <u>Sufficient, well connected, high quality open space is provided to enhance the amenity and wellbeing of the community.</u>
<b>Natural environment</b>			
<u>DEV01-PSP: O12</u>	Support in part	Kāinga Ora supports a public edge to the Waikato River, but the objective needs to reflect that it is well connected and safe.	<b>Amend as follows:</b> <u>Provide a well connected and safe public edge to the gully and Waikato River.</u>
<u>DEV01-PSP: O13</u>	Support	Kāinga Ora supports this objective.	<b>Retain as notified</b>
<u>DEV01-PSP: O14</u>	Support	Kāinga Ora supports this objective.	<b>Retain as notified</b>
<u>DEV01-PSP: O15</u>	Support	Kāinga Ora supports this objective.	<b>Retain as notified</b>

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<u>DEV01-PSP: O16</u>	Support	Kāinga Ora supports open spaces that supports the ecological values of the Peacocke Area, but the objective needs to reflect that it is well connected and safe.	<b><i>Amend as follows:</i></b> <u>Establish a well connected and safe network of open space, that supports the ecological values of the Peacocke Area and provides passive recreation opportunities where they do not conflict with ecological values.</u>
<b>Transportation network</b>			
<u>DEV01-PSP: O17</u>	Oppose	Kāinga Ora considers this objective is redundant as the framework for the strategic transport network is in place (and under construction) and the housing objectives are responding accordingly.	<b><i>Delete objective entirely</i></b> [Consequential numbering adjustment]
<u>DEV01-PSP: O18</u>	Support	Kāinga Ora supports this objective.	<b><i>Retain as notified</i></b>
<u>DEV01-PSP: O19</u>	Support in part	Kāinga Ora supports this objective but considers that the numbered portion read as policies and should be shifted to the transport policy section.	<b><i>Amend as follows:</i></b> <u>The transport network reduces car dependency and encourages a mode shift to walking, cycling and public transport by:</u> <u>1. Providing a well-connected transport network that prioritises walking and cycling.</u> <u>2. Designing the transport network to provide safe, direct and universally accessible routes for people walking and cycling throughout the structure plan area.</u> <u>3. Integrating with land use to support the provision of a frequent public transport service</u>
<u>DEV01-PSP: O20</u>	Support	Kāinga Ora supports this objective.	<b><i>Retain as notified</i></b>



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<b>Cultural outcomes</b>			
<u>DEV01-PSP: O21</u>	Support	Kāinga Ora supports this objective.	<b><i>Retain as notified</i></b>
<u>DEV01-PSP: O22</u>	Support	Kāinga Ora supports this objective.	<b><i>Retain as notified</i></b>
<b>Infrastructure network</b>			
<u>DEV01-PSP: O23</u>	Oppose	Kāinga Ora does not consider that this objective effectively supports the vision.	<b><i>Delete objective entirely</i></b> [Consequential numbering adjustment]
<u>DEV01-PSP: O24</u>	Oppose	Kāinga Ora does not consider that this objective effectively supports the vision.	<b><i>Delete objective entirely</i></b> [Consequential numbering adjustment]
<u>DEV01-PSP: O25</u>	Support	Kāinga Ora supports this objective.	<b><i>Retain as notified</i></b>
<u>DEV01-PSP: O26</u>	Support	Kāinga Ora supports this objective.	<b><i>Retain as notified</i></b>
<b>DEV01-PSP: POLICIES</b>			
<b>Urban environment</b>			
<u>DEV01-PSP: P1</u>	Support in part	While Kāinga Ora consider that development should be in general accordance with the Peacocke Structure Plan, it is considered that this should be reinforced with a requirement for comprehensive development plans at either subdivision or landuse stage.	<b><i>Amend as follows:</i></b> <u>Development should be in general accordance with the relevant Structure Plan Peacocke Structure Plan and comprehensive development plans will be required to ensure development meets the vision of the Precinct.</u>

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<u>DEV01-PSP: P2</u>	Oppose	Kāinga Ora does not consider that this policy effectively supports the vision.	<b>Delete objective entirely</b> [Consequential numbering adjustment]
<u>DEV01-PSP: P3</u>	Support	Kāinga Ora considers that P15 more effectively articulates the required outcome than this policy.	<b>Delete objective entirely</b> [Consequential numbering adjustment]
<u>DEV01-PSP: P4</u>	Support in part	Kāinga Ora supports this objective, but the relevant policy needs to be incorporated by reference (if the Council has not already done so).	<b>Ensure that the Hamilton City Council Open Space Provision Policy is incorporated by reference.</b>
<u>DEV01-PSP: P5</u>	Support in part	Kāinga Ora considers the policy is confusing as 'walkways and cycleways' are 'recreational activities'.	<b>Amend as follows:</b> <u>Recreational activities, including walkways and cycleways, are considered for co-location with:</u> 1. <u>Multifunctional stormwater management.</u> 2. <del>Walkways and cycleways.</del> 3. <u>Cultural and heritage sites.</u> 4. <u>Significant Natural Areas.</u>
<u>DEV01-PSP: P6</u>	Support in part	Kāinga Ora considers that appropriate access to the Waikato River should be required (rather than promoted).	<b>Amend as follows:</b> <del>Promote</del> <u>Require accessible, well located and safe appropriate and improved access to the Waikato River to better enable sporting, recreational, and cultural opportunities.</u>
<u>DEV01-PSP: P7</u>	Oppose	Kāinga Ora consider that this policy could be better articulated.	<b>Amend as follows:</b> <del>Avoid Ensure new development is connected to and promotes surveillance of 'turning its back' or privatising edges to major natural features and recreational areas open spaces.</del>
<u>DEV01-PSP: P8</u>	Oppose	Kāinga Ora does not consider that this policy effectively supports the vision and is better	<b>Delete objective entirely</b> [Consequential numbering adjustment]

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		articulated in P6.	
<u>DEV01-PSP: P9</u>	Oppose	Kāinga Ora does not consider that this policy is necessary given that the Sports and Active Recreation Zone is in the process of being designated.	<b>Delete objective entirely</b> [Consequential numbering adjustment]
<u>DEV01-PSP: P10</u>	Oppose	Kāinga Ora does not consider that this policy is necessary given that the Sports and Active Recreation Zone is in the process of being designated.	<b>Delete objective entirely</b> [Consequential numbering adjustment]
<u>DEV01-PSP: P11</u>	Oppose	Kāinga Ora does not consider that this policy is necessary given that the Sports and Active Recreation Zone is in the process of being designated.	<b>Delete objective entirely</b> [Consequential numbering adjustment]
<u>DEV01-PSP: P12</u>	Support	Kāinga Ora supports this policy.	<b>Retain as notified</b>
<u>DEV01-PSP: P13</u>	Oppose	Kāinga Ora considers that high density living should be established in areas of greater outdoor recreation opportunity and amenity (like the river).	<b>Amend as follows:</b> <u>Higher density development in the Peacocke Structure Plan: will <del>shall</del> be established within a walkable distance of the Peacocke Local Centre, neighbourhood centres, identified public transport routes, adjacent to schools, parks and community facilities, and <del>May be provided along adjoining areas of</del> natural open space including the river corridor and gully network.</u>
<u>DEV01-PSP: P14</u>	Oppose	Given the intensification requirements for the Council as a Tier 1 Council, Kāinga Ora opposes this policy. In order to achieve the vision for the Precinct for a medium to high density residential community, this policy needs to set suitable	<b>Delete the density standards in its entirety or amend as follows:</b> <u>Development of the Peacocke Structure Plan achieves:</u> 1. <u>A minimum overall net residential density (excludes roads and open space) of <del>22–3050</del> dwellings per hectare within the Peacocke Medium Density <del>Precinct Zone</del>.</u>

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		targets.	2. <u>A minimum overall net residential density (excludes roads and open space) of 35–50<del>100</del> dwellings per hectare within the Peacock High Density Overlay Zone.</u>
<u>DEV01-PSP: P15</u>	Oppose	Kāinga Ora considers that the policy needs to be explicit that low density residential development is not desirable in this location.	<b>Amend as follows:</b> <del>Avoid compromising the future delivery of high-density residential activity around the local centre and identified public transport routes with low density development. Low density residential development is avoided in the Peacocke Structure Plan area.</del>
<u>DEV01-PSP: P16</u>	Support in part	Kāinga Ora supports this policy but considers that the medium and high density living requirement should be explicit.	<b>Amend as follows:</b> <u>Require a variety of medium and high density housing typologies and densities to be provided throughout the structure plan area.</u>
<u>DEV01-PSP: P17</u>	Support in part	Kāinga Ora generally supports this policy to the extent that additional land for a centre is likely required to support the higher densities promoted by Kāinga Ora.	<b>Amend as follows:</b> <u>The <del>Local</del> [TBC] Centre and Neighbourhood Centres are developed in locations consistent with the Peacocke Structure Plan.</u>
<u>DEV01-PSP: P18</u>	Support in part	Kāinga Ora generally supports this policy to the extent that additional land for a centre is likely required to support the higher densities promoted by Kāinga Ora.	<b>Amend as follows:</b> <u>The <del>Local</del> [TBC] Centre is to be developed to include a variety of community and commercial activities that establish a high quality, pedestrian focused centre.</u>
<u>DEV01-PSP: P19</u>	Support in part	Kāinga Ora generally supports this policy to the extent that additional land for a centre is likely required to support the higher densities promoted by Kāinga Ora.	<b>Amend as follows:</b> <u>Incorporate infrastructure to support public transport services in the <del>Local</del> [TBC] Centre.</u>
<u>DEV01-PSP: P20</u>	Support	Kāinga Ora supports this policy.	<b>Retain as notified</b>

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<u>DEV01-PSP: P21</u>	Support in part	Kāinga Ora generally supports this policy to the extent that additional land for a centre is likely required to support the higher densities promoted by Kāinga Ora.	<b>Amend as follows:</b> <u>Activities within the neighbourhood centres are of a scale and size that supports the neighbourhood catchment and do not undermine the role and function of the Peacocke Local [TBC] Centre.</u>
<u>DEV01-PSP: P22</u>	Support	Kāinga Ora supports this policy, although considers that it is sufficiently captured by P1.	<b>Delete this provision</b>
<u>DEV01-PSP: P23</u>	Support	Kāinga Ora supports this policy but suggests wording amendments for clarity.	<b>Amend as follows:</b> <u>Near identified ecological corridors, ensure the design and location of buildings, infrastructure and lighting is managed throughout the Peacocke Structure Plan in order to maintain their role and function.</u>
<u>DEV01-PSP: P24</u>	Oppose	Kāinga Ora opposes this policy. Based on the supporting information, Council is seeking to protect (to some degree) topographical features within the Precinct. Furthermore, to promote higher density living opportunities, Council is seeking to avoid subdivision ahead of development. Kāinga Ora consider that areas of the Structure Plan where earthworks require stricter management should be identified by way of an “Earthworks Overlay” and this should be reflected in the policy.	<b>Amend as follows:</b> <u>Enable the development of a medium and high density environment in the Peacocke Structure Plan, while mManageing earthworks to ensure the within the “Earthworks Overlay” and promote development that responds to the landform. development of a high amenity environment by:</u> <del>1. Managing the use, size, location and style of retaining walls in the area.</del> <del>2. Requiring earthworks to be carried out in conjunction with subdivision to ensure comprehensive, cohesive outcomes are achieved.</del> <del>3. Requiring earthworks to be carried out in a way that is sympathetic to the character of the area.</del>
<u>DEV01-PSP: P25</u>	Support	Kāinga Ora supports this policy.	<b>Retain as notified</b>
<u>DEV01-PSP: P26</u>	Support in part	Kāinga Ora supports this policy.	<b>Retain as notified</b>

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<b>Natural environment</b>			
<u>DEV01-PSP: P27</u>	Support in Part	Kāinga Ora considers that the policy needs to be more directive as to significant vegetation.	<b><i>Amend as follows:</i></b> <u>The loss of significant vegetation within the Significant Natural Area and the Significant Bat Habitat Area is minimised avoided.</u>
<u>DEV01-PSP: P28</u>	Support in part	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
<u>DEV01-PSP: P29</u>	Oppose	Kāinga Ora do not consider that this policy effectively supports the vision.	<b><i>Delete objective entirely</i></b> [Consequential numbering adjustment]
<u>DEV01-PSP: P30</u>	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
<u>DEV01-PSP: P31</u>	Support in part	Kāinga Ora supports this policy but seeks amended working for clarity.	<b><i>Amend as follows:</i></b> <u>Provide for the revegetation of gullies and river margins.</u>
<u>DEV01-PSP: P32</u>	Support	Kāinga Ora supports this objective but considers that it can be combined with P34.	<b><i>Amend as follows:</i></b> <u>Provide a well connected, accessible and safe green corridor along the Waikato River that provides recreational, pedestrian and cycling opportunities facilities and amenity.</u>
<u>DEV01-PSP: P33</u>	Support in part	Kāinga Ora supports spaces for connection and meeting places but considers that this policy is captured by P4.	<b><i>Delete this policy</i></b>
<u>DEV01-PSP: P34</u>	Support	Kāinga Ora supports this policy but considers that it can be combined with P32 (as amended).	<b><i>Delete this policy</i></b>

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<u>DEV01-PSP: P35</u>	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
<u>DEV01-PSP: P36</u>	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
<u>DEV01-PSP: P37</u>	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
<u>DEV01-PSP: P38</u>	Support in part	Kāinga Ora considers that this policy is best located in the Urban Environment policies.	<b><i>Relocate this policy to the Urban Environment policy section</i></b>
<b>Transportation network</b>			
<u>DEV01-PSP: P39</u>	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
<u>DEV01-PSP: P40</u>	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
<u>DEV01-PSP: P41</u>	Support in part	Kāinga Ora supports this policy but considers it should be amended to partially capture O19.	<b><i>Amend as follows:</i></b> <u>Encourage urban form that reduces dependency on the car by focusing on intensification and encouraging prioritising walking, cycling and the use of passenger transport.</u>
<u>DEV01-PSP: P42</u>	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
<u>DEV01-PSP: P43</u>	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>

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<u>DEV01-PSP:</u> <u>P44</u>	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
<u>DEV01-PSP:</u> <u>P45</u>	Support in part	Kāinga Ora supports this policy but considers it should be amended to partially capture O19.	<b><i>Amend as follows:</i></b> <u>Development is designed to create neighbourhoods that are universally accessible, walkable, safe and linked by a high quality pedestrian and cycling network that incorporates the principles of CPTED.</u>
<u>DEV01-PSP:</u> <u>P46</u>	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
<u>DEV01-PSP:</u> <u>P47</u>	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
<u>DEV01-PSP:</u> <u>P48</u>	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
<u>DEV01-PSP:</u> <u>P49</u>	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
<u>DEV01-PSP:</u> <u>P50</u>	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
<u>DEV01-PSP:</u> <u>P51</u>	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
<u>DEV01-PSP:</u> <u>P52</u>	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
<u>DEV01-PSP:</u> <u>P53</u>	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>



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<b>Cultural outcomes</b>			
<u>DEV01-PSP: P54</u>	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
<u>DEV01-PSP: P55</u>	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
<b>Infrastructure network</b>			
<u>DEV01-PSP: P56</u>	Oppose	Kāinga Ora does not consider that this policy effectively supports the vision and is captured elsewhere in the policies.	<b><i>Delete objective entirely</i></b> [Consequential numbering adjustment]
<u>DEV01-PSP: P57</u>	Oppose	Kāinga Ora does not consider that this policy effectively supports the vision and is captured elsewhere in the policies.	<b><i>Delete objective entirely</i></b> [Consequential numbering adjustment]
<u>DEV01-PSP: P58</u>	Support in part	Kāinga Ora supports this policy but considers that it can be combined with P59 (as amended below).	<b><i>Delete this policy</i></b>
<u>DEV01-PSP: P59</u>	Support in part	Kāinga Ora supports this policy but considers that it can be combined with P58.	<b><i>Amend as follows:</i></b> <u>To ensure co-ordination of development and infrastructure, S</u> staging and sequencing is in general accordance with <u>the any</u> <del>stages</del> <u>indicated shown</u> on the <del>relevant</del> <u>Peacocke</u> Structure Plan.
<u>DEV01-PSP: P60</u>	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
<u>DEV01-PSP: P61</u>	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>

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<a href="#">DEV01-PSP: P62</a>	Support in part	Kāinga Ora generally supports this policy but considers that it should be relocated to the Transport Network policy section and amended to recognise stages, not areas.	<b><i>Relocate this policy to the Transport Network policy section and amend as follows:</i></b> Integrated Transport Modelling is undertaken for all Structure Plan <u>areas for all activities that have the potential to adversely impact the transport network.</u>
<a href="#">DEV01-PSP: P63</a>	Support	Kāinga Ora supports this policy but considers that it duplicates P39 and should either be deleted or relocated to the Transport Network policy section and combined with P39.	<b><i>Delete, or relocate this policy to the Transport Network policy section and combine with P39</i></b>
<a href="#">DEV01-PSP: P64</a>	Support	Kāinga Ora supports this policy but considers that it duplicates P39 and should either be deleted or relocated to the Transport Network policy section and combined with P39.	<b><i>Delete, or relocate this policy to the Transport Network policy section and combine with P39</i></b>
<a href="#">DEV01-PSP: P65</a>	Support	Kāinga Ora supports this policy but considers that it duplicates P48 and should either be deleted or relocated to the Transport Network policy section and combined with P48.	<b><i>Delete, or relocate this policy to the Transport Network policy section and combine with P48</i></b>
<a href="#">DEV01-PSP: P66</a>	Support in part	Kāinga Ora considers that this policy is best located in the Transport Network policies.	<b><i>Relocate this policy to the Transport Network policy section</i></b>
<a href="#">DEV01-PSP: P67</a>	Support in part	Kāinga Ora supports this policy but considers that it is already captured by P47, P48 and P49.	<b><i>Delete this policy</i></b>
<a href="#">DEV01-PSP: P68</a>	Oppose	Kāinga Ora opposes the idea that sensitive activities should be wholly responsible for mitigating effects, including noise and vibration effects, arising from regionally significant infrastructure, particularly in urban intensification	<b><i>Amend as follows:</i></b> a. <u>Sensitive land uses avoid adverse effects on and from regionally significant infrastructure and regionally significant industry.</u> b. <u>Where sensitive activities are in-zone and located in close proximity to regionally significant infrastructure, the mitigation of effects will be</u>

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		nodes where affordable housing is critical to addressing the housing crisis.	<u>apportioned between the infrastructure operator and the developer / landowner.</u>
<u>DEV01-PSP: P69</u>	Oppose	Kāinga Ora considers that P68 sufficiently addresses reverse sensitivity effects / effects of regionally significant infrastructure on sensitive activities.	<b>Delete objective entirely</b> [Consequential numbering adjustment]
<u>DEV01-PSP: P70</u>	Support in part	Kāinga Ora generally supports this policy but considers that it duplicates P61 and could be deleted.	<b>Delete this policy</b>
<b>DEV01-PSP: COMPONENTS OF THE PEACOCKE STRUCTURE PLAN</b>			
DEV01-PSP: Components of the Peacocke Structure Plan	Support in part	Kāinga Ora supports the guidance provided by the 'Components of the Peacocke Structure Plan', but it is unclear what statutory role they play in the proposed plan change, or for guiding development over the next several decades. Kāinga Ora consider that this section should be included as a part of a non-statutory Design Guide or should be embedded as objectives and policies.	<b>Move the 'Components of the Peacocke Structure Plan' into a non-statutory Design Guide.</b>
<b>4A MEDIUM DENSITY RESIDENTIAL ZONE – MRZ</b> <b>MRZ – PREC1-PSP: MEDIUM DENSITY RESIDENTIAL ZONE PEACOCKE PRECINCT</b>			
<u>MRZ – PREC1-PSP: ISSUES PURPOSE</u>			
Issues	Support in part	Kāinga Ora considers that amendments are needed to the 'Issues' section to reinforce the medium to high density outcomes envisioned for the site.	<b>Amend as follows:</b> <u>The Medium Density Zone applies to identified greenfield areas that will provide for a higher density than is currently established in the General</u>

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			<p><u>Residential Zone. Medium density development provides a number of benefits, including a more efficient use of land and infrastructure and the ability to foster walkable communities, which provide for access to services, jobs and daily needs within a walkable or cyclable distance.</u></p> <p><u>The Peacocke Precinct provides for <del>increased</del> medium to high density development across the entire structure plan with the vision to create a high quality urban neighbourhood. The precinct/<del>development area</del> is subject to its own planning framework due to the different outcomes that are envisaged throughout the <del>structure plan</del> precinct compared to Hamilton City's other Medium Density Zone <u>higher density</u> locations and the unique environmental features that are present in the area. The Peacocke Precinct applies in the Peacocke Development Area. It spatially identifies and manages the area, applying additional place-based provisions to refine the policy direction and standards that apply to development in the area. <del>The policy direction for the Peacocke Precinct recognises the unique natural qualities of the Peacocke area and the ability to protect, appreciate and draw amenity from these natural qualities by need to</del> <u>delivering a medium to high amenity density greenfield development that focuses on the creation of a walkable and cyclable environment.</u></u></p> <p><del>Increased density supports public transport and viable commercial centres, increasing the number of people within a walkable catchment. It also provides more housing options, such as one or two person homes, smaller families and opportunities for retirees to downsize. For this reason, the Peacocke Precinct includes a high density overlay which is located within walkable distances from the suburban centre, identified public transport routes and areas of amenity including the river and gully network, parks and community facilities. This overlay enables the delivery of higher density housing and in combination with the objectives and policies of the plan, will create a walkable environment that provides ease of access to facilities and amenities and public transport.</del></p>

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			<u>In order to ensure a pleasant living environment, it is important that higher density housing is well designed, both from an architectural and urban design perspective.</u> <del>This is because, when compared to lower density housing, there is less space to provide onsite amenity for individual properties and generally less flexibility to arrange smaller sites.</del> <u>As such, appropriate development standards are in place, as well as the need for a comprehensive development plan to be approved for all development within the precinct. For this reason, council reserves discretion over the development of multi-unit housing including duplex dwellings, terrace dwellings and apartments throughout the zone.</u>
<b>MRZ – PREC1-PSP: Objectives</b>			
MRZ - PREC1-PSP: O1	Support in part	Kāinga Ora supports a range of housing typologies.	<b>Amend as follows:</b> <u>A range of housing types</u> <del>typologies</del> <u>and densities</u> is available to meet the needs of all communities.
MRZ - PREC1- PSP: O2	Support	Kāinga Ora supports this objective.	<b>Retain as notified</b>
MRZ - PREC1- PSP: O3	Oppose	Kāinga Ora does not consider that this objective is relevant to the MRZ (rather it would be better in the proposed HRZ).	<b>Delete objective entirely</b> [Consequential numbering adjustment]
MRZ - PREC1- PSP: O4	Support in part	Kāinga Ora considers that the policy could be worded better to reflect the intent of the zone.	<b>Amend as follows:</b> <u>The Peacocke Precinct is establishes a well connected, integrated, high amenity, medium density residential environment,</u> <del>with areas of high density around identified activity nodes, corridors and areas of natural amenity.</del>
MRZ - PREC1- PSP: O5	Oppose	Kāinga Ora considers that, in order to ensure that the vision of the Precinct is realised, building heights need to be appropriate. Furthermore, the specification of the height limits in the objective reads more like a policy.	<b>Amend as follows:</b> <u>Development in the Peacocke MRZ maximises the use of land and infrastructure by providing a range of housing typologies that are consistent with the neighbourhood's planned urban built character.</u>

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MRZ - PREC1-PSP: O6	Oppose	Kāinga Ora does not consider that this objective effectively supports the vision and is encapsulated by O9.	<b>Delete objective entirely</b> [Consequential numbering adjustment]
MRZ - PREC1-PSP: O7	Oppose	Kāinga Ora does not consider that this objective effectively supports the vision and is encapsulated by O9.	<b>Delete objective entirely</b> [Consequential numbering adjustment]
MRZ - PREC1-PSP: O8	Support	Kāinga Ora supports this objective.	<b>Retain as notified</b>
MRZ - PREC1-PSP: O9	Support	Kāinga Ora supports this objective.	<b>Retain as notified</b>
MRZ - PREC1-PSP: O10	Oppose	Kāinga Ora considers that this objective relates to urban development seeking to ensure that it maximises the use of land and infrastructure. Kāinga Ora has therefore recommended an amendment to O5 to reflect the efficient use of land and infrastructure through urban development.	<b>Delete objective entirely</b> [Consequential numbering adjustment]
MRZ - PREC1-PSP: O11	Support in part	Given the wording of the related policy, Kāinga Ora considers that the wording of the objective should be clearer, and more encompassing of changes to technology,	<b>Amend as follows:</b> Residential <del>buildings development</del> <u>make incorporates sustainable features and technologies efficient use of water and energy resources.</u>
<b>MRZ – PREC1-P: Policies</b>			
<u>MRZ - PREC1-PSP: PX</u>	New policy	Kāinga Ora considers that a new policy is required to confirm that a comprehensive development plan, which demonstrates compliance with the	<b>Include new policy as follows:</b> <u>Promote comprehensive, integrated, high amenity development of the precinct in accordance with the Structure Plan.</u>

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		Structure Plan.	
<a href="#">MRZ - PREC1-PSP: PX</a>	New policy	Kāinga Ora considers that it is appropriate to have a policy that is explicit about height expectations in the MRZ and is consistent with the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill.	<b><i>Include new policy as follows:</i></b> <u>Development should generally be a minimum of three-storeys to promote the efficient use of land and infrastructure.</u>
MRZ - PREC1-PSP: P1	Support in part	Given that Kāinga Ora are proposing a High Density Residential Zone (HRZ) this policy should be moved to that new chapter (see below). Amended wording has also been proposed.	<b><i>Move this policy to the proposed HRZ</i></b> <b><i>Amend as follows:</i></b> Higher-density residential development should be located within and close to <del>the Central City, suburban</del> <u>the Local</u> and <del>a</del> Neighbourhood centres, <del>tertiary education facilities and hospital, and in</del> areas serviced by passenger transport, <u>and in close proximity to zoned open space.</u>
MRZ - PREC1-PSP: P2	Support in part	Kāinga Ora considers that the policy could be worded better to reflect the vision for the precinct. The policy is effectively an ‘avoid’ policy, however there are a number of non-residential activities that are appropriate to locate in a residential zone (churches, schools, etc) subject to managing their effects.	<b><i>Amend as follows:</i></b> <u>Manage the effects of non-residential activities while recognising that some contribute to social cohesion and should locate in the MRZ. Non-residential activities should not establish in residential areas, unless the adverse effects on all zones are avoided, remedied or mitigated.</u>
MRZ - PREC1-PSP: P3	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
MRZ - PREC1-PSP: P4	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
<del>MRZ - PREC1-PSP: P5</del>	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>

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MRZ - PREC1-PSP: P6	Support in part	Kāinga Ora opposes the idea that sensitive activities should be wholly responsible for mitigating effects, including noise and vibration effects, arising from regionally significant infrastructure, particularly in urban intensification nodes where affordable housing is critical to addressing the housing crisis.	<b><i>Amend as follows:</i></b> <u>Residential land uses should contribute towards mitigating</u> <del>be managed to avoid potential the effects, such as noise, from arterial transport corridors and state highways.</del>
MRZ - PREC1-PSP: P7	Support in part	Kāinga Ora generally supports this policy but considers that point (3) is sufficiently dealt with by P6 and can be deleted.	<b><i>Amend as follows:</i></b> <u>Residential Building</u> design <del>shall</del> <u>achieve</u> quality on-site amenity by providing: <ol style="list-style-type: none"> <li>1. Private, useable outdoor living areas that are located to the rear of the site.</li> <li>2. Access to sunlight and daylight throughout the year.</li> <li><del>4.</del> Adequate service areas to accommodate typical residential living requirements.</li> <li><del>3.</del> <u>Insulation to minimise adverse noise effects.</u></li> <li><del>5.</del> <u>Where offered</u>, parking and manoeuvring areas on-site to meet the needs, safety and convenience of residents.</li> <li><del>6.</del> Energy-efficient and sustainable design technologies where compatible with the scale and form of residential development.</li> <li><del>7.</del> <u>Principal living areas with s-Sufficient outlook to create a sense of visual and acoustic privacy space.</u></li> </ol>
MRZ - PREC1-PSP: P8	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
MRZ - PREC1-PSP: P9	Oppose	Kāinga Ora considers that this policy can be deleted as amendments to P7 have addressed outlook and privacy.	<b><i>Delete objective entirely</i></b> [Consequential numbering adjustment]



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MRZ - PREC1-PSP: P10	Support in part	Kāinga Ora supports the need for all buildings to be in general accordance with the Structure Plan.	<b><i>Amend as follows:</i></b> <del>Development in areas identified for medium and high density residential activities should be in general accordance with the appropriate Design Assessment Criteria. Promote comprehensive, integrated, high amenity development of the precinct in accordance with the Structure Plan.</del>
MRZ - PREC1-PSP: P11	Oppose	Kāinga Ora considers that this policy is more effectively achieved by P10.	<b><i>Delete policy entirely</i></b> [Consequential numbering adjustment]
MRZ - PREC1-PSP: P12	Oppose	Kāinga Ora considers that this policy is more effectively achieved by P10.	<b><i>Delete policy entirely</i></b> [Consequential numbering adjustment]
MRZ - PREC1-PSP: P13	Oppose	Kāinga Ora considers that vegetation or trees that warrant protection should be protected by way of notations.	<b><i>Delete policy entirely</i></b> [Consequential numbering adjustment]
MRZ - PREC1-PSP: P14	Oppose	Kāinga Ora considers that this policy is more effectively achieved by P10.	<b><i>Delete policy entirely</i></b> [Consequential numbering adjustment]
MRZ - PREC1-PSP: P15	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
MRZ - PREC1-PSP: P16	Oppose	Kāinga Ora considers that suitable policies exist elsewhere in the plan that address the matters listed in P16.	<b><i>Delete policy entirely</i></b> [Consequential numbering adjustment]
MRZ - PREC1-PSP: P17	Oppose	Kāinga Ora considers that this policy is more effectively achieved by P10.	<b><i>Delete policy entirely</i></b> [Consequential numbering adjustment]
MRZ - PREC1-PSP: P18	Support in part	Kāinga Ora supports this policy but consider that it can be incorporated in P19.	<b><i>Delete policy entirely</i></b> [Consequential numbering adjustment]

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MRZ - PREC1-PSP: P19	Support in part	Kāinga Ora supports this policy but consider that some aspects of the policy confuse the intent (to support a high amenity, safe public realm).	Amend as follows: <u>Dwellings within the Peacocke Structure Plan are designed and constructed to provide a high amenity environment public realm by:</u> <ol style="list-style-type: none"> <li><u>1. Providing passive surveillance of public spaces (including roads and areas of open space) and creating a clear delineation between public and private spaces through the use of low fence heights, landscaping, glazing and clear pedestrian entrances.</u></li> <li><u>2. Encouraging buildings to be located towards the front of the site, so they front the street and enable space for private outdoor living areas that have access to sunlight.</u></li> <li><u>3. Providing high quality front yard landscaping that adds amenity to the streetscape.</u></li> <li><u>4. Ensuring the visual dominance of garage doors and carparking is minimised.</u></li> <li><u>5. Designing the facades of dwellings to provide visual interest and engage with the street; including through the provision of front porches, low fences, glazing, setbacks, direct pedestrian access and the management of parking.</u></li> </ol>
MRZ - PREC1-PSP: P20	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
MRZ - PREC1-PSP: P21	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
MRZ - PREC1-PSP: P22	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
MRZ - PREC1-PSP: P23	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>

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MRZ - PREC1-PSP: P24	Support in part	Kāinga Ora supports this policy, but additional wording is needed for clarity.	<b><i>Amend as follows:</i></b> <u>Residential development shall will use land and infrastructure efficiently by:</u> 1. <u>Delivering target yields from housing development in both greenfield growth areas and intensification areas, as indicated by rules or Structure Plans in DEV01-PSP: P14.</u> 2. <u>Staging and sequencing the development as indicated by in accordance with rules or the Peacocke Structure Plans.</u> 3. <u>Otherwise complying with the Peacocke Structure Plan. relevant Structure Plans.</u>
MRZ - PREC1-PSP: P25	Oppose	Kāinga Ora opposes the idea that sensitive activities should be wholly responsible for mitigating effects, including noise and vibration effects, arising from regionally significant infrastructure, particularly in urban intensification nodes where affordable housing is critical to addressing the housing crisis.	<b><i>Amend as follows:</i></b> <u>New buildings and activities shall contribute to mitigating effects on and from regionally significant infrastructure.</u>
MRZ - PREC1-PSP: P26	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
<b>MRZ – PREC1-PSP: Rules – Activity Status</b>			
MRZ - PREC1-PSP: R1	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
MRZ - PREC1-PSP: R2	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
MRZ - PREC1-PSP: R3	Oppose	Kāinga Ora opposes and seeks amendments to this rule.	<b><i>Amend as follows:</i></b>

Section/Sub-section/Provision	Support/Support in part/Oppose	Reason(s) for submission	Relief sought / decision requested Text proposed as part of the Plan Change is shown as <u>underlined</u> and <del>strikethrough</del> . Text proposed by Kāinga Ora is shown as <u>underlined</u> and <del>strikethrough</del> Consequential amendments may be required to give effect to the relief sought.
			<u>Permitted</u> <u>Where the following are complied with:</u> <u>PER-1</u> 1. <u>PREC1-P R36 – R48.</u> <u>Activity Status where compliance is not achieved with PER-1: Restricted Discretionary</u> <u>Matters of discretion are restricted to:</u> 1. <u>A – General Criteria</u>
MRZ - PREC1-PSP: R4	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
MRZ - PREC1-PSP: R5	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
MRZ - PREC1-PSP: R6	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
MRZ - PREC1-PSP: R7	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
MRZ - PREC1-PSP: R8	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
MRZ - PREC1-PSP: R9	Oppose	Kāinga Ora opposes this rule. Show homes, typically single detached dwellings, do not support the vision for the Precinct and should require resource consent as a non-complying activity. Left unmanaged, they will lead to a continuation of sprawl and compromise the medium to high density objectives for the precinct.	<b><i>Amend as follows:</i></b> <u>Show homes</u> <u>Activity Status: Permitted Non-complying</u> <u>Where the following are complied with:</u> <u>PER 1</u> 1. <u>PREC1 P R36 – R48.</u>

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			<del>Activity Status where compliance is not achieved with PER-1: Restricted Discretionary</del> <del>Matters of discretion are restricted to:</del> <del>1. A General Criteria</del>
MRZ - PREC1-PSP: R10	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
MRZ - PREC1-PSP: R11	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
MRZ - PREC1-PSP: R12	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
MRZ - PREC1-PSP: R13	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
MRZ - PREC1-PSP: R14	Oppose	Kāinga Ora consider that the requirements of this rule are covered by the Building Act and not considered an RMA function.	<b><i>Delete rule entirely</i></b> <b><i>[Consequential numbering adjustment]</i></b>
MRZ - PREC1-PSP: R15	Oppose	Kāinga Ora opposes this rule and seeks the deletion of the activity. Residential activity regardless of typology should be permitted activities in the MRZ.	<b><i>Delete rule along with any relevant standards or provisions referencing and relating to duplex dwelling in the MRZ section entirely</i></b> <b><i>[Consequential numbering adjustment]</i></b>
MRZ - PREC1-PSP: R16	Oppose	Kāinga Ora opposes this rule and seeks the deletion of the activity. Residential activity regardless of typology should be permitted activities in the MRZ.	<b><i>Delete rule along with any relevant standards or provisions referencing and relating to terrace dwelling in the MRZ section entirely</i></b> <b><i>[Consequential numbering adjustment]</i></b>
MRZ - PREC1-PSP: R17	Oppose	Kāinga Ora opposes this rule and seeks the deletion of the activity. Residential activity regardless of typology should be permitted activities in the MRZ.	<b><i>Delete rule along with any relevant standards or provisions referencing and relating to apartment buildings in the MRZ section entirely [Consequential numbering adjustment]</i></b>

Section/Sub-section/Provision	Support/Support in part/Oppose	Reason(s) for submission	Relief sought / decision requested Text proposed as part of the Plan Change is shown as <u>underlined</u> and <del>strikethrough</del> . Text proposed by Kāinga Ora is shown as <u>underlined</u> and <del>strikethrough</del> Consequential amendments may be required to give effect to the relief sought.
MRZ - PREC1-PSP: R18	Oppose	Kāinga Ora opposes this rule. Papakainga that comply with the development standards for the zone should be permitted activities.	<p><b><i>Amend as follows:</i></b></p> <p><u>Papakainga*</u></p> <p><u>Activity Status:</u> <del>Restricted</del> <u>Discretionary</u> <u>Permitted</u></p> <p><u>Where the following are complied with:</u></p> <p><del>RD</del><u>ISPER-1</u></p> <p>1. <u>PREC1-P R36 – R48.</u></p> <p><del>Matters of discretion are restricted to:</del></p> <p><del>1. B – Design and Layout</del></p> <p><del>2. C – Character and Amenity</del></p> <p><del>3. P – Peacocke Structure Plan</del></p> <p><u>Activity Status where compliance is not achieved with <del>RD</del><u>ISPER -1-1: Restricted</u></u></p> <p><u>Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p>1. <u>A – General</u></p> <p>2. <u>B – Design and Layout</u></p> <p>3. <u>C – Character and Amenity</u></p> <p>4. <u>P – Peacocke Structure Plan</u></p>
MRZ - PREC1-PSP: R19	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
MRZ - PREC1-PSP: R20	Oppose	Kāinga Ora opposes this rule. Dairies that comply with the development standards should be permitted activities.	<p><b><i>Amend as follows:</i></b></p> <p><u>Dairy</u></p> <p><u>Activity Status:</u> <del>Restricted</del> <u>Discretionary</u> <u>Permitted</u></p> <p><u>Where the following are complied with:</u></p> <p><del>RD</del><u>ISPER-1</u></p> <p>1. <u>PREC1-P R36 – R48.</u></p>

