BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Proposed Plan Change 5 to the Operative Hamilton City District Plan

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STATEMENT OF EVIDENCE OF JAMES (JAMIE) GRANT SIRL (PLANNING)

Dated 2 September 2022

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QUALIFICATIONS AND RELEVANT EXPERIENCE

1. My full name is James (Jamie) Grant Sirl.

2. I hold the position of Team Leader within the City Planning Unit of Hamilton City Council (**HCC**). I have held this role since 2019.

3. I hold the qualifications of Master of Planning Practice and Bachelor of Arts majoring in Geography. I am an intermediate member of the New Zealand Planning Institute. I have had approximately 11 years' experience in planning and compliance roles in Local Government.

EXPERT WITNESS CODE OF CONDUCT

4. My role in preparing this evidence is that of a policy planner. Although this is a Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note dated 1 December 2014. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.

INVOLVEMENT IN THE PLAN CHANGE 5 – PEACOCKE STRUCTURE PLAN

5. As a Team Leader within the HCC City Planning Unit, I have had oversight of the development of Plan Change 5 (**PC5**), which has been led by my colleague Mark Roberts, Principal Planner in the City Planning Unit, from late 2019.

6. During the preparation of PC5, and prior to this, I have visited the Peacocke area on a number of occasions.

7. I attended expert conferencing on the topics set out below and signed the joint witness statement (**JWS**) produced at each of the expert conference sessions:

    a) Planning – 18 August 2022;

b) Bats and Planning – 24 August 2022; and

c) Planning – 26 August 2022.

PURPOSE AND SCOPE OF EVIDENCE

8. The purpose of this evidence, presented on behalf of HCC as PC5 proponent, is to:

d) Provide an overview of the historical and procedural background to PC5 and the area to which it will apply;

e) Describe PC5 and explain the approach underpinning the PC5 provisions and considering the appropriateness of the provisions in light of sound planning principles; and

f) Consider PC5 in light of the requirements of the Resource Management Act 1991 (**RMA**) (Part 2 and section 32), higher order planning instruments and the Operative Hamilton City District Plan (**ODP**).

g) Highlight what I consider to be the key issues arising from submissions.

9. Specifically, this evidence will address the following matters:

a) Summary of evidence;

b) Background;

c) PC5 Zones, structure plan and provisions;

d) Assessment of environmental effects;

e) Statutory considerations;

f) Relevant policy statements and plans;

g) Relevant non-statutory documents;

h) Section 32 evaluation;

i) Key Issues raised by submitters;

j) Conclusion.

REFERENCE SOURCES

10. It is necessary for my evaluation to consider the technical analysis undertaken by the many experts engaged by HCC to report on issues relevant to PC5. For the purpose of preparing this evidence, my primary reference source has been the original technical reports prepared by those experts and their updated technical reports which respond to issues raised in submissions (which are appended to their respective statements of evidence.

SUMMARY

Context

11. The Peacocke area subject to PC5 is one of 4 significant growth cells in Hamilton. It comprises approximately 740 hectares of rural land on the southern fringe of Hamilton, bounded by the Waikato River to the east and SH3 to the west. It has long been identified as a strategic growth area with provision for its development included within the ODP since 2007.

12. Its development began to accelerate after 2018 when HCC successfully secured $290.4M for infrastructure development in Peacocke, made up of $180.3M from the central Government's Housing Infrastructure Fund (**HIF**) and $110.1M of NZ Transport Agency subsidies.

13. Hamilton is experiencing very high growth and projections show the city is well on its way to having more than 200,000 people living in the city by 2048. Hamilton needs enough land for an extra 12,500 homes by 2028 and 31,900 by 2038. Over the next 10 years, Peacocke is projected to

deliver a third of Hamilton's medium-term housing needs which equates to approximately 7,500 dwellings.

Planning provisions

14. The overall purpose of PC5 is to review the Peacocke structure plan and the land use planning framework for the Peacocke growth cell within the ODP to ensure the urbanisation of the Peacocke area occurs in an integrated manner and delivers a well-functioning urban environment that respects the key features of the area; the Waikato River and the Mangakootukutuku gully network with its intrinsic ecological values. A key aspect of PC5 is to enable greater residential densities to ensure efficient use of land and assist with housing supply – optimising the infrastructure investment in the area.

15. 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 enables 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 while ensuring ecological, archaeological, and cultural areas and natural features of importance are protected from the effects of urban development.

16. Building heights are proposed that allow residential development up to three stories within the medium density area, and up to five stories, in the higher density area. A high-density overlay has been identified for areas in close proximity to proposed community services and proposed public transport networks. This results in greater levels of accessibility for a greater number of residents and supports the viability of commercial centres and public transport. These intensification initiatives have been further enhanced through the submissions to PC5

and introduction of the Medium Density Residential Standards (**MDRS**) as described in the evidence of Mr Samuel Foster.

17. The new policy framework has been developed alongside, and informed by, a suite of technical reports including an Integrated Catchment Management Plan (**ICMP**), cultural values assessments, ecological reports and economic assessments. These ensure that the effects of urbanising Peacocke are addressed through the proposed plan provisions introduced by PC5.

18. The economic assessments confirm that the densities and typologies enabled through PC5 will become much more feasible over time, particularly as market demands change. Higher density residential development will be more feasible in proximity to the local centre.

Urban design

19. To ensure that the proposed level of density achieves good social, environmental and urban design outcomes, rules are proposed that will enable efficient use of development sites and promote high-quality urban design and on-site amenity outcomes.

20. The proposed policy framework for subdivision aims to achieve a well-considered and well-designed urban environment through enabling a range of typologies to be considered and a block-pattern of development that encourages walking and cycling.