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			<p><u>2.</u> The gross floor area of retail activity on the site shall not exceed 100m2.</p> <p><u>3.</u> The hours of operation shall be 0700-2200 hours.</p> <p><del>Matters of discretion are restricted to:</del></p> <p><del>1. B – Design and Layout</del></p> <p><del>2. C – Character and Amenity</del></p> <p><del>3. P – Peacocke Structure Plan</del></p> <p><u>Activity Status where compliance is not achieved with <del>RD</del>SPER-1-1-3: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>1. A – General</u></p> <p><u>2. B – Design and Layout</u></p> <p><u>3. C – Character and Amenity</u></p> <p><u>4. P – Peacocke Structure Plan</u></p>
MRZ - PREC1-PSP: R21	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
MRZ - PREC1-PSP: R22	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
MRZ - PREC1-PSP: R23	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
MRZ - PREC1-PSP: R24	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
MRZ - PREC1-PSP: R25	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>

Section/Sub-section/Provision	Support/Support in part/Oppose	Reason(s) for submission	Relief sought / decision requested Text proposed as part of the Plan Change is shown as <u>underlined</u> and <del>strikethrough</del> . Text proposed by Kāinga Ora is shown as <u>underlined</u> and <del>strikethrough</del> Consequential amendments may be required to give effect to the relief sought.
MRZ - PREC1-PSP: R26	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
MRZ - PREC1-PSP: R27	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
MRZ - PREC1-PSP: R28	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
MRZ - PREC1-PSP: R29	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
MRZ - PREC1-PSP: R30	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
MRZ - PREC1-PSP: R31	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
MRZ - PREC1-PSP: R32	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
MRZ - PREC1-PSP: R33	Oppose	Kāinga Ora considers that, depending on their scale, health care services can be appropriate in the MRZ. A discretionary status will give the Council sufficient scope to assess the application and make a determination.	<b><i>Amend as follows:</i></b> <u>Health care services</u> <del>Activity Status:</del> <u>Non-complying-Discretionary</u>
MRZ - PREC1-PSP: R34	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
MRZ - PREC1-PSP: R36	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>



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MRZ - PREC1-PSP: R37	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
MRZ - PREC1-PSP: R38	Oppose	Kāinga Ora seeks amendments to this rule to reflect their position that the high density overlay should be amended to a High Density Zone and be contained within its own chapter.	<b><i>Amend as follows:</i></b> <u>1. Peacocke Precinct: 12m – maximum of 3 storeys</u> <del>2. Peacocke Precinct High Density Overlay: 16m</del>
MRZ - PREC1-PSP: R39	Oppose	Kāinga Ora considers that this rule should be updated to reflect the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill.	<b><i>Amend as follows:</i></b> <u>1. Transport corridor Front yard boundary: 3m</u> <u>2.5m</u> <u>2. Garage door or carport facing towards a transport corridor shall be set back from the transport corridor boundary: 5m</u> <u>3. Side yards: 1m</u> <u>4. One side yard per site: 0m, where:</u> a. <u>Legal provision is made for access and maintenance; and</u> b. <u>Neighbours consent is obtained; and</u> c. <u>The opposite side yard is a minimum of 2m.</u> <u>OR</u> d. <u>It is a common/party wall;</u> <u>5. Rear yard: 1m</u> <u>6. Rear yard where it adjoins a lane: 0m</u> <u>7. Waikato Riverbank and Gully: 6m (applies to buildings and swimming pools)</u> <u>8. Significant Bat Habitat Area boundary: 5m</u>
MRZ - PREC1-PSP: R40	Oppose	Kāinga Ora considers that this rule should be updated to reflect the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill.	<b><i>Amend as follows;</i></b> <del>1. For a transport corridor boundary: any portion of a building above 10m in height must be setback a minimum of 3m.</del>

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			<p><u>2. For side and rear boundaries, no part of any building shall protrude through a height control plane rising at an angle of <del>45</del> 60 degrees. This angle is to be measured from <del>3</del> 6m above ground level at all boundaries. Except that no height control plane shall apply:</u></p> <p><u>a. Where a boundary adjoins a rear lane.</u></p> <p><u>b. Where there is existing or proposed internal boundaries within a site.</u></p> <p><u>c. Where there is an existing or proposed common wall between two buildings on adjacent sites.</u></p> <p><u><del>3. As an alternative to R40(2), the following alternative height in relation to boundary may be used for development that is within 20m of the transport corridor boundary. Any buildings or parts of buildings within 20m of the site frontage must not exceed a height of 3.6m measured vertically above ground level at side and rear boundaries. Thereafter, buildings must be set back 1m and then 0.3m for every additional metre in height (73.3 degrees) up to 6.9m and then 1m for every additional metre in height (45 degrees)</del></u></p>
MRZ - PREC1-PSP: R41	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
MRZ - PREC1-PSP: R42	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
MRZ - PREC1-PSP: R43	Oppose	Kāinga Ora considers that this rule should be updated to reflect the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill.	<p><b><i>Amend as follows:</i></b></p> <p><u>1. An outlook space must be provided from the face of a building containing windows to a habitable room. If a room has two or more external faces with windows, the outlook space must be provided from the face with the largest area of glazing.</u></p> <p><u>2. The main living room of a dwelling must have an outlook space with a minimum dimension of <del>6</del> 3m depth and <del>4</del> 3m width.</u></p>

Section/Sub-section/Provision	Support/Support in part/Oppose	Reason(s) for submission	<b>Relief sought / decision requested</b> Text proposed as part of the Plan Change is shown as <u>underlined</u> and <del>strikethrough</del> . Text proposed by Kāinga Ora is shown as <u>underlined</u> and <del>strikethrough</del> Consequential amendments may be required to give effect to the relief sought.
			<del>3. The principal bedroom of a dwelling must have an outlook space with a minimum dimension of 3m in depth and 3m in width.</del> 4. <u>All other habitable rooms must have an outlook space of 1m in depth and 1m in width.</u> 5. <u>The depth of the outlook space is measured at right angles to and horizontal from the window to which it applies.</u> 6. <u>The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies</u> 7. <u>The height of the outlook space is the same as the floor height, measured from floor to ceiling, of the building face to which the standard applies.</u> 8. <u>Outlook spaces may be within the site, over a public street, or other public open space.</u> 9. <u>Outlook spaces required from different rooms within the same building may overlap.</u> 10. <u>Outlook spaces may overlap where they are on the same wall plane</u> 11. <u>Outlook spaces must:</u> a. <u>be clear and unobstructed by buildings;</u> b. <u>not extend over adjacent sites, except for where the outlook space is over a public street or public open space as outlined in R44-8 above; and</u> c. <u>not extend over an outlook spaces or outdoor living space required by another dwelling.</u>
MRZ - PREC1-PSP: R44	Oppose	Kāinga Ora considers that this rule should be updated to reflect the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill. Furthermore, there is no need for a communal space for any living arrangement other than apartment buildings.	<b><i>Amend as follows:</i></b> 1. <u>These standards do not apply to managed care facilities or rest homes.</u> 2. <u>Each residential unit, except for when a communal area is provided, shall be provided with an outdoor living area that is:</u> a. <u>For the exclusive use of each residential unit.</u> b. <u>Readily accessible from a living area inside the residential unit.</u>

Section/Sub-section/Provision	Support/ Support in part/Oppose	Reason(s) for submission	<b>Relief sought / decision requested</b> Text proposed as part of the Plan Change is shown as <u>underlined</u> and <del>strikethrough</del> . Text proposed by Kāinga Ora is shown as <u>underlined</u> and <del>strikethrough</del> Consequential amendments may be required to give effect to the relief sought.
			<p>c. <u>Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas</u></p> <p>3. <u>Communal open space for 4 or more residential units and apartment buildings (Peacocke Precinct) shall comply with R45-2 c) as well as being:</u></p> <p>a. <u>For the shared use of all residents on site, and</u></p> <p>b. <u>Readily accessible from all residential units on site.</u></p> <p>4. <u>Outdoor living areas shall have minimum areas and dimensions as follows:</u></p> <p>a. <del>Single residential dwellings, Duplex dwellings, Terrace dwelling (Peacocke Precinct)</del> <u>At ground floor</u></p> <p>i. <del>35 15m<sup>2</sup></del>, <u>with a minimum dimension of 3m</u></p> <p>ii. <del>Or where located in the High Density Overlay: 20m<sup>2</sup></del></p> <p><del>No width contributing to the complying area less than 4.0m.</del></p> <p><del>Outside the High Density Overlay, as an alternative, the open space may be split, allowing a front courtyard of at least 8m<sup>2</sup> with a minimum</del></p> <p><del>depth of 1.8m, the balance shall be provided in the rear yard with no dimension less than 4.0m.</del></p> <p>b. <del>Apartment Building</del> <u>Above ground floor</u></p> <p>i. <del>Ground floor: 20 8m<sup>2</sup></del>, <u>with a minimum dimension of 1.8m</u></p> <p>ii. <del>Where the sole outdoor living area is above ground floor:</del></p> <p><del>– A studio unit and one bedroom residential unit: 5m<sup>2</sup>, no dimension less than 2.5m</del></p> <p><del>– A residential unit with two or more bedrooms: 12m<sup>2</sup>, no dimension less than 1.8m</del></p>
MRZ - PREC1-PSP: R45	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
MRZ - PREC1-PSP:	Support in part	Kāinga Ora generally supports this rule but	<b><i>Delete provisions and points 4 – 6</i></b>

Section/Sub-section/Provision	Support/Support in part/Oppose	Reason(s) for submission	Relief sought / decision requested Text proposed as part of the Plan Change is shown as <u>underlined</u> and <del>strikethrough</del> . Text proposed by Kāinga Ora is shown as <u>underlined</u> and <del>strikethrough</del> Consequential amendments may be required to give effect to the relief sought.										
R46		considers that points 4 – 6 are unnecessary and could be deleted.											
MRZ - PREC1-PSP: R47	Oppose	Kāinga Ora opposes the need to separate residential dwellings on the same site, as this will reduce density targets unnecessarily. Sufficient measures are in place to protect outlook and outdoor living areas.	<b>Delete rule entirely</b> [Consequential numbering adjustment]										
MRZ - PREC1-PSP: R48	Oppose	Kāinga Ora opposes the unit sizes proposed and seeks amendments to allow for greater flexibility in unit sizes in the MRZ, similar to the proposed changes sought in the HRZ.	<b>Amend as follows:</b> <u>1 The minimum floor area required in respect of each residential unit shall be:</u> <table><tr><td><u>Form of Residential Unit</u></td><td><u>Floor Area</u></td></tr><tr><td><u>Studio unit</u></td><td><u>Minimum <del>35</del>30m<sup>2</sup></u></td></tr><tr><td><u>1 or more bedroom unit</u></td><td><u>Minimum 45m<sup>2</sup></u></td></tr><tr><td><u>2 bedroom unit</u></td><td><u>Minimum 55m<sup>2</sup></u></td></tr><tr><td><u>3 or more bedroom unit</u></td><td><u>Minimum 90m<sup>2</sup></u></td></tr></table>	<u>Form of Residential Unit</u>	<u>Floor Area</u>	<u>Studio unit</u>	<u>Minimum <del>35</del>30m<sup>2</sup></u>	<u>1 or more bedroom unit</u>	<u>Minimum 45m<sup>2</sup></u>	<u>2 bedroom unit</u>	<u>Minimum 55m<sup>2</sup></u>	<u>3 or more bedroom unit</u>	<u>Minimum 90m<sup>2</sup></u>
<u>Form of Residential Unit</u>	<u>Floor Area</u>												
<u>Studio unit</u>	<u>Minimum <del>35</del>30m<sup>2</sup></u>												
<u>1 or more bedroom unit</u>	<u>Minimum 45m<sup>2</sup></u>												
<u>2 bedroom unit</u>	<u>Minimum 55m<sup>2</sup></u>												
<u>3 or more bedroom unit</u>	<u>Minimum 90m<sup>2</sup></u>												
<b>NEW HIGH DENSITY RESIDENTIAL ZONE – HRZ</b>													
<b>HRZ – PREC1-PSP: HIGH DENSITY RESIDENTIAL ZONE PEACOCKE PRECINCT</b>													
High Density Overlay / High Density Residential Zone - HRZ	Oppose	Kāinga Ora opposes the “High Density Overlay” as it is not considered the most effective tool for achieving the desired high density outcomes for the identified parts of the Peacocke Precinct. Kāinga Ora supports the replacement of the “High Density Overlay” with a “High Density Zone” with its own purpose, objectives, policies and rules.	<b>Delete the “High Density Overlay” and replace with a “High Density Zone” that would be controlled with the proposed provisions set out in Attachment 2 of Kāinga Ora submission.</b> <b>See Attachment 2 to this submission for the suite of HRZ provisions.</b>										

Section/Sub-section/Provision	Support/Support in part/Oppose	Reason(s) for submission	Relief sought / decision requested
<p>6A NEIGHBOURHOOD CENTRE ZONE – NCZ</p> <p>NZC – PREC1-PSP: NEIGHBOURHOOD CENTRE ZONE - PEACOCKE</p> <p><del>NZC – PREC1-PSP:</del> <u>Issues Purpose</u></p>			
<u>Issues Purpose</u>	Support in part	Kāinga Ora generally supports this section but considers that it should be renamed 'Purpose' with amendments to the wording to better reflect what the NCZ means to Peacocke.	<p><b>Amend as follows:</b></p> <p><del>Businesses resources commonly group around a series of centres in Hamilton and include activities such as retailing, offices, business and financial services, manufacturing, warehousing and associated parking, storage and display areas. These areas and the infrastructure that serves them are significant public and private resources and influence the urban form and function of all parts of the City.</del></p> <p><del>The grouping of business activities into centres provides an environment that will draw in other business and facilities. This benefit from agglomeration, which results in productivity gains arising from economies of scale and efficiencies of inter-connectedness.</del></p> <p><del>The focus of the business centres' hierarchy is to manage existing centres to ensure they retain and enhance their function, vitality, viability and amenity as focal points for a diverse range of activities needed by the community. Ongoing public investment is a significant element in any centres-based strategy.</del></p> <p><del>A centre is a cohesive or integrated set (cluster) of diverse land-use (business) activities. Centres are characterised by high pedestrian levels in a high-amenity public environment and supported by efficient and accessible passenger transport, infrastructure and services.</del></p> <p><del>A business centres' hierarchy has been developed that comprises six tiers. The overall aim being to reestablish the primacy of the Hamilton Central City and define its relationship with the sub-regional centres and suburban centres, and other centres.</del></p>

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			<u>The Neighbourhood Centre Zone (NCZ) provides for small scale commercial and community activities service that service the needs of the immediate residential neighbourhood. Apartment living is anticipated in the NCZ.</u>
<b>NZC – PREC1-PSP: OBJECTIVES</b>			
NZC – PREC1-PSP: O1	Support	Kāinga Ora supports this objective.	<b><i>Retain as notified</i></b>
NZC – PREC1-PSP: O2	Support	Kāinga Ora supports this objective.	<b><i>Retain as notified</i></b>
NZC – PREC1-PSP: O3	Support	Kāinga Ora supports this objective.	<b><i>Retain as notified</i></b>
<b>NZC – PREC1-P: POLICIES</b>			
NCZ– PREC1-PSP: P1	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
NCZ– PREC1-PSP: P2	Support in part	Kāinga Ora generally supports this policy but propose some amendments to the wording as the activities anticipated in the NCZ are unlikely to have significant effects.	<b><i>Retain as notified</i></b> <u>The scale and nature of activities within neighbourhood centres</u> <del>shall</del> <u>will not detract generate significant adverse amenity effects on from the surrounding residential areas and transport networks.</u>
NCZ– PREC1-PSP: P3	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
<u>NCZ– PREC1-PSP: P4</u>	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
<u>NCZ– PREC1-PSP:</u>	Support in part	Kāinga Ora generally supports this policy but consider that it can be combined with P6 to be	<b><i>Amend as follows:</i></b>

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P5		more succinct.	<u>Neighbourhood Centres in the Peacocke Structure Plan Area are designed to:</u> <ol style="list-style-type: none"> <li><u>1. Establish a sense of place and integrate with the public realm.</u></li> <li><u>2. <del>Create</del> Contribute to a high amenity and safe walkable environment.</u></li> <li><u>3. Provide active frontages that encourage pedestrian activity on the ground floor.</u></li> <li><u>4. Ensure off street parking is not located in the street frontage.</u></li> <li><u>5. Incorporate public transport stops where located adjacent to public transport routes.</u></li> </ol>
<u>NZC – PREC1-PSP:</u> P6	Support in part	Kāinga Ora generally supports this policy but consider that it can be combined with P5 to be more succinct.	<b>Delete policy entirely</b> [Consequential numbering adjustment]
<b>NZC – PREC1-PSP: RULES - ACTIVITY STATUS</b>			
<u>NZC – PREC1-PSP:</u> R1	Support	Kāinga Ora supports this rule.	<b>Retain as notified</b>
<u>NZC – PREC1-PSP:</u> R2	Support	Kāinga Ora supports this rule.	<b>Retain as notified</b>
<u>NZC – PREC1-PSP:</u> R3	Support in part	Kāinga Ora generally supports this rule but notes that ‘maintenance and repair’ is covered in the definition of ‘minor works’	<b>Amend as follows:</b> <u>Demolition, removal, <del>maintenance or repair</del> of existing buildings</u> ...
<u>NZC – PREC1-PSP:</u> R4	Support	Kāinga Ora supports this rule.	<b>Retain as notified</b>
<u>NZC – PREC1-PSP:</u> R5	Support	Kāinga Ora supports this rule.	<b>Retain as notified</b>



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<u>NZC – PREC1-PSP: R6</u>	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
<u>NZC – PREC1-PSP: R7</u>	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
<u>NZC – PREC1-PSP: R8</u>	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
<u>NZC – PREC1-PSP: R9</u>	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
<u>NZC – PREC1-PSP: R10</u>	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
<u>NZC – PREC1-PSP: R11</u>	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
<u>NZC – PREC1-PSP: R12</u>	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
<u>NZC – PREC1-PSP: R13</u>	Support in part	Kāinga Ora supports this rule but does not consider that it needs to include a reference to ‘at ground floor’, as this is clarified in the rule.	<b><i>Amend as follows:</i></b> <del>Healthcare services</del> <u>at ground floor</u> <del>...</del>
<u>NZC – PREC1-PSP: R14</u>	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
<u>NZC – PREC1-PSP: R15</u>	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
<u>NZC – PREC1-PSP:</u>	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>

Section/Sub-section/Provision	Support/Support in part/Oppose	Reason(s) for submission	Relief sought / decision requested Text proposed as part of the Plan Change is shown as <u>underlined</u> and <del>strikethrough</del> . Text proposed by Kāinga Ora is shown as <u>underlined</u> and <del>strikethrough</del> Consequential amendments may be required to give effect to the relief sought.
R16			
<u>NZC – PREC1-PSP: R17</u>	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
<u>NZC – PREC1-PSP: R18</u>	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
<u>NZC – PREC1-PSP: R19</u>	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
<u>NZC – PREC1-PSP: R20</u>	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
<u>NZC – PREC1-PSP: R21</u>	Oppose	Kāinga Ora opposes this rule as residential activities are appropriate in centres and the design is able to be controlled by the restricted discretionary activity rule for 'new buildings'.	<b><i>Amend as follows:</i></b> <u>Ancillary residential units*</u> <u>Activity Status: <del>Restricted Discretionary</del> Permitted</u> <u>Where the following are complied with:</u> <u><del>RD</del>SPER-1</u> <u>1. PREC1-P R36 – R48.</u> <u>Matters of discretion are restricted to:</u> <u>1. B – Design and Layout</u> <u>2. C – Character and Amenity</u> <u>3. P – Peacocke Structure Plan</u> <u>Activity Status where compliance is not achieved with <del>RD</del>SPER -1-1: Restricted Discretionary</u> <u>Matters of discretion are restricted to:</u> <u>1. A – General</u> <u>2. B – Design and Layout</u>

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			<p><u>3. C – Character and Amenity</u></p> <p><u>4. P – Peacocke Structure Plan</u></p>
NZC – PREC1-PSP: R22	Oppose	Kāinga Ora opposes this rule as residential activities are appropriate in centres and will achieve the vision for the precinct. The design is able to be controlled by the restricted discretionary activity rule for ‘new buildings’.	<p><b>Amend as follows:</b></p> <p><u>Apartments above ground floor*</u></p> <p><u>Activity Status:</u> <del>Restricted Discretionary</del> <u>Permitted</u></p> <p><u>Where the following are complied with:</u></p> <p><u>RDISPER-1</u></p> <p><u>1. PREC1-P R36 – R48.</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>1. B – Design and Layout</u></p> <p><u>2. C – Character and Amenity</u></p> <p><u>3. P – Peacocke Structure Plan</u></p> <p><u>Activity Status where compliance is not achieved with RDISPER -1-1: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p><u>1. A – General</u></p> <p><u>2. B – Design and Layout</u></p> <p><u>3. C – Character and Amenity</u></p> <p><u>4. P – Peacocke Structure Plan</u></p>
NZC – PREC1-PSP: R23	Support	Kāinga Ora supports this rule.	<b>Retain as notified</b>
NZC – PREC1-PSP: R24	Support	Kāinga Ora supports this rule.	<b>Retain as notified</b>
NZC – PREC1-PSP:	Support	Kāinga Ora supports this rule.	<b>Retain as notified</b>

Section/Sub-section/Provision	Support/Support in part/Oppose	Reason(s) for submission	Relief sought / decision requested Text proposed as part of the Plan Change is shown as <u>underlined</u> and <del>strikethrough</del> . Text proposed by Kāinga Ora is shown as <u>underlined</u> and <del>strikethrough</del> Consequential amendments may be required to give effect to the relief sought.
R25			
NZC – PREC1-PSP: R26	Oppose	Kāinga Ora considers that single dwellings, duplex dwellings and terrace dwellings are inconsistent with the zone and should be non-complying.	<b>Amend as follows:</b> <u>Single dwellings and duplex dwellings</u> <u>Activity Status:</u> <del>Discretionary</del> <u>Non-complying</u>
NZC – PREC1-PSP: R27	Support	Kāinga Ora supports this rule.	<b>Retain as notified</b>
NZC – PREC1-PSP: R28	Oppose	Kāinga Ora considers that smaller offices are consistent with the zone and should be permitted.	<b>Amend as follows:</b> <u>Offices</u> <u>Activity Status:</u> <del>Discretionary</del> <u>Permitted</u> <u>Where the following are complied with:</u> <u>RDISPER-1</u> <u>1. The GFA is less than 250m<sup>2</sup> per site.</u> <u>2. PREC1-P R36 – R48.</u> <u>Activity Status where compliance is not achieved with RDISPER -1-1 and 2:</u> <del>Non-complying</del> <u>Discretionary</u>
NZC – PREC1-PSP: R29	Support	Kāinga Ora supports this rule.	<b>Retain as notified</b>
NZC – PREC1-PSP: R30	Support	Kāinga Ora supports this rule.	<b>Retain as notified</b>
NZC – PREC1-PSP: R31	Support	Kāinga Ora supports this rule.	<b>Retain as notified</b>
NZC – PREC1-PSP:	Support	Kāinga Ora supports this rule.	<b>Retain as notified</b>

Section/Sub-section/Provision	Support/Support in part/Oppose	Reason(s) for submission	Relief sought / decision requested Text proposed as part of the Plan Change is shown as <u>underlined</u> and <del>strikethrough</del> . Text proposed by Kāinga Ora is shown as <u>underlined</u> and <del>strikethrough</del> Consequential amendments may be required to give effect to the relief sought.
<u>R32</u>			
<u>NZC – PREC1-PSP: R33</u>	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
<u>NZC – PREC1-PSP: R34</u>	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
<u>NZC – PREC1-PSP: R35</u>	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
<u>NZC – PREC1-PSP: R36</u>	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
<u>NZC – PREC1-PSP: R37</u>	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
<u>NZC – PREC1-PSP: R38</u>	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
<u>NZC – PREC1-PSP: R39</u>	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
<u>NZC – PREC1-PSP: R40</u>	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
<u>NZC – PREC1-PSP: R41</u>	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
<u>NZC – PREC1-PSP: R42</u>	Oppose	Kāinga Ora considers that above ground floor visitor accommodation should be permitted.	<b><i>Amend as follows:</i></b> <u>Visitor accommodation</u> <u>above ground floor</u> <u>Activity Status:</u> <del>Non-complying</del> <u>Permitted</u>

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			Where the following are complied with: <del>RDISPER-1</del> 1. <u>PREC1-P R36 – R48.</u> Activity Status where compliance is not achieved with <u>RDISPER -1-1: Not applicable</u> <u>Discretionary</u>
<b>NZC – PREC1-PSP: RULES - DEVELOPMENT STANDARDS</b>			
<u>NZC – PREC1-PSP: R44</u>	Oppose	Kāinga Ora supports more height in the NCZ both to distinguish it and allow for residential above the commercial.	<b>Amend as follows:</b> <u>Neighbourhood Centre Zone: <del>12</del> 16m</u>
<u>NZC – PREC1-PSP: R45</u>	Oppose	Kāinga Ora considers it is appropriate to apply height to boundary controls consistent with the MDZ (as enabled by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill)	<b>Amend as follows:</b> 1. <u>Where any boundary adjoins a Medium Density Zone, no part of any building shall penetrate a height control plane rising at an angle of <del>45</del> 60 degrees beginning at an elevation of <del>3</del> 6m above the boundary</u> 2. ...
<u>NZC – PREC1-PSP: R46</u>	Support	Kāinga Ora supports this rule.	<b>Retain as notified</b>
<u>NZC – PREC1-PSP: R47</u>	Support	Kāinga Ora supports this rule.	<b>Retain as notified</b>
<u>NZC – PREC1-PSP: R48</u>	Support	Kāinga Ora supports this rule.	<b>Retain as notified</b>
<u>NZC – PREC1-PSP: R49</u>	Support	Kāinga Ora supports this rule.	<b>Retain as notified</b>
<u>NZC – PREC1-PSP:</u>	Oppose	Kāinga Ora considers that the development	<b>Amend as follows:</b>

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R50		standards applying to residential development are too restrictive and do not achieve the vision for the precinct, particularly considering the NCZ will be complemented with adjoining / nearby open space.	<ol style="list-style-type: none"> <li>1. <u>Only one ancillary residential unit is allowed per site.</u></li> <li>2. <u>Except for providing an entrance, no residential activities shall be undertaken at ground-floor level.</u></li> <li>3. <u>The following standards shall apply to residential units, including apartments above ground floor and residential centres. Unless specifically noted, they do not apply to visitor accommodation.</u></li> <li>4. <u>Density (Minimum Number of Residential Units Required Per Site)</u> <ol style="list-style-type: none"> <li>a. <u>Minimum densities within the Neighbourhood Centre Zone shall be <del>30</del> 50 residential units per hectare based on net site area. This is to be calculated in accordance with the formula below:</u>  <u>0.00<del>53</del> residential units per 1m<sup>2</sup> of site area</u>  <u>Example: For a site which has an area of 4000m<sup>2</sup>, the minimum number of residential units required under this rule would be <del>12</del>20. This is calculated by multiplying the site area (4000m<sup>2</sup>) by 0.00<del>35</del>.</u></li> <li>b. <u>Where mixed-use is provided for within a development (e.g. office or retail with residential above), the density requirements of Rule R71-4 a) shall be applied on a pro rata basis relative to the percentage of gross floor area of the development that is residential (e.g. where 40% of the gross floor area of a development is comprised of residential activities, then 40% of the total minimum number of residential units calculated under Rule R71-4 is the minimum number of residential units required to be provided.</u></li> </ol> </li> <li>5. <u>Outdoor living area</u> <ol style="list-style-type: none"> <li>a. <u>8m<sup>2</sup>, with a minimum dimension of 1.8m</u></li> <li><del>a. Each residential unit, except for when a communal area is provided, shall be provided with an outdoor living area that is:</del> <ul style="list-style-type: none"> <li><del>— For the exclusive use of each residential unit.</del></li> <li><del>— Readily accessible from a living area inside the residential unit.</del></li> </ul> </li> </ol> </li> </ol>

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			<ul style="list-style-type: none"> <li><del>— Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.</del></li> <li><del>b. Communal open space for 4 or more residential units and apartment buildings shall comply be:</del> <ul style="list-style-type: none"> <li><del>— Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas</del></li> <li><del>— For the shared use of all residents on the site, and</del></li> <li><del>— Readily accessible from all residential units on site.</del></li> </ul> </li> <li><del>c. Outdoor living areas for residential units shall have areas and dimensions as follows:</del> <ul style="list-style-type: none"> <li><del>• Apartments and ancillary residential units:</del> <ul style="list-style-type: none"> <li><del>— A studio unit and one bedroom residential unit: 5m<sup>2</sup></del></li> <li><del>— A residential unit with two or more bedrooms: 12m<sup>2</sup></del></li> <li><del>No dimension less than 1.8m</del></li> </ul> </li> <li><del>• Communal open space for apartment buildings</del> <ul style="list-style-type: none"> <li><del>— 8m<sup>2</sup> per unit</del></li> <li><del>— Capable of containing a circle with the following diameter:</del> <ul style="list-style-type: none"> <li><del>• 4-7 residential units — 6m</del></li> <li><del>• 8 or more residential units — 8m</del></li> <li><del>• No dimension less than 2.5m</del></li> </ul> </li> </ul> </li> </ul> </li> </ul> <p><u>Note</u></p> <ul style="list-style-type: none"> <li><del>1. Communal open space is an alternative to, and not in addition to, individual outdoor living areas for each</del></li> <li><del>2. residential unit.</del></li> <li><del>3. The outdoor living area for an ancillary residential unit shall be separate from the outdoor living area</del></li> <li><del>4. provided for the principal residential unit.</del></li> </ul>



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			<p><u>6. Storage Areas</u></p> <p>a. <u>Each residential unit shall be provided with a storage area:</u></p> <ul style="list-style-type: none"> <li>- <u>Located at or below ground-floor level, readily accessible to that residential unit, secure and weatherproof.</u></li> <li>- <u>A minimum of 1.8m long by 1m high by 1m deep.</u></li> </ul> <p><u>Note: The provision of a private, secure garage accessible only by the occupiers of the residential unit is considered to meet this requirement. (A shared parking garage is not sufficient to meet this standard).</u></p> <p><u>7. Residential unit size</u></p> <p>a. <u>The minimum floor area require in respect of each apartment shall be:</u></p> <ul style="list-style-type: none"> <li>i. <u>Studio unit: minimum <del>35</del>30m<sup>2</sup></u></li> <li>ii. <u>1 or more bedrooms unit: minimum 45m<sup>2</sup></u></li> <li>iii. <del><u>2 bedroom unit: minimum 55m<sup>2</sup></u></del></li> <li>iv. <del><u>3 bedroom unit: minimum 90m<sup>2</sup></u></del></li> </ul> <p><u>8. Daylight Standards</u></p> <p><u>Residential units shall be designed to achieve the following minimum daylight standards.</u></p> <ul style="list-style-type: none"> <li>a. <u>living rooms and living/dining areas: a total clear-glazed area of exterior wall no less than 20% of the floor area of that space.</u></li> <li>b. <u>Bedrooms (excluding studio units, and any bedroom that complies with iii. below): a minimum of one bedroom with a total clear-glazed area of exterior wall no less than 20% of the floor area of that space.</u></li> <li>c. <u>No more than one bedroom in any residential unit may rely on natural light borrowed from another naturally lit room provided:</u> <ul style="list-style-type: none"> <li>i. <u>The maximum distance of the bedroom from the natural light source window shall be 6m.</u></li> <li>ii. <u>The minimum total clear-glazed area of the light source shall be no less than 20% of the floor area of that bedroom.</u></li> </ul> </li> </ul>

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			<p><u>9. External Outlook Area</u>  <u>Each residential unit shall have an external outlook area that:</u></p> <ul style="list-style-type: none"> <li>a. <u>3m x 3m space from a principal living room</u></li> <li>b. <u>From all other habitable rooms: 1m x 1m</u></li> <li><del>a. Is provided from the face of the building containing windows to the indoor living area, and</del></li> <li><del>b. Has a minimum depth of 6m, measured perpendicular from the face of the window area.</del></li> <li><del>c. Where an indoor living room has two or more walls containing windows, the outlook area shall be provided from the face with the greatest window area.</del></li> <li>d. <u>The external outlook area may be over:</u> <ul style="list-style-type: none"> <li>i. <u>The site on which the building is located;</u></li> <li>ii. <u>The Transport Corridor Zone; or</u></li> <li>iii. <u>Public Open Space.</u></li> </ul> </li> </ul>
<u>NZC – PREC1-PSP: R51</u>	Support	Kāinga Ora supports this objective.	<b><i>Retain as notified</i></b>
<b>6B LOCAL CENTRE ZONE – LCZ</b> <b>LCZ – PREC1-PSP: LOCAL CENTRE ZONE PEACOCKE PRECINCT</b>			
<b><u>NZC – PREC1-PSP: Issues Purpose</u></b>			
<u>Issues Purpose</u>	Support in part	<p>Kāinga Ora generally supports this section but considers that it should be renamed ‘Purpose’ with amendments to the wording to better reflect what the NCZ means to Peacocke.</p> <p>These comments on this chapter are notwithstanding Kāinga Ora’s overall position that</p>	<p><b><i>Amend as follows:</i></b>  <del><u>Businesses resources commonly group around a series of centres in Hamilton and include activities such as retailing, offices, business and financial services, manufacturing, warehousing and associated parking, storage and display areas. These areas and the infrastructure that serves them are</u></del></p>

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		the centre type will need to be reviewed following an assessment of the density targets and the consequential catchment.	<p><del>significant public and private resources and influence the urban form and function of all parts of the City.</del></p> <p><del>The grouping of business activities into centres provides an environment that will draw in other business and facilities. This <u>benefit from agglomeration, which results in productivity gains arising from economies of scale and efficiencies of inter-connectedness.</u></del></p> <p><del>The focus of the business centres' hierarchy is to manage existing centres to ensure they retain and enhance their function, vitality, viability and amenity as focal points for a diverse range of activities needed by the community. Ongoing public investment is a significant element in any centres-based strategy.</del></p> <p><del>A centre is a cohesive or integrated set (cluster) of diverse land use (business) activities. Centres are <u>characterised by high pedestrian levels in a high-amenity public environment and supported by efficient and accessible passenger transport, infrastructure and services.</u></del></p> <p><del>Zoning and rule provisions provide for a range of activities, scales and formats appropriate to managing the effects of development of business centres, the principally retail role of the sub-regional centres, the community, mixed use and pedestrian focus of the suburban centres, the neighbourhood function of local facilities, the supporting role of commercial fringe areas and the peak visitor demands associated with visitor facilities.</del></p> <p><u>The commercial and community hub of the Peacocke Precinct Structure Plan is located in the Peacocke Local Centre. It is anticipated that this centre will include a supermarket and a range of other commercial activities that provide for the needs and wellbeing of the community. It is important that the centre is easy to access on foot and on bike and is well serviced by public transport. The built environment should focus on the pedestrian and create active street frontages that are universally accessible.</u></p>

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<b>LCZ – PREC1-PSP: OBJECTIVES</b>			
LCZ – PREC1-PSP: O1	Support in part	Kāinga Ora generally supports this objective but consider that the wording can be refined.	<b><i>Amend as follows:</i></b> A <del>distribution of suburban local</del> centres that provides a mixed-use environment with health-care services, goods, services and employment at a scale appropriate to suburban catchments, while not undermining the primacy, function, vitality, amenity or viability of the Central City
<u>LCZ – PREC1-PSP: O2</u>	Support	Kāinga Ora supports this objective.	<b><i>Retain as notified</i></b>
<u>LCZ – PREC1-PSP: O3</u>	Support	Kāinga Ora supports this objective.	<b><i>Retain as notified</i></b>
<u>LCZ – PREC1-PSP: O4</u>	Support	Kāinga Ora supports this objective.	<b><i>Retain as notified</i></b>
<u>LCZ – PREC1-PSP: O5</u>	Support	Kāinga Ora supports this objective.	<b><i>Retain as notified</i></b>
<b>LCZ – PREC1-PSP: POLICIES</b>			
LCZ – PREC1-PSP: P1	Oppose	Kāinga Ora does not consider that this policy satisfactorily addresses the vision for the precinct and is addressed elsewhere in the LCZ policies.	<b><i>Delete policy entirely</i></b> [Consequential numbering adjustment]
LCZ – PREC1-PSP: P2	Oppose	Kāinga Ora does not consider that this policy satisfactorily addresses the vision for the precinct and is addressed elsewhere in the LCZ policies.	<b><i>Delete policy entirely</i></b> [Consequential numbering adjustment]
LCZ – PREC1-PSP: P3	Oppose	Kāinga Ora does not consider that this policy satisfactorily addresses the vision for the precinct	<b><i>Delete policy entirely</i></b> [Consequential numbering adjustment]

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		and is addressed elsewhere in the LCZ policies.	
LCZ – PREC1-PSP: P4	Oppose	Kāinga Ora does not consider that this policy satisfactorily addresses the vision for the precinct and is addressed elsewhere in the LCZ policies.	<b>Delete policy entirely</b> [Consequential numbering adjustment]
LCZ – PREC1-PSP: P5	Oppose	Kāinga Ora does not consider that this policy satisfactorily addresses the vision for the precinct and is addressed elsewhere in the LCZ policies.	<b>Delete policy entirely</b> [Consequential numbering adjustment]
<u>LCZ – PREC1-PSP: P6</u>	Support	Kāinga Ora supports this policy.	<b>Retain as notified</b>
<u>LCZ – PREC1-PSP: P7</u>	Support	Kāinga Ora supports this policy.	<b>Retain as notified</b>
<u>LCZ – PREC1-PSP: P8</u>	Support	Kāinga Ora supports this policy.	<b>Retain as notified</b>
<u>LCZ – PREC1-PSP: P9</u>	Support	Kāinga Ora supports this policy.	<b>Retain as notified</b>
<u>LCZ – PREC1-PSP: P10</u>	Support	Kāinga Ora supports this policy.	<b>Retain as notified</b>
<u>LCZ – PREC1-PSP: P11</u>	Support	Kāinga Ora supports this policy.	<b>Retain as notified</b>
<u>LCZ – PREC1-PSP: P12</u>	Support	Kāinga Ora supports this policy.	<b>Retain as notified</b>
<u>LCZ – PREC1-PSP: P13</u>	Support	Kāinga Ora supports this policy.	<b>Retain as notified</b>

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<u>LCZ – PREC1-PSP: P14</u>	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
<u>LCZ – PREC1-PSP: P15</u>	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
<u>LCZ – PREC1-PSP: P16</u>	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
<u>LCZ – PREC1-PSP: P17</u>	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
<b>LCZ – PREC1-PSP: RULES – ACTIVITY STATUS</b>			
LCZ – PREC1-PSP: R1	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
LCZ – PREC1-PSP: R2	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
LCZ – PREC1-PSP: R3	Support in part	Kāinga Ora generally supports this objective but notes that ‘maintenance and repair’ is covered in the definition of ‘minor works’.	<b><i>Amend as follows:</i></b> <u>Demolition, removal</u> <del>–maintenance or repair</del> <u> of existing buildings</u> ...
LCZ – PREC1-PSP: R4	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
LCZ – PREC1-PSP: R5	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
LCZ – PREC1-PSP:	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>

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R6			
LCZ – PREC1-PSP: R7	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
LCZ – PREC1-PSP: R8	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
LCZ – PREC1-PSP: R9	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
LCZ – PREC1-PSP: R10	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
LCZ – PREC1-PSP: R11	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
LCZ – PREC1-PSP: R12	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
LCZ – PREC1-PSP: R13	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
LCZ – PREC1-PSP: R14	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
LCZ – PREC1-PSP: R15	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
LCZ – PREC1-PSP:	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>

Section/Sub-section/Provision	Support/Support in part/Oppose	Reason(s) for submission	Relief sought / decision requested Text proposed as part of the Plan Change is shown as <u>underlined</u> and <del>strikethrough</del> . Text proposed by Kāinga Ora is shown as <u>underlined</u> and <del>strikethrough</del> Consequential amendments may be required to give effect to the relief sought.
R16			
LCZ – PREC1-PSP: R17	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
LCZ – PREC1-PSP: R18	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
LCZ – PREC1-PSP: R19	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
LCZ – PREC1-PSP: R20	Oppose	Kāinga Ora opposes this rule as residential activities are appropriate in centres and the design is able to be controlled by the restricted discretionary activity rule for ‘new buildings’.	<b><i>Amend as follows:</i></b> <u>Ancillary residential units*</u> <u>Activity Status:</u> <del>Restricted</del> <u>Discretionary Permitted</u> <u>Where the following are complied with:</u> <u>RDISPER-1</u> <u>1. PREC1-P R36 – R48.</u> <u>Matters of discretion are restricted to:</u> <u>1. B – Design and Layout</u> <u>2. C – Character and Amenity</u> <u>3. P – Peacocke Structure Plan</u> <u>Activity Status where compliance is not achieved with RDISPER -1-1: Restricted Discretionary</u> <u>Matters of discretion are restricted to:</u> <u>1. A – General</u> <u>2. B – Design and Layout</u> <u>3. C – Character and Amenity</u> <u>4. P – Peacocke Structure Plan</u>



Section/Sub-section/Provision	Support/Support in part/Oppose	Reason(s) for submission	Relief sought / decision requested Text proposed as part of the Plan Change is shown as <u>underlined</u> and <del>strikethrough</del> . Text proposed by Kāinga Ora is shown as <u>underlined</u> and <del>strikethrough</del> Consequential amendments may be required to give effect to the relief sought.
LCZ – PREC1-PSP: R21	Oppose	Kāinga Ora opposes this rule as residential activities are appropriate in centres and will achieve the vision for the precinct. The design is able to be controlled by the restricted discretionary activity rule for ‘new buildings’.	<p><b><i>Amend as follows:</i></b></p> <p><del>Apartments</del> <u>Residential units (Peacocke Structure Plan)</u> <u>above ground floor*</u></p> <p><u>Activity Status:</u> <del>Restricted Discretionary</del> <u>Permitted</u></p> <p><u>Where the following are complied with:</u></p> <p><del>RDISPER-1</del></p> <p>1. <u>PREC1-P R36 – R48.</u></p> <p><del>RDIS-2</del></p> <p>1. <del>Are located above ground floor</del></p> <p><u>Matters of discretion are restricted to:</u></p> <p>1. <del>B – Design and Layout</del></p> <p>2. <del>C – Character and Amenity</del></p> <p>3. <del>P – Peacocke Structure Plan</del></p> <p><u>Activity Status where compliance is not achieved with <del>RDISPER -1-1: Restricted Discretionary</del></u></p> <p><u>Matters of discretion are restricted to:</u></p> <p>1. <u>A – General</u></p> <p>2. <u>B – Design and Layout</u></p> <p>3. <u>C – Character and Amenity</u></p> <p>4. <u>P – Peacocke Structure Plan</u></p>
LCZ – PREC1-PSP: R22	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
LCZ – PREC1-PSP: R23	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
LCZ – PREC1-PSP:	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>

Section/Sub-section/Provision	Support/Support in part/Oppose	Reason(s) for submission	Relief sought / decision requested Text proposed as part of the Plan Change is shown as <u>underlined</u> and <del>strikethrough</del> . Text proposed by Kāinga Ora is shown as <u>underlined</u> and <del>strikethrough</del> Consequential amendments may be required to give effect to the relief sought.
R24			
LCZ – PREC1-PSP: R25	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
LCZ – PREC1-PSP: R26	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
LCZ – PREC1-PSP: R27	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
LCZ – PREC1-PSP: R28	Oppose	Kāinga Ora considers that commercial places of assembly are a normal part of local centres and should be permitted.	<p><b><i>Amend as follows:</i></b></p> <p><u>Commercial places of assembly including cinemas and bowling alleys</u></p> <p><u>Activity Status:</u> <del>Discretionary</del> <u>Permitted</u></p> <p><u>Where the following are complied with:</u></p> <p><del>DISPER-1</del></p> <p>1. <u>LCZ – PREC1-PSP: R40-R49.</u></p> <p><del>DISPER-2</del></p> <p>1. <u>Are located outside any active frontage.</u></p> <p><u>Activity Status where compliance is not achieved with <del>DISPER-1</del>:</u> <u>Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p>1. <u>A – General</u></p> <p>2. <u>B – Design and Layout</u></p> <p>3. <u>C – Character and Amenity</u></p> <p>4. <u>P – Peacocke Structure Plan</u></p> <p><u>Activity Status where compliance is not achieved with <del>DISPER-2</del>:</u> <u>Non-Complying Discretionary.</u></p>

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LCZ – PREC1-PSP: R29	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
LCZ – PREC1-PSP: R30	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
LCZ – PREC1-PSP: R3	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
LCZ – PREC1-PSP: R32	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
LCZ – PREC1-PSP: R33	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
LCZ – PREC1-PSP: R34	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
LCZ – PREC1-PSP: R35	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
LCZ – PREC1-PSP: R36	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
LCZ – PREC1-PSP: R37	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
LCZ – PREC1-PSP: R38	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>

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LCZ – PREC1-PSP: R40	Oppose	Kāinga Ora supports more height in the LCZ both to distinguish it and allow for residential above the commercial.	<b>Amend as follows:</b> <u>Local Centre Zone: 16 24m</u>
LCZ – PREC1-PSP: R41	Oppose	Given the intent of the precinct is to surround the LCZ with HRZ, the MDZ rule is not relevant.	<b>Amend as follows:</b> <u>1. ...</u> <del>2. Where any boundary adjoins a Medium Density Zone, no part of any building shall penetrate a height control plane rising at an angle of 45 degrees beginning at an elevation of 3m above the boundary</del> <u>3. ...</u>
LCZ – PREC1-PSP: R42	Support	Kāinga Ora supports this rule.	<b>Retain as notified</b>
LCZ – PREC1-PSP: R43	Support	Kāinga Ora supports this rule.	<b>Retain as notified</b>
LCZ – PREC1-PSP: R44	Support	Kāinga Ora supports this rule.	<b>Retain as notified</b>
LCZ – PREC1-PSP: R45	Support	Kāinga Ora supports this rule.	<b>Retain as notified</b>
LCZ – PREC1-PSP: R46	Oppose	Kāinga Ora considers that the development standards applying to residential development are too restrictive and do not achieve the vision for the precinct.	<b>Amend as follows:</b> <u>1. Only one ancillary residential unit is allowed per site.</u> <u>2. Except for providing an entrance, no residential activities shall be undertaken at ground-floor level.</u>

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			<p><u>3. The following standards shall apply to residential units, including apartments above ground floor and residential centres. Unless specifically noted, they do not apply to visitor accommodation.</u></p> <p><u>4. Density (Minimum Number of Residential Units Required Per Site)</u></p> <p>c. <u>Minimum densities within the Local Centre Zone shall be <del>30</del> 100 residential units per hectare based on net site area. This is to be calculated in accordance with the formula below:</u>  <u>0.0010 residential units per 1m<sup>2</sup> of site area</u>  <u>Example: For a site which has an area of 4000m<sup>2</sup>, the minimum number of residential units required under this rule would be <del>1240</del>.</u>  <u>This is calculated by multiplying the site area (4000m<sup>2</sup>) by 0.0010.</u></p> <p>d. <u>Where mixed-use is provided for within a development (e.g. office or retail with residential above), the density requirements of Rule R71-4 a) shall be applied on a pro rata basis relative to the percentage of gross floor area of the development that is residential (e.g. where 40% of the gross floor area of a development is comprised of residential activities, then 40% of the total minimum number of residential units calculated under Rule R71-4 is the minimum number of residential units required to be provided.</u></p> <p><u>5. Outdoor living area</u></p> <p>b. <u>8m<sup>2</sup>, with a minimum dimension of 1.8m</u></p> <p><del>d. Each residential unit, except for when a communal area is provided, shall be provided with an outdoor living area that is:</del></p> <ul style="list-style-type: none"> <li><del>— For the exclusive use of each residential unit.</del></li> <li><del>— Readily accessible from a living area inside the residential unit.</del></li> <li><del>— Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.</del></li> </ul> <p><del>e. Communal open space for 4 or more residential units and apartment buildings shall comply be:</del></p>

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			<ul style="list-style-type: none"> <li>— <del>Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas</del></li> <li>— <del>For the shared use of all residents on the site, and</del></li> <li>— <del>Readily accessible from all residential units on site.</del></li> <li><del>f.</del> <u>Outdoor living areas for residential units shall have areas and dimensions as follows:</u> <ul style="list-style-type: none"> <li>• <u>Apartments and ancillary residential units:</u> <ul style="list-style-type: none"> <li>— <del>A studio unit and one bedroom residential unit: 5m<sup>2</sup></del></li> <li>— <del>A residential unit with two or more bedrooms: 12m<sup>2</sup></del></li> <li><u>No dimension less than 1.8m</u></li> </ul> </li> <li>• <u>Communal open space for apartment buildings</u> <ul style="list-style-type: none"> <li>— <del>8m<sup>2</sup> per unit</del></li> <li>— <u>Capable of containing a circle with the following diameter:</u> <ul style="list-style-type: none"> <li>• <del>4-7 residential units—6m</del></li> <li>• <del>8 or more residential units—8m</del></li> <li>• <u>No dimension less than 2.5m</u></li> </ul> </li> </ul> </li> </ul> </li> </ul> <p><u>Note</u></p> <p><del>5.</del> <u>Communal open space is an alternative to, and not in addition to, individual outdoor living areas for each</u></p> <p><del>6.</del> <u>residential unit.</u></p> <p><del>7.</del> <u>The outdoor living area for an ancillary residential unit shall be separate from the outdoor living area</u></p> <p><del>8.</del> <u>provided for the principal residential unit.</u></p> <p><u>6. Storage Areas</u></p> <p><u>a. Each residential unit shall be provided with a storage area:</u></p> <p><u>i. Located at or below ground-floor level, readily accessible to that residential unit, secure and weatherproof.</u></p>

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			<p>ii. <u>A minimum of 1.8m long by 1m high by 1m deep.</u></p> <p><u>Note: The provision of a private, secure garage accessible only by the occupiers of the residential unit is considered to meet this requirement. (A shared parking garage is not sufficient to meet this standard).</u></p> <p>7. <u>Residential unit size</u></p> <p>b. <u>The minimum floor area require in respect of each apartment shall be:</u></p> <p>v. <u>Studio unit: minimum <del>3530m<sup>2</sup></del></u></p> <p>vi. <u>1 or more bedrooms unit: minimum 45m<sup>2</sup></u></p> <p>vii. <del>2 bedroom unit: minimum 55m<sup>2</sup></del></p> <p>viii. <del>3 bedroom unit: minimum 90m<sup>2</sup></del></p> <p>8. <u>Daylight Standards</u></p> <p><u>Residential units shall be designed to achieve the following minimum daylight standards.</u></p> <p>d. <u>living rooms and living/dining areas: a total clear-glazed area of exterior wall no less than 20% of the floor area of that space.</u></p> <p>e. <u>Bedrooms (excluding studio units, and any bedroom that complies with iii. below): a minimum of one bedroom with a total clear-glazed area of exterior wall no less than 20% of the floor area of that space.</u></p> <p>f. <u>No more than one bedroom in any residential unit may rely on natural light borrowed from another naturally lit room provided:</u></p> <p>iii. <u>The maximum distance of the bedroom from the natural light source window shall be 6m.</u></p> <p>iv. <u>The minimum total clear-glazed area of the light source shall be no less than 20% of the floor area of that bedroom.</u></p> <p>9. <u>External Outlook Area</u></p> <p><u>Each residential unit shall have an external outlook area that:</u></p> <p>a. <u>3m x 3m space from a principal living room</u></p> <p>b. <u>From all other habitable rooms: 1m x 1m</u></p>

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			<p><del>a. _____ Is provided from the face of the building containing windows to the indoor living area, and</del></p> <p><del>b. _____ Has a minimum depth of 6m, measured perpendicular from the face of the window area.</del></p> <p><del>c. _____ Where an indoor living room has two or more walls containing windows, the outlook area shall be provided from the face with the greatest window area.</del></p> <p><del>d. The external outlook area may be over:</del></p> <p><del>i. The site on which the building is located;</del></p> <p><del>ii. The Transport Corridor Zone; or</del></p> <p><del>iii. Public Open Space.</del></p>
LCZ – PREC1-PSP: R47	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
LCZ – PREC1-PSP: R48	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
LCZ – PREC1-PSP: R49	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
<b>15A NATURAL OPEN SPACE ZONE -NOSZ</b> <b>NOSZ – PREC1-P: NATURAL OPEN SPACE ZONE – PEACOCKE PRECINCT</b>			
NOSZ – PREC1- P: <del>ISSUES-PURPOSE</del>	Support	Kāinga Ora supports the 'Issues' section, but like other introductions considers that it should be amended to 'Purpose'.	<b><i>Amend the title of the section to 'Purpose'</i></b>
NOSZ – PREC1- P: OBJECTIVES O1 –	Support	Kāinga Ora supports these objectives.	<b><i>Retain as notified</i></b>



Section/Sub-section/Provision	Support/Support in part/Oppose	Reason(s) for submission	Relief sought / decision requested Text proposed as part of the Plan Change is shown as <u>underlined</u> and <del>strikethrough</del> . Text proposed by Kāinga Ora is shown as <u>underlined</u> and <del>strikethrough</del> Consequential amendments may be required to give effect to the relief sought.
O7			
NOSZ – PREC1- P: OBJECTIVES OX	New objective	Kāinga Ora support a new objective that ties the quality of the open space to the higher density residential environment.	<b><i>Insert new objective:</i></b> <u>The open space network in the Peacocke Precinct supports the amenity and liveability of the higher density living opportunities found in the Precinct.</u>
NOSZ – PREC1- P: POLICIES P1 – P18	Support	Kāinga Ora supports these policies.	<b><i>Retain as notified</i></b>
NOSZ – PREC1- P: POLICY PX	New policy	Kāinga Ora support a new policy that ties the quality of the open space to the higher density residential environment.	<b><i>Insert new policy:</i></b> <u>Manage the delivery of the open space network in the Peacocke Precinct to ensure that the location, quality and quantity contributes to the higher density living opportunities found in the Precinct.</u>
NOSZ – PREC1- P: RULES - ACTIVITY STATUS R1 – R37	Support	Kāinga Ora supports these rules.	<b><i>Retain as notified</i></b>
<b>15B SARZ SPORT AND ACTIVE RECREATION ZONE</b>			
<b>SARZ – PREC1-P: SPORT AND ACTIVE RECREATION ZONE – PEACOCKE PRECINCT</b>			
SARZ – PREC1-P: <del>ISSUES</del> -PURPOSE	Support	Kāinga Ora supports the 'Issues' section, but like other introductions considers that it should be amended to 'Purpose'.	<b><i>Amend the title of the section to 'Purpose'</i></b>
SARZ – PREC1-P Whole of chapter	Support	Kāinga Ora supports the siting of a Sports and Active Recreation Zone within the Precinct, and also supports the related objectives, policies and rules.	<b><i>Retain as notified</i></b>

Section/Sub-section/Provision	Support/Support in part/Oppose	Reason(s) for submission	Relief sought / decision requested Text proposed as part of the Plan Change is shown as <u>underlined</u> and <del>strikethrough</del> . Text proposed by Kāinga Ora is shown as <u>underlined</u> and <del>strikethrough</del> Consequential amendments may be required to give effect to the relief sought.
<b>23A SUB – PREC1-PSP: SUBDIVISION - PEACOCKE PRECINCT</b>			
<b>SUB – PREC1-PSP: PURPOSE</b>			
SUB – PREC1-PSP: O1	Support	Kāinga Ora supports this objective.	<b><i>Retain as notified</i></b>
SUB – PREC1-PSP: O2	Support	Kāinga Ora supports this objective.	<b><i>Retain as notified</i></b>
SUB – PREC1-PSP: O3	Support	Kāinga Ora supports this objective.	<b><i>Retain as notified</i></b>
SUB – PREC1-PSP: O4	Support	Kāinga Ora supports this objective.	<b><i>Retain as notified</i></b>
SUB – PREC1-PSP: O5	Support	Kāinga Ora supports this objective.	<b><i>Retain as notified</i></b>
SUB – PREC1-PSP: O6	Support	Kāinga Ora supports this objective.	<b><i>Retain as notified</i></b>
SUB – PREC1-PSP: O7	Support in part	Kāinga Ora considers it is appropriate for the HDZ to also be recognised in this objective.	<b><i>Amend as follows:</i></b> <u>Subdivision considers supports the planned medium and high density development outcomes and enables a range of building typologies to be constructed.</u>
SUB – PREC1-PSP: O8	Support	Kāinga Ora supports this objective.	<b><i>Retain as notified</i></b>
SUB – PREC1-PSP: O9	Support	Kāinga Ora supports this objective.	<b><i>Retain as notified</i></b>

Section/Sub-section/Provision	Support/Support in part/Oppose	Reason(s) for submission	Relief sought / decision requested Text proposed as part of the Plan Change is shown as <u>underlined</u> and <del>strikethrough</del> . Text proposed by Kāinga Ora is shown as <u>underlined</u> and <del>strikethrough</del> Consequential amendments may be required to give effect to the relief sought.
SUB – PREC1-PSP: O10	Support	Kāinga Ora supports this objective.	<b><i>Retain as notified</i></b>
<b>SUB – PREC1-PSP: POLICIES</b>			
SUB - PREC1-PSP: P1	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
SUB - PREC1-PSP: P2	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
SUB - PREC1-PSP: P3	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
SUB - PREC1-PSP: P4	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
SUB - PREC1-PSP: P5	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
SUB - PREC1-PSP: P6	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
SUB - PREC1-PSP: P7	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
SUB - PREC1-PSP: P8	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
SUB - PREC1-PSP: P9	Support in part	Kāinga Ora generally supports this policy but considers that it should be explicit that subdivision should occur concurrently with or following land	<b><i>Amend as follows:</i></b> <u>Require subdivision to efficiently use land, and to provide for support higher density residential development</u> <del>in walkable distances from the Peacocke Local</del>

Section/Sub-section/Provision	Support/Support in part/Oppose	Reason(s) for submission	Relief sought / decision requested Text proposed as part of the Plan Change is shown as <u>underlined</u> and <del>strikethrough</del> . Text proposed by Kāinga Ora is shown as <u>underlined</u> and <del>strikethrough</del> Consequential amendments may be required to give effect to the relief sought.
		development throughout the Precinct.	<del>Centre and identified public transport routes</del> <u>throughout the Precinct by encouraging subdivision to occur concurrently with or following land development.</u>
SUB - PREC1-PSP: P10	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
SUB - PREC1-PSP: P11	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
SUB - PREC1-PSP: P12	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
SUB - PREC1-PSP: P13	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
SUB - PREC1-PSP: P14	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
SUB - PREC1-PSP: P15	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
SUB - PREC1-PSP: P16	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
SUB - PREC1-PSP: P17	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
SUB - PREC1-PSP: P18	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>
SUB - PREC1-PSP: P19	Support	Kāinga Ora supports this policy.	<b><i>Retain as notified</i></b>

Section/Sub-section/Provision	Support/Support in part/Oppose	Reason(s) for submission	Relief sought / decision requested Text proposed as part of the Plan Change is shown as <u>underlined</u> and <del>strikethrough</del> . Text proposed by Kāinga Ora is shown as <u>underlined</u> and <del>strikethrough</del> Consequential amendments may be required to give effect to the relief sought.
SUB - PREC1-PSP: P20	Support	Kāinga Ora supports this policy.	<i>Retain as notified</i>
SUB - PREC1-PSP: P21	Support	Kāinga Ora supports this policy.	<i>Retain as notified</i>
SUB - PREC1-PSP: P22	Support	Kāinga Ora supports this policy.	<i>Retain as notified</i>
<b>SUB – PREC1-PSP: RULES - ACTIVITY STATUS</b>			
SUB-PREC1-PSP: R1	Support	Kāinga Ora supports this rule.	<i>Retain as notified</i>
SUB-PREC1-PSP: R2	Support	Kāinga Ora supports this rule.	<i>Retain as notified</i>
SUB-PREC1-PSP: R3	Support	Kāinga Ora supports this rule.	<i>Retain as notified</i>
SUB-PREC1-PSP: R4	Support	Kāinga Ora supports this rule.	<i>Retain as notified</i>
SUB-PREC1-PSP: R5	Support	Kāinga Ora supports this rule.	<i>Retain as notified</i>
SUB-PREC1-PSP: R6	Support	Kāinga Ora supports this rule.	<i>Retain as notified</i>
SUB-PREC1-PSP: R7	Support	Kāinga Ora supports this rule.	<i>Retain as notified</i>

Section/Sub-section/Provision	Support/Support in part/Oppose	Reason(s) for submission	Relief sought / decision requested Text proposed as part of the Plan Change is shown as <u>underlined</u> and <del>strikethrough</del> . Text proposed by Kāinga Ora is shown as <u>underlined</u> and <del>strikethrough</del> Consequential amendments may be required to give effect to the relief sought.
SUB-PREC1-PSP: R8	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
SUB-PREC1-PSP: R9	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
SUB-PREC1-PSP: R10	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
SUB-PREC1-PSP: R12	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
SUB-PREC1-PSP: R13	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
SUB-PREC1-PSP: R14	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
SUB-PREC1-PSP: R15	Oppose	Kāinga Ora considers that this rule should be amended to ensure that higher density living opportunities are not foreclosed by subdivision (if it should occur ahead of development).	<b><i>Amend as follows:</i></b>  1. <u>Peacocke Precinct: 300 1200m<sup>2</sup></u> 2. <del>Peacocke Precinct High Density Overlay 300m2</del>
SUB-PREC1-PSP: R16	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
SUB-PREC1-PSP: R17	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
SUB-PREC1-PSP:	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>

Section/Sub-section/Provision	Support/Support in part/Oppose	Reason(s) for submission	Relief sought / decision requested Text proposed as part of the Plan Change is shown as <u>underlined</u> and <del>strikethrough</del> . Text proposed by Kāinga Ora is shown as <u>underlined</u> and <del>strikethrough</del> Consequential amendments may be required to give effect to the relief sought.
R18			
SUB-PREC1-PSP: R19	Support	Kāinga Ora supports this rule.	<b>Retain as notified</b>
SUB-PREC1-PSP: R20	Support	Kāinga Ora supports this rule.	<b>Retain as notified</b>
SUB-PREC1-PSP: R21	Oppose	Kāinga Ora consider that road widths should be commensurate with the residential environment it will service and accommodates medium and high density.	<b>Amend as follows:</b> 1. <u>Minimum road width of vehicle access to be formed and vested as public road:</u> a) <u>Local Road – <del>16.8m</del> 12m</u> (See note 1) b) <u>Collector Road - no Public transport – <del>24.2m</del> 18m</u> (See note 1) c) <u><del>Collector Road – Public transport Route</del> 24.6m</u> (See note 1)
SUB-PREC1-PSP: R22	Support	Kāinga Ora supports this rule.	<b>Retain as notified</b>
SUB-PREC1-PSP: R23	Support	Kāinga Ora supports this rule.	<b>Retain as notified</b>
SUB-PREC1-PSP: R24	Support	Kāinga Ora supports this rule.	<b>Retain as notified</b>
SUB-PREC1-PSP: R25	Support	Kāinga Ora supports this rule.	<b>Retain as notified</b>
<b>25.2 EARTHWORKS AND VEGETATION REMOVAL</b>			
25.2.2 Objectives and Policies:	Support in part	Kāinga Ora generally supports these objectives and policies but considers that if there are significant	<b>Amend as follows:</b>

Section/Sub-section/Provision	Support/Support in part/Oppose	Reason(s) for submission	Relief sought / decision requested Text proposed as part of the Plan Change is shown as <u>underlined</u> and <del>strikethrough</del> . Text proposed by Kāinga Ora is shown as <u>underlined</u> and <del>strikethrough</del> Consequential amendments may be required to give effect to the relief sought.
Earthworks and Vegetation Removal		topographical or geological features (outside of SNAs and other overlays) that should be managed, then these features too should be subject to an overlay to better inform the landowner / purchaser of potential limitations of developing the land as intensively as possible.	<u>Policy 25.2.2.2g2e</u> <u>Require earthworks within the Earthworks Overlay to be undertaken in a manner that is sympathetic to the character and orientation of the existing topography.</u>  <u>Explanation</u> <u>The Peacocke Structure Plan area has been identified as a medium to high density growth area for Hamilton. The area contains rolling topography which can be challenging to develop. The policy framework recognises the challenges to developing these areas and seeks to enable landform modification in such a way that enables development, while remaining sympathetic to the general character of the land form in the “Earthworks Overlay” area. This means earthworks should replicate the general orientation of topography to enable the integration of residential development within the site. The road network and block structure should be designed to work with the contour of the land and minimise the extent of retaining required. Where steeper slopes are to be developed, alternative approaches to construction should be used including mid lot development or multi-storey houses.</u> <u>Bulk earthworks undertaken at subdivision stage should be designed to minimise the need for secondary earthworks.</u>
25.2.3 Rules – Activity Status Table – R(j)	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
25.2.5 Rules – Specific Activities	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
<b>25.6 LIGHTING AND GLARE</b>			
25.6.2 Objectives and Policies:	Support in part	Kāinga Ora generally supports these provisions but considers that safety of the community is	<b><i>Amend as follows:</i></b> <u>25.6.2.2a</u>



Section/Sub-section/Provision	Support/Support in part/Oppose	Reason(s) for submission	Relief sought / decision requested Text proposed as part of the Plan Change is shown as <u>underlined</u> and <del>strikethrough</del> . Text proposed by Kāinga Ora is shown as <u>underlined</u> and <del>strikethrough</del> Consequential amendments may be required to give effect to the relief sought.
Lighting and Glare		paramount and should be reflected in the objectives and policies.	<u>Manage light spill and glare of fixed lighting at the boundary of the Significant Bat Habitat Area to ensure that the useability of long-tailed bat habitat is maintained while maintaining safety on adjoining properties.</u> <u>25.6.2.2b</u> <u>Ensure that fixed lighting in public spaces, such as parks and road corridors is designed to minimise the effects of lighting and glare on Significant Bat Habitat Area while also achieving a safe public realm for the community.</u>  <u>Explanation</u> <u>The Peacocke Precinct is an important habitat for long-tail bats which are a threatened native species. Due to the presence of bats in the area, it is important the effects of development are managed to ensure bats are able to continue to move and forage through the area. This needs to be balanced against the safety needs of the community. Bats are particularly sensitive to light, which has the potential to inhibit their movement and feeding habits. For this reason, it is important that those areas of Peacocke identified as being Significant Bat Habitat Areas are protected from the effects of excessive lighting and glare.</u>
25.6.4.4 Peacocke Medium Density Zone: Peacocke Precinct	Support	Kāinga Ora supports this rule.	<b><i>Retain as notified</i></b>
<b>25.14 TRANSPORTATION</b>			
25.14.4 Rules – General Standards	Support	Kāinga Ora supports the various minor rule amendments / additions.	<b><i>Retain as notified</i></b>
<b>1.1 DEFINITIONS</b>			
Apartment	Support	Kāinga Ora supports this definition.	<b><i>Retain as notified</i></b>

Section/Sub-section/Provision	Support/Support in part/Oppose	Reason(s) for submission	Relief sought / decision requested Text proposed as part of the Plan Change is shown as <u>underlined</u> and <del>strikethrough</del> . Text proposed by Kāinga Ora is shown as <u>underlined</u> and <del>strikethrough</del> Consequential amendments may be required to give effect to the relief sought.
Building (Peacocke Precinct)			
Public Transport Station	Support	Kāinga Ora supports this definition.	<b>Retain as notified</b>
Public Transport Station Catchments	Support	Kāinga Ora supports this definition.	<b>Retain as notified</b>
Rear Lane	Support	Kāinga Ora supports this definition.	<b>Retain as notified</b>
Terrace Dwelling (Peacocke Precinct)	Support	Kāinga Ora supports this definition.	<b>Retain as notified</b>
Universal access	Support	Kāinga Ora supports this definition.	<b>Retain as notified</b>
Urban block	Support	Kāinga Ora supports this definition.	<b>Retain as notified</b>
<b>1.2 INFORMATION REQUIREMENTS</b>			
<del>1.2.2.13 Master Plan for Additional Requirements for Concept Plans for the Peacocke Character Zone Neighbourhoods Structure Plan</del>	Support in part	Kāinga Ora supports the provision of concept plans (comprehensive development plan) and suggests only minor wording amendments. Importantly, the additional information requirements should also relate to land development because it may occur ahead of subdivision (which is encouraged to achieve higher density living outcomes).	<b>Amend as follows:</b> <u>Additional Requirements for Concept Plans for the Peacocke Character Zone Neighbourhoods Structure Plan Comprehensive Development Plan for all subdivision and land use in the Peacocke Precinct</u> <u>Subdivision and development within the Peacocke Precinct Structure Plan shall be prepared a Comprehensive Development Plan that addresses: to comply with the requirements of 1.2.2.2 iii) and include the following additional information:</u> <u>a) Demonstrate how the proposal is in accordance with the Peacocke Structure Plan and how the objectives and policies of the Structure Plan are able to be met.</u>

Section/Sub-section/Provision	Support/Support in part/Oppose	Reason(s) for submission	Relief sought / decision requested Text proposed as part of the Plan Change is shown as <u>underlined</u> and <del>strikethrough</del> . Text proposed by Kāinga Ora is shown as <u>underlined</u> and <del>strikethrough</del> Consequential amendments may be required to give effect to the relief sought.
			<p><del>b) Provide an analysis over all adjoining sites to the subject site to ensure issues impacting on the development are understood and address the following matters:</del></p> <p><del>A Master Plan shall accompany subdivision applications for in the Peacocke Character Zone for Fee Simple Subdivision where lots created are less than 2ha in the Terrace Area and less than 5000m<sup>2</sup> in the Gully and Hill Areas.</del></p> <p><del>Master Plans shall be prepared in accordance with the neighbourhoods identified in</del></p> <p><del>Appendix 2-3 and the Peacocke Structure Plan (refer to Volume 1, Chapter 3: Structure Plans).</del></p> <p><del>A Master Plan will also be required to include a Subdivision Concept Plan (refer to Appendix 1.2.2.2d)), an analysis over all adjoining neighbourhoods to the subject site to ensure issues impacting on the development are understood and address the following matters.</del></p> <p>...</p>
<u>1.2.2.24 Landscape Concept Plans Peacocke Structure Plan Precinct</u>	Support	Kāinga Ora supports the provision of a landscape concept plan and suggests only minor wording amendments. Importantly, the additional information requirements should also relate to land development because it may occur ahead of subdivision (which is encouraged to achieve higher density living outcomes).	<p><b>Amend as follows:</b></p> <p><u>For any subdivision or land development application in the Peacocke Structure Plan Precinct adjoining or including any open space zone or involving more than two hectares of land, a Landscape Concept Plan shall be provided...</u></p>
<u>1.2.2.25 Ecological Rehabilitation and Management Plan Peacocke Structure Plan Precinct</u>	Support	Kāinga Ora supports the provision of an ecological rehabilitation management plan and suggests only minor wording amendments. Importantly, the additional information requirements should also relate to land development because it may occur ahead of subdivision (which is encouraged to achieve higher density living outcomes).	<p><b>Amend as follows:</b></p> <p><u>All subdivision or land development applications within the Peacocke Structure Plan Precinct adjoining or including an open space zone or involving more than two hectares of land shall include...</u></p>

Section/Sub-section/Provision	Support/Support in part/Oppose	Reason(s) for submission	Relief sought / decision requested Text proposed as part of the Plan Change is shown as <u>underlined</u> and <del>strikethrough</del> . Text proposed by Kāinga Ora is shown as <u>underlined</u> and <del>strikethrough</del> Consequential amendments may be required to give effect to the relief sought.
<u>1.2.2.26 Peacocke Local Centre Master Plan</u>	Support	Kāinga Ora supports the provision of a Local Centre Master Plan.	<b><i>Retain as notified</i></b>
<u>1.2.2.27 Bat Management Plan</u>	Support	Kāinga Ora supports the provision of a Bat Management Plan.	<b><i>Retain as notified</i></b>
<b>1.3 ASSESSMENT CRITERIA</b>			
<b>1.3.3 Restricted Discretionary, Discretionary and Non-Complying Assessment Criteria</b>			
<u>P1</u>	Support in part	Kāinga Ora generally supports the matters of discretion applying to earthworks but seeks clarification that only earthworks in the “Earthworks Overlay” need to be sympathetic to the existing landform.	<b><i>Amend as follows:</i></b> <u>Earthworks in the Peacocke Structure Plan Precinct:</u> a. The extent to which earthworks in the Earthworks Overlay are sympathetic to the existing landform
<u>P3</u>	Support in part	Kāinga Ora generally supports the matters of discretion applying to development within the Peacocke Precinct but seeks minor amendments for clarity.	<b><i>Amend as follows:</i></b> a. <u>The extent the proposal is consistent with the</u> <del>objectives and policies in the Peacocke Structure Plan.</del> ... 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 <del>Structure Plan Precinct.</del>
<u>P4</u>	Support	Kāinga Ora supports these matters of discretion.	<b><i>Retain as notified</i></b>
<u>P5</u>	Support	Kāinga Ora supports these matters of discretion.	<b><i>Retain as notified</i></b>
<b>1.4 DESIGN GUIDES</b>			
<u>1.4.10 Peacocke Local Centre</u>	Oppose	Kāinga Ora opposes and seeks the deletion of references to any design codes, guides or	<b><i>Kāinga Ora seeks that any such guides including the Peacocke Local Centre Design Guide is treated as a non-statutory document that sits outside of the</i></b>

Section/Sub-section/Provision	Support/Support in part/Oppose	Reason(s) for submission	Relief sought / decision requested Text proposed as part of the Plan Change is shown as <u>underlined</u> and <del>strikethrough</del> . Text proposed by Kāinga Ora is shown as <u>underlined</u> and <del>strikethrough</del> Consequential amendments may be required to give effect to the relief sought.
<u>Design Guide</u>		<p>guidelines as de facto rules to be complied with in PC5, such as the Peacocke Local Centre Design Guide.</p> <p>The operative District Plan does not contain Design Guides suited to the medium to high density outcomes anticipated in the Peacocke Precinct.</p> <p>Kāinga Ora would support an alternative, whereby it works with the Council and its consultants to formulate a list of specific matters that should be included as matters of discretion and assessment criteria on design outcomes that are to be considered and could be incorporated into the District Plan. This should be undertaken with the Peacocke Local Centre Design Guide.</p> <p>If there are any proposed design guides, design codes or guidelines to be developed, Kāinga Ora seeks that any such guides are treated as a non-statutory document that sits outside of the District Plan and referenced in an advice note against the relevant rules and effects standard to be considered when preparing an application. Urban Design guidelines are identified as providing best practice guidance and can be updated without going through a Schedule 1 of the RMA process.</p>	<p><b><i>District Plan and referenced in an advice note against the relevant rules and effects standard to be considered when preparing an application.</i></b></p> <p><b><i>Kāinga Ora seeks that it works with the Council and its consultants to formulate a list of specific matters that should be included as matters of discretion and assessment criteria on design outcomes that are to be considered and could be incorporated into the District Plan.</i></b></p> <p><b><i>This should be undertaken with the Peacocke Local Centre Design Guide and any other proposals seeking design guides for medium to high density residential activities.</i></b></p>
<b>APPENDIX 15: TRANSPORTATION</b>			
<u>15-1 Parking, Loading Spaces and Manoeuvring Areas –</u>	Support in part	Kāinga Ora supports no parking requirement for residential dwellings in the Peacocke Precinct. However, Kāinga Ora consider that the Council should use this opportunity to give effect to the NPS-UD in respect of subpart 8 and remove all	<p><b><i>Amend as follows:</i></b></p> <p><del>Single Dwellings, duplex dwellings and terrace dwellings and apartments</del> <u>any development in the Peacocke Structure Plan Area Precinct</u></p>

Section/Sub-section/Provision	Support/Support in part/Oppose	Reason(s) for submission	Relief sought / decision requested Text proposed as part of the Plan Change is shown as <u>underlined</u> and <del>strikethrough</del> . Text proposed by Kāinga Ora is shown as <u>underlined</u> and <del>strikethrough</del> Consequential amendments may be required to give effect to the relief sought.
<u>Tables and Figures</u>		parking requirements in the Peacocke Precinct.	
<u>Integrated Transport Assessment</u>	Support	Kāinga Ora supports the additional requirements for an ITA in the Peacocke Precinct.	<b><i>Retain as notified</i></b>
<u>15-6 Criteria for the Form of Transport Corridors and Internal Vehicle Access</u>	Oppose	Kāinga Ora oppose the widths of the proposed roads. Kāinga Ora considers that Collector Roads should be no more than 18m and Local Roads no more than 15m. Kāinga Ora acknowledges that this will likely require a review of the parking strategy (to potentially limit street parking) as well as services to be located in footpaths, but the road widths as proposed do not contribute to a quality transport environment focussed on pedestrians.	<b><i>Amend the overall width of Collector Roads to 18m and Local Roads to 15m</i></b>

## **ATTACHMENT TWO: New Peacocke High Density Residential Zone**

*Text proposed by Kāinga Ora is shown as underlined.*

### **NEW PEACOCKE HIGH DENSITY RESIDENTIAL ZONE**

#### **HRZ – PREC1-PSP: PURPOSE**

The Peacocke High Density Residential Zone is a high intensity zone enabling greater heights and intensity of development in the Peacocke Precinct. The zone is located in close proximity to the Local and Neighbourhood centres, education facilities, areas serviced by passenger transport, and in close proximity to zoned open spaces and will promote the use of active and public transport, support the vitality of centres, and draw on the amenity of adjoining open spaces.

The purpose of the zone is to enable efficient use of land and infrastructure, increase the capacity of housing and ensure that residents have convenient access to services, employment, education facilities, retail and entertainment opportunities, public open space and public transport in close proximity to the local centre.

Buildings of at least 6 storeys are generally anticipated within the zone. The resource consent process requires development design and layout to be assessed, recognising that design is increasingly important as the scale and density of development increases. The zone sets out a clear set of development controls and matters of discretion to ensure that a reasonable level of residential amenity values is retained. Possible means of compliance and guidance on how to achieve well designed residential intensification is also provided in the non-statutory Peacocke Residential Design Guidelines.

#### **HRZ – PREC1-PSP: OBJECTIVES**

##### **HRZ – PREC1-PSP: O1**

Encourage buildings that are of a bulk and scale that enable higher-intensity residential development, and which are consistent with the planned urban built-form anticipated for the zone, being predominantly 6 storeys, in a variety of forms.

##### **HRZ – PREC1-PSP: O2**

Achieve a high level of residential amenity within the zone that contributes to quality urban form outcomes, and reflects and supports the planned built form and desired compact urban settlement pattern.

##### **HRZ – PREC1-PSP: O3**

Development in the zone seeks to maximise efficiency of the underlying land, recognising that residential intensification provides opportunity to leverage economies of scale in the provision and maintenance of community facilities and infrastructure.

##### **HRZ – PREC1-PSP: O4**

An appropriate mix of complementary and compatible activities is enabled to support residential growth.

## **HRZ – PREC1-PSP: POLICIES**

### **HRZ – PREC1-PSP: P1**

Ensure that the bulk and scale of buildings in the zone:

- (a) Achieves a higher-intensity urban built-form, in a variety of forms and typologies including apartments and terraced housing.
- (b) Enables greater building heights of at least six storeys.
- (c) Is of a height and bulk which continues to provide reasonable daylight access and standard of privacy and minimises visual dominance effects on the site and on adjoining sites.

### **HRZ – PREC1-PSP: P2**

Enable residential development that contributes to attractive and safe streets and public open spaces by:

- (a) Providing for passive surveillance to public open spaces and streets through siting of dwellings and rooms, façade design and fencing/landscaping.
- (b) Incorporating front yard landscaping and fencing that will enhance streetscape amenity.
- (c) Minimising the prevalence of garage doors, carparking and driveways fronting the street.
- (d) Incorporating Crime Prevention Through Environmental Design (CPTED) principles to contribute to the safety and functionality of developments and surrounding public spaces.

### **HRZ – PREC1-PSP: P3**

- (a) Enable residential intensification on land adjacent to centre zones.
- (b) Recognise the social, economic, and environmental benefits arising from enabling residential activities at scale close to community facilities and centre zones.
- (c) Recognise the economic and environmental benefits of higher intensity development that efficiently utilises existing and planned investment in transport and three waters infrastructure.
- (d) Avoid lower intensity residential development which compromises future development potential of the site.

### **HRZ – PREC1-PSP: P4**

- (a) Allow activities which are ancillary to residential activities, where the scale is appropriate and compatible with surrounding residential uses;
- (b) Require that new residential buildings and developments be assessed through a resource consenting process to ensure they achieve the outcomes anticipated by the zone;
- (c) Provide for and manage non-residential activities to ensure that they do not detract from the intent of the zone.



## HRZ – PREC1-PSP: RULES – ACTIVITY STATUS

<u>Rule</u>	<u>Use/Activity</u>	<u>Activity Status</u>	
<u>HRZ - PREC1-PSP: R1</u>	<u>Accessory Buildings</u>	<u>Activity Status: Permitted</u> <u>Where the following are complied with:</u> <u>PER-1</u> 1. <u>PREC1-P R36 – R48.</u>	<u>Activity Status where compliance is not achieved with</u> <u>PER-1: Restricted Discretionary</u> <u>Matters of discretion are restricted to:</u> 1. <u>A – General Criteria</u>
<u>HRZ - PREC1-PSP: R2</u>	<u>Ancillary residential structure</u>	<u>Activity Status: Permitted</u> <u>Where the following are complied with:</u> <u>PER-1</u> 1. <u>PREC1-P R36 – R48.</u>	<u>Activity Status where compliance is not achieved with</u> <u>PER-1: Restricted Discretionary</u> <u>Matters of discretion are restricted to:</u> 1. <u>A – General Criteria</u>

<p><u>HRZ - PREC1-PSP: R3</u></p>	<p><u>Managed care facilities</u></p>	<p><u>Activity Status: Permitted</u>  <u>Where the following are complied with:</u>  <u>PER-1</u>  1. <u>PREC1-P R36 – R48.</u>  <u>PER-2</u>  2. <u>No more than 9 people, including staff and their dependents reside on site.</u>  <u>PER-3</u>  3. <u>Within one calendar month of its occupancy, the Agency/person(s) responsible for the Managed Care Facility shall provide the residents of the properties adjoining the site and Council's Planning Department a written information pack. The information pack shall include an overview of the Agency and the range of services provided (if relevant), and the type of care and programs to be provided within the Managed Care Facility and shall include the following.</u>  a. <u>Proposed number of residents</u>  b. <u>The anticipated number of visitors to the site per week and daily visiting hours.</u>  c. <u>Anticipated full time equivalent staff at the facility.</u>  d. <u>Regular and emergency contact details to enable prompt and effective contact if necessary.</u></p>	<p><u>Activity Status where compliance is not achieved with PER-1: Restricted Discretionary</u>  <u>Matters of discretion are restricted to:</u>  1. <u>A – General</u>  <u>Activity status where compliance is not achieved with PER-2: Discretionary</u>  <u>Activity Status where compliance is not achieved with PER-3 – PER-7: Restricted Discretionary</u>  <u>Matters of discretion are restricted to:</u>  1. <u>A - General</u></p>
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		<p>e. <u>The policies for the management of possible emergency situations including the management of neighbour relations in an emergency situation.</u></p> <p><u>PER-4</u></p> <p>4. <u>The outdoor living area shall be provided communally which shall comprise:</u></p> <p>a. <u>At least 15m<sup>2</sup> per resident in the General Residential Zone.</u></p> <p>b. <u>At least 12m<sup>2</sup> per resident in the Residential Intensification Zone.</u></p> <p>c. <u>A minimum dimension of not less than 4m.</u></p> <p>d. <u>An area capable of containing a 6m diameter circle.</u></p> <p>e. <u>At least 60% at ground level, and any outdoor living space that is not at ground level is provided on upper floor decks wider than 1m.</u></p> <p>f. <u>Comprise not more than 35% impermeable surface area.</u></p> <p>g. <u>For the exclusive use of the residents.</u></p> <p>h. <u>Readily accessible for all residents.</u></p> <p>i. <u>Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas.</u></p>	
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<u>Rule</u>	<u>Use/Activity</u>	<u>Activity Status</u>	
		<p><u>PER-5</u></p> <p>5. <u>A service area shall be provided that has:</u></p> <p>a. <u>A minimum area of 20m<sup>2</sup> with a minimum dimension of 3m.</u></p> <p>b. <u>In cases where a fully equipped laundry (washing and drying machines) is provided, then the service area can be reduced to a minimum of 16m<sup>2</sup> with a minimum dimension of 2m.</u></p> <p><u>PER-6</u></p> <p>6. <u>Staff providing supervision for managed care facilities accommodating eight or more residents shall be present on site at all times that residents are in occupation.</u></p> <p><u>PER-7</u></p> <p>7. <u>No part of any site or premises used as a managed care facility shall contain a secure unit.</u></p>	
<u>HRZ - PREC1-PSP: R4</u>	<u>Emergency housing</u>	<p><u>Activity Status: Permitted</u></p> <p><u>Where the following are complied with:</u></p> <p><u>PER-1</u></p> <p>1. <u>1. PREC1-P R36 – R48.</u></p> <p><u>PER-2</u></p> <p>1. <u>No more than 10 people, including staff and their dependents reside on site.</u></p>	<p><u>Activity Status where compliance not achieved with</u></p> <p><u>PER-1: Restricted Discretionary</u></p> <p><u>Matters of discretion are restricted to:</u></p> <p>1. <u>A – General</u></p> <p><u>Activity status where compliance is not achieved with</u></p> <p><u>PER-2: Discretionary</u></p>

<u>Rule</u>	<u>Use/Activity</u>	<u>Activity Status</u>	
<u>HRZ - PREC1- PSP: R5</u>	<u>Residential activities</u>	<u>Activity Status: Permitted</u> <u>Where the following are complied with:</u> <u>PER-1</u> 1. <u>PREC1-P R36 – R48.</u>	<u>Activity Status where compliance is not achieved with</u> <u>PER-1: Restricted Discretionary</u> <u>Matters of discretion are restricted to:</u> 1. <u>A – General Criteria</u>

<p><u>HRZ - PREC1- PSP: R6</u></p>	<p><u>Home-based business</u></p>	<p><u>Activity Status: Permitted</u> <u>Where the following are</u> <u>complied with:</u> <u>PER-1</u></p> <ol style="list-style-type: none"> <li>1. <u>For the avoidance of</u> <u>doubt, if an activity</u> <u>does not comply with</u> <u>all of the standards</u> <u>specified, it is not a</u> <u>home-based business.</u> <u>Home-based</u> <u>businesses shall:</u></li> <li>2. <u>Employ no more than 2</u> <u>people, one of</u> <u>whom must reside on</u> <u>the site on a</u> <u>permanent basis.</u></li> <li>3. <u>Not exceed 30% of the</u> <u>total gross floor</u> <u>area of buildings on the</u> <u>site.</u></li> <li>4. <u>Not generate any trips</u> <u>by a heavy motor</u> <u>vehicle.</u></li> <li>5. <u>Not generate vehicle</u> <u>trips or pedestrian</u> <u>traffic between 2000 to</u> <u>0800 hours.</u></li> <li>6. <u>Not display any</u> <u>indication of the</u> <u>activity</u> <u>from outside the site</u> <u>including the</u> <u>display or storage of</u> <u>materials, except for</u> <u>permitted signs.</u></li> <li>7. <u>Retail only those goods</u> <u>which have been</u> <u>manufactured,</u> <u>repaired, renovated or</u> <u>otherwise produced on</u> <u>the site.</u></li> <li>8. <u>Not create electrical</u> <u>interference with</u> <u>television and radio</u> <u>sets or other types of</u> <u>receivers in adjacent</u> <u>residential units.</u></li> <li>9. <u>Not generate</u> <u>nuisances, including</u> <u>smoke, noise, dust,</u></li> </ol>	<p><u>Activity Status where</u> <u>compliance not achieved</u> <u>with</u> <u>PER-1: Discretionary</u></p>
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<u>Rule</u>	<u>Use/Activity</u>	<u>Activity Status</u>	
		<p><u>vibration, glare, and other noxious or dangerous effects – these shall be measured at the boundaries of the site.</u></p> <p>10. <u>Have only one sign with a maximum area of 0.6m<sup>2</sup>, a maximum dimension of 1m and having no part higher than 2m above the adjacent ground level. The sign must be attached to either a fence, wall or building.</u></p>	
<u>HRZ - PREC1-PSP: R7</u>	<u>Homestay</u>	<p><u>Activity Status: Permitted</u>  <u>Where the following are complied with:</u>  <u>PER-1</u>            1. <u>PREC1-P R36 – R48.</u></p>	<p><u>Activity Status where compliance is not achieved with</u>  <u>PER-1: Restricted Discretionary</u>  <u>Matters of discretion are restricted to:</u>            1. <u>A – General Criteria</u></p>
<u>HRZ - PREC1-PSP: R8</u>	<u>Informal recreation</u>	<p><u>Activity Status: Permitted</u>  <u>Where the following are complied with:</u>  <u>PER-1</u>            1. <u>PREC1-P R36 – R48.</u></p>	<p><u>Activity Status where compliance is not achieved with</u>  <u>PER-1: Restricted Discretionary</u>  <u>Matters of discretion are restricted to:</u>            1. <u>A – General Criteria</u></p>
<u>HRZ - PREC1-PSP: R9</u>	<u>Organised recreation</u>	<p><u>Activity Status: Permitted</u>  <u>Where the following are complied with:</u>  <u>PER-1</u>            1. <u>PREC1-P R36 – R48.</u></p>	<p><u>Activity Status where compliance is not achieved with</u>  <u>PER-1: Restricted Discretionary</u>  <u>Matters of discretion are restricted to:</u>            1. <u>A – General Criteria</u></p>

<u>Rule</u>	<u>Use/Activity</u>	<u>Activity Status</u>	
<a href="#">HRZ - PREC1-PSP: R10</a>	<a href="#">Demolition or removal of existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)</a>	<a href="#">Activity Status: Permitted</a> <a href="#">Where the following are complied with:</a> <a href="#">PER-1</a> 1. <a href="#">PREC1-P R36 – R48.</a>	<a href="#">Activity Status where compliance is not achieved with</a> <a href="#">PER-1: Restricted Discretionary</a> <a href="#">Matters of discretion are restricted to:</a> 1. <a href="#">A – General Criteria</a>
<a href="#">HRZ - PREC1-PSP: R11</a>	<a href="#">Maintenance, repair and alterations and additions to existing buildings (except heritage buildings scheduled in Volume 2, Appendix 8, Schedule 8A: Built Heritage)</a>	<a href="#">Activity Status: Permitted</a> <a href="#">Where the following are complied with:</a> <a href="#">PER-1</a> 1. <a href="#">PREC1-P R36 – R48.</a>	<a href="#">Activity Status where compliance is not achieved with</a> <a href="#">PER-1: Restricted Discretionary</a> <a href="#">Matters of discretion are restricted to:</a> 1. <a href="#">A – General Criteria</a>
<a href="#">HRZ - PREC1-PSP: R12</a>	<a href="#">Papakainga</a>	<a href="#">Activity Status: Permitted</a> <a href="#">Where the following are complied with:</a> <a href="#">PER-1</a> 1. <a href="#">PREC1-P R36 – R48.</a>	<a href="#">Activity Status where compliance is not achieved with</a> <a href="#">PER-1: Restricted Discretionary</a> <a href="#">Matters of discretion are restricted to:</a> 1. <a href="#">A – General Criteria</a>
<a href="#">HRZ - PREC1-PSP: R13</a>	<a href="#">Dairy</a>	<a href="#">Activity Status: Permitted</a> <a href="#">Where the following are complied with:</a> <a href="#">PER-1</a> 1. <a href="#">PREC1-P R36 – R48.</a> 2. <a href="#">The gross floor area of retail activity on the site shall not exceed 100m2.</a> 3. <a href="#">The hours of operation shall be 0700-2200 hours.</a>	<a href="#">Activity Status where compliance not achieved with PER-1: Restricted Discretionary</a> <a href="#">Matters of discretion are restricted to:</a> 1. <a href="#">A – General</a>



<u>Rule</u>	<u>Use/Activity</u>	<u>Activity Status</u>	
<u>HRZ - PREC1-PSP: R14</u>	<u>New buildings</u>	<u>Activity Status: Restricted discretionary</u> <u>Matters of discretion are restricted to:</u> <ol style="list-style-type: none"> <li>1. <u>A – General Criteria</u></li> <li>2. <u>B – Design and Layout</u></li> <li>3. <u>C – Character and Amenity</u></li> <li><u>P – Peacocke Structure Plan</u></li> </ol>	
<u>HRZ - PREC1-PSP: R15</u>	<u>Childcare facility</u>	<u>Activity Status: Restricted Discretionary</u> <u>Where the following are complied with:</u> <u>RDIS-1</u> <ol style="list-style-type: none"> <li>1. <u>PREC1-P R36 – R48.</u></li> <li>2. <u>The Childcare Facility shall not be part of a multiunit residential development.</u></li> <li>3. <u>The activity shall be located on a front, corner or through site.</u></li> <li>4. <u>The activity shall have a maximum gross floor area for all buildings of 250m2.</u></li> </ol> <u>Matters of discretion are restricted to:</u> <ol style="list-style-type: none"> <li>1. <u>A – General Criteria</u></li> <li>2. <u>B – Design and Layout</u></li> <li>3. <u>C – Character and Amenity</u></li> <li>4. <u>P – Peacocke Structure Plan</u></li> </ol>	<u>Activity Status where compliance not achieved with RDIS-1: Discretionary</u>

<u>Rule</u>	<u>Use/Activity</u>	<u>Activity Status</u>	
<a href="#">HRZ - PREC1-PSP: R16</a>	<a href="#">Rest home</a>	<p><a href="#">Activity Status: Restricted Discretionary</a></p> <p><a href="#">Where the following are complied with:</a></p> <p><a href="#">RDIS-1</a></p> <ol style="list-style-type: none"> <li><a href="#">1. PREC1-P R36 – R48.</a></li> </ol> <p><a href="#">Matters of discretion are restricted to:</a></p> <ol style="list-style-type: none"> <li><a href="#">1. A – General Criteria</a></li> <li><a href="#">2. B – Design and Layout</a></li> <li><a href="#">3. C – Character and Amenity</a></li> <li><a href="#">4. P – Peacocke Structure Plan</a></li> </ol>	<a href="#">Activity Status where compliance not achieved with RDIS-1: Discretionary</a>
<a href="#">HRZ - PREC1-PSP: R17</a>	<a href="#">Retirement village</a>	<p><a href="#">Activity Status: Restricted Discretionary</a></p> <p><a href="#">Where the following are complied with:</a></p> <p><a href="#">RDIS-1</a></p> <ol style="list-style-type: none"> <li><a href="#">2. PREC1-P R36 – R48.</a></li> </ol> <p><a href="#">Matters of discretion are restricted to:</a></p> <ol style="list-style-type: none"> <li><a href="#">5. A – General Criteria</a></li> <li><a href="#">6. B – Design and Layout</a></li> <li><a href="#">7. C – Character and Amenity</a></li> <li><a href="#">8. P – Peacocke Structure Plan</a></li> </ol>	<a href="#">Activity Status where compliance not achieved with RDIS-1: Discretionary</a>

<u>Rule</u>	<u>Use/Activity</u>	<u>Activity Status</u>	
<u>HRZ - PREC1-PSP: R18</u>	<u>Visitor accommodation</u>	<p><u>Activity Status: Restricted Discretionary</u></p> <p><u>Where the following are complied with:</u></p> <p><u>RDIS-1</u></p> <ol style="list-style-type: none"> <li><u>1. PREC1-P R36 – R48.</u></li> <li><u>2. The maximum occupancy for visitor accommodation shall be 12 guests.</u></li> <li><u>3. Visitor accommodation shall not provide for the sale of liquor through an ancillary facility such as a bar or a restaurant.</u></li> </ol> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li><u>5. A – General Criteria</u></li> <li><u>6. B – Design and Layout</u></li> <li><u>7. C – Character and Amenity</u></li> <li><u>8. P – Peacocke Structure Plan</u></li> </ol>	<u>Activity Status where compliance not achieved with RDIS-1: Discretionary</u>
<u>HRZ - PREC1-PSP: R19</u>	<u>Emergency service facilities</u>	<p><u>Activity Status: Restricted Discretionary</u></p> <p><u>Where the following are complied with:</u></p> <p><u>RDIS-1</u></p> <ol style="list-style-type: none"> <li><u>3. PREC1-P R36 – R48.</u></li> </ol> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li><u>9. A – General Criteria</u></li> <li><u>10. B – Design and Layout</u></li> <li><u>11. C – Character and Amenity</u></li> <li><u>12. P – Peacocke Structure Plan</u></li> </ol>	<u>Activity Status where compliance not achieved with RDIS-1: Discretionary</u>

<u>Rule</u>	<u>Use/Activity</u>	<u>Activity Status</u>	
<u>HRZ - PREC1- PSP: R20</u>	<u>Community centre</u>	<p><u>Activity Status: Restricted Discretionary</u></p> <p><u>Where the following are complied with:</u></p> <p><u>RDIS-1</u></p> <ol style="list-style-type: none"> <li>1. <u>PREC1-P R36 – R48.</u></li> <li>2. <u>The maximum gross floor area of all buildings on a site will not exceed 250m².</u></li> <li>3. <u>The hours of operation will be restricted to 0700- 2200 hours</u></li> <li>4. <u>Once per calendar year a special event may operate from 0700-2200 hours</u></li> </ol> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li>13. <u>A – General Criteria</u></li> <li>14. <u>B – Design and Layout</u></li> <li>15. <u>C – Character and Amenity</u></li> <li>16. <u>P – Peacocke Structure Plan</u></li> </ol>	<u>Activity Status where compliance not achieved with RDIS-1: Discretionary</u>

<u>Rule</u>	<u>Use/Activity</u>	<u>Activity Status</u>	
<u>HRZ - PREC1-PSP: R21</u>	<u>Place of worship</u>	<p><u>Activity Status: Restricted Discretionary</u></p> <p><u>Where the following are complied with:</u></p> <p><u>RDIS-1</u></p> <ol style="list-style-type: none"> <li><u>1. PREC1-P R36 – R48.</u></li> <li><u>2. The maximum gross floor area of all buildings on a site will not exceed 250m<sup>2</sup>.</u></li> <li><u>3. The hours of operation will be restricted to 0700-2200 hours</u></li> <li><u>4. Once per calendar year a special event may operate from 0700-2200 hours.</u></li> </ol> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li><u>1. A – General Criteria</u></li> <li><u>2. B – Design and Layout</u></li> <li><u>3. C – Character and Amenity</u></li> <li><u>4. P – Peacocke Structure Plan</u></li> </ol>	<u>Activity Status where compliance not achieved with RDIS-1: Discretionary</u>
<u>HRZ - PREC1-PSP: R22</u>	<u>Residential centre</u>	<p><u>Activity Status: Restricted Discretionary</u></p> <p><u>Where the following are complied with:</u></p> <p><u>RDIS-1</u></p> <ol style="list-style-type: none"> <li><u>1. PREC1-P R36 – R48.</u></li> </ol> <p><u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li><u>1. A – General Criteria</u></li> <li><u>2. B – Design and Layout</u></li> <li><u>3. C – Character and Amenity</u></li> <li><u>4. P – Peacocke Structure Plan</u></li> </ol>	<u>Activity Status where compliance not achieved with RDIS-1: Discretionary</u>
<u>HRZ - PREC1-PSP: R23</u>	<u>School</u>	<u>Activity Status: Discretionary</u>	
<u>HRZ - PREC1-PSP: R24</u>	<u>Marae</u>	<u>Activity Status: Discretionary</u>	

<u>Rule</u>	<u>Use/Activity</u>	<u>Activity Status</u>	
<a href="#">HRZ - PREC1-PSP: R25</a>	<a href="#">Show homes</a>	<a href="#">Activity Status: Discretionary</a>	
<a href="#">HRZ - PREC1-PSP: R26</a>	<a href="#">Office</a>	<a href="#">Activity Status: Discretionary</a>	
<a href="#">HRZ - PREC1-PSP: R27</a>	<a href="#">Retail</a>	<a href="#">Activity Status: Discretionary</a>	
<a href="#">HRZ - PREC1-PSP: R28</a>	<a href="#">Places of assembly</a>	<a href="#">Activity Status: Discretionary</a>	
<a href="#">HRZ - PREC1-PSP: R29</a>	<a href="#">Health care services</a>	<a href="#">Activity Status: Discretionary</a>	
<a href="#">HRZ - PREC1-PSP: R30</a>	<a href="#">Tertiary education and specialised training facilities</a>	<a href="#">Activity Status: Non-complying</a>	
<a href="#">HRZ - PREC1-PSP: R31</a>	<a href="#">Relocated buildings</a>	<a href="#">Activity Status: Non-complying</a>	
<a href="#">HRZ - PREC1-PSP: R32</a>	<a href="#">Single Dwelling on a site</a>	<a href="#">Activity Status: Non-complying</a>	

## HRZ – PREC1-PSP: RULES – DEVELOPMENT STANDARDS

Standard	Activity Status where compliance not achieved
<p><b>HRZ - PREC1-PSP: R36</b>  <u>Maximum site coverage</u>  60%</p>	<p><u>Activity Status: Restricted discretionary</u>  <u>Matters of discretion are restricted to:</u></p> <ol style="list-style-type: none"> <li><u>A – General Criteria</u></li> <li><u>B – Design and Layout</u></li> <li><u>C – Character and Amenity</u></li> <li><u>P – Peacocke Structure Plan</u></li> </ol>
<p><b>HRZ - PREC1-PSP: R37</b>  <u>Permeable surfaces and landscaping</u></p> <ol style="list-style-type: none"> <li><u>Minimum permeable surface required across the entire site: 20%</u></li> <li><u>Minimum front yard landscaping: 50%</u></li> <li><u>Minimum specimen trees in front yard: One tree per 10m of frontage</u></li> </ol>	
<p><b>HRZ - PREC1-PSP: R38</b>  <u>Building height</u>  21m</p>	
<p><b>HRZ - PREC1-PSP: R39</b>  <u>Building setbacks</u></p> <ol style="list-style-type: none"> <li><u>Transport corridor boundary: 1.5m</u></li> <li><u>Garage door or carport from a transport corridor boundary: 5m</u></li> <li><u>Side yards: 1m</u></li> <li><u>One side yard per site: 0m, where:</u> <ol style="list-style-type: none"> <li><u>Legal provision is made for access and maintenance; and</u></li> <li><u>Neighbours consent is obtained; and</u></li> <li><u>The opposite side yard is a minimum of 2m, or</u></li> <li><u>It is a common/party wall;</u></li> </ol> </li> <li><u>Rear yard: 1m</u></li> <li><u>Rear yard where it adjoins a rear land: 0m</u></li> <li><u>Waikato Riverbank and gully: 6m</u></li> <li><u>Significant Bat Habitat Area boundary: 5m</u></li> </ol>	
<p><b>HRZ - PREC1-PSP: R40</b>  <u>Height in relation to boundary</u></p> <ol style="list-style-type: none"> <li><u>For side and rear boundaries, no part of any building shall protrude through a height control plane rising at an angle of 60 degrees. This angle is to be measured from 6m above ground level at all boundaries.</u>  <u>Except that no height control plane shall apply:</u> <ol style="list-style-type: none"> <li><u>Where a boundary adjoins a rear lane.</u></li> <li><u>Where there is existing or proposed internal boundaries within a site.</u></li> <li><u>Where there is an existing or proposed common wall between two buildings on adjacent sites.</u></li> </ol> </li> </ol>	

2. As an alternative to R40(2), the following alternative height in relation to boundary may be used for development that is within 20m of the transport corridor boundary.

Any buildings or parts of buildings within 20m of the site frontage must not exceed a height of 3.6m measured vertically above ground level at side and rear boundaries. Thereafter, buildings must be set back 1m and then 0.3m for every additional metre in height (73.3 degrees) up to 6.9m and then 1m for every additional metre in height (45 degrees)

#### **HRZ - PREC1-PSP: R41**

##### Public interface

- 1a. For duplex dwellings and terrace dwellings, each dwelling unit must have a separate pedestrian access, separate from any driveway, that is provided from the transport corridor or an area of public open space.
- 1b. For apartment buildings, a pedestrian access, separate from any driveway, must be provided from the transport corridor or an area of public open space to the entrance to the building.
2. At least one habitable room of the residential unit shall have a clear glazed window facing the transport corridor from which the transport corridor is not blocked by any accessory building.
- 3 Any wall facing the street must consist of at least 20% glazing (If a garage door is contained in the wall facing the street the area of the garage door is not to be included in the calculation of the 20% glazing area).

#### **HRZ - PREC1-PSP: R42**

##### Accessory buildings and parking

Parking, whether provided in an accessory building, or parking pad, shall form no more than 50% of the width of the ground floor front façade of the residential unit that is visible from the transport corridor, except where R42 – 4 applies.

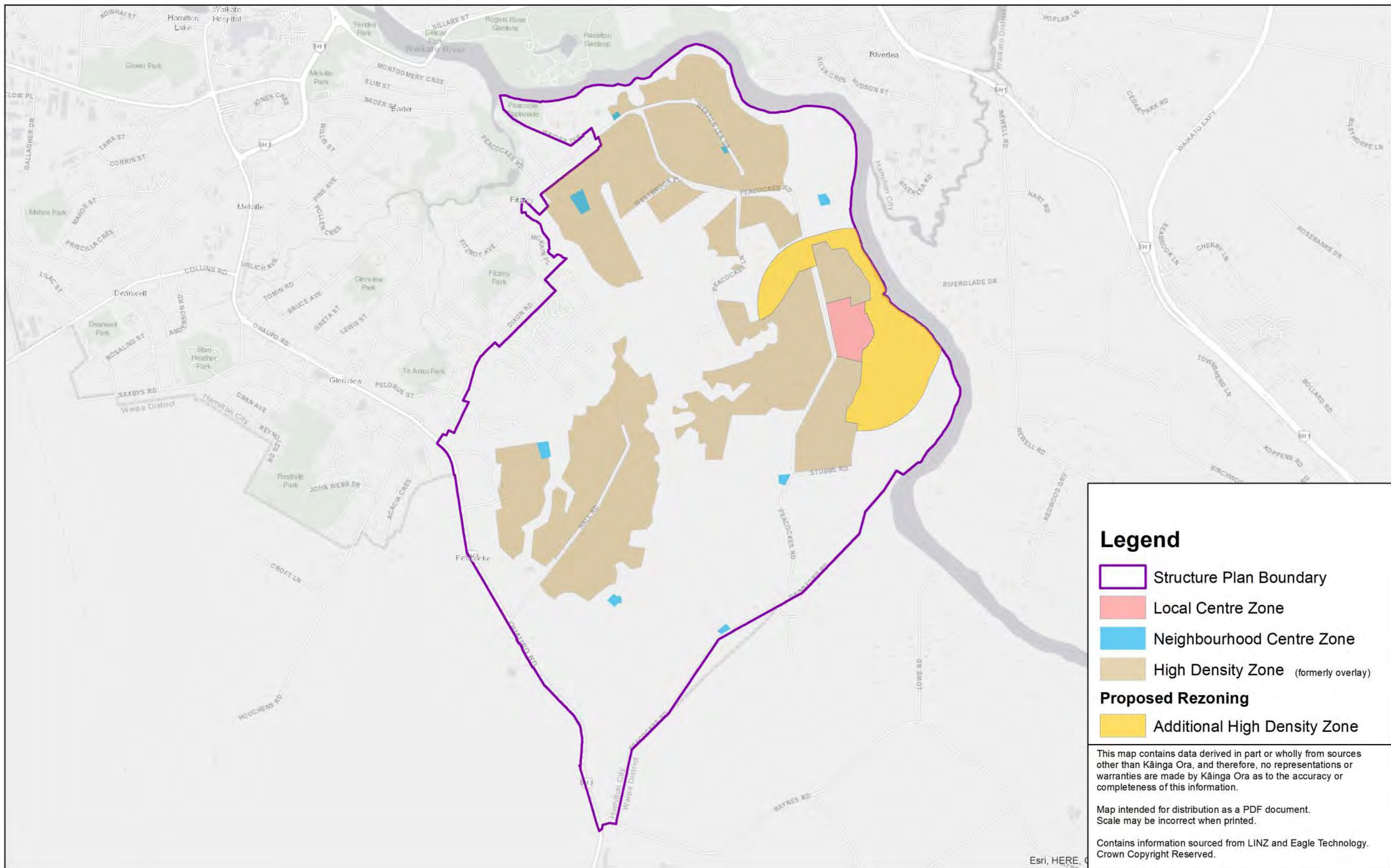
1. Any accessory building must be setback at least 1m from the front building line of the dwelling.
2. Where the width of any duplex dwelling unit or terrace dwelling unit is less than 7.5m, no accessory building shall be located on the façade facing the primary transport boundary and garaging is to be provided by a rear lane.
3. For dwellings with a width of less than 7.5m, that comply with the requirements of R37- Permeable surfaces and landscaping and R41,



<p><u>one external carpark may be provided in the front yard.</u></p>	
<p><b><u>HRZ - PREC1-PSP: R43</u></b></p> <p><u>Outlook space</u></p> <ol style="list-style-type: none"> <li><u>An outlook space must be provided from the face of a building containing windows to a habitable room. If a room has two or more external faces with windows, the outlook space must be provided from the face with the largest area of glazing.</u></li> <li><u>The main living room of a dwelling must have an outlook space with a minimum dimension of 3m depth and 3m width.</u></li> <li><u>All other habitable rooms must have an outlook space of 1m in depth and 1m in width.</u></li> <li><u>The depth of the outlook space is measured at right angles to and horizontal from the window to which it applies.</u></li> <li><u>The width of the outlook space is measured from the centre point of the largest window on the building face to which it applies</u></li> <li><u>The height of the outlook space is the same as the floor height, measured from floor to ceiling, of the building face to which the standard applies.</u></li> <li><u>Outlook spaces may be within the site, over a public street, or other public open space.</u></li> <li><u>Outlook spaces required from different rooms within the same building may overlap.</u></li> <li><u>Outlook spaces may overlap where they are on the same wall plane</u></li> <li><u>Outlook spaces must:</u> <ol style="list-style-type: none"> <li><u>be clear and unobstructed by buildings;</u></li> <li><u>not extend over adjacent sites, except for where the outlook space is over a public street or public open space as outlined in R43-8 above; and</u></li> <li><u>not extend over an outlook spaces or outdoor living space required by another dwelling.</u></li> </ol> </li> </ol>	
<p><b><u>HRZ - PREC1-PSP: R44</u></b></p> <p><u>Outdoor living area</u></p> <ol style="list-style-type: none"> <li><u>These standards do not apply to managed care facilities or rest homes.</u></li> <li><u>Each residential unit, except for when a communal area is provided, shall be provided with an outdoor living area that is:</u> <ol style="list-style-type: none"> <li><u>For the exclusive use of each residential unit.</u></li> <li><u>Readily accessible from a living area inside the residential unit.</u></li> </ol> </li> </ol>	

<ul style="list-style-type: none"> <li>c. <u>Free of driveways, manoeuvring areas, parking spaces, accessory buildings and service areas</u></li> <li>3. <u>Communal open space for apartment buildings (Peacocke Precinct) shall comply with R44-2 c) as well as being:</u> <ul style="list-style-type: none"> <li>a. <u>For the shared use of all residents on site, and</u></li> <li>b. <u>Readily accessible from all residential units on site.</u></li> </ul> </li> <li>4. <u>Outdoor living areas will have minimum areas and dimensions as follows:</u> <ul style="list-style-type: none"> <li>a. <u>At ground level: 15m<sup>2</sup> with no dimension less than 3m.</u></li> <li>b. <u>Above ground level: 8m<sup>2</sup> with no dimension less than 1.8m</u></li> </ul> </li> </ul>	
<p><b><u>HRZ - PREC1-PSP: R45</u></b></p> <p><u>Service areas</u></p> <ul style="list-style-type: none"> <li>1. <u>Each residential unit, except for when a communal area is provided shall be provided with a service area that is: 10m<sup>2</sup> with a minimum dimension of 1.5m</u></li> <li>2. <u>All service areas must satisfy the following:</u> <ul style="list-style-type: none"> <li>a. <u>Clothes drying areas shall be readily accessible from each residential unit</u></li> <li>b. <u>Not visible from a public place unless screened from view by vegetation or fencing in accordance with Section 25.5.</u></li> <li>c. <u>Rubbish and recycling areas required for each residential unit shall be located where bins can be moved for roadside collection without requirement for them to be moved through the residential unit (excluding garages).</u></li> <li>d. <u>Service areas may be located within garages where it is demonstrated that there is sufficient room to accommodate the minimum area without impeding parking.</u></li> </ul> </li> </ul>	
<p><b><u>HRZ - PREC1-PSP: R46</u></b></p> <p><u>Fences and walls</u></p> <ul style="list-style-type: none"> <li>1. <u>Front fences or walls: maximum height 1.5m</u></li> <li>2. <u>Fences or walls adjoining Open Space Zone: maximum height 1.5m</u></li> <li>3. <u>All other boundary fences and walls: maximum height 2.0m</u></li> </ul>	
<p><b><u>HRZ - PREC1-PSP: R48</u></b></p> <p><u>Residential unit size</u></p> <ul style="list-style-type: none"> <li>1. <u>The minimum unit size required in respect of each residential unit shall be:</u> <ul style="list-style-type: none"> <li>a. <u>Studio unit: 30m<sup>2</sup></u></li> <li>b. <u>1 or more bedroom(s) unit: 45m<sup>2</sup></u></li> </ul> </li> </ul>	

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## **ANNEXURE C**

**The relevant decision**

# **Decision following the hearing of Submissions on Plan Change 5 – Peacocke Structure Plan (PC 5) to the Operative Hamilton City Plan under the Resource Management Act 1991**

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# 1 Proposal

1. Plan Change 5 to the Hamilton City Operative District Plan seeks to replace the Peacocke Structure Plan with its General Residential and Special Character Zoning with a new Peacocke Structure Plan providing a new Medium Density Residential Zone, a Local Centre Zone, 8 Neighbourhood Centre Zones, Peacocke Sports and Active Recreation Zone, Natural Open Space Zone with Significant Bat Habitat Area and Significant Natural Area overlays, and amendments to the Waikato River and Gulley Hazard Area and Seismic Setback overlays, over approximately 690 hectares of land in the growth cell area known as Peacocke to the south of Hamilton, with a supporting Development Area Plan and Precinct.

Pursuant to clause 10(5) of Schedule 1 to the RMA, on and from the date this decision is publicly notified, Proposed Plan Change 5 – Peacocke Structure Plan to the operative Hamilton City District Plan 2017 is amended in accordance with this decision.

The Hearing Panel's decision is:

- a. To accept and reject submissions on PC 5 as set out in s.42A hearing report Appendix A: Summary of Decisions Requested and Recommendations; and
- b. To approve the PC 5 provisions as generally set out in s.42A hearing report Appendix B: Recommended Revisions to the notified Plan Change 5 – Peacocke Structure Plan provisions, with modification in accordance with this decision. The final approved PC5 provisions are set out in **Appendix 1** to this decision.

The reasons for its decision are set out below.

<b>Plan Change No:</b>	PC 5
<b>Hearing Panel:</b>	David Hill (Chair) Cr Ewan Wilson Vicki Morrison-Shaw Nigel Mark-Brown
<b>Public notification:</b>	24 September 2021
<b>Submissions closed:</b>	5 November 2021
<b>Summary of submissions:</b>	16 February 2022
<b>Further submissions closed:</b>	16 March 2022
<b>Hearing commenced:</b>	Tuesday 27 September 2022 - Monday 3 October 2022
<b>Appearances / Attending:</b>	Hamilton City Council: Muna Wharawhara (Karakia tīmatanga) Lachlan Muldowney (Counsel) Shaye Thomas (Counsel) Jamie Sirl (Planning) Michael Graham (Landscape) Ian Munro (Urban design – local centres) Warren Gumbley (Archaeology) Nathanael Savage (Wastewater/Potable water) Ari Craven (Stormwater) Alastair Black (Transportation) Sam Foster (MDRS density provisions)

	<p>Gregory Akehurst (Retail economics)  Dr Hannah Mueller (Ecology)  Gerry Kessels (Ecology)  Dr Matthew Baber (Ecology)  John Mckensey (Lighting)</p> <p><u>Submitters:</u></p> <p><i>Director-General of Conservation</i>  Michelle Hooper (Counsel)  Moira Pryde (Bat and bat habitat)  Dr Kerry Borkin (Lighting - bats)  Susan Mander (Lighting engineer)  Dr Ilse Corkery (Biodiversity)  Jesse Gooding (Planning)</p> <p><i>Kāinga Ora</i>  Susannah Tait (Planning)  Brendon Liggett (Corporate)</p> <p><i>Waikato Regional Council</i>  Hannah Craven (Planning)</p> <p><i>Shortbread Ltd</i>  Stephanus Meyer (Engineering)  Lynne Sun (Planning)</p> <p><i>The Adare Company Ltd</i>  Dr Robert Makgill (Counsel)  Mike Doesburg (Counsel)  David Peacocke (Corporate)  Dr Stuart Parsons (Bat ecology)  Hamish Anderson (Corporate and commercial considerations)  Wayne Bredemeijer (Urban design)  Richard Bowker (Retail)  Tony Penny (Transport)  Ray O'Callaghan (Engineering)  Andrew Blayney (Ecology)  Dr Sarah Flynn (Ecology)  Andrew Collins (Planning)</p> <p><i>Northview Capital and Jones Land and Peacocke South</i>  Renee Fraser (Planning)  Don McKenzie (Traffic and transportation)</p> <p><i>Woolworths New Zealand Ltd</i>  Allison Arthur-Young (Counsel)  Daniel Shao (Corporate)  Tim Heath (Economics)  Richard Knott (Urban design)  John Sofo (Architecture)  Don McKenzie (Traffic and transportation)  Philip Brown (Planning)</p> <p><i>M and M Shaw</i>  Julian Dawson (Counsel)  James Hook (Planning)</p>
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	<p><i>Mangakootukutuku Stream Care Group</i> Dr Kevin Collier</p> <p><i>Bike Waikato</i> Richard Porter</p> <p><i>Living Streets Kirikiriroa (Hamilton)</i> Peter Bos</p> <p><i>Kevin and Kathy Sanders</i> Kathy Sanders Geoff Smith (Interpreter)</p> <p><i>Waikato Environment Centre Trust (Go Eco)</i> Harvey Aughton</p> <p><i>ID and EM Williams Ltd</i> Ian Williams</p> <p><i>Fire and Emergency New Zealand</i> Blair Kiely</p> <p><i>Cordyline Holdings Ltd</i> Rachel Dimery (Planning)</p> <p><i>Individual submitters</i> Ben and Rachel Inger Andrea Graves Dan and Sarah Franicevic Hamish Anderson on behalf of AJ and HC Koppens Victoria Collins and Troy Radovancich Gregory Knight</p> <p><i>Tabled</i> Ministry of Education (Daniel Thorne) Transpower (Trudi Burney) WEL (Sara Brown) Ron Lockwood (Bevan Houlbrooke) Waikato Regional Council (Andrew Carnell - Transport) Metlifecare (Bianca Tree)</p> <p><u>S.42A Authors:</u> Craig Sharman Mark Roberts</p> <p><u>Hearing support:</u> Steve Rice - Hearings Co-ordinator</p>
<b>Commissioners' site visit</b>	Thursday 29 September 2022
<b>Hearing adjourned</b>	3 October 2022
<b>Hearing Closed:</b>	17 November 2022

- Before turning to outline our substantive decision on PC 5 the Panel wishes to acknowledge the recent death of counsel for The Adare Company Limited ("**Adare**"), Dr Robert Makgill. Dr Makgill was a well-known and respected practitioner in the resource management field, and his passing will have been felt by many:

*E kī ana te kōrero, he ai atu tā te tangata he huna mai tā Hinenuitēpō.*

*Ki a Robert, haere atu rā, moe mai, okioki mai rā.<sup>1</sup>*

3. We also send our condolences to his family, friends and colleagues.

## **PART 1 PROPOSAL AND PROCESS**

### **2 Introduction and Procedural Matters**

4. This decision is made on behalf of the Hamilton City Council (“**Council**”) by Independent Hearings Commissioners **David Hill (Chair)**, **Councillor Ewan Wilson**, **Vicki Morrison-Shaw** and **Nigel Mark-Brown**, appointed and acting under delegated authority pursuant to ss.34 and 34A of the Resource Management Act 1991 (“**the RMA**”).
5. The Commissioners have been given delegated authority by the Council to hear and make decisions on all submissions and matters relating to Plan Change 5 – Peacocke Structure Plan (“**PC 5**”) to the Operative Hamilton City Plan (“**Operative District Plan**”) after considering all the submissions, the s.32 evaluation, the reports prepared by the officers for the hearing, and evidence presented and representations made, during and after the hearing of submissions.
6. PC 5 is a plan change that has been prepared following the standard RMA Schedule 1 process. That is, the plan change is not the result of an alternative, 'streamlined' or 'collaborative' process as enabled under the RMA.
7. The plan change was publicly notified on 24 September 2021, with the initial submission period closing on 5 November 2021 and further submissions closing on 16 March 2022.
8. A total of 58 submissions and 18 further submissions were made on the plan change. No late submissions were received.
9. The s.42A RMA hearing report was prepared by Craig Sharman and Mark Roberts with technical support from:
  - a. Samuel Foster on Medium Density Residential Standards (“**MDRS**”) and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (“**the Amendment Act**”);
  - b. Ian Munro (urban design);
  - c. Greg Akehurst (retail economics);
  - d. John McKensey (lighting);
  - e. Gerry Kessels, Matthew Baber and Hannah Mueller (ecology);
  - f. Warren Gumbley (archaeology);
  - g. Michael Graham (landscape);
  - h. Ari Craven (stormwater); and
  - i. Alastair Black (transport).

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<sup>1</sup> This is a well-known saying which speaks of how while the human race procreates the goddess of death lies in wait. To Robert we say farewell, sleep well, and rest in peace.

10. That report included, as Appendix A, a comprehensive summary of decisions requested by submissions with recommendations as to whether to accept or reject those submission points, and the reasons for those. The Panel has reviewed those recommendations and reasons and, with the exceptions discussed later in this decision, accepts them. Appendix A is, therefore, to be considered an integral part of this decision *except* as noted below.
11. Other s.42A appendices were:
  - a. Appendix B – Changes proposed by the s.42A authors to the notified PC 5 provisions;
  - b. Appendix C – Changes proposed in response to the MDRS in the Amendment Act; and
  - c. Appendix D – Amendments proposed in response to the Long-tailed Bat Protection topic.

## **2.1 Hearing Process**

12. During the hearing, the Panel visited the general area of Peacocke. We record our gratitude to Mr Sirl and Mr Roberts for their assistance with the site visit.
13. The hearing proceeded by way of a mix of in-person and virtual appearances and was adjourned on the final day for the purpose of receiving supplementary evidence, the written reply and final draft provisions.
14. The hearing was closed on 17 November 2022 following receipt of that material.

## **2.2 Procedural Matters**

15. The Panel issued eight Directions on report, evidence and legal submissions exchange, appearances, the order of presentations and post-hearing, additional evidence and responses.
16. No other procedural matters were raised at the hearing.

# **3 Summary of Plan Change**

## **3.1 Context**

17. The PC 5 land pertains to a suburb of Hamilton City known as Peacocke, located to the south of the city between State Highway 3 (Ohaupo Road) and the Waikato River. Peacocke comprises approximately 740 hectares (“**ha**”) of land of mostly rural land. The area is mostly undeveloped except for a portion known as Stage 1 that integrates with development in Glenview around Dixon Road. Resource consents for the subdivisions known as *Amberfield* in the east and *Northview* in the west of the area have recently been granted. The Peacocke area is one of four significant growth cells in Hamilton and is the only area located in the south of Hamilton. The growth cell is located in an area of strategic importance to Hamilton City and the wider Waikato Region, due to its proximity to the city centre (3.5 km along a direct route of Cobham Drive from the northern end of Peacocke), as well as Hamilton Airport, Cambridge and Te Awamutu in the south.
18. The Peacocke growth cell is currently zoned Peacocke Special Character Area, with some Council reserve land and land along the river frontage being zoned as Natural Open Space. Peacocke contains around four hectares of Significant Natural Area (“**SNA**”),

predominantly along the banks of the Waikato River and in the Mangakootukutuku Gully. The Peacocke Special Character Area has gully, hill and terrace overlays.

19. While there is a structure plan for Peacocke in the Operative District Plan, this is proposed to be replaced by a new structure plan in PC 5. As illustrated by that plan, the development area will be closely connected to existing urban development with key transport corridors on the northern and western boundaries. There is also a key transport connection into Waipā District on the southern boundary.
20. The proposed plan change is described as follows:<sup>2</sup>
  - The rezoning of approximately 690 ha from General Residential Zone and Peacocke Special Character Zone to Peacocke Medium Residential Zone. This will enable up to 7,800 residential units comprising a mixture of single dwellings, duplex dwellings, terraced houses and apartments.
  - The rezoning of approximately 7.8 ha from Peacocke Special Character Zone to Local Centre Zone to establish the main commercial centre within Peacocke.
  - The rezoning of approximately 3 ha from Peacocke Special Character Zone to Neighbourhood Centre Zone to establish neighbourhood centres across Peacocke.
  - Increase the Natural Open Space Zone from 16 ha to 143 ha which include the Significant Bat Habitat Areas (“**SBHAs**”).
  - Rezoning of approximately 14 ha of Peacocke Special Character Zone to Peacocke Sports and Active Recreation Zone for the purpose of establishing a sports park.
  - Increase the area of SNA to 58.2 ha.
  - Several additional archaeological sites have been identified and included on the Features Maps.
  - The Waikato River and Gully Hazard Area overlay has been amended and a new Seismic Setback area has been introduced to reflect the work undertaken to identify natural hazards.
  - New provisions are proposed to protect areas of significant bat habitat from future urban development, including controls over fixed lighting associated with urban development as well as a building setback from the boundary of SBHAs.
  - A high density overlay area is introduced.
  - Identification of the indicative transport corridors, including proposed public transport routes.
  - Identification of the indicative location of stormwater wetlands and areas of future open space.
  - Introduction of a new infrastructure and staging plan for the Peacocke Structure Plan Area.
21. In terms of amendments to the Operative District Plan, the following sections were proposed to be amended:

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<sup>2</sup> Summary adapted from Section 42A Hearing Report, 2 September 2022, at [2.4].

- a. Chapter 3 – Structure Plans and Chapter 3A Peacocke Structure Plan 9;
  - b. Chapter 4A – Medium Density Residential Zone: Peacocke Precinct and Chapter 5 Special Character Zones;
  - c. Chapter 6A: Peacocke Neighbourhood Centre Zone;
  - d. Chapter 6B: Peacocke Local Centre Zone;
  - e. Chapter 15A: Natural Open Space Zone: Peacocke Precinct;
  - f. Chapter 15B: Sport and Active Recreation Zone: Peacocke Precinct;
  - g. Chapter 23: Subdivision and Chapter 23A Subdivision: Peacocke Precinct;
  - h. Chapter 25: City-wide;
  - i. Appendix 1: District Plan Administration;
  - j. Appendix 2: Structure Plans;
  - k. Appendix 8: Historic Heritage;
  - l. Appendix 9: Natural Environments;
  - m. Appendix 15: Transportation; and
  - n. Appendix 17: Planning Maps and Appendix 17A Peacocke Zoning and Features Maps.
22. The anticipated yield from the PC 5 area was noted as 7,500 dwelling units over the next ten years. Mr Sirl explained that Future Proof<sup>3</sup> seeks a net target density of 30 to 45 residential units per hectare to be achieved over time in defined locations. He considered that PC 5 is consistent with Future Proof as the provisions seek to establish net densities between 20-50 dwellings per hectare throughout the remainder of the structure plan.<sup>4</sup>
23. PC 5 noted that a Medium Density Residential zone (referred to as the MRZ, adopting the abbreviated nomenclature of the National Planning Standards) does not presently exist in the Operative District Plan. The proposed provisions have therefore been crafted to import the Amendment Act MDRS. They also include two bespoke MDRS objectives and associated policies derived from the Amendment Act for the zone.
24. The proposed Peacocke Precinct encourages further residential density intensification through a modified Increased Height Overlay permitting a maximum height of 16m in areas subject to the Overlay.
25. Residential performance standard changes reflecting the greater residential density proposed include height in relation to boundary, front yard setback, building height, building coverage, and reduced outdoor living areas amongst others. Up to three dwellings on each site is a permitted activity (provided they meet all the bulk and location standards), and subdivision of those dwellings is a controlled activity.
26. Finally, PC 5 includes the following figures:
- a. Land Use Plan;
  - b. Transport Network Plan;
  - c. Natural Environment and Heritage Plan;

<sup>3</sup> 'Future Proof' is a joint project set up to consider how the Hamilton, Waipā and Waikato sub-region should develop into the future.

<sup>4</sup> Statement of Evidence of Jamie Sirl for Hamilton City Council, 2 September 2022, at [189]-[190].

- d. Staging Plan;
  - e. Peacocke Local Centre Concept; and
  - f. Peacocke Precinct - Features Map.
27. In his evidence, Mr Sirl helpfully summarised the outcome that PC 5 seeks as follows:<sup>5</sup>
- a. *Enable housing delivery and choice while creating accessible new communities.*
  - b. *The enhancement of the environment, specifically in relation to water quality, biodiversity and cultural outcomes.*
  - c. *Encourage public transport, cycling and walking modal shift.*
  - d. *Encourage landscape and urban design excellence.*
28. Mr Sirl considered that structure plans remain an appropriate and effective method for establishing the pattern of land use and the transport and 3-waters infrastructure network within a defined area. He summarised PC 5 as refreshing both the structure plan and the associated land use planning provisions to optimise the Housing Infrastructure Fund investment and give effect to the wider Peacocke Programme objectives. Mr Sirl also noted that the Peacocke Structure Plan:<sup>6</sup>
- a. *Identifies the best location for public parks and open space, strategic 3 waters, walking/cycling network, stormwater wetlands, suburban centres, schools, community facilities, mixed use development and community nodes;*
  - b. *Identifies and protect matters of national importance including areas of ecological, historic and cultural significance;*
  - c. *Removes the Peacocke Master Plan requirements;*
  - d. *Introduces a staging plan and transport connections; and*
  - e. *Promotes best practice in terms of urban development.*
29. The s.42A hearing report authors agreed with Mr Sirl's description.

### 3.2 Section 42A Report Amendments

30. As a consequence of further discussions following formal notification and the receipt of submissions, the s.42A report also recommended a number of proposed changes to PC 5:<sup>7</sup>

#### General

- *Amendments to import the Medium Density Residential Standards as set out in Schedule 3A Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.*
- *Amendments to the residential densities to be consistent with the updated Future Proof Strategy which sets a net target density of 30-45 dwellings per hectare to be achieved over time in Peacocke.*
- *Various changes to a number of objectives, policies and rule provision to further clarify the indicative nature of the features maps, adding the word 'generally' when seeking plans and development to be consistent with the Peacocke Structure Plan, and using 'indicative' rather than 'proposed' within the legend for Figures 2-1 and 2-3.*

<sup>5</sup> Statement of Evidence of Jamie Sirl for Hamilton City Council, 2 September 2022, at [66].

<sup>6</sup> Statement of Evidence of Jamie Sirl for Hamilton City Council, 2 September 2022, at [68].

<sup>7</sup> Section 42A report, 2 September 2022, Section 8.



#### Local Centre Zone

- Amendments to restrict retail and commercial development within the local centre, including supermarkets being undertaken in a manner that would elevate the centre above the role that it has been designed to play within the existing Hamilton centre structure.
- A less restrictive activity status for residential activities on the ground floor of the Peacocke Local Centre Zone where they are located outside of the primary and secondary road frontages.
- Additional height of 24m within the Local Centre Zone but with the height limit of 16m retained within 30m of the Local Centre Zone boundary adjoining the Natural Open Space Zone on the eastern side of the Local Centre and the Peacocke Medium Density Residential Zone on both the Northern and Southern interfaces with the Local Centre.

#### Neighbourhood Centre Zone

- Introduction of a new rule into Chapter 6A to restrict the commercial function to 800m<sup>2</sup> gross floor area while still allowing other activities that do not undermine the core commercial activities to be developed.
- A more lenient activity status for residential activities as a discretionary activity to occur on the ground floor.
- Increased maximum building height to 16m.

#### Long-tailed Bat Habitat Protection Responses

- Deletion of the Significant Bat Habitat Areas (SBHAs) and other notations outside of the city boundary.
- Amendments to Chapter 3A Peacocke Structure Plan - DEV01-PSP: Components of the Peacocke Structure Plan - Natural Environment and Open Space Network has been revised to better reflect the intended approach to management of long-tailed bat habitat areas.
- The addition of a new permitted activity vegetation clearance Rule 25.2.5.2 Vegetation Clearance in the Peacocke Structure Plan Area, and an amendment to Rule 25.2.3 Activity Status Table for any activity not complying with Rule 25.2.5.2 being a restricted discretionary activity.
- Amendments to the lighting provisions within 25.6.2.2 policies (a) and (b), and the related rule provision Rule 25.6.4.4 Peacocke Medium Density Zone: Peacocke Precinct.
- Amendments to objectives and policies for clarity within Chapter 15A Peacocke Natural Open Space Zone, and Chapter 23A Peacocke Subdivision, primarily to remove use of the phrases 'ecological corridors' and 'bat corridors' with instead consistent use of the phrase 'Significant Bat Habitat Areas' being the notation label within the mapping contained within Appendix 2 and Appendix 17A.
- Amendments to 1.2.2.25 Ecological Rehabilitation and Management Plan information requirements to support subdivision resource consent applications.
- Amendments to 1.2.2.27 Bat Management Plan information requirements to support subdivision and land use resource consent applications.
- Amendments to 1.3.3 Restricted Discretionary, Discretionary and Non-Complying Assessment Criteria P3 Development in the Peacocke Precinct and P5 Subdivision in the Peacocke Structure Plan.

#### Significant Natural Areas

- Amendments to recognise the values present within the Mangakootukutuku Stream and gully network and the margins of the Waikato River beyond the long-tailed bat habitat values.

#### Cultural and heritage

- Inclusion of reference to a future pedestrian bridge linking the Hamilton Gardens to the Korikori Paa reserve.

#### Landscape

- Several minor amendments to the purpose and contents of the Appendix 1 – 1.2.2.24 Landscape Concept Plan mechanism.

#### Subdivision processes and vesting of reserves

- deletion of the R22 rule requiring maximum 500m between residential dwellings and neighbourhood parks, and replacement with a new assessment matter.
- The notation ‘proposed esplanade reserves’ have been removed from Figure 2-3 within Appendix 2 Structure Plans.

#### Transport, staging and infrastructure

- Amendments to insert a consenting regime for ‘out of sequence’ development, including a new assessment matter.
- Amendments to the rear lane access provisions.
- For public transport infrastructure, deletion of a subdivision standard (Chapter 23A - R25), addition of wording within assessment matters (Appendix 1, 1.3.3), amendments to Figure 2-2 Transport Network to show amended locations for public transport facilities shown and changes to notations within the legend.
- Minor wording changes to policies or objectives related to stormwater wetlands.
- Revision of the stormwater catchment requirements in accordance with the objectives of the Integrated Catchment Management Plan.

#### Earthworks

- Amendments to the provisions.

#### Land use activities

- Amended provisions for retirements villages and childcare facilities.

#### Mapping changes

- Amendments to the structure plan maps to correct errors in the exact locations of features shown, and to exclude land outside the Hamilton City Council jurisdiction.
- Change to the exact location of a neighbourhood centre and its underlying zoning.
- Removal of 5 Significant Trees.
- The notation on the maps has changed from “Seismic Setback Line” to “Seismic Investigation Area”.
- Inclusion of a permitted activity rule to apply specifically to the Transpower NZ national communications centre site.
- Amendments to the Natural Open Space Zone and Significant Bat Habitat Area to better align with the master plan.
- Amendments to the Significant Natural Area to better align with the vegetation that exists.
- Deletion of the “future reserve” notation.

## **4 Statutory Provisions and Hierarchy of Instruments**

### **4.1 Resource Management Act 1991**

31. The RMA sets out an extensive set of requirements for the formulation of plans and changes to them (ss.31, 32, 74, 75 and 76) that decision-makers must consider when determining whether to approve, modify or decline a plan change.
32. These matters are well settled and were comprehensively summarised by the Environment Court in *Colonial Vineyard Ltd v Marlborough*<sup>8</sup> following the 2009 RMA

<sup>8</sup> *Colonial Vineyard Ltd v Marlborough* [2014] NZEnvC 55, at [17]. This case updated the list of requirements first specified in the *Long-Bay Okura Great Park Society Incorporated v North Shore City Council* A 78/2008, 16 July 2008, following the amendments made to the RMA in 2009.

amendments. As further amendments have been made to the requirements since 2014, we have used the *Colonial Vineyards* list as a base and updated it as follows:

*A. General requirements*

1. *A district plan (change) should be designed to accord with (s.74) - and assist the territorial authority to carry out its functions (s.31) so as to achieve the purpose of the Act (s.72 and s.74(1)).*
2. *The district plan (change) must also be prepared in accordance with any regulation and any direction given by the Minister for the Environment (s.74(1)).*
3. *When preparing its district plan (change) the territorial authority must give effect to Te Ture Whaimana, any national policy statement, any New Zealand Coastal Policy Statement and a national planning standard (s.75(3)), with Te Ture Whaimana prevailing over any inconsistent provisions in these documents (s.12 of Waikato-Tainui Raupatu Claims (Waikato River Settlement Act 2010)).*
4. *When preparing its district plan (change) the territorial authority shall:*
  - (a) *give effect to any operative regional policy statement (s.75(3)).*
  - (b) *have regard to any proposed regional policy statement (s.74(2)(a));*
5. *In relation to regional plans:*
  - (a) *the district plan (change) must not be inconsistent with an operative regional plan for any matter specified in section 30(1) or a water conservation order (s.75(4)); and*
  - (b) *must have regard to any proposed regional plan on any matter of regional significance etc (s.74(2)(a)).*
6. *When preparing its district plan (change) the territorial authority must also:*
  - (a) *have regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the Historic Places Register and to various fisheries regulations to the extent that their content has a bearing on resource management issues of the district (s.74(2)(b)); and to consistency with plans and proposed plans of adjacent territorial authorities (s.74(2)(c));*
  - (b) *take into account any relevant planning document recognised by an iwi authority (s.74(2A)); and*
  - (c) *not have regard to trade competition or the effects of trade competition (s.74(3)).*
7. *The formal requirement that a district plan (change) must also state its objectives, policies and the rules (if any) and may state other matters (ss.75(1) and (2)).*

*B. Objectives [the section 32 test for objectives]*

8. *Each proposed objective in a district plan (change) is to be evaluated by the extent to which it is the most appropriate way to achieve the purpose of the Act (s.74(1) and s.32(3)).*

*C. Policies and methods (including rules) [the section 32 test for policies and rules]*

9. *The policies are to implement the objectives, and the rules (if any) are to implement the policies (s.75(1)(b) and s.76(1));*
10. *Each proposed policy or method (including each rule) is to be examined, having regard to its efficiency and effectiveness, as to whether it is the most appropriate method for achieving the objectives of the district plan (s.32(1)) taking into account:*
  - (i) *the benefits and costs of the proposed policies and methods (including rules) (s.32(2)(a)); and*
  - (ii) *the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods (s.32(2)(c); and*

(iii) *if a national environmental standard applies and the proposed rule imposes a greater prohibition or restriction than that, then whether that greater prohibition or restriction is justified in the circumstances (s.32(4));*

(iv) *the advice from iwi authorities and any response to that advice (s.32(4A)).*

#### **D. Rules**

11. *In making a rule the territorial authority must have regard to the actual or potential effect of activities on the environment (s.76(3)).*

12. *Rules have the force of regulations (s.76(2)).*

13. *Rules may be made for the protection of property from the effects of surface water, and these may be more restrictive" than those under the Building Act 2004 (s.76(2A)).*

14. *There are special provisions for rules about contaminated land (s.76(5)).*

15. *There must be no blanket rules about felling of trees in any urban environment (S.76(4B)).*

#### **E. Other statutes:**

16. *Finally territorial authorities may be required to comply with other statutes.*

#### **F. On Appeal**

17. *On appeal the Environment Court must have regard to the decision of the territorial authority (s.290A).*

33. Mr Muldowney (among other counsel) addressed these matters in his opening legal submissions and confirmed the Panel's scope to integrate the MDRS into PC 5.<sup>9</sup>

34. Those matters were also summarised in Mr Sirl's evidence<sup>10</sup> and section 4 of the s.42A report (among other planning witnesses).

35. We accept those summaries as being an accurate description of the relevant statutory and planning context.

### **4.1.1 Emissions Reduction Plan and National Adaptation Plan**

36. While no party addressed us on these matters, we note that the first Emissions Reduction Plan and National Adaptation Plan ("**Climate Change Plans**") came into effect on 30 November 2022 and are relevant considerations for any district (and regional) plan change notified *after* that date.

37. As PC 5 was notified prior to 30 November 2022, we are not able to consider the Climate Change Plans in making our decision. This is because cl.26 of Sch.12 to the RMA directs that where a plan change has been publicly notified but not proceeded to the stage where no further appeal is possible at the time the climate change amendments (and Climate Change Plans) came into force, the plan change must be determined as if the climate change amendments had not been enacted. Accordingly, we confirm we have not considered those plans in reaching our decision.

### **4.1.2 Other RMA Requirements for Decision**

38. We also note that cl.10 of Sch.1 requires us to include in our decision:

a. our reasons for accepting or rejecting submissions; and

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<sup>9</sup> Opening legal submissions for Hamilton City Council, 23 September 2022, at [6]-[23].

<sup>10</sup> Statement of Evidence of Jamie Sirl for Hamilton City Council, 2 September 2022, at [134]-[178].

- b. a further evaluation of any proposed changes to the plan change arising from submissions, with that evaluation to be undertaken in accordance with s.32AA.
39. We note that where specific amendments were proposed by the Council that required a further evaluation, these were accompanied by a s.32AA evaluation. Some submitters<sup>11</sup> also provided such evaluations to support the amendments they sought.

## 4.2 RMA Hierarchy and Relative Weightings of Instruments

40. The RMA establishes a hierarchy both within its sections and between the planning documents prepared under it.
41. Whilst there was no dispute between the parties as to the relevant RMA provisions, policies and plans, and to the primacy of Te Ture Whaimana,<sup>12</sup> there remained disagreement as to the approach and weight to be given to some provisions/documents. In particular:
- a. how the “recognise and provide for” imperative in s.6(c) ought to be achieved;
  - b. the extent to which the hierarchy approach to effects management in the National Policy Statement for Freshwater Management (“**NPSFW**”) can be used to ‘gap-fill’ the Waikato Regional Policy Statement (“**WRPS**”); and
  - c. the weight that can be given to the exposure draft (and imminence) of the proposed National Policy Statement for Indigenous Biodiversity (“**NPSIB**”).

### 4.2.1 Section 6(c) of the RMA

42. Section 6(c) of the RMA requires the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna. There was no dispute that this was an important consideration in the context of PC 5 given the presence of the nationally critical long-tailed bat within the Peacocke structure plan area and its surrounds. The key area of dispute related to how that protection ought best be achieved.
43. We consider that the starting point in this analysis is the direction given by the Supreme Court in *King Salmon*, namely that:<sup>13</sup>
- a. where the RMA policies and plans give substance to the requirements in Part 2, unless there is a challenge to the validity of a particular policy/plan, a particular policy/plan does not “cover the field” or there is some uncertainty as to the meaning of a provision within that policy or plan, it is not necessary to refer back to Part 2; and
  - b. where a regional policy or plan has given effect to higher order national documents, there is no need to specifically consider those higher order documents, absent a challenge, gap or ambiguity in meaning.
44. The opening legal submissions for the Director-General of Conservation (**DOC**) recognised that the policy directive in s.6(c) is reflected in the WRPS.<sup>14</sup> However, DOC pointed to comments made by the Environment Court in the *Amberfield* development decision that the existence of a “gap” in the Operative District Plan (being the absence of

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<sup>11</sup> Submitters providing such evaluations were generally those who called expert witnesses in support of their submissions or who provided statements qualifying themselves as expert witnesses.

<sup>12</sup> As addressed in the opening legal submissions of Mr Muldowney for Hamilton City Council at [47] to [56].

<sup>13</sup> *Environmental Defence Society v The New Zealand King Salmon Company Limited* [2014] NZSC 38, at [85] and [88].

<sup>14</sup> Opening legal submissions for the Director-General of Conservation, 27 September 2022, at [28].

a commonly identified and generally agreed bat protection area) meant it was appropriate for steps to be taken “based on s.6(c) of the Act and relevant plans”.<sup>15</sup>

45. DOC then extrapolated this argument as the basis for referring to and adopting the provisions and approaches of the NPSFW and exposure draft of the NPSIB.<sup>16</sup> DOC argued, based on these documents, that the *effects management hierarchy* must be sequentially applied – certainly in the context of a s.6(c) consideration - so that each of the potential responses – avoidance, remediation, mitigation, offset and compensation - must be worked through and satisfied in turn before use can be made of a subsequent response. In particular, DOC was critical of PC 5 as skipping “offsets” and employing a compensation approach to residual effects.<sup>17</sup>
46. We discuss this area of disagreement further (in Section 5 below) but suffice to say at this point that we are not persuaded that either the NPSFM approach or the draft NPSIB are pertinent or necessary considerations for the exercise of the Panel’s s.6(c) duty.

### 4.3 Relevant Statutory Plan Provisions Considered

47. In addition to the legal submissions of Mr Muldowney (and other counsel), Mr Sirl’s evidence<sup>18</sup> and section 4 of the s.42A report comprehensively identified and addressed the hierarchical suite of statute, policy, plan and regulation provisions. There was no dispute about those matters.
48. As those respective provisions and their application were not contested, we adopt those narratives for our purpose and simply refer the reader to those referenced sections. We do however note that the weight to be accorded to respective provisions was not necessarily agreed.
49. In summary, the relevant provisions are to be found under the following:
- a. Te Ture Whaimana o Te Awa o Waikato – Vision and Strategy (“**Te Ture Whaimana**”);
  - b. National Policy Statement on Urban Development 2020 (“**NPSUD**”);
  - c. National Policy Statement for Freshwater Management 2020 (“**NPSFM**”);
  - d. National Policy Statement on Energy Transmission 2008 (“**NPSET**”);
  - e. National Environmental Standards for Freshwater 2020 (“**NESF**”);
  - f. Waikato Regional Policy Statement 2016 (“**WRPS**”);
  - g. Waikato Regional Plan 2007 (“**WRP**”);
  - h. Hamilton City District Plan 2017 (“**Operative District Plan**”); and
  - i. National Planning Standards 2019.
50. Other relevant documents that have been considered in accordance with s. 74(2) and s. 74(2A) include:
- Tai Tumu, Tai Pari, Tai Ao - Waikato-Tainui Environmental Plan 2013;
  - Waikato Regional Land Transport Strategy 2011-2041 (“**RLTS**”); and
  - Future Proof Strategy 2022.

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<sup>15</sup> *Weston Lea Ltd & Director-General of Conservation v Hamilton City Council* [2020] NZEnvC 189 (interim decision), at [42]; and Opening legal submissions for the Director-General of Conservation, 27 September 2022, at [30]-[31].

<sup>16</sup> Opening legal submissions for the Director-General of Conservation, 27 September 2022, at [48].

<sup>17</sup> Opening legal submissions for the Director-General of Conservation, 27 September 2022, at [74].

<sup>18</sup> Statement of evidence of Jamie Sirl for Hamilton City Council, 2 September 2022, at [134]-[178].

## 5 Preliminary Matters

51. In this section we address the following preliminary matters:

- a. Matters out of scope;
- b. Effects management hierarchy;
- c. Adaptive management; and
- d. Trade competition.

### 5.1 Matters Out of Scope

52. As Mr Muldowney submitted, only submissions that are “on” a plan change have relevance and can be considered.<sup>19</sup> There are two key reasons for this:

- a. if submissions are not “on” the plan change then they probably have not undergone an appropriate s.32 evaluation; and
- b. even if they have undergone a s.32 evaluation, the submissions are likely to involve other affected persons who have not submitted “on” the plan change and therefore have no ability to enter the process and comment on those proposals. This breaches the principles of natural justice.

53. Three out of scope matters were raised:

- a. submissions seeking the cancellation or relocation of Designation A106 (the east-west corridor);
- b. requests for the use of alternative processes and compensation provisions for land effectively sterilised from development by the Natural Open Space Zone (“**NOSZ**”); and
- c. requests for further consultation.

#### 5.1.1 Designation A106 Relocation

54. Both Ngāti Ngāmurikaitaua and the Shaw family sought changes to Designation A106 the Southern Links Motorway.

55. Ngāti Ngāmurikaitaua have areas of cultural heritage that are affected by the Southern Links Motorway and sought changes to the Designation to reduce those effects.

56. Mr and Mrs Shaw own land along the alignment of the Designation A106. The Shaws were concerned that this Designation also extends into areas identified under this plan change and proposed Plan Change 9 as proposed SNAs.<sup>20</sup> The planning evidence of Mr Hook for the Shaws contended Designation 106 was “incongruous and in direct conflict” with the proposed SNA areas and Part 2 of the RMA. His view was that the Council should give notice pursuant to s.182 to surrender Designation A106 and undertake a comprehensive review of all roads in the Southern Links area, and then renotify a new notice of requirement.<sup>21</sup>

57. Counsel for the Shaws, Mr Dawson, submitted that this situation had arisen because “the Council had not assessed and identified the significance of this habitat at the time the designation was progressed in 2014.”<sup>22</sup> Mr Dawson, while acknowledging that the Panel

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<sup>19</sup> Opening legal submissions for Hamilton City Council, 23 September 2022, at [10].

<sup>20</sup> Statement of Evidence of James Hook for M&M Shaw, 16 September 2022, Figures 1 and 4.

<sup>21</sup> Statement of Evidence of James Hook for M&M Shaw, 16 September 2022, at [16] and [26].

<sup>22</sup> Legal submissions for M&M Shaw, 28 September 2022, at [8].

“did not have the statutory power to revisit and amend the Designation” as part of this process, submitted that we were able to (and should).<sup>23</sup>

- a. recommend that the Council reviews Designation A106; and/or
  - b. issue an interim decision highlighting this as an issue that needs to be addressed; and
  - c. record our evaluation of this issue in our decision.
58. Mr Dawson submitted that it was open to us to consider this issue as part of PC 5 because:<sup>24</sup>
- a. the WRPS gives a clear and explicit policy direction that activities should avoid the loss or degradation of SNAs;
  - b. the WRPS creates an environmental bottom line; and
  - c. *King Salmon* states these policy directives/bottom lines must be given effect to.
59. These issues were addressed by Mr Muldowney in his closing submissions for the Council. He submitted that:<sup>25</sup>
- a. the relevant WRPS policy (11.2.2)<sup>26</sup> is not unqualified as it was in *King Salmon*, and does not set an absolute bottom line – instead the directive being to avoid “in preference to remediation or mitigation”;
  - b. our delegation from the Council does not extend to amending, rescinding or making recommendations for the amendment or rescindment of Designation A106;
  - c. we have no ability to issue an interim decision requesting that Designation A106 be addressed given there is no power to make the recommendation proposed; and
  - d. the only available option is to record our evaluation of the Shaw’s concerns in our decision.
60. Mr Muldowney also pointed out that the alignment of Designation A106 had already been the subject of recent judicial examination in *Shaw v Hamilton City Council*.<sup>27</sup>

### 5.1.2 Findings

61. We agree with counsel for the Council that we are constrained in our decision-making by the terms of our delegation.
62. As we advised in our Minute #1, we have been appointed and delegated powers by the Council to hear submissions and make decisions on PC 5. The appropriateness (or otherwise) of Designation A106 is not a matter which is before us for determination. To the extent that parts of the Ngāti Ngāmurikaitaua and Shaw submissions seek to challenge Designation A106 through this process we find that those parts of their submissions are not “on” the plan change and therefore go beyond the matters that we can properly determine, make recommendations on, or make the subject of an interim decision.

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<sup>23</sup> Legal submissions for M&M Shaw, 28 September 2022, at [15].

<sup>24</sup> Legal submissions for M&M Shaw, 28 September 2022, at [11]-[12].

<sup>25</sup> Closing legal submissions for Hamilton City Council, 4 November 2022, at [86]-[95].

<sup>26</sup> We note this now appears to be numbered ECO-M13(4) under the current online version of the WRPS. However, as all parties referred to 11.2.2 we adopt that reference in this decision.

<sup>27</sup> *Shaw v Hamilton City Council* [2021] NZEnvC 175.



63. As a secondary point, and in response to the submission made by counsel for the Shaws about *King Salmon*, we agree with counsel for the Council that there are significant differences between the relevant policies which bear on their interpretation. In *King Salmon*, the relevant policy contained an unqualified directive to avoid certain effects, whereas here the relevant policy – ECO-P2 – includes the qualifier as follows:

*Significant indigenous vegetation and the significant habitats of indigenous fauna shall be protected by ensuring the characteristics that contribute to its significance are not adversely affected to the extent that the significance of the vegetation or habitat is reduced.* [Our emphasis]

64. The relevant Method ECO-M13.2 further clarifies that the directive is not unqualified where it states:

*Regional and district plans shall (excluding activities pursuant to ECO-M4)*

...

2. *require that activities avoid the loss or degradation of areas of significant indigenous vegetation and significant habitats of indigenous fauna in preference to remediation or mitigation.* [our emphasis]

65. As a final point, we note that the recent Environment Court decision to which Mr Muldowney directed us (*Shaw v Hamilton City Council*), sets out in some detail the assessment of alternatives that was undertaken as part of the Designation A106 process. After reviewing all of the relevant evidence and materials before it the Environment Court stated:

[122] *...we are satisfied that:*

- (a) *the options evaluation process was wide-ranging, comprehensive and robust and, in our view, was in accordance with recognised good practice;*
- (b) *adequate consideration was given to ecological effects during the evaluation process;*

...

[123] *We are satisfied that the Council gave adequate and genuine consideration to alternatives...*

66. We have no basis on which to disagree.
67. For the above reasons, we reject the relief sought by these submitters in relation to Designation A106.

### **5.1.3 Natural Open Space Zone - Compensation for land**

68. A number of submitters raised concerns about the NOSZ – which includes areas identified as SBHAs and SNAs - applying to their land and sought certainty about whether their land would be acquired, when that would happen, and whether fair compensation would be paid.<sup>28</sup>
69. This issue arises as the PC 5 NOSZ covers both public and privately owned land, with the majority of the SBHAs being located on privately owned land.
70. While many submitters urged the Council to take a proactive approach to the acquisition of such areas through the use of its Public Works Act 1981 (“PWA”) powers (presumably for

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<sup>28</sup> For example: Tilehurst Living Trust submission point 15.7, Shortbread Ltd submission point 41.1, Ben and Rachel Inger submission point 46.9, Gregory Knight submission point 48.1, and Jacky Li and Alex Zheng submission point 52.2, as recorded at pp.12, 42, 50, 51, and 58 of the Summary of Submissions.

the greater certainty that process provides for timing and compensation), the s.42A Report instead confirmed that:

7.80 ... Following discussions with Council's Parks and Open Spaces Unit Council intends to acquire land identified as SBHAs and Natural Open Space Zone through the subdivision process, with funding set aside to acquire the land from landowners. Funding has been set aside within Council's Long Term Plan 2021-2031 for this reserve acquisition process and landowners will get fair market value based on the value of the land if it was within the Medium Density Residential Zone, to avoid landowners being 'penalised' for land being zoned as Natural Open Space Zone given the uneven distribution of this land across the Peacocke Structure Plan area and equity issues that would arise otherwise.

7.82 A key element of the above is that this is reactive to land use and subdivision applications as they arise and is not a proactive process as sought by some submitters....

7.84 Some submitters have urged Council to undertake designation processes for SBHAs as a means of proactively acquiring these areas, given that Council is a requiring authority pursuant to the RMA. The designation of the SBHAs would enable the Public Works Act 1981 processes to be employed as necessary to acquire the complete Peacockes network of SBHAs. This would avoid a potential piecemeal acquisition process given that property owners may choose not to subdivide their properties, and the sequence of subdivision and development may not follow the staging sequence set out within Chapter 3A and as shown on Figure 2-3A within Appendix 2. Utilising the designation powers available to Council as a requiring authority is not the intention however.

#### 5.1.4 Findings

71. While the desire by affected landowners for a more proactive approach from the Council is understandable, it is not something we can mandate as part of this PC 5 process. Our role is to determine whether the provisions of this plan change will assist the Council to carry out its functions<sup>29</sup> in order to achieve the purpose of the RMA.<sup>30</sup> We have no jurisdiction to require the use of alternative processes, such as the PWA.
72. We do however note that the Council has proposed provisions in Chapter 23A, the Peacocke Precinct Subdivision chapter (SUB- PREC1-PSP: P19 and R25), which ensures the inclusion of NOSZ areas and for these to be vested at the time of subdivision. This is an available RMA method, and one which, for the reasons that follow in subsequent sections of this decision, we are satisfied is necessary to enable the Council to carry out its functions in controlling the effects of development and use on indigenous biological diversity (and particularly long-tailed bats).
73. We also note that, in response to the concerns raised in submissions, the Council has proposed that further wording be included in Chapter 15A Peacocke Precinct Natural Open Space Zone (NOSZ-PREC1-P: ISSUES), confirming Council's intention to acquire land at the time of subdivision at fair market value – taking into account both the development potential of the new urban land as well as recognising the restrictions placed over the NOSZ. We consider this wording gives a clear signal that the Council intends to ensure fair compensation is paid. We are not able to direct that the Council goes further than this.

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<sup>29</sup> As set out in s.31 of the RMA.

<sup>30</sup> Section 72 of the RMA.

### 5.1.5 Consultation

74. In their submission, Ngāti Ngāmurikaitaua requested that further consultation be undertaken with them about certain parts of the Operative District Plan,<sup>31</sup> and any changes or decision-making on those parts.
75. In their response to submissions, the s.42A Report authors indicated their view that:<sup>32</sup>

*Further consultation of changes and further discussions [sic] on the District Plan is outside the scope of Plan Change 5. The submitter is encouraged to continue to engage with Hamilton City Council through future plan change consultation processes as well as engage with THaWK, Te marae toopu o Kirikiriroa and Waikato-Tainui separately.*

### 5.1.6 Findings

76. We agree with the view expressed by the s.42A Report authors. Consultation on the Operative District Plan and any future plan change processes are outside the scope of matters we can consider for PC 5.
77. To the extent the concern also extends to PC 5:
- a. we were informed that extensive consultation was undertaken prior to the plan change being notified, including with mana whenua representative entities, and via public open days and other engagement;<sup>33</sup> and
  - b. we consider this material is sufficient to demonstrate that the consultation requirements set out in Sch.1 of the RMA have been complied with.
78. We also note that there were further opportunities for Ngāti Ngāmurikaitaua to engage through the PC 5 process, such as by filing a further submission, appearing at the hearing, and/or seeking to engage with the Council prior to and during the hearing. These opportunities were not taken up.

## 5.2 Effects Management Hierarchy

79. As noted above, DOC submitted that in order to properly give effect to Part 2 of the RMA (and s.6(c) in particular) we should adopt an effects management hierarchy approach as outlined in the NPSFM and the exposure draft of the NPSIB. Such a hierarchy, it maintained, requires the completion of each step of the hierarchy before being permitted to step down the cascade of avoid, remedy, mitigate, offset, and compensate. DOC was particularly critical of PC 5 for, in its opinion, skipping “offsets” and employing a compensation approach to residual effects.<sup>34</sup>
80. In response, counsel for the Council in his closing submissions stated that:<sup>35</sup>

*[9] Next, in preparing district plan provisions which recognise and provide for the protection of this habitat, there is no legal basis to justify the Panel departing from the policy framework established under the WRPS. Indeed, the Panel has an obligation to give effect to this policy framework, which has been directly endorsed by the Environment Court as akin to an “instruction manual to the preservation and enhancement of the long-tailed bat”.*

<sup>31</sup> Appendix 1.1 – Definitions and Terms, Appendix 1.2 – Information Requirements, Appendix 1.3 – Assessment Criteria, Appendix 1.4 – Design Guides, Appendix 2 – Structure Plans, Appendix 8 – Historic Heritage, Appendix 9 – Natural Environments, Appendix 15 – Transportation and Appendix 17 – Planning Maps.

<sup>32</sup> Section 42A Report, 2 September 2022, Appendix A recommendations to submission 32.14.

<sup>33</sup> Section 42A Report, 2 September 2022, at [7.70] and Appendix E to the notified version of PC 5.

<sup>34</sup> Opening legal submissions for the Director-General of Conservation, 27 September 2022, at [74].

<sup>35</sup> Closing legal submissions for Hamilton City Council, 4 November 2022, at [9].

...

- [13] *To be clear, the WRPS Policy 11.2.2 effects management hierarchy, and the effects management hierarchy contained in the NPS-FW and draft National Policy Statement for Indigenous Biodiversity (NPS-IB), each prioritise avoidance of loss of habitat in preference to remediation or mitigation, but do not create an absolute requirement that avoidance options are fully exhausted before moving through the hierarchy. The effects management hierarchy in the NPS-FW and draft NPS-IB call for avoidance, where practicable, but without defining that term.*

...

- [15] *... WRPS Policy 11.2.2 requires avoidance in preference to remediation or mitigation and requires that where any adverse effects are unable to be avoided, remedied or mitigated, more than minor adverse effects shall be offset to achieve no net loss. Accordingly, whether applying the effects management hierarchy from the NPS-FW, or Policy 11.2.2 of the WRPS, the Panel must determine whether PC 5 progressively manages effects in a reasonable and practicable manner, having regard to the context.*

...

- [24] *In terms of compensation, it is acknowledged that Policy 11.2.2 only identifies offsetting. The effects management hierarchy recognises compensation in situations where direct offsetting is unachievable or cannot be measured, and this transition from offsetting to compensation in such circumstances has been endorsed by the Environment Court in Waka Kotahi NZ Transport Agency v Manawatu-Whanganui Regional Council. Notably, the Environment Court held that despite compensation not being provided for in the relevant policy in the Regional Policy Statement as a step in the offsetting hierarchy, "its absence there does not affect the validity of its inclusion in the overall mitigation package proposed for the project". As set out in Dr Baber's evidence, offsets have not been "skipped", but have been considered and ruled out on the basis that:*

- a) For bats the number of individual bats that are adversely affected cannot be determined and more notably the predicted number of extra bats that would result from the proposed compensation package cannot be predicted with a reasonable degree of certainty to 'demonstrate' or 'claim' an offset has been achieved at the plan change stage of this project;*
- b) A like for like (equivalent) habitat offset would require that pasture and the exotic vegetation within the pasture matrix is replaced which constitutes a poor ecological outcome relative to the trading-up approach proposed;*
- c) While the standard for offsetting based on quantitative loss and gain calculations is not applied, HCC's proposed compensation is like for like, e.g. in exchange for impacts on bats HCC is proposing compensation that is expected to generate equivalent benefits for bats.*

[Footnotes omitted]

## 5.2.1 Findings

81. We record our agreement with counsel for the Council that the absence of an express reference to compensation in WRPS Policy 11.2.2 (now more explicitly identified as method ECO-M13) does not exclude compensation from being an available response. As the Environment Court in the *Waka Kotahi* case that counsel for the Council referred us to noted.<sup>36</sup>

- [187] *We find that even though 'compensation' is not provided for in Policy 13-4(d) of the One Plan as a step in the offsetting hierarchy, its absence there does not affect the*

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<sup>36</sup> *Waka Kotahi NZ Transport Agency v Manawatu-Whanganui Regional Council* [2020] NZEnvC 192.

*validity of its inclusion in the overall mitigation package proposed for the Project. The proposed compensation will contribute to replacing biodiversity that cannot be offset (in terms of the definition of that word) and will be verified after the fact as required by the conditions of consent.*

82. We also consider that the references to offsetting in methods ECO-M13.4 and .5, which refer to the achievement of “no net loss” through “on-site or offsite methods”, are consistent with and are broad enough to include the concept of environmental “compensation”.
83. Indeed, the WRPS defines neither *offset* nor *compensation* – and dictionary definitions often treat those terms as reasonably synonymous. The WRPS does, however define “no net loss” as follows (emphasis added):

*Means no reasonably measurable overall reduction in the type, extent, long-term viability and functioning of indigenous biodiversity. When the term is applied in a policy context it has regard to the overall contribution of regulatory and non-regulatory methods as contained in local indigenous biodiversity strategies. It does not create a no adverse effects regime. [emphasis added]*

84. The WRPS explanation for method ECO-M13 is instructive and states:

*ECO-M13 reflects a more directive approach to achieving no net loss for areas of significant indigenous biodiversity than ECO-M3. This is consistent with s6(c) of the Resource Management Act which requires protection of such biodiversity. The Method seeks avoidance of adverse effects as the most effective means of protecting areas of significant indigenous vegetation and significant habitat of indigenous fauna. It recognises that some loss of or damage to those areas may be unavoidable and in those cases remediation and mitigation is required. Where adverse effects remain after avoidance, remediation and mitigation then more than minor adverse effects are required to be offset. Any loss can be documented and tracked to assist with monitoring the state of the resource.*

*When applying ECO-M13, the expectation is that proposals should reasonably demonstrate that no net loss has been achieved using methodology that is appropriate and commensurate to the scale and intensity of the adverse effects. The application of biodiversity offsetting will be determined on a case by case basis through the decision-making processes.*

85. No party disagreed that compensation was an available response under the WRPS. Instead, the key area of disagreement was whether opportunities for offsetting had to be sequentially “exhausted” before moving to compensation, and if so, whether that had occurred in this case.
86. We do not consider such a formulaic requirement applies in this instance for the following reasons:
- While the WRPS does not expressly mention compensation, the methods it includes when referring to offsetting (ECO-M13.4 and .5 referring to achievement of no net loss through on- and off-site methods) are worded broadly enough to include the concept of compensation.
  - The WRPS applies to all *areas* of significant indigenous vegetation and significant *habitats* of indigenous fauna. The effects management hierarchy in the NPSFW applies only to natural inland wetlands and rivers.
  - While the exposure draft of the NPSIB signals that it will apply to all areas of indigenous biodiversity, it remains in draft form and has no legal effect at this stage.

- d. Even if they were relevant, while both the NPSFW and exposure draft of the NPSIB distinguish and include a hierarchy between offsetting and compensation, those requirements are not absolute – there is recognition that compensation may be appropriate where offsetting is “not possible”.
  - e. The Council evidence and legal submissions clearly demonstrate why offsetting is neither practicable nor possible in this case without significant compromise to the NPSUD and MRZ imperatives pursued,<sup>37</sup> and the contrary was not demonstrated by any other evidence.
87. We discuss the derivative issue of compensation and the model proposed by PC 5 for determining that quantum later in this decision.

### 5.3 Adaptive Management

88. It is trite that rules in a plan must be clear and certain in order to be enforceable. It is also trite that at the planning stage it is not possible to know precisely how an area will actually be developed, and therefore the extent to which the anticipated effects will arise. The task of the District Plan is therefore to include sufficient measures and triggers that ensure an activity’s effects are able to be appropriately controlled – either through rules, permitted activity standards or through conditions imposed at the time of consent.
89. In situations where uncertainty remains regarding the outcome sought, the courts have accepted that an adaptive management approach is permissible subject to a series of prescriptions. These were articulated by the Supreme Court in *Sustain our Sounds Inc v The New Zealand King Salmon Co.*, in which the Court noted that whether such an approach is available will depend upon:<sup>38</sup>
- (a) *the extent of the environmental risk (including the gravity of the consequences if the risk is realised);*
  - (b) *the importance of the activity (which could in some circumstances be an activity it is hoped will protect the environment);*
  - (c) *the degree of uncertainty; and*
  - (d) *the extent to which an adaptive management approach will sufficiently diminish the risk and the uncertainty.*
90. Furthermore, the Court accepted in that case, that the following factors are relevant:<sup>39</sup>
- (a) *there will be good baseline information about the receiving environment;*
  - (b) *the conditions provide for effective monitoring of adverse effects using appropriate indicators;*
  - (c) *thresholds are set to trigger remedial action before the effects become overly damaging; and*
  - (d) *effects that might arise can be remedied before they become irreversible.*

<sup>37</sup> Statement of Evidence of Gerry Kessels for Hamilton City Council, 2 September 2022, Attachment 1; Statement of Evidence of Matthew Baber for Hamilton City Council, 2 September 2022; Rebuttal Statement of Evidence of Matthew Baber for Hamilton City Council, 22 September 2022; and Closing legal submissions for Hamilton City Council, 4 November 2022, at [9], [13], [15] and [24] (as quoted earlier in our decision).

<sup>38</sup> *Sustain our Sounds Inc v The New Zealand King Salmon Co.* [2014] NZSC 40, at [129].

<sup>39</sup> *Ibid.*, at [133].

91. While that case involved both plan change provisions and coastal permits, those factors remain relevant to PC 5. As the Court concluded in that case (emphasis added):<sup>40</sup>

*The Board was entitled to consider that the adaptive management regime, reflected in both the plan and the consent conditions, was consistent with a proper precautionary approach. The plan changes were not improperly predicated on the consent conditions and there was no need for the plan to contain more than it did on water quality, the plan containing in particular a reference to an adaptive management regime and to controls for water quality.*

92. No party challenged that an adaptive management approach to long-tailed bat management was an available approach for PC 5. The disagreement was about whether the preconditions for such were satisfied – and we discuss that aspect further below.

## 5.4 Trade Competition

93. Ms Arthur-Young, counsel for Woolworths New Zealand Ltd (“**Woolworths**”), submitted that Adare’s concerns about Woolworths’ proposal to extend the local centre onto Woolworths’ land amounted to trade competition. She also submitted that Adare’s position was inconsistent with the Commerce Commission’s recommendations in its recent report on the retail grocery sector.<sup>41</sup>
94. Counsel for Adare, (the now late) Dr Makgill, dismissed these concerns largely on the basis that Adare is a land developer, is not in the business of operating supermarkets and has no current agreement with any supermarket provider.<sup>42</sup> Dr Makgill also submitted that the Commerce Commission’s report had no status under the RMA, did not support “carte blanche supermarket development”, and that Adare’s position did not offend against that report as, unlike the Woolworths’ land, its land “would be available for supermarket development by Woolworths, Foodstuffs or any new market entrant”.<sup>43</sup>
95. Counsel for the Council agreed and submitted that:<sup>44</sup>

*[72] In HCC’s submission, there is no evidence to suggest that Adare stands to gain an advantage in trade competition in opposing Woolworths’ relief, nor that Adare and Woolworths are commercial competitors. “Trade competition” is not defined in the RMA. However, the High Court has concluded that the words “refer succinctly to the rivalrous behaviour which can occur between those involved in commerce” and “planning law should not be used as a means of licensing or regulating competition”. The mischief the prohibition seeks to address is competition between traders of the same kind – for example between the two supermarket chains. In HCC’s view, Adare and Woolworths are not trade competitors in this sense. Rather, Adare and Woolworths are competing for the highest value use of their land. Such contests do not constitute trade competition.*

*[73] Even if the Panel disagreed that Adare and Woolworths are not trade competitors, HCC has raised similar concerns to that of Adare and HCC is clearly not a trade competitor. HCC considers the relief sought by Woolworths raises real environmental concerns relating to urban design and the optimisation of the benefits associated with the Local Centre. The Panel is obliged to have regard to these matters in accordance with s 74(1) of the RMA.*

[Footnotes omitted]

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<sup>40</sup> Supra n.33 at [158].

<sup>41</sup> Legal submission for Woolworths New Zealand Ltd, 23 September 2022, at [5.4]-[5.5].

<sup>42</sup> Legal submissions for the Adare Company Limited, 27 September 2022, at [66]-[75].

<sup>43</sup> Legal submissions for the Adare Company Limited, 27 September 2022, at [76]-[81].

<sup>44</sup> Closing legal submissions for Hamilton City Council, 4 November 2022, at [72] and [73].

### 5.4.1 Findings

96. We have closely considered the evidence and submissions of all parties on this issue. We find that no trade competition issue arises in this case for the reasons given by the Council and Adare (as summarised above). As counsel for Adare noted, Adare's participation in PC 5 stemmed from "its genuine interest in establishing a high quality, functional and vibrant Local Centre". The concerns raised by Adare, relating as they did to urban design, transport, and planning, were consistent with that position – and are valid resource management issues. Woolworths, while raising the spectre of trade competition, did not provide us with any evidence in support of its submission.
97. However, even if we are wrong in finding that Adare is not a trade competitor, as counsel for the Council notes, the Council is clearly not a trade competitor, and it expresses similar concerns. Those matters are therefore squarely on our table to determine.
98. Accordingly, we are satisfied that there are no effects, issues or concerns raised by Adare that go beyond those that can properly be considered under the RMA, and there are no effects or evidence that should be dismissed on the basis of trade competition.

## PART 2 ISSUES AND EFFECTS

### 6 Introduction

99. The legal submissions, evidence and representations received were extensive and, in the interest of brevity, we identify those, where relevant, under the particular issues in contention.

#### 6.1 Principal Issues in Contention

100. Having considered the submissions and further submissions received, the hearing report, the evidence presented at the hearing and subsequently, and the Council officers' response to questions, we find that the following principal issues remain for determination:
- Long-tailed bat / habitat management;
  - Local centre – location, extent and the centres hierarchy;
  - Transportation standards and identification; and
  - Density rules, setbacks and plan / map notations etc.

101. We turn to each of those matters in turn below.

### 7 Long-Tailed Bats

102. The long-tailed bat (*Chalinolobus tuberculatus*) ("**LTB**") is an endemic bat found only in New Zealand. Long considered extinct in urban habitats, its presence within Hamilton was only comparatively recently confirmed.<sup>45</sup> Dr Borkin noted<sup>46</sup> that at least 61 LTB were estimated in the southern Hamilton area (including the Peacocke Structure Plan Area ("**PSPA**")) in 2018 from the 28 roosts found.
103. We were told that other relevant characteristics of LTB include:

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<sup>45</sup> Statement of Evidence of Dr Kerry Borkin for the Director-General of Conservation, 16 September 2022, at [6.2], citing a study by A S Dekrout in 2009.

<sup>46</sup> Ibid, at s.3.3.2.1.



- a. LTB are “highly philopatric” – i.e., loyal to their home range (which can be large) and their social group, but regularly change favoured roost trees.
  - b. LTB use all habitat types present in Peacocke (indigenous, exotic and pasture).
  - c. LTB roost in tree hollows, knot holes and beneath loose bark – usually in limited numbers.
  - d. Roosting areas change over the season reflecting the changing needs / preferences of male and female LTB.
  - e. High quality maternity / communal roosts (in which larger numbers of females gather) are a limiting resource for LTB due to their specific thermal requirements.
  - f. Maternity roosts are typically close to an open water source to minimise the time lactating mothers are absent.
  - g. LTB may go into true hibernation over the June to August winter months.
  - h. LTB are insectivorous and foraging typically occurs along forest edges, over low density regenerating Kānuka and Mānuka, above wetlands; and over open water and vegetated road corridors.
  - i. LTB tend to use landscape features for navigating.
104. The above are all matters that must be taken into account in designing a management strategy. We did not perceive any disagreement about that among the bat experts.

## 7.1 Distribution

105. The LTB is found throughout both islands as well as on several offshore islands, but there is little information on their number and distribution across the Waikato region.<sup>47</sup>
106. As Dr Mueller noted succinctly in her evidence:<sup>48</sup>

*A population of long-tailed bats regularly use the PSPA for foraging, commuting and roosting. Within the PSPA, the riparian margins of the Waikato River, the Mangakotukutuku Gully and treeland areas containing known roosts trees for bats, are considered to be key habitats for foraging, commuting and roosting. However, to varying degrees, bats are also using a variety of other exotic and indigenous habitats for foraging and/or commuting.*

107. Dr Borkin added that they:<sup>49</sup>

*... appear to be generally restricted to the southern parts of Hamilton with habitats of particular importance being those around wooded areas and the southern Hamilton gully system and along the Waikato River.*

108. In apparent confirmation of that observation we heard from Mr Aughton from the Waikato Environment Centre Trust (Go Eco), who presented a 2021 graphic summarising the results of a 2-year acoustic bat monitoring survey he had coordinated for Project Echo over some 60+ sites in and around Hamilton City. While that survey only captured bats “on the wing”, it indicated that 88.2% of the 5,196 bat passes recorded in that survey occurred

<sup>47</sup> Statement of Evidence of Professor Stuart Parsons for the Adare Company Limited, 16 September 2022, at [8] to– [11].

<sup>48</sup> Statement of Evidence of Dr Hannah Mueller for Hamilton City Council, 2 September 2022, at [23].

<sup>49</sup> Statement of Evidence of Dr Kerry Borkin for the Director-General of Conservation, 16 September 2022, at [5.1].

at the 2 sites located in Peacocke and the adjacent (i.e., eastern side of the Waikato River) Hammond Bush.<sup>50</sup>

109. There was no material disagreement with that overview – albeit most statements by the experts were qualified due to the uncertainty of the extent of bat use. Similarly, there was agreement that the LTB population needed to be managed at a wider scale than Peacocke – although precisely what that meant and required was not agreed (as we discuss later in this decision).

## 7.2 Threat Status

110. Ms Pryde, a Technical Advisor in the Threatened Species Unit at DOC, told us that:

- (a) LTB are “absolutely protected” under s.3 of the Wildlife Act 1953; and
- (b) are classed as “Nationally Critical” under the New Zealand Threat Classification Series 21.

111. She explained that that classification:

*... means that this population (irrespective of size or number of sub-populations) has a very high ongoing or predicted decline (> 70%).*

112. Furthermore, Ms Pryde told us that threat status had recently been reviewed and reconfirmed; that Hamilton is one of the last cities where LTB persist; and that the rate of decline in bat colonies where populations are not managed has been estimated at between 5% and 9% per annum.<sup>51</sup>
113. From a later discussion the Panel had with the expert bat witnesses, we understood that a stable population is one where c.80% of mature females survive.

## 7.3 Habitat and Flyways

114. Dr Mueller characterised the existing LTB habitat as follows:<sup>52</sup>

*Within the PSPA, the riparian margins of the Waikato River, the Mangakootukutuku Gully and treeland areas containing known roosts trees for bats, are considered to be key habitats for foraging, commuting and roosting. However, to varying degrees, bats are also using a variety of other exotic and indigenous habitats for foraging and/or commuting.*

*This habitat usage is consolidated by a network of exotic and indigenous stands of trees and mature shelterbelts scattered through this largely pastoral environment. These lines of shelterbelts and patchily distributed stands of mature trees enable bats to move around this landscape as they use these features as navigational features to guide them to and from key habitats.*

115. To those elements, Mr Blayney added the functional importance of shelter and buffering (from both wind and lighting), noting that all of these habitat elements are essentially structural,<sup>53</sup> not relying upon the diversity or health of the habitat (although he emphasised<sup>54</sup> the need for varied and complex habitats to provide the full suite of microhabitats within which the LTB's necessary resources could be found). This, in his opinion, suggested the importance of efficient and continuous connections, which

<sup>50</sup> Rebuttal Evidence of Dr Matthew Baber for Hamilton City Council, 22 September 2022, at [14]-[15].

<sup>50</sup> Rebuttal Evidence of Gerry Kessels for Hamilton City Council, 22 September 2022, at [27].

<sup>51</sup> Statement of Evidence of Moira Pryde on behalf of the Director-General of Conservation, 16 September 2022, section 5.

<sup>52</sup> Statement of Evidence of Dr Hannah Mueller for Hamilton City Council, 2 September 2022, at [23] and [24].

<sup>53</sup> Statement of Evidence of Andrew Blayney for the Adare Company Limited, 16 September 2022, at [17].

<sup>54</sup> Ibid, at [18(b)(v)].

minimised obstacles such as gaps in vegetation or lit sections of corridors – a point echoed by Professor Parsons, among others, who agreed that bats do not discriminate between tree species or forest types and spoke about the need to avoid habitat fragmentation.

116. The core areas of high value bat habitat and key corridors have been mapped and are shown as SBHAs on PC 5 Figure 2-3: Natural Environment and Heritage, along with the SNAs and existing wetlands that comprise the NOSZ.
117. There appeared to be general agreement among the bat experts that buffers of 50m and 25m respectively around communal and non-communal roosts<sup>55</sup> were adequate, and that an additional 20m buffer on the margins of all identified high value bat habitat areas was also appropriate.
118. There remained disagreement among the bat experts regarding the width of the connecting flight and foraging corridors required for bat management purposes.
119. Dr Borkin presented a summary table in her hearing presentation, concluding that 100m was the minimum corridor width required *with* bespoke design. Dr Mueller and Mr Kessels, while accepting 100m as a good starting proxy, argued that good bespoke corridor and planting design could reduce that to a minimum of 50m (comparable to that for communal bat roosts in Sandford Park).<sup>56</sup>
120. We discuss this issue further below under the proposed bat management sub-heading.
121. Dr Baber recorded that the Council's ecologists had calculated that in order to achieve a *net gain* target of 20% after 25 years, habitat restoration in the order of the following would be required:<sup>57</sup>
  - (a) 66 ha (elsewhere noted as 65 ha) of *restored* habitat within the PSPA;
  - (b) 62 ha of *enhanced* habitat within the PSPA;
  - (c) 190 ha of high value bat habitat *restoration* outside the PSPA; and
  - (d) 700 ha of habitat *enhancement* through mammalian pest control *in perpetuity*.
122. The 20% target buffer was not disputed. However, we note that it is not a requirement within either the Indigenous Biodiversity chapter (11) of the WRPS, which requires only the arguably lesser threshold of *no net loss*, or the Operative District Plan, which sets a 10% habitat sustainability threshold (SNA Policy 20.2.1o). Regardless, we accept that a more aggressive target is appropriate given the importance of ensuring a cautious approach to LTB management.
123. As part of that calculation Dr Baber noted that only 3 ha of high value bat habitat would be lost under PC 5 – and therefore would not be “avoided” - but that was primarily already authorised for removal under Adare’s *Amberfield* resource consent.<sup>58</sup>
124. Furthermore, he noted that the calculation of residual adverse effects for which an off-site compensation package was deemed to be required, was associated with the loss of 488 ha of pasture habitat and 34 ha of mostly low stature exotic habitat.<sup>59</sup> Importantly,

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<sup>55</sup> Statement of Evidence of Dr Hannah Mueller for Hamilton City Council, 2 September 2022, at [27].

<sup>56</sup> Statement of Evidence of Gerry Kessels for Hamilton City Council, 2 September 2022, at [30].

<sup>57</sup> Statement of Evidence of Dr Matthew Baber for Hamilton City Council, 2 September 2022, at [36].

<sup>58</sup> Rebuttal Statement of Evidence of Dr Matthew Baber for Hamilton City Council, 22 September 2022, at [7].

<sup>59</sup> Statement of Evidence of Dr Matthew Baber for Hamilton City Council, 2 September 2022, at [11].

however, we note that precisely (or even generally) where that restoration, enhancement or predator control is to occur outside the PSPA remains speculative.

125. DOC's bat experts were not persuaded that sufficient habitat would remain within the PSPA.
126. Ms Pryde, for example, noted that PC 5 reduces the identified existing open space bat habitat within PSPA from 128 ha to 112 ha with reduced connectivity because of the Southern Links designation, of which 47 ha is classed as being of "medium value".<sup>60</sup> She also noted that the average range of all the bats studied was 704 ha<sup>61</sup> – in other words the proposed remaining habitat is only 16% of that range, well below the 20% range extinction threshold cited.<sup>62</sup>
127. In passing we note that, while the PSPA is some 740 ha, there was no evidence suggesting or confirming that the "resident" LTB are constrained to range only within that area either by preference or anything else. The co-relation between the 704 ha average bat range and the 740 ha area of the PSPA remains undetermined.

#### **7.4 Adverse Effects of Concern**

128. Dr Borkin and Ms Pryde summarised the adverse effects of concern as:
  - a. Habitat (foraging and roosting) and connectivity loss;
  - b. Home range reduction;
  - c. Roost tree loss, felling and associated death / injury;
  - d. Roads, traffic, lighting and noise;
  - e. Predation; and
  - f. Male-skewed population.
129. They summarised the necessary requirements arising as:
  - a. Functional habitat;
  - b. Protection from blue wavelength light;
  - c. Protection from noise;
  - d. Sufficient roost trees;
  - e. Space – particularly the width of habitat; and
  - f. Predator control.
130. We did not understand Mr Blayney, Dr Flynn, Professor Parsons, Dr Mueller or Mr Kessels to disagree with that characterisation or summation. The difference related more around the extent to which those matters can or should be managed and provided for – it is a question of appetite for risk in the face of managing uncertainty.

#### **7.5 Bats and Adaptive Management**

131. As we noted earlier, adaptive management is a resource management tool that has been developed for circumstances where a level of uncertainty is evident but sufficient management cautions can be identified and expressed such that relevant adverse effects of concern can be appropriately addressed in a timely fashion. There is now sufficient case authority for the implementation of such an approach in defined circumstances.

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<sup>60</sup> Statement of Evidence of Moira Pryde for the Director-General of Conservation, 16 September 2022, at [9.7].

<sup>61</sup> Ibid, at [9.11].

<sup>62</sup> Statement of Evidence of Moira Pryde for the Director-General of Conservation, 16 September 2022, at [9.12].

132. The measures proposed through PC 5 purport to enable an adaptive management approach - with the key outcome parameters defined as summarised in paragraph 121 above, including offset compensation beyond the PSPA.
133. A number of submitters, including DOC, considered that not enough work had been done and not enough was known with regard to the displacement of LTBs in the PSPA:
- for an adaptive “learn as we go approach” to be employed;<sup>63</sup>
  - for the Panel to be “in a position to make a decision about what the Peacocke compensation programme will achieve” when we do not “actually know what will occur”;<sup>64</sup> and
  - for the Panel to be confident that financial compensation was appropriate to address the significant residual effects on LTBs or that the Biodiversity Compensation Model (“**BCM**”) could accurately calculate the appropriate quantum – matters that we address in subsequent sections below.
134. As a result, DOC advocated (as a position secondary to its opposition) for a precautionary approach with more stringent plan provisions in order to ensure effects on the LTB were appropriately managed. In the main these comprised wider corridors (minimum of 100m), amendments to lighting controls in the vicinity of SBHAs, predator controls (particularly cats), and firming up of management plan purpose and policy provisions (in addition to anchoring the effects hierarchy as discussed above).
135. In response, counsel for the Council submitted that DOC had misunderstood the function of a district plan, the law relating to such plans, and therefore the degree of certainty required.<sup>65</sup> In particular, counsel stated that:

[33] ...The hearing panel is not required to make a decision on what the compensation programme will achieve in order to approve PC 5... Rather the Panel is required to determine the extent of residual adverse ecological effects likely to arise from the enabled land use changes under PC 5, and be satisfied that a compensation programme, which addressed the effects to a no net loss/net gain outcome, is able to be implemented...

[34] The correct approach is to evaluate the performance of the compensation programme as a mitigation strategy over time, and through adaptive management make changes to the programme, or consent conditions, if compensation is not being delivered at a rate, and in a manner, that delivers effective mitigation of residual adverse effects arising.

[35] ... Not all the modelled residual adverse effects arise on day one, nor must all of the compensation outcomes be delivered on day one. The practical reality is that Peacocke will be urbanised in stages, incrementally over time. Adverse effects and the concomitant compensation will similarly accrue over time.

...

[38] ... a district plan sets the framework for enabling development, but it cannot predict or control with certainty all of the consequential environmental outcomes. These outcomes manifest through the occurrence of permitted activities, and the implementation of resource consents which authorise land uses that are not expressly permitted. The potential outcomes are many and varied, and on occasion, may not be anticipated (such as non-complying activities). So just as the

<sup>63</sup> DOC Summary of Issues, 30 September 2022, p.3

<sup>64</sup> Final Memorandum of Counsel for the Director-General of Conservation, 28 October 2022, at [19] and [4] respectively.

<sup>65</sup> Closing legal submissions for Hamilton City Council, 4, November 2022, at [30].

*plan provisions cannot determine with certainty what on site mitigation outcomes will look like for a particular development, nor can they determine with certainty what off site compensation will occur, and exactly where it will occur. All the district plan can do is set the requirements.*

[39] *What matters is that ... [the] district plan enables the urbanisation of Peacocke in a manner that accords with the section 5 sustainable management directive. This requires plan provisions which enable an adaptive management of the ecological issues as urbanisation progresses, recognising also that plan provisions must be reviewed within 10 years. The 10 year review of the PC 5 provisions represents the necessary break point where the effectiveness of the compensation programme can be measured against the rate of residual adverse effects generated. If there is a misalignment, the plan provisions can be amended, to limit further urbanisation unless and until the compensation deficit is resolved. Across a likely development timeframe of 20-30 years, this represents a suitable breakpoint.*

[Footnotes omitted]

136. The Council did however suggest including two additional assessment criteria as a way of achieving greater certainty and measurability in terms of compensation.<sup>66</sup> In response to the Panel's request for suggested wording for those provisions the Council proposed the following:<sup>67</sup>

x) *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 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.*

*In broad terms to achieve the No Net Loss outcome, the following habitat restoration and enhancement activities will need to be implemented:*

- a) *Habitat restoration within PSPA public open space areas (native revegetation, weed management and mammalian pest control within riparian pasture) of some 66 hectares;*
- b) *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*
- c) *Habitat restoration outside of the PSPA within high value bat habitat known to support bat roosts. This comprises:*
  - i. *native revegetation, weed management and mammalian pest control within riparian pasture (equating to some 190 hectares of habitat restoration) and/or*
  - ii. *mammalian pest control in perpetuity (equating to 700 hectares of habitat enhancement), or*
  - iii. *a lesser combination of both.*

y) *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*

<sup>66</sup> Closing legal submissions for Hamilton City Council, 4 November 2022, at [29] and [100].

<sup>67</sup> Council Response to Commissioners Queries, 15 November 2022. Noting in that response two options were suggested for the first criterion, however only the Council's preferred criterion has been reproduced here.

*implementing a planting programme enabling new bat habitat, including consideration of the age and development of that planting.*

### 7.5.1 Findings

137. As a preliminary point we note that s.6(c) is directed at the protection of “areas of significant indigenous *vegetation* and significant *habitats* of indigenous fauna” rather than the indigenous fauna themselves. Other legislation, namely the Wildlife Act 1953 administered by DOC, provides for the direct protection of all wildlife, including the LTB.<sup>68</sup> However, this is not to say that effects on LTBs themselves are not important under the RMA – they clearly are – and the District Plan is required (under s.31) to control any actual or potential effects of the use, development or protection of land including for the purpose of *maintaining* biological diversity (s.31(1)(b)(iii)).
138. In terms of DOC’s view that it is inappropriate to adopt an “adaptive learn as we go approach”, we note that this view appears to be based on a perceived failure of the PC 5 provisions to satisfy the Supreme Court’s tests for when an adaptive management approach is appropriate. As already noted, these tests (which require good baseline information, effective monitoring conditions, threshold triggers for remedial action, and an ability to remedy effects before they become irreversible), arose in the context of a case where the Supreme Court was considering both resource consent applications and a private plan change, and involved a clear avoidance directive. We do not consider a similar level of certainty is required for PC 5 given the different policy context and that no resource consents are being sought contemporaneously.
139. In any event, we consider that we have sufficient information to be able to determine plan provisions which are appropriate to manage effects on the LTB and their habitats. As counsel for the Council noted, we are not required at this juncture to know exactly how LTBs will be affected or the precise compensation package that will (or will need to) be adopted. Instead, all we need to be satisfied about is that there are mechanisms in the plan which are appropriate, realistic and within the jurisdiction and ability of parties to manage those matters. As a codicil, Mr Muldowney and Mr Sirl drew attention to the funding and policy mechanisms available to the Council as well as other strategies to which it was either a signatory or obligated.<sup>69</sup>
140. Furthermore, we agree with counsel for the Council that in the context of Peacocke, where the development is to be progressed in stages over the next 20 – 30 years, the 10-year plan review requirement provides appropriate “break-points” where the effectiveness of the compensation package and overall management programme can be reviewed. We also note that it would be open to the Council to review the plan requirements earlier, and the terms of any subsequent consent granted in reliance on that plan, were it to become concerned about the effectiveness or progress of the compensation package and/or consent conditions in managing effects. Once brought into the Operative District Plan, PC 5 will influence the consideration of resource consents beyond the PSPA with respect to LTBs.
141. Accordingly, we are satisfied that, with the addition of the two further assessment criteria (noted at paragraph 136 above and identified in the Plan as 1.3.3 P2 (r) and (s) and P4 (ar) and (as)) and the provisions we have detailed in other parts of our decision, that the provisions of PC 5 are suitably precautionary, accord with the fundamentals of an adaptive management approach, and will manage the effects on LTBs and their habitats

<sup>68</sup> Refer in particular to s.3 of the Wildlife Act 1953.

<sup>69</sup> Supplementary Statement of Evidence of Jamie Sirl for Hamilton City Council, 11 October 2022.

appropriately. The critical issue of the PC 5 proposed method by which any compensation is determined was also challenged by DOC - and we discuss that next.

## **8 Compensation and the Biodiversity Compensation Model**

### **8.1 Overview of Potential Effects Associated with Land Use Change**

142. It is trite that rules in a plan must be clear and certain in order to be enforceable. It is also trite that at the planning stage it is not possible to know precisely how an area will be developed, and therefore the extent to which anticipated effects will arise. The task of the District Plan is therefore to include sufficient measures and triggers that ensure an activity's effects are able to be appropriately controlled – either through rules, permitted activity standards or through conditions imposed at the time of consent.
143. PC 5 proposes to manage residual adverse effects on LTB habitat occasioned within the PSPA by compensation measures applied both inside and outside the PSPA. The implication of that was contentious.
144. It was common ground that the proposed change in land use associated with PC 5 has the potential to result in a range of adverse effects on ecological values. These include construction-related effects such as:<sup>70</sup>
- a. vegetation and habitat loss through vegetation clearance and earthworks;
  - b. direct mortality or injury to species - for example, roosting bats could potentially be harmed during vegetation clearance activities;
  - c. during breeding season, vegetation removal has the potential to result in the destruction of nests, eggs and fledglings (outside of bird breeding season bird mortality would be low);
  - d. the creation of habitat edge effects, altering the composition and health of adjacent vegetation (i.e. habitat degradation), which may affect habitat suitability for flora and fauna;
  - e. habitat fragmentation and isolation due to the loss and reduction of available habitat types and by reducing the ability for plants and animals to disperse across the landscape for food, shelter, and breeding purposes, i.e., severing or partially severing access to habitats that would otherwise be suitable; and
  - f. construction and operation-related noise, vibration, dust, or lighting effects.
145. Potential long-term, on-going adverse effects associated with the change in land use may include:<sup>71</sup>
- a. on-going habitat degradation associated with habitat loss, edge effects and fragmentation, which permanently affect movement of some species, with possible effects on meta-population dynamics and increased vulnerability to local extinction;
  - b. on-going disturbance effects, particularly on habitat margins/edges, through noise, dust and lighting associated with infrastructure and housing;

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<sup>70</sup> Statement of Evidence of Gerry Kessels for Hamilton City Council, 2 September 2022, Attachment 1 – Technical Ecology Report, s.3.3.1.

<sup>71</sup> Ibid.



- c. mortality or injury on roads through strike or roadkill for some species;
- d. the increased presence of people and introduced species in previously less accessible areas; and
- e. lost opportunities for creating wildlife corridors.

## 8.2 Effects Avoidance Measures

146. There was no dispute that every practicable effort should be undertaken to avoid adverse effects on ecological values. To this end the most significant adverse effects will be avoided through:<sup>72</sup>

- a. Protection of the most ecologically significant habitat which includes riparian margins of the Waikato River, major gullies and known bat roost sites through the mapping of these areas as NOSZ (127.86 ha).
- b. Protection of significant bat habitat in the form of ecological corridors to avoid or minimise severance or partial severance in the landscape.
- c. Protection of significant bat habitat in the form of ecological buffers around important ecological habitat to avoid or minimise potential effects associated with lighting and general disturbance resulting from land use change activities.

## 8.3 Effects Minimisation Measures

147. Potential adverse effects on terrestrial and wetland values associated with construction and operation are intended to be avoided, remedied or mitigated to the extent possible through:<sup>73</sup>

- a. seasonal constraints on vegetation clearance;
- b. vegetation clearance controls;
- c. sediment control measures;
- d. vegetation/habitat clearance, salvage and relocation operations for nationally 'Threatened', 'At Risk', Regionally uncommon or legally protected species present or potentially present onsite including:
  - i. best practice bat tree felling protocols to reduce the risk of harming roosting bats;
  - ii. lizard salvage and relocation; and
  - iii. redeployment of dead standing wood or fallen logs into native revegetation sites, to mitigate for potential effects on regionally uncommon invertebrates that may be present, e.g. tree wētā and peripatus;
- e. mitigation plantings to buffer against light, noise, dust or general disturbance of ecologically significant habitats. These plantings are ideally undertaken before construction starts, to reduce the time lag needed for planted habitat to become ecologically functional.

<sup>72</sup> Statement of Evidence of Gerry Kessels for Hamilton City Council, 2 September 2022, Attachment 1 – Technical Ecology Report, s3.3.2.1.

<sup>73</sup> Statement of Evidence of Gerry Kessels for Hamilton City Council, 2 September 2022, Attachment 1 – Technical Ecology Report, s3.3.2.2.

148. These measures were recommended by Mr Kessels in his supporting technical ecology report, for inclusion in PC 5 in order to appropriately avoid or minimise effects – and were generally supported as minimum requirements by the relevant ecology experts. We have accepted those recommendations.

#### 8.4 Biodiversity Compensation Model

149. Council's evidence (primarily Mr Kessels and Dr Baber) was that biodiversity offsetting was considered in the first instance but was ruled out on the grounds that neither the biodiversity values within the PSPA, the nature of residual adverse effects on those values, nor the proposed residual effects management measures lent themselves to quantitative accounting for gains and losses with the necessary degree of confidence to constitute an offset as that term is currently used in the NPSFM and exposure draft of the NPSIB.
150. Attention therefore focussed on compensation mechanisms. We were told that all available and commonly used options for assisting with the determination of compensation requirements were considered.<sup>74</sup> Those options included:
- a. a sole reliance on professional opinion;
  - b. the use of arbitrarily assigned multipliers / compensation ratios;
  - c. negotiated exchanges; and
  - d. application of BCMs coupled with professional opinion.
151. Of these options, the BCM approach was favoured because it was considered the most transparent and likely to generate the best ecological outcomes based on the team's collective experience.
152. In summary, BCMs are used to 'sense check' and test the likelihood that net gain outcomes (a more ambitious target outcome than the WRPS' *no net loss* policy objective) will be achieved through the type and quantum of compensation that is proposed to address residual adverse effects. It was emphasised that the BCM is not used to claim or demonstrate that an offset has occurred or that a particular outcome (e.g., no net loss or net gain) is guaranteed - which is why it is termed a compensation model rather than an offset model. In summary, BCMs:<sup>75</sup>
- a. *include quantitative and qualitative metrics, with the qualitative metrics being directly aligned with the preliminary assessment of ecological effects which, in turn, is based on professional opinion underpinned by desktop and field investigations;*
  - b. *are based on measurements of biodiversity loss at the impact site(s) and gains at the proposed compensation site, i.e.:*
    - i. *assessment of the quantum and value/quality of habitat within the impact footprint before and after project activities (biodiversity loss);*
    - ii. *assessment of the quantum and value/quality of habitat before and after proposed compensation measures (biodiversity gain);*
  - c. *account for any time lag between adverse effects occurring at the impact site and gains realised at the compensation site;*

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<sup>74</sup> Statement of Evidence of Gerry Kessels for Hamilton City Council, 2 September 2022, Attachment 1 – Technical Ecology Report, s.4.2.3.

<sup>75</sup> Ibid.

- d. *include multiple contingencies to minimise the risk of false positives - i.e., predicting likely net gain when the converse is true. Specifically the BCMs include:*
    - i. *contingency to account for biodiversity risk, which is based on the ecological value / threat status per se;*
    - ii. *contingency to account for impact uncertainties;*
    - iii. *contingency to account for the degree of confidence that the stated net gain outcomes proposed through restoration or habitat enhancement measures will be achieved in the stated time frame;*
    - iv. *a predicted net gain target of 20%.*
153. Council's team chose to use a single LTB BCM to assist with determining compensation requirements for all adversely affected biodiversity values because it considered that:<sup>76</sup>
- a. LTBs are an 'umbrella species' and efforts to address effects on bats also serve to benefit the full suite of biodiversity values that are potentially affected by the PSPA; and
  - b. residual adverse effects on bats were considered the most significant potential effect.
154. It was noted that ecological outcomes are improved where biodiversity compensation principles are applied as a guideline. Accordingly, we understood that the Council team carried out an assessment of its proposed biodiversity compensation package against the 13 Principles for Biodiversity Compensation set out in Appendix 4 of the exposure draft NPSIB.<sup>77</sup> That assessment concluded that, with the exception of the Science and Mātauranga Māori principle (under which experts in Mātauranga Māori had not yet been included in design and implementation), those principles were met.
155. To address residual effects on bats and other values, the Council proposed a focus on native revegetation or native enrichment plantings, weed control and the control of introduced mammalian pests (browsers and predators) within suitable protected areas - and that these measures should follow best practice guidelines to optimise ecological outcomes.
156. Habitat restoration, or enhancement activities within all available open public space zones that are present within the PSPA but outside of the development footprint, are concluded to go a considerable way towards addressing adverse effects. However, the BCM indicated that it was unlikely to achieve a net gain outcome for LTBs and for those residual adverse effects it is proposed that further bat habitat restoration and enhancement measures in areas outside of the PSPA is required to generate a net gain outcome overall for LTBs.
157. The BCM indicated that in order to achieve a net gain target of 20% after 25 years, the following habitat restoration and enhancement activities would likely be required:<sup>78</sup>
- a. habitat restoration within PSPA open space areas (native revegetation, weed management and mammalian pest control within riparian pasture) of some 66 ha;

<sup>76</sup> Statement of Evidence of Gerry Kessels for Hamilton City Council, 2 September 2022, Attachment 1 – Technical Ecology Report, s.4.2.3.

<sup>77</sup> Statement of Evidence of Gerry Kessels for Hamilton City Council, 2 September 2022, Attachment 1 – Technical Ecology Report, Table 71

<sup>78</sup> Rebuttal Evidence of Dr Matthew Baber for Hamilton City Council, 22 September 2022, at [11] and [14(e)].

- b. habitat enhancement within PSPA open space areas (native enrichment planting, weed management and mammalian pest control within existing forested habitats – exotic and indigenous) equating to about 62 ha; and
  - c. habitat restoration outside of the PSPA within high value bat habitat known to support bat roosts comprising:
    - i. native revegetation, weed management and mammalian pest control within riparian pasture (equating to some 190 ha of habitat restoration); and/or
    - ii. mammalian pest control in perpetuity (equating to 700 ha of habitat enhancement), or
    - iii. a lesser combination of both.
158. It is further proposed to use the BCM to provide an automated and integrated approach for compensating adverse effects given the potential for many small developments having an unquantifiable cumulative effect on ecosystems.<sup>79</sup>
159. The Council has put forward assessment criteria (under P3 and P5 in 1.3.3) to enable consideration of habitat restoration and enhancement activities when development proposals are considered.
160. Council's closing legal submissions noted that any consent assessment would examine the extent to which the development would contribute to the ecological compensation outcomes identified.<sup>80</sup> We understand that this is intended to be achieved by using the BCM model to determine the quantum of each of the above habitat restoration and enhancement activities (summarised at para 157 (a), (b) and (c) above) that are required for a proposed development. Activities (a) and (b) would be required either to be provided prior to or be functioning adequately at the completion of the development. Activity (c) would be provided by way of a financial instrument (such as a development contribution or local government rate charge) dedicated for habitat restoration outside of the PSPA, to be delivered through policy and a management strategy which are yet to be formulated (Mr Sirl's and Mr Carstens' supplementary evidence provided some indicative policy and funding mechanism options in that regard).
161. The evidence of Dr Corkery considered that the proposed biodiversity management model did not:<sup>81</sup>
- ensure each of the first three steps in the effects management hierarchy would be exhausted sequentially;
  - adequately provide for losses to be offset; and
  - potentially provide adequate compensation to address residual effects.
162. Dr Corkery considered that the BCM outputs lack transparency and are difficult for other ecologists or decision makers to interpret. She was also concerned that the model's calculated gains could be highly sensitive to minor fluctuations in inputs. Dr Corkery concluded that the model assumptions need to be made more transparent and criticised some of the input quanta used in the BCM. She expressed the view that models that facilitate compensation over offsetting in the first instance, when limits to offsets have not

<sup>79</sup> Statement of Evidence of Dr Matthew Baber for Hamilton City Council, 2 September 2022, at [42].

<sup>80</sup> Closing legal submissions for Hamilton City Council, 4 September 2022, at [28].

<sup>81</sup> Statement of Evidence of Dr Isle Corkery for the Director-General of Conservation, 16 September 2022, at [4.4].

been reached, go against best practice effects management. Her concluding opinion was that it is possible and even likely that the BCM would facilitate biodiversity loss in the PSPA.<sup>82</sup>

#### **8.4.1 Findings**

163. We accept Dr Baber's evidence that all reasonably practicable measures to avoid adverse effects have been considered, and where avoidance is not practicable, will be appropriately mitigated.<sup>83</sup> We also accept Dr Baber's evidence that he considered offsetting, but had ruled it out for good reason based primarily on the lack of like for like measurability.<sup>84</sup>
164. We also accept the Council evidence regarding the appropriateness of using the BCM to address effects and which we discuss further in section 8.7 below.

#### **8.5 Monitoring**

165. Guidelines for pre-development bat monitoring, developed by the Council in 2020, constitute a starting point for a wider monitoring framework. However, it was agreed among the bat experts that monitoring for the area should also involve baseline studies at a landscape scale, and more detailed monitoring such as radio telemetry to ensure bat habitat enhancement and mitigation measures are effective in the long-term, and at that wider landscape scale. Monitoring should also be coordinated with on-going existing infrastructure projects, such as monitoring for Southern Links, subdivisions such as *Amberfield*, and the Hamilton city-wide annual monitoring programme.<sup>85</sup>
166. We acknowledge that wider monitoring is not something that can be provided entirely through the provisions of PC 5. However, site-specific monitoring and the provision of a Bat Management Plan will be required, for certain individual applications such as those requiring the removal of trees/vegetation of a specified size.
167. So that the issue is not lost sight of we have included a note in the implementation chapter - section 1.5.4(r) Other Methods / Collaboration and Partnerships – regarding the establishment of a co-ordinated city-wide Bat and Habitat Enhancement Panel to oversee related issues in the wider area.

#### **8.6 Policy and Management Strategy Options**

168. This matter was addressed in the supplementary evidence of Mr Sirl for the Council,<sup>86</sup> which is summarised in the following paragraphs.
169. To implement the wider habitat restoration and enhancement activities and monitoring required through the BCM, the Council will need to take steps in collaboration with other agencies to co-ordinate centralised monitoring and data collection, pest and predator control, habitat restoration and land acquisition, both within and outside of the PSPA.
170. These steps will require integration and co-ordination so that all of the actions are aligned with the overarching ecological compensation objective. Mr Sirl set out a 'blueprint' of what is possible, noting that the Council will be motivated to lead the implementation and

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<sup>82</sup> Statement of Evidence of Dr Isle Corkery for the Director-General of Conservation, 16 September 2022, at [12.8] to [12.14].

<sup>83</sup> Rebuttal Evidence of Dr Matthew Baber for Hamilton City Council, 22 September 2022, at [7].

<sup>84</sup> Ibid, at [9].

<sup>85</sup> Section 4.3 Long-tailed bat report June 2021.

<sup>86</sup> Supplementary Statement of Evidence of Jamie Sirl for Hamilton City Council, 11 October 2022.

management of the proposed biodiversity compensation given its statutory duties (discussed further below).

171. To guide the approach and ensure clarity of purpose, Mr Sirl suggested that the Council could first establish a policy on how to address the ecological compensation issues arising from the urbanisation of Peacocke. That policy would identify the intended outcomes, as summarised in the ecological compensation evidence for the Council in the PC 5 hearing. By establishing a policy of this nature, all actions could then be directed towards achieving the identified outcomes.
172. With the policy in place, Council staff could then establish a management plan or strategy setting out all of the actions needed to achieve the policy objectives. There would be obvious benefits in the Council seeking inputs from other agencies such as DOC, tangata whenua, Waikato Regional Council (“**WRC**”) and neighbouring territorial authorities on the management strategy. This consultation and feedback would inform the strategy.
173. The types of actions that Mr Sirl suggested the strategy might pursue included:
  - identifying potential sources of funding;
  - identifying actions to be taken in order to pursue land acquisition and ecological enhancement opportunities;
  - setting a framework for a pest and predator control programme;
  - identifying how the broader ‘landscape wide’ compensation integrates with pest and predator control, mitigation, offsetting and compensation sites;
  - establishing a Bat Ecology Panel or similar, comprising representatives from a range of agencies and ecologists to assist in the development of a habitat and corridor enhancement plan and to inform land use and subdivision consent processes; and
  - integrating the compensation outcomes delivered via resource and subdivision consents, with those achieved at a wider landscape scale.
174. In conclusion Mr Sirl reiterated that ultimately how the Council responds to the requirement for ecological compensation will be a matter for elected members, based on expert and staff advice. Nevertheless, he expressed confidence that his evidence presented a practical framework that could be implemented to good effect.
175. DOC was critical of the Council’s approach stating that it was too uncertain, the Council had failed to undertake a s.32 evaluation of funding sources and had not properly considered the limits on the use of development contributions.<sup>87</sup>

### **8.6.1 Findings**

176. We note that under s.31 of the RMA, the Council must control the effects of land use for the purpose of the maintenance of indigenous biological diversity. That function is not confined to being performed via the District Plan.
177. Under s.10 of the Local Government Act 2002, the Council’s purpose is to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. Its role is to give effect to this purpose in relation to its district. We accept Council’s closing legal submission that these statutory requirements hold the Council to account, ensuring that any remaining residual adverse effects arising from land use are addressed.

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<sup>87</sup> Memorandum of counsel for the Director-General of Conservation, 28 October 2022.

178. With respect to DOC's concerns about a failure to evaluate funding sources under s.32 and the limits on development contributions, we accept the submission made in the Council's closing legal submissions that:<sup>88</sup>
- a. The compensation programme referred to in the evidence of Mr Carstens sits outside the District Plan. It is therefore not directly subject to s.32.
  - b. Development Contributions address the effects of growth, where a territorial authority is required to create new or additional assets or assets of increased capacity as a consequence of that growth. Those assets include reserves and community infrastructure (including land acquired) and development assets on land for the purpose of providing public amenities. We see no reason why land purchased by the Council and developed as natural open space to provide bat habitat and ecological compensation would not satisfy that requirement.
  - c. For any other aspect of the compensation programme which cannot be considered capital expenditure, such as ongoing pest control, rating revenue will be an available source of funding.

## **8.7 Reliability of the BCM**

179. In this section we address the significant disagreement between the relevant experts on whether the BCM can accurately calculate the appropriate quantum of compensation.
180. We note Mr Kessels' explanation as to how the BCM allows for an approach where professional judgment on key matters such as existing habitat quality, potential degradation of habitat quality, and likely gains through restoration and habitation enhancement for fauna, over space and time are inputted into a model.
181. We accept Dr Baber's evidence that when biodiversity offsets cannot be established, the BCM is currently the most transparent and robust approach available, and his explanation as to why the BCM is preferred as the most reliable model available for PC 5.<sup>89</sup>
182. We also accept Mr Kessels' evidence that when dealing with complex spatial and temporal matters in terms of habitat loss and habitat gain, or uncertainty of successful outcomes, the BCM is preferable to other more subjective approaches, which, in his view, often resulted in ecologists applying multipliers through a 'horse-trading' approach, with no robust ecological process to account for the multiplier.<sup>90</sup> We were persuaded by Mr Kessels' explanation as to why, in his opinion, the BCM was superior to this 'horse trading' or multiplier approach. This was, in summary, because the BCM is:<sup>91</sup>
- a. transparent and repeatable regarding input and output metrics;
  - b. conservative to allow for uncertainty associated with the lack of quantitative data; and
  - c. capable of being applied instantly, which is critical to PC 5 and the consenting regime enabled thereunder.
183. We also accept Mr Kessels' evidence in rebuttal to Dr Corkery's criticisms of his assumptions related to the model, which explained the basis for his conclusion that habitat

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<sup>88</sup> Closing legal submissions for Hamilton City Council, 4 November 2022, at [48] to [51].

<sup>89</sup> Rebuttal Evidence of Dr Matthew Baber for Hamilton City Council, 22 September 2022, at [14] and [15].

<sup>90</sup> Rebuttal Evidence of Gerry Kessels for Hamilton City Council, 22 September 2022, at [24].

<sup>91</sup> Ibid, at [25].

creation will achieve a BCM value of 3 within 25 years.<sup>92</sup> We note these assumptions are based on Mr Kessels' considerable experience surveying bats throughout the Waikato.

184. We record that we prefer the evidence of Dr Baber and Mr Kessels to that of Dr Corkery with respect to the appropriateness and reliability of the BCM. The overall reasons for this are that we find that Dr Baber and Mr Kessels have adopted a practical and realistic approach to biodiversity management based on their considerable experience in designing, reviewing and implementing biodiversity effects management, including using models, for RMA consenting for a large range of projects. While we accept that, necessarily, all models have their limitations, and there will always be technical arguments around the margins, we find that the criticisms of the BCM model by Dr Corkery were satisfactorily addressed in the evidence of Dr Baber and Mr Kessels.
185. Dr Flynn, on behalf of Adare suggested an alternative approach to the BCM, which was that the contribution of each landowner should be calculated on a 'per area' basis as a proportion of the total cost of programme implementation, indexed to inflation, and allowing a contingency to cover cost variances over time.<sup>93</sup> Dr Flynn opined that while some residual risk is likely to remain, it may be appropriately dealt with through off-site compensatory measures, and that these values should be calculated and dealt with separately from the SBHAs.<sup>94</sup>
186. While initially attractive as a simpler option that potentially gives greater certainty to landowners, ultimately, we accept that this approach is not appropriate for the reasons set out in Mr Kessels' rebuttal evidence:<sup>95</sup>

*Her evidence provides no solution to how the quantum of residual adverse effects on bats and their habitats will be addressed with any sense of scientific robustness, repeatability or transparency across PC 5, nor does it address varying habitat bat usage of habitats or habitat attributes across the PSPA, and does not allow bespoke solutions or innovation by developers in terms of designing avoidance, remediation, or mitigation measures to reduce the extent of residual adverse effects on bat habitat before applying any type of 'horse-trading' agreement, multipliers or biodiversity accounting model.*

## 9 Local Centre

187. PC 5 proposes a 7.8 ha Peacocke Local Centre Zone ("LCZ"), with a commercial activity cap of 20,000m<sup>2</sup> Gross Floor Area ("GFA") and a supermarket cap of 4,500m<sup>2</sup> GFA (among other things), to the east of Peacockes Road. It was generally accepted that this amount of GFA would enable two supermarkets to establish should that prove viable.
188. Both the size of the centre and the respective development caps were justified in terms of the District Plan's retail centres hierarchy, which places the PC 5 development yield within that Plan's suburban centre spectrum (local centre being the equivalent nomenclature required under the National Planning Standards).
189. Those matters were not materially in dispute between the main protagonists in this matter – being Council, Adare and Woolworths. In passing, we note that Kāinga Ora had withdrawn its submission challenging the status of the LCZ.<sup>96</sup>
190. At issue was whether the land owned by Woolworths on the western side of the Peacockes / Whatukooruru Road intersection, directly opposite the proposed LCZ to the

<sup>92</sup> Rebuttal Evidence of Gerry Kessels for Hamilton City Council, 22 September 2022, at [27].

<sup>93</sup> Statement of Evidence of Dr Sarah Flynn for the Adare Company Limited, 16 September 2022, at [29].

<sup>94</sup> Ibid, at [31].

<sup>95</sup> Rebuttal Evidence of Gerry Kessels for Hamilton City Council, 22 September 2022, at [24].

<sup>96</sup> Statement of evidence of Susannah Tait for Kāinga Ora, 16 September 2022, at [47] to [49].



east and the Ministry of Education's proposed school site to the north, should be included in the LCZ (as it is in the operative Peacocke Structure Plan that PC 5 seeks to replace).

191. That latter point, i.e., the fact that the Woolworths site is currently zoned as "suburban centre", the zone equivalent to the proposed LCZ, in the operative Peacocke Structure Plan, was strongly emphasised by Woolworths and, we were told, was a prime factor in its decision to purchase the site.<sup>97</sup>
192. Council and Adare's basic position was that the area identified as LCZ in PC 5 can accommodate 2 supermarkets within the GFA capped size, in addition to other retail, commercial and community offers, all of which should be sited to the east of Peacockes Road in order to anchor and support the conceptual main street development and concentrate carparking accordingly. The expert evidence of messrs Akehurst, Anderson and Bowker (retail and development economics), Munro and Bredemeijer (urban design), Sirl and Collins (planning), and Graham (landscape and visual) supported that position.
193. The transportation experts for Council, Adare and Woolworths (messrs Black, Penny and McKenzie) seemed less concerned with that issue. They agreed that pedestrian-friendly solutions needed to be available across the Peacockes / Whatukooruru intersection in any event to service the eventual school and any development on the Woolworths site – whether that be the medium density dwellings currently proposed by PC 5 or the supermarket alternative. They noted that this would, of necessity, be a low-speed environment. Indeed Mr Black noted:<sup>98</sup>

*Based on discussions with HCC staff directly involved in the project I understand that the Whatukooruru Drive/Peacockes Road intersection was designed to facilitate safe pedestrian and cycle movements based on land uses including a Local Centre on the eastern side of Peacockes Road and a school and high density residential on the western side. They understood there was the potential for the residential activity to be replaced by a supermarket.*

*In my opinion the planned works will provide a slow speed environment that provides multiple opportunities for pedestrians and cyclists to safely cross Peacockes Road.*

194. Mr Black also noted that providing access to and egress from a supermarket adjoining Peacockes Road would pose its own traffic issues in relation to pedestrian and cycling activities.
195. However, and as noted by the Council's witnesses, even Mr Bredemeijer's helpful urban concept plans which demonstrated a number of options for supermarket locations within the PC 5 proposed LCZ location, were nothing more than concepts. The precise arrangement of uses, activities and access, remains for future determination through resource consent processes if and once PC 5 is approved. The structure plan is the framework, not the detail.
196. We discuss the four substantive issues raised by this disagreement next.

## **9.1 Supermarket Operating Requirements**

197. For Woolworths, Mr Shao, its development manager, gave evidence on the key factors underlying its decision to purchase the present site - finalised in November 2021.<sup>99</sup> Those factors included accessibility and visibility, appropriate zoning, freedom from physical

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<sup>97</sup> Legal submissions for Woolworths New Zealand Ltd, 23 September 2022, at [3.1].

<sup>98</sup> Rebuttal statement of evidence of Alastair Black for Hamilton City Council, 22 September 2022, at [32] to [33].

<sup>99</sup> Statement of evidence of Daniel Shao for Woolworths New Zealand Ltd, 16 September 2022, sections 2 to 5.

development constraints, and land acquisition timing relative to commercial feasibility. It was Mr Shao's evidence that not only did the existing site satisfy those requirements fully, the options to the east of Peacockes Road patently did not and would present undesirable issues in terms of site establishment, development and layout. He noted that Woolworths had completed nine new or replacement supermarkets across New Zealand in the previous 18 months. This experience meant that, unlike witnesses who opposed the Woolworths' site location proposal, Woolworths better understands what makes an appropriate supermarket site for operational purposes. Mr Shao foresaw significant operational difficulties with the concept layouts provided through the expert conferencing – but did not elaborate on how Woolworths might be accommodated should the decision not favour the outcome it sought.

198. Mr Shao did not agree that the intersection constituted a barrier to movement across to the main street core and proposed surrounding commercial retail. He also noted the benefit of having car parking spread to reduce congestion in the core and to provide waiting areas for caregivers dropping off or collecting students from the proposed adjacent school.
199. Neither Council nor Adare provided operational supermarket evidence. As noted, their evidence tended to rely upon planning / urban design arguments.

## **9.2 Contextual Relationships and Urban Design**

200. In essence the urban design disagreement reduces to the question as to whether an anchor supermarket was more likely than not to facilitate development of the main street if located on the east of Peacockes Road (Munro and Bredemeijer) than it would if located to the west (Knott and Sofo) – all else being equal (i.e., overall size of LCZ and the various retail / supermarket caps proposed). The respective planning witness tended to support their respective client's urban design witnesses.
201. Critical to that argument is the role played by the Whatukooruru Drive / Peacockes Road (both minor arterials) intersection.
202. The proposed context for the PC 5 LCZ is that it would be surrounded on the eastern side of Peacockes Road by medium density residential dwellings and a public transport terminus north of the main street on Peacockes Road; a primary school on the northwestern corner of Whatukooruru Drive and Peacockes Road; and medium density residential dwellings on the southwestern corner of Whatukooruru Drive and Peacockes Road.
203. In the Woolworths' alternative, its supermarket with strip retail along Peacockes Road would occupy the southwestern corner in place of the residential dwellings. A walking distance (if leaving the car parked) from a point in the approximate centre of an imagined car park on the Woolworths' site to the main street would be in the order of 150 - 175m.
204. The public transport "terminus" is proposed to be on the eastern side of Peacockes Road north of the intersection. School students arriving by public transport will need to cross at the intersection in either alternative.

## **9.3 Intersection Pedestrian Safety**

205. While the urban design and planning witnesses opposing Woolworths' position expressed concerns about pedestrian safety and the psychological barrier of Peacockes Road and the intersection, we find that to be over-stated. We agree with the transport experts that, as a minor arterial, safety and pedestrian-friendliness ought to be able to be designed into

the intersection. As already noted, with a school, the current proposal for medium density dwellings around the intersection, and the bus terminus on the eastern side of Peacockes Road, pedestrian-friendly and safe measures must be implemented in any event.

206. The “barrier” issue is therefore more likely to be a distance rather than a safety or inconvenience matter – if at all.

## **9.4 Options for Sizing**

207. By the end of the hearing there seemed to be a developing acceptance (but by no means agreement) that a LCZ of the size proposed (7.8ha) was more than sufficient for the foreseeable scale of development that would be enabled by PC 5 and in keeping with the retail hierarchy.
208. We agree that adding the Woolworths site of 1.7 ha to the proposed 7.8 ha certainly challenges both the hierarchy and the short to medium term prospect of achieving an overall coherent urban local centre form – not impossible, certainly, but more difficult. As such we would need a much finer grained sub-structure LCZ plan to be confident that it would not have that effect.
209. In our view, simply adding that area by extension to the notified LCZ is not therefore an option at this point.
210. The question, then, for the Woolworths’ alternative, is whether the Panel has sufficient evidence to justify moving the entire 7.8 ha locus of the LCZ westward – and what to zone the erstwhile “vacated” far eastern edge of the notified LCZ.
211. Put simply, we do not have either the analysis or evidence to justify (in a s.32 RMA sense) that option.

### **9.4.1 Findings**

212. We find that the 7.8 ha size is appropriate for the LCZ and that extending the size by 1.7 ha to include the Woolworths’ site is not justified in terms of the overall architecture of the Operative District Plan and its retail centres hierarchy.
213. We agree with Woolworths that the locational counter-argument has been over-emphasised. While it is obvious that locating all relevant activities in the same general “uninterrupted” area makes spatial sense, we find that having a minor arterial road with a sympathetically designed intersection is not the obstacle that would necessarily prevent the development of a successful and vibrant local centre.
214. In that regard we again note that this is a plan change, the downstream implementation of which will involve multiple resource consents and development plans – including, undoubtedly, further plan changes until Peacocke is completely realised. The components of the local centre similarly will ebb and flow as occupancy of the Peacocke Structure Plan Area fills up. It will not be built in a day.
215. Therefore, while the Panel is sympathetic to Woolworths case, it is unable to reach a favourable decision on that point based on the evidence before it. For the moment, at least, the position and extent of the LCZ is to remain unchanged from that notified.

## 10 Transportation

216. In this section we outline the key transportation and design principles for PC 5, the current and proposed roading network, and public transport matters before turning to discuss the principal transportation issues in contention.

### 10.1 Key Principles

217. The Integrated Transport Assessment prepared by Gray Matter<sup>100</sup> identifies the Peacocke area as being 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. With respect to transport this means providing 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 is intended to be constructed to meet best practice principles related to safety, coherence, directness, attractiveness and amenity, which will assist in encouraging mode shift, in particular for shorter trips of less than 3km.
218. Key transport features that distinguish PC 5 from the current Operative District Plan provisions are:
- a. wider footpaths on local corridors;
  - b. separated cycle lanes on the collector network;
  - c. identification of public transport routes so that infrastructure can be provided at the time of subdivision;
  - d. bus stops to be provided in-lane to minimise delays to the public transport services; and
  - e. increased use of rear lanes for property access.
219. The Peacocke Structure Plan is proposed to enable a highly walkable and cyclable environment. This aligns with broader objectives found in Access Hamilton and Waka Kotahi's Regional Mode Shift Plan. These plans seek to increase the number of trips taken by walking, bike, other micro-modes (i.e., e-scooters) or public transport to 29% of all trips by 2028. Objectives relating to short trips, i.e., those less than 2 km, are more ambitious, seeking up to 50% of all trips to be undertaken by foot.
220. The Regional Mode Shift Plan in particular, identifies the need to invest in high quality and inclusive infrastructure that is suitable for use by all ages and builds a network of safe routes. This highlights one of the key barriers to increasing the number of active mode trips, particularly by bike - safety. This has been identified as a key barrier to cycling, particularly for children moving to and from school and for those with less experience or confidence on the road.
221. In order to meet the mode shift targets and overcome the barriers to walking and cycling, the active mode network should be designed to maximise the user's experience, providing a safe, pleasant journey for active mode users, prioritising the movements of active mode users throughout the structure plan area. This includes modifying the typical roading cross section to better cater for pedestrians and people on bikes, creating low-speed, safe

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<sup>100</sup> PC 5 Assessment of Environmental Effects July 2022, Appendix P Integrated Transport Assessment, Gray Matter, 3 August 2021.

environments.

222. PC 5 identifies the high-level network of arterial and collector corridors that will function as the key movement routes for cyclists, providing separated cycleways - i.e., cycleways that are physically separated from the vehicle carriageway. These will be supported by a range of walking and cycling paths that use the edges of the gully network. Due to restrictions on lighting within these areas and related safety issues, these paths are complementary to, but not a replacement for, the separated cycleways, particularly during winter months with reduced daylight.
223. Local roads are to be low-speed environments, with a design speed of 30km/hour. This enables the use of techniques such as narrower lanes and street trees to create the perception of a narrower carriageway by creating vertical friction. This low speed allows cyclists to share the lane with vehicles and allows pedestrians to move across the road corridor safely. Parking bays are to be recessed and alternated with street trees, planting and stormwater treatment devices.
224. Appropriate speeds, limiting conflict points, and use of appropriate geometry in developing streets are all proven to provide safe urban streets. By adopting international best practice and taking an integrated and holistic approach to safety, risk of injury and death will be minimised, and vibrancy of the streets will be supported.
225. All transport networks shown on the Peacocke Structure Plan are considered to be key linkages and future developments must show how these connections are to be provided and how future integration is to be ensured with surrounding land parcels. The layout of the transport network is however indicative and not intended to show exact alignments. Collector roads and key local roads in particular are shown conceptually to demonstrate the need for linkages within and between different residential neighbourhoods. Their precise alignment will be largely determined as individual subdivisions are progressed. The transport network will be staged as development progresses within the PSPA.

## 10.2 Rooding Network

226. The following is a summary of the proposed rooding network based on the description and comments on implementation of the road network provided in the Assessment of Effects prepared to support PC 5.
227. The local road network is anticipated to have low traffic volumes, as well as travel speeds of 10 to 30 km/h. They are largely residential streets with occasional commercial uses. These streets will have friction (trees, green infrastructure, parking, etc.) on either side of the street to slow speeds and allow for a mix of traffic and cycling. Local streets are some of the most important street types, as this is where people live and play. Walking and cycling will be prioritised as the fundamental units of movement within the local road network by designing low traffic streets. The needs of a wide variety of people throughout their lifetime should be considered during the design of these streets (Universal Access provisions).
228. The collector network serves to connect local neighbourhoods together as well as linking neighbourhoods to key destinations and to the wider arterial rooding network. Some flexibility is anticipated in the alignment of the collector streets network shown on the structure plan, however as the collector roads play a key role in providing for public transport services as well as being part of a wider walking and cycling network, the ability to provide a direct and efficient connection between nodes will be an important design element when considering the collector road alignment. Cycling and walking facilities

within the collector corridor will be separated to ensure a safe and efficient pedestrian and cycling network that promotes active modes of transport.

229. The minor arterial network is characterised by high traffic volumes, with some limited destination types such as offices, shops and residences. Large volumes of mixed traffic are anticipated on these routes, including frequent public transport services. Public transport should be given priority. Safety of vulnerable users moving along and across the road should be ensured. Due to the high volumes of traffic on this network a separated cycling network will be provided along with pedestrian facilities.
230. The minor arterial transport joins the neighbourhoods within Peacocke to the local centre as well as key areas outside of Peacocke.
231. The arterial transport network (Southern Links) was established through a designation process confirmed in 2016. While it connects Peacocke to key destinations outside of Peacocke such as the central city, hospital, university and employment area, it is also part of a wider regional transport network that connects Hamilton to areas in the south such as the airport and Te Awamutu. The north-south major arterial route, which traverses through the central portion of Peacocke and links with Cobham Drive at the Cobham Bridge, will provide a direct route to the central city and hospital. This route is identified as a possible mass transit route in the future.
232. The Eastern Link major arterial route which branches from the north-south route and crosses the Waikato River near Echo Bank Place linking with Cobham Drive and Wairere Drive, provides a direct route to the eastern side of the city.
233. These are shown on the Appendix 2: Structure Plans - Transport Network plan contained within the provisions.
234. The current transport provisions of the Operative District Plan support the strategic framework, but PC 5 seeks to go further through adding objectives and policies that seek closer integration of land use and transport with a focus on higher density development near key transport corridors and activity nodes along with prioritising pedestrians and cyclists over vehicles. The policy framework provides supporting detail including requirements for the transport network to provide for public transport services and infrastructure, separation of cyclists from vehicles on the collector network, and providing a continuous and safe walking and cycling network.
235. In summary, PC 5 is well aligned with the national, regional and local strategic transport frameworks. These frameworks seek improvement access for all users, provide safe transport networks, provide for economic growth and environmental sustainability / climate change.

#### **10.2.1 Ohaupo Road / Hall Road intersection**

236. Hall Road is currently a local no-exit road that forms a T-intersection with Ohaupo Road (SH3). SH3 is a Limited Access Road, meaning that any vehicle crossings or intersections to SH3 need to be authorised by Waka Kotahi.
237. The Operative District Plan shows Hall Road as a local corridor. The operative Peacocke Structure Plan identifies Hall Road as a collector with no direct connection to SH3, but connections to Whatukooruru Drive through Stage 1B, and to and across the north-south arterial.

238. With an increase in traffic from development on Hall Road, there is a significant risk of an increase in crashes and delays at the intersection. Due to the topography, there are no practicable options to safely provide for more intensive use of the intersection. Therefore, development on Hall Road will need to either be delayed until other internal connections are provided, or alternative access is provided.<sup>101</sup>
239. The notified Structure Plan sought that the existing Ohaupo Road/Hall Road intersection be closed due to existing safety concerns and this connection be relocated to a more suitable location south of the existing intersection and indicated as a collector. At caucusing the transport experts agreed that Hall Road should be closed for traffic reasons.<sup>102</sup>

### 10.2.2 Public Transport

240. The development of a conceptual public transport network by WRC based on the operative Peacocke Structure Plan's indicative land use and transport network as well as the following design principles:<sup>103</sup>
- a. Ensure the local road network supports fast and direct public transport routes that connect to activity centres including retail, employment and school activities. Deviations or indirect routes should be avoided where possible.
  - b. Ensure a connected local road network that maximises the number of people within 400m of a potential bus stop.
  - c. Minimise road connections across the green network.
  - d. Ensure road connections for a major school assumed to be located at northern end of Peacockes Road (north of Peacockes Lane intersection).
  - e. Assume that the Ring Road Extension planned for 2023 and the North/South Arterial planned for 2035+ will be limited access and therefore not suitable for bus stops or for passengers to access public transport services.
  - f. Assume that the East-West Arterial planned for 2025/26 will support significant development along its length and will be well integrated into the local road network.
241. Delivering a public transport network involves providing the most appropriate transport solution for the future Peacocke community while ensuring that all services are connected to create an integrated network for the region. The following service layers are identified in the Peacocke public transport network:
- a. Mass transit: High capacity, high quality mass transit services on core corridors with high quality infrastructure, limited stops and dedicated right-of-way.
  - b. Frequent: High capacity, high quality and direct services on core corridors with high quality infrastructure and extensive priority measures.
  - c. Connector: Regular, high quality and direct services connecting key destinations and residential areas with high quality infrastructure and targeted priority measures.
  - d. Coverage: Basic level of service that maximises coverage and

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<sup>101</sup> PC5 Assessment of Environmental Effects July 2022, Appendix P Integrated Transport Assessment, at [5.3].

<sup>102</sup> Joint Witness Statement, Planning and Transport (1), 19 August 2022, at [3.1].

<sup>103</sup> PC 5 Assessment of Environmental Effects July 2022, Appendices U & V.

accessibility with high quality stops and shelters.

- e. Targeted: Range of targeted services including school transport, public ride-share, community transport, special events and total mobility services.
242. The proposed network structure provides a “blueprint” for public transport based on Peacocke being fully developed. The proposed network structure includes the following key features:
- a. Core network of frequent services connecting major population and activity centres with high capacity, high quality and direct services.
  - b. Supporting network of Connector services connecting key destinations and residential areas with high quality and direct services.

### **10.3 Principal Transportation Issues**

243. As an initial comment we note that there were a large number of submitters on this topic, with all submissions and Council staff responses listed in Appendix A of the s.42A report. A number of submitters’ concerns and requests were addressed following expert conferencing and the provision of the following joint witness statements (“JWS”):
- a. JWS Planning and Transport (1) 19 August 2022.
  - b. JWS Planning and Transport (2) 23 August 2022.
  - c. JWS Transport (3) 3 October 2022.
244. Other concerns and requests in submissions have been responded to by the Council through proposed revisions, additions to and/or clarification of the PC 5 provisions.
245. We discuss the submissions together with the Council recommendations and our findings under a number of topic headings in the following sections. This discussion includes only the submissions in which the specific relief sought by the submitter has not been included in the PC 5 provisions approved by us, or where it is considered useful or necessary to include responses in addition to those in Appendix A of the s.42A report.

#### **10.3.1 Closure of Hall Road and the Indicative Location of a Future Collector Network Connection with Ohaupo Road (State Highway 3)**

246. Figures within Appendix 2 Structure Plans indicate the intention to:
- a. close the Hall Road / State Highway 3 intersection to address existing safety and visibility issues;
  - b. partially close portions of Hall Road;
  - c. provide a replacement collector and local road network (indicatively shown); and
  - d. provide a future collector corridor intersection further to the south.
247. The above are subject to future statutory and funding processes and are indicative only. As described within expert conferencing on this topic, the closure of the Hall Road / State Highway 3 intersection can only occur following a replacement collector road alignment being constructed, as otherwise no property access to a public road is available for existing Hall Road properties. Once a replacement collector corridor and property access arrangement is in place, then Council can proceed through the road stopping and closing process pursuant to the Local Government Act 1974.



248. Waka Kotahi sought that reference to upgrade the Hall Road / SH3 intersection is removed from Stages D and E within the tables titled 'Strategic Infrastructure Required'. Other submitters sought that the connection showing the relocated Hall Road intersecting with Ohaupo Road be removed from the Transport Network Plan, supported closure of the current Hall Road intersection but sought that the new intersection be located south of the reservoir.
249. Eventually, state highway status for Ohaupo Road will be revoked and it will revert to local road. Until then we were advised that, depending on the level and nature of traffic on Ohaupo Road, it may not be desirable to create a new intersection.
250. In response to the issues raised by Waka Kotahi, Mr Black proposed the following changes to the PC5 provisions:<sup>104</sup>
- a. the Peacocke Infrastructure and Staging Table (Chapter 3A) be amended so that Stages D and E refer to closure of the Hall Road / SH3 intersection, not upgrading;
  - b. an additional footnote be added to the Peacocke Infrastructure and Staging Table (Chapter 3A) stating that '*New or altered intersections on the state highway network require the approval of Waka Kotahi*';
  - c. the Transport Network text (Chapter 3A) be amended to include the following text:  
  
*Collector and key local networks are shown conceptually to provide key linkages and ensure integration between land parcels and different residential developments. New or altered intersections on the state highway network require the approval of Waka Kotahi.*
251. In response to the other (non-Waka Kotahi) submissions on this matter Mr Black advised as follows:<sup>105</sup>
- a. The proposed relocation of the existing intersection is considered necessary. The District Plan and structure plan provide sufficient flexibility so that the intersection form and transport corridor alignment can be determined at the time of subdivision.
  - b. Relocating the Hall Road intersection further south is not favoured as it does not allow for integration with the Houchens Structure Plan and results in poor sight distance for the Peacocke connection.

#### **10.3.1.1 Findings**

252. We accept the Council's evidence and find that submitter concerns have been adequately addressed by way of changes to the provisions (where appropriate) or explanation of the reason for retaining the relevant provisions.

#### **10.3.2 Extent and Alignment of Collector and Local Roads**

253. In respect of the transport networks shown in PC 5 Appendix 2, the expert transport conferencing discussed the wording 'proposed' versus 'indicative', the ability to graphically

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<sup>104</sup> Statement of Evidence of Alastair Black for Hamilton City Council, 2 September 2022, Attachment 1 Review of Transport Submissions Report, at [5.8.3].

<sup>105</sup> Statement of Evidence of Alistair Black for Hamilton City Council, 2 September 2022, Attachment 1 Review of Transport Submissions, Gray Matter 31 August 2022, at [5.8.2].

display the level of flexibility of transport corridors required, and the merits of some specific corridor changes sought by the parties.

254. The substitution to “indicative” was agreed.<sup>106</sup> The Council’s position remained that the structure plan figures are appropriate and that the Chapter 3A commentary is sufficient (with some recommended amendments) to accompany the transport corridors shown on the structure plan figures and to convey the level of flexibility required while clearly indicating their general location.

#### **10.3.2.1 Findings**

255. We agree and adopt the indicative notation and find that the submitter concerns and requests are adequately addressed by the Council by way of changes to the provisions or explanation of the reason for the relevant provisions.

#### **10.3.3 Cross Sections of Collector and Local Roads**

256. There was considerable discussion of this issue through expert conferencing and changes to provisions were agreed as a result. There remained only two apparently unresolved concerns of submitters:

- a. A request by one submitter for the reduction of collector local road carriageway widths - which were of a minor quantum. Mr Black recommended no change to those shown in Table 15.6b noting that new transport corridors are a restricted discretionary activity and assessment criteria provide guidance that allows a range of cross sections to be considered.<sup>107</sup>
- b. A request by two submitters that the service berm width be reduced to 1.5 m to be consistent with the provisions for minor arterial and local roads, and to minimise the total road corridor width. Mr Black recommended retaining the Operative District Plan’s standard 2 m wide service berm.<sup>108</sup>

#### **10.3.3.1 Findings**

257. We are mindful that having different standards for essentially the same matters in district plans can cause unnecessary confusion. We agree with Mr Black that, in light of the flexibility of the restricted discretionary activity status and the indicative cross section dimensions provided, there is no good reason for departing from the District Plan’s standard for PC 5.

#### **10.3.4 On-street Car Parking Requirements Along Minor Arterial Roads and Collector Roads**

258. At the Planning and Transport expert conferencing session of 23 August 2022 Sarah Loynes of Waka Kotahi considered that the presumption of on-street parking conflicts with the aim of PC 5 for active mode shift. She sought deletion of specific car parking from Table 15.6b and cross section drawings and that the provision of on-street car parking be left as a matter to be addressed at the time of subdivision.
259. Adare’s submission 53.98(5) noted that provision of on-street car parking along Minor Arterial Roads, such as Peacockes Road, is very important to ensure that medium and high density residential uses, as well as other planned uses such as the Local Centre,

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<sup>106</sup> JWS Planning and Transport (1), 19 August 2022, at [3.1].

<sup>107</sup> Statement of Evidence of Alastair Black for Hamilton City Council, 2 September 2022, at [53].

<sup>108</sup> JWS Transport (3), 3 October 2022, at [3.6].

Neighbourhood Centres and schools, are accessible to residents and visitors and that the centres are commercially viable.

260. We note that Waka Kotahi did not provide any expert evidence or appear at the hearing so we could not question them on this matter.
261. The Council has proposed amending NCZ-PREC1-PSP: P5 to read: “4) Minimise off street parking along the street frontage.” It also advised that provision of on-street parking should be subject to specific design considering the adjacent land use.<sup>109</sup>

#### **10.3.4.1 Findings**

262. We find that the Council response addresses this matter and agree that the provision for on-street parking should be determined through the resource consent process in light of the directions provided through PC 5.

#### **10.3.5 Bicycle Paths and Parking**

263. Bike Waikato made a number of submissions seeking more specific provisions supporting bicycle paths and parking. Council’s response was to the effect that many such matters would either be the subject of resource consent considerations or will be addressed city-wide in plan changes (e.g. PC12) currently notified.

#### **10.3.5.1 Findings**

264. While we agree that Bike Waikato’s submissions accord with the active mode orientation of PC 5, we find that the Council response to the submitter’s requests are appropriate – and best left to other plan changes which are currently being progressed and which address the issue on a city-wide basis.

#### **10.3.6 Location of Public Transport Hub and Stops**

265. The WRC submission 36.75 sought that additional bus stops at several locations be shown on the Transport Network plan.
266. The experts participating in the expert conferencing, including Mr Carnell for WRC agreed that assessment criteria are the appropriate approach to address the provision of public infrastructure.<sup>110</sup> This has been included in assessment criteria P4 (b) which includes the criterion “*The extent to which the streetscape and road corridors have been designed to integrate with public transport.*”

#### **10.3.6.1 Findings**

267. We accept the outcome of the JWS Transport and Planning,<sup>111</sup> that the location of public transport facilities is best addressed, at this point, through an assessment criterion.

### **11 Three Waters Infrastructure**

268. The proposed three waters (wastewater, water supply and stormwater) strategic infrastructure and proposed staging requirements are set out in the Assessment of Environmental Effects.<sup>112</sup>

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<sup>109</sup> Section 42A Report Appendix A, Response to submission 5.38.

<sup>110</sup> Joint Witness Statement for Planning & Transport, 19 August 2022, at [3.2].

<sup>111</sup> Ibid.

<sup>112</sup> Plan Change 5 Assessment of Environmental Effects, at [2.3].

269. Wastewater servicing for PC 5 will require the construction of a number of mains extensions, a transfer main to the far eastern interceptor, and a number of new pump stations and connecting and distribution mains.
270. A staging programme has been developed to ensure urbanisation does not occur out of sequence with water and wastewater infrastructure - shown in Table 3A of the provisions.
271. Stormwater management for PC 5 will principally be through a number of sub-catchment stormwater management devices to be designed in accordance with the requirements and guidance of an Integrated Catchment Management Plan.
272. The draft Managakootukutuku Integrated Catchment Management Plan (“**ICMP**”) was developed in parallel with this plan change and is part of the wider Peacocke development programme. This ICMP addresses wastewater, water supply and stormwater and was, at the end of the hearing, still with Waikato Regional Council for approval.<sup>113</sup>
273. A network of stormwater treatment devices is identified in the ICMP with indicative locations of centralised stormwater treatment wetlands shown on the Appendix 2 Structure Plan figures. The increased density proposed by the plan change has been allowed for in the ICMP by ensuring stormwater device footprints are sized to manage the flows that would result from 80% imperviousness.<sup>114</sup>
274. The draft ICMP provides clear direction on how three waters infrastructure should be developed and managed. The outcomes of the ICMP are strongly aligned with PC 5 as both seek to ensure improved environmental outcomes through future development.<sup>115</sup>
275. As PC 5 relies on the ICMP (once approved) to inform developers and Council about the future requirements for three waters infrastructure in the PSPA, no further amendments are proposed to the provisions in the Operative District Plan chapter 25.13 - which require development to be carried out in accordance with an ICMP. Using this approach, any actual or potential effects of development on the three waters network can be managed through the resource consent process.<sup>116</sup>
276. It was anticipated that the ICMP will be certified during the latter part of 2022 / early 2023 and operate as the key response to the NPSFW.<sup>117</sup>

## 11.1 Principal Stormwater Issues

277. Submissions on water supply and wastewater were addressed in Appendix A of the s.42A Report.
278. The submissions on stormwater wetlands can be divided into two categories:
  - a. minor wording changes to policies or objectives; and
  - b. requests to move or remove entirely indicated proposed wetland locations.
279. The intent of the first category has generally been supported by the Council staff as submissions have generally sought to strengthen biodiversity and stream restoration outcomes, which aligns with the objectives being sought in the Mangakootukutuku ICMP.

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<sup>113</sup> Ibid at [4.7.1].

<sup>114</sup> Ibid at [4.7.1].

<sup>115</sup> Ibid at [4.7.1].

<sup>116</sup> Ibid, at [4.7.1].

<sup>117</sup> Section 42A Report at [4.14].

280. The bulk of the second category of submissions were in opposition to the location and size of proposed stormwater wetlands identified on submitter properties. In some cases, submitters disputed the locational need for a stormwater wetland, while other submitters agreed one was needed, but opposed the exact location and size.
281. The s.42A report addressed both the need for and location of stormwater wetlands.
282. It noted that the locations, position and size of proposed stormwater wetlands identified on the structure plan maps are indicative only. The purpose behind including these was to clearly signal to the plan user that a stormwater wetland would be required in the area to manage stormwater within an ICMP sub-catchment. This was to manage expectations on the developability of land and avoid ambiguity at the time of development on the need for stormwater management in the area, including the likely extent of land required (although the extent of land will be subject to a future detailed design process). We were told that the intended process is that, at the time of resource consent, the applicant can, if desired, propose an alternative location within their property that would be better suited for the stormwater wetland as a result of proposed earthworks and changing topography from development, or from their design aspirations for their site. The size of the proposed wetland is also negotiable as long as the applicant can provide stormwater treatment and attenuation requirements in accordance with the ICMP.
283. It was questioned whether these stormwater wetlands should be deleted from the maps, and simply raised at the time of resource consent. We were informed that the Council did not support this option because it considered their inclusion as more usefully informative to set expectations for the plan user and landowner (including any future landowner).
284. Following expert conferencing on this topic and completion of analysis in response to the various stormwater-related submission points, various changes were recommended by the Council to a number of objectives, policies and rule provisions to further clarify the indicative nature of the features maps - adding the word 'generally' when seeking plans and development to be consistent with the Peacocke Structure Plan, and using 'indicative' rather than 'proposed' within the legend for the Land Use map of Appendix 2.
285. We were also told that the PC 5 stormwater catchment requirements had been substantially revised in accordance with the outcome objectives of the Mangakootukutuku ICMP.
286. These changes provide the landowners with some flexibility in exact positioning and sizing of the stormwater wetlands identified on their sites, while still communicating the general locational need for these devices.

## **11.2 Findings**

287. Whilst submitters may consider that these stormwater wetlands represent and potentially sterilise a large portion of valuable developable land, the inclusion of these wetland areas represents critical infrastructure. Not including those matters now would likely lead to unnecessary disputes in the future. We consider the indicative nature of the notations appropriately signals the need for the infrastructure and provides an opportunity for review on a site-by-site basis.
288. Overall, we find that the proposed plan provisions for three waters, including the provision of an ICMP and indicative stormwater wetland locations and sizes, is appropriate – and note that required infrastructure such as this is also a key underpinning of the NPSUD.

## 12 Neighbourhood Parks

289. PC 5 notes that neighbourhood parks provide a range of informal recreation opportunities, including children's play areas. These parks are intended to complement the range of facilities provided by the sports park and provide a smaller scale focal point for the local neighbourhoods. Such parks are particularly important as dwelling densities increase with reduced capacity for on-site open space amenity. Neighbourhood parks are intended to serve a catchment area within a radius of approximately 500m. In order to provide appropriate levels of accessibility and an even distribution of recreational facilities, PC 5 requires that each neighbourhood should be provided with a park between 5,000m<sup>2</sup> and 8,000m<sup>2</sup> in size.
290. PC 5 identifies indicative locations for neighbourhood parks to service the surrounding communities. Where possible, identified neighbourhood parks incorporate existing natural features and are sited in prominent locations where there is potential for passive surveillance, outlook, and a high degree of accessibility. They may also act as a transition area between different land use activities. The precise location and dimensions of neighbourhood parks will be determined in consultation with landowners at the time of subdivision, taking into account the specified criteria and the local road layout.
291. A number of submitters raised concerns with, or opposed, having a neighbourhood park indicated / located on their property. The common reason given for opposing a neighbourhood park was that there were other existing or proposed neighbourhood parks or open spaces in close vicinity and more parks were not needed.
292. The s.42A Report advised that each of these submitter concerns was discussed with Council's Parks and Open Space Planner and were individually considered in terms of the following radius rule:
- SUB-PREC1-PSP: R22 Neighbourhood Parks;*  
(1) ...  
(2) *Neighbourhood parks shall be located so that no residential dwelling is more than 500m from a neighbourhood park.*  
...
293. In each of the locations of concern identified in the submissions, the Council confirmed that a neighbourhood park was required in that approximate location to meet the 500m criterion set out both in the Operative District Plan and Council's Open Space Provision Policy (2018).
294. Submitters were advised by Council staff that the neighbourhood park notations on the structure plan figures are indicative and can be moved to provide for optimal design outcomes at the time of subdivision provided that does not compromise the functionality or availability of the neighbourhood park. For that reason all submissions opposing the location of Neighbourhood Parks were rejected or accepted in part in Appendix A of the s.42A report.
295. The neighbourhood park provisions were also discussed in expert conferencing. The JWS Planning (2)<sup>118</sup> recommended the deletion of the above R22 rule provision and its replacement with a new assessment matter (Appendix 1, 1.3.3 P5) that reflects its requirement (and is more consistent with the ODP) as follows:

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<sup>118</sup> JWS Planning (2) 26 August 2022, Attachment A.

*The extent to which the subdivision provides for the vesting of Neighbourhood Parks in locations which are generally consistent with the Peacocke Structure Plan – Figure 2-1. Neighbourhood Parks should generally be approximately 5000 m<sup>2</sup> in area; have at least 50% of the total neighbourhood park boundary to a transport corridor frontage (unless adjacent to land within the Significant Bat Habitat Area); on land that is generally flat and able to accommodate a 30m x 30m area.*

## 12.1 Findings

296. We find that the Council's approach, as set out in the s.42A Report, is consistent with best practice and agree that the proposed revised assessment criterion is more appropriate than the notified rule – and adopt that accordingly.

## 13 Seismic Investigation Area

297. The slopes and soil types of the Waikato riverbank and gully systems potentially make these areas susceptible to land instability (erosion, land slips and subsidence). The Operative District Plan has controls within the Waikato Riverbank and Gully Hazard Area that establish setbacks for any new development. Land uses that have the effect of concentrating people into defined locations (e.g. residential activities at urban densities) that are subject to natural hazards, may create a greater risk than if the land was used only for lower population density uses.
298. Two setbacks were developed through the drafting of the ICMP for the Mangakootukutuku Catchment based on the Addendum Report Stage 2 Setback Assessment by AECOM.<sup>119</sup> We were told that the intention of these setbacks is to provide a guide to trigger additional investigation and analysis, and not as a strict no-build zone (although they can be applied as a default option). These setbacks relate to bank stability and land movement relating to seismic events. The setbacks will guide development to ensure it is undertaken in a manner that considers and, where necessary, addresses the potential risks surrounding slope stability. The setbacks proposed in PC 5 are:
- a. Bank Stability Setback Line: this setback is proposed as the minimum development setback distance necessary to prevent damage to the gully system from land development activities. This setback may also prevent property and assets being located within a potential (non-earthquake) slip hazard area without further geotechnical consideration.
  - b. Seismic Setback Line: this setback line is proposed to indicate the area within which a development is required to be designed to accommodate potential lateral land movement because of an ultimate limit state seismic event.
299. We note that the bank stability setback line is no closer to the crest of gullies than the existing Council Gully Hazard Zone, which is 6 m from the crest of the gully slope. For a significant extent of the length of the gullies' crests the Bank Stability Setback line is at the same location as the 6 m line but, in a number of locations, is up to approximately 50 m further from the gully crest than the Gully Hazard Zone 6 m line.
300. The Seismic Setback Line is at a similar location to the Bank Stability Setback line for a limited extent of the length of gullies' crests but is typically between 50 and 100 metres further away from the gully crest than the Bank Stability Setback line.

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<sup>119</sup> PC 5 Assessment of Effects, Appendix X Addendum Report Stage 2 Setback Assessment by AECOM, 2 October 2022.

- 301. Development inside the Seismic Setback Line would require analysis to be undertaken based on specific and up-to-date site investigation data. Development may proceed if that analysis is able to demonstrate that the site is not at risk of damaging lateral movements.
- 302. The main purpose of the Seismic Setback Line is to provide additional design information to ensure that dwellings can accommodate lateral land movements associated with large seismic events.
- 303. A number of submitters sought either a deletion or a change to how the Seismic Setback Line is mapped in the structure plan maps.
- 304. The submitter reasons for seeking deletion of the Seismic Setback Line included the assertion that they were arbitrary, misleading, superfluous and/or would unreasonably interfere with the ability to develop land to the degree anticipated by the NPSUD.
- 305. The s.42A Report accepted a submission point from Adare changing the notation on the maps from “Seismic Setback Line” to “Seismic Investigation Area” to better clarify the intent of the provision. This change triggers a need for a definition of ‘Seismic Investigation Area’, as this term is not currently used in the Operative District Plan. Such a definition is proposed to be included in the Appendix 1.1 Definitions Section of the ODP as a consequential amendment.
- 306. Additional assessment criteria 1.3.3 P2(g) and P4(al) are designed to implement the Seismic Investigation Area development control.

### **13.1 Findings**

- 307. We find that the adoption of the setback lines through provisions in PC 5 are appropriate as they reflect areas of potential land instability adjacent to gullies based on geotechnical assessments.
- 308. Furthermore, their implementation is consistent with the requirement for the Council to recognise and provide for the management of significant risks from natural hazards, which is a matter of national importance under s.6(h) of the RMA. The changes made to the notation make it clear that further investigation is required, but that subject to the outcome of such investigation, land may be able to be developed.

## **14 Residual Planning Matters**

- 309. The key remaining planning issues (i.e., those not otherwise addressed in this decision) identified in the various JWS Planning were:
  - a. whether an overlay rather than a zone was more appropriate for open space;
  - b. whether an alternative consenting route should be provided for out-of-sequence staging;
  - c. whether the High Density Overlay (renamed Increased Height Overlay) should be extended in area;
  - d. whether a higher target net density of 45 dwellings/ha should be applied across the PSPA; and
  - e. whether multi-unit residential use/development should be provided for within the NCZ.
- 310. We deal with the above briefly next.



311. **Overlay versus zone:** Ms Tait expressed a preference for open space to be incorporated in PC 5 as an overlay rather than a zone, with residential being the underlying zone. In effect she considered that this would provide more flexibility to realise residential density targets over time while taking into consideration open space values.
312. Council noted that the Operative District Plan uses open space zones and PC 5 should be consistent with that usage. We agree.
313. **Alternative consenting route:** It was generally agreed that providing for out-of-sequence development was prudent – noting that such should not compromise the rollout of necessary infrastructure (as required by objective DEV01-PSP:O18 and policy DEV01-PSP:P49).
314. Amendments have therefore been recommended to the assessment criteria providing that proposals should *generally* be in accordance with the staging plan, adding specific criteria for any proposed variation (Appendix 1.3.3 – P5). We have accepted those proposed amendments.
315. **Density:** Ms Tait submitted<sup>120</sup> that the overall minimum density requirement of 35 dwellings per hectare sought by Kāinga Ora (outside the Increased Height Overlay) was not “overly aspirational”. She considered that the PC 5 minimum of 30 dwellings per hectare would produce an outcome more akin to that realised in the General Residential zone rather than a MDR zone (which she indicated was more commonly toward the 50 dwellings per hectare end of the spectrum).
316. While she acknowledged the detailed master planning analysis undertaken by Mr Bredemeijer for Adare’s “West Block” (which demonstrated<sup>121</sup> the practical difficulty of raising the minimum yield by even 2 dwellings per hectare given the convoluted landform), Ms Tait argued that PC 5 should anticipate the long-term 30-year development prospect as specified in the NPSUD.
317. Ms Tait was also critical of the notified PC 5 provision (MRZ-PREC1-PSP:R3) that permitted single dwellings. She noted that this could dilute and potentially compromise the achievement of the overall MRZ density target by inadvertently enabling low density development. Ms Craven for WRC made similar points. It was subsequently agreed that the rule should be amended to reference up to 3 dwellings on a site (as per the RMA Schedule 3A cl.10 density standard).
318. Whilst not unsympathetic to that argument we note, for example, that Adare already has the necessary resource consent(s) for its *Amberfield* development based on the operative (lower density) PSP provisions, and PC 5 could not alter that (although Mr Collins advised<sup>122</sup> Adare’s intention to use the s.127 RMA process to vary the plans for the purpose of securing higher densities as things progress). Furthermore, we accept that in a greenfield development area of the size under consideration the market response needs to be initiated and matured. A mix of housing typologies is therefore pragmatic at this stage. Should the multi-unit market find favour then not only will that segment take off, but there is also no particular impediment in PC 5 that would prevent development at a higher

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<sup>120</sup> Rebuttal Evidence of Susannah Tait for Kāinga Ora, 22 September 2022, at [5.5].

<sup>121</sup> Statement of Evidence of Bredemeijer for the Adare Company Limited, 16 September 2022, at [23].

<sup>122</sup> Statement of evidence of Andrew Collins for the Adare Company Limited, 16 September 2022, at [103] to [104].

density than the current target. As Mr Collins (building on Mr Anderson’s commercial evidence)<sup>123</sup> observed:<sup>124</sup>

*I consider it more important for PC 5 to “raise the bar” considerably from traditional densities (noting the current WRPS Policy 6.15 only requires 16 dwellings per hectare in Peacocke) but still express minimum densities in a manner that are practical and enable “reach” beyond the minimum figures expressed in policy and rules.*

319. We find that a density of 30 dwellings per hectare is sufficient at this stage – noting further that the density target can, of course, be reviewed either at the 10-year plan review or through a further plan change if that is required. Peacocke will not be developed in a single 10-year plan cycle.
320. **Increased Height Overlay:** A related density matter is Ms Tait’s suggestion that the Increased Height Overlay (which sets a minimum 45 dwellings per hectare) be extended over the so-called “Island” part of *Amberfield* based, in part, on its proximity (walkable catchment) to the LCZ.
321. Mr Collins (and Mr Bredemeijer) acknowledged that while the Island is within 500-800m of the LCZ, it is physically separated by a substantial gully such that the actual walking distance (via a proposed bridge or bridges) is not a straight-line measure. Furthermore, Mr Bredemeijer noted<sup>125</sup> that some of the area proposed for extension is actually identified for open space, and the nature of the topography makes higher density problematic (particularly because of level differences and batter slope requirements). We also noted those elements on our site visit.
322. Mr Anderson’s evidence<sup>126</sup> provides the commercial argument for the mix of housing typology and density proposed and the reasons why extending the Increased Height Overlay is not appropriate.
323. We are satisfied that sufficient ground-truthing has been conducted to justify not extending the Increased Height Overlay across the Island.

## PART 3 STATUTORY TESTS AND DECISION

### 15 Conclusion on Requirements

324. The Panel is satisfied that PC 5 meets the required statutory tests and requirements.
325. PC 5 meets the s.5 purpose of the RMA by promoting the sustainable management of the land resource – which has been identified in the Operative District Plan for intensified future residential use for some considerable time.
326. With respect to the s.6 RMA matters of national importance, we have already discussed the biodiversity relevance of s.6(c) and have concluded that PC 5 does recognise and provide for that matter.
327. With respect to ss.6(e) and 8, Council explained in detail how PC 5 was developed following a significant consultative process and ensuring that areas of significant cultural heritage would be protected. The absence of substantive opposition from relevant

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<sup>123</sup> Statement of evidence of Hamish Anderson for the Adare Company Limited, 16 September 2022, at [16] to [19].

<sup>124</sup> Reply evidence of Andrew Collins for the Adare Company Limited, 21 September 2022, at [21].

<sup>125</sup> Statement of evidence of Wayne Bredemeijer for the Adare Company Limited, 16 September 2022, at [26(d)].

<sup>126</sup> Statement of evidence of Hamish Anderson for the Adare Company Limited, 16 September 2022, at [24]-[28].

iwi/hapū also provided the Panel with sufficient confidence that those matters had been properly addressed.

328. With respect to s.7 other matters, to which particular regard is to be had, PC 5 has done so, inasmuch as a plan change can, in terms of 7(b) – the efficient use and development of land; s.7(c) - the maintenance and enhancement of amenity values; and s.7(f) - maintenance and enhancement of the quality of the environment.
329. We note that the land is already subject to a Future Residential Policy Area overlay, reinforced by the NPSUD, takes account of the NPSFM in the reserve and stormwater management network proposed, adopts contemporary stormwater and water conservation principles (including rainwater storage tanks), indicatively provides good connectivity to the adjacent urban area, and is subject to an infrastructure Development Agreement with Council.
330. PC 5 will assist Council in the discharge of its functions under s.31 RMA – particularly with respect to s.31(1)(aa) “.... *to ensure that there is sufficient development capacity in respect of housing ... to meet the expected demands of the district.*”
331. The further amendments recommended by Council were accompanied by an additional s32AA evaluation where that was appropiate. Having considered those matters, we accept that further evaluation and, as we have made no further significant amendments, need make no further evaluation.
332. A final checkpoint, established through the courts, is the question as to whether a proposed plan change is a better fit with the overall architecture of the Operative District Plan than the provisions it seeks to supplant or amend. We find that to be the case, noting that minimal changes are required in the body of the Operative District Plan and bespoke provisions are included to ensure that development within Peacocke progresses in an appropriate manner. While the MRZ is a new zone not previously included in the Operative District Plan, it is consistent with the medium density residential provisions that Government introduced through the Amendment Act.

## 16 Decision

333. Pursuant to clause 10(1) of Schedule 1 to the RMA, under delegated authority from Council, the Hearing Panel is required to give a decision on provisions and matters raised in submissions.
334. Pursuant to clause 10(5), on and from the date this decision is publicly notified, Proposed Plan Change 5 – Peacocke Structure Plan to the operative Hamilton City District Plan 2017 is amended in accordance with this decision.
335. The Hearing Panel's decision is:
- a. To accept and reject submissions on PC 5 as set out in s.42A hearing report Appendix A: Summary of Decisions Requested and Recommendations; and
  - b. To approve the PC 5 provisions as generally set out in s.42A hearing report Appendix B: Recommended Revisions to the notified Plan Change 5 – Peacocke Structure Plan provisions, with modification in accordance with this decision. The final approved PC5 provisions are set out in **Appendix 1** to this decision.
336. The summary reasons for the decision (as discussed throughout) are that Proposed Plan Change 5 – Peacocke Structure Plan:

- (a) gives effect to Te Ture Whaimana;
- (b) gives effect to the higher order National Policy Statements;
- (c) gives effect to the National Planning Standards;
- (d) gives effect to the Waikato Regional Policy Statement;
- (e) will assist the Council in fulfilling its statutory functions under s.31 of the RMA;
- (f) achieves the s.5 Purpose of the RMA by promoting the sustainable management of the land resource while protecting its natural resources;
- (g) is worded in a way that is clear and concise; and
- (h) will assist with the effective implementation of the Hamilton City District Plan.



**David Hill**  
**Chairperson**  
**and for Commissioners Ewan Wilson, Vicki Morrison-Shaw and Nigel Mark-Brown.**

**Date:** 17 February 2023

## ANNEXURE D

### List of names and addresses of persons to be served

<b>Submitter / further submitter to be served</b>	<b>Contact details</b>
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	<p>Contact person: Hamish Anderson</p> <p>Company Name: Novo Group Limited</p> <p>Contact postal address: 29A Selwyn Crescent, Forrest Hill, Auckland 0620</p> <p>Email: hamish@novogroup.co.nz</p>
Andrea Graves	<p>Name: Andrea Graves</p> <p>Contact postal address: 27 Hudson St, Riverlea, Hamilton 3216, Riverlea, 3216</p> <p>Email: andrea.graves@slingshot.co.nz</p>
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Cordyline Holdings Ltd	<p>Contact postal address: Dentons Kensington Swan, 18 Viaduct Harbour Avenue, Auckland</p> <p>Email: christina.sheard@dentons.com</p>
Director-General of Conservation	<p>Name: Jesse Gooding</p> <p>Contact postal address: Shared Services Centre Hamilton, Department of</p>

	<p>Conservation, 73 Rostrevor Street, Hamilton</p> <p>Email: jgooding@doc.govt.nz</p>
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Fire and Emergency New Zealand	<p>Name: Blair Kiely</p> <p>Contact Postal address: PO Box 448, Waikato Mail Centre, Hamilton</p> <p>Email: Blair.Keily@fireandemergency.nz</p>
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Mangakotukutuku Stream Group	<p>Name: Kevin Collier</p> <p>Company: Mangakotukutuku Stream Care Group</p> <p>Contact postal address: 67 Bruce Ave, Glenview, Hamilton</p> <p>Email: mangacare@gmail.com</p>

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