21. Subdivision provisions also enable a high level of amenity by ensuring that street and lot layouts maximise sunlight access; rear lots are avoided; the use of culs-de-sac are minimised; and connectivity for pedestrians and cyclists is provided.

22. The proposed zoning and revised structure plan anticipate a local centre

and a number of small neighbourhood centres within the area. The purpose of these centres is to support the day-to-day commercial and community services needs of residents.

23. PC5 identifies an open space network consisting of recreation and community parks and smaller neighborhood parks. The location of these has primarily been informed by a distribution pattern of ensuring all residents will be in easy walking distance to a park.

24. Archaeological sites identified in the Archaeological report have been incorporated into Schedule 8B and 8C and associated features maps within the ODP.

Cultural values

25. The cultural heritage of the area has been extensively addressed through consultation Te Haa o Te Whenua o Kirikiriroa (**THaWK**) and Naagti Wairere members and is included in the Cultural Values Assessment (**CVA**) included as Appendix G to the Assessment of Environmental Effects (**AEE**). The CVA sets out key principles both HCC and developers need to consider when developing Peacocke. Where appropriate, CVA recommendations are reflected in plan provisions.

26. PC5 has been assessed against Tai Tumu Tai Pari Tai Ao, the Waikato-Tainui Environment Plan and Te Raukai Tamata Ao Turoa O Haua: Ngati Haua Environmental Management Plan. PC5 is strongly aligned to principles and objectives if both iwi management plans.

Ecology

27. Ecological reports prepared to inform PC5 have resulted in identification of Significant Natural Areas (**SNA**), Significant Bat Habitat Areas (**SBHA**) (including SNA buffers and ecological corridors) and, supported by

specialist lighting expert recommendations, development controls relating to lighting. The result is approximately 128ha of habitat identified to be retained and enhanced within the Peacocke Structure Plan area (**PSPA**).

28. The landscape assessment concludes that the Peacocke Structure Plan effectively integrates reserve land and infrastructure with adjoining residential development, and appropriately utilises the amenity provided by protected Significant Bat Habitat Area to support density on adjoining developable land.

Transport

29. The Integrated Transport Assessment (**ITA**) (Appendix P to the PC5 AEE) prepared by Gray Matter Ltd concludes that PC5 supports through the objectives and policy the need for integration of land use and transport with a focus on higher density development near key transport corridors and activities nodes along with prioritising pedestrians and cyclists over vehicles and encouraging modal shift. Methods for achieving this in Peacocke are:

a) Designing the transport system to prioritise safety, and prioritise pedestrians and cyclists over vehicles;

b) Wider footpaths on local corridors;

c) Separated cycle lanes on the collector and minor arterial corridors;

d) Identification of public transport routes so that infrastructure can be provided at the time of subdivision; and bus stops are to be provided in-lane to minimise delays to the public transport services.

30. PC5 proposes a range of provisions intended to support the provision of walking and cycling facilities and infrastructure and promote mode-shift over time. These provisions align with the outcomes sought in Section 6 of Part B of the Future Proof Strategy 2022 (**Future Proof**). In the long term, it is considered that this approach will contribute to climate change resilience in the city.

3 Waters

31. PC5 has relied on the Mangakootukutuku ICMP which provides the detail on the hydrology of the area. The ICMP has been developed in parallel with this plan change and is part of the wider Peacocke development programme.

32. The ICMP provides clear direction on how three waters infrastructure should be developed and managed to ensure the catchment and existing networks can accommodate growth. The ICMP has informed the identification of optimal locations for stormwater wetland devices shown on the structure plan. The ICMP will set the direction of development of three waters infrastructure within the ICMP area through existing citywide three water ODP provisions.

Natural hazards

33. A geotechnical assessment identified areas are considered unsuitable for development. These areas were typically evident in association with gullies and riverbank areas. PC5 seeks to amend the existing operative Waikato River and Gully Hazard Area Overlay to reflect the geotechnical assessment. Also, a seismic buffer was identified which captures a more extensive area of Peacocke that extends beyond the visible extent of the riverbank and gully system. This buffer does not preclude the potential for development but any development within it may be subject to

geotechnical validation and may require specific design to proceed.

Statutory considerations

34. PC5 contains all the necessary information and assessments in terms of clause 22 of Schedule 1 to the RMA. PC5 has been prepared in accordance with the relevant sections of the RMA, sections 31, 32, 74, and 75.

35. PC5 has been assessed against the relevant National Policy Statements, National Environmental Standards and the Waikato Regional Policy Statement (**WRPS**) in Part 3 – Statutory Context of the PC5 AEE.

36. The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**HSAA**) introduces an additional process to the RMA. Specifically, the HSAA requires tier 1 Councils (including HCC) to alter planning rules so that most residential areas in urban environments are zoned or rezoned for medium density housing. PC5 as notified was very closely aligned with the requirements of the HSAA, more specifically the MDRS introduced by the HSAA. Further alignment between PC5 and HSAA has been sought in submissions, including the submission made by HCC .

37. I consider that the Peacocke Structure Plan will give effect to the NPS-UD as it enables the supply of medium and high density housing that is well serviced by active and public transport infrastructure, with good access to planned community and commercial services.

38. The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 establishes Te Ture Whaimana o Te Awa o Waikato - Vision and Strategy (**Te Ture Whaimana**) as the primary direction setting document for the Waikato River and the activities within the catchment affecting the Waikato River. The overarching purpose of the settlement is to restore

and protect the health and wellbeing of the Waikato River for future generations.

39. The proposed amendments to the structure plan put more emphasis on the Mangakootukutuku gully and riverside network and the protection and enhancement of these areas, particularly as habitat for the long-tailed bat. The protection of the gullies and the river corridor will also provide and improve public access to these areas. The three waters management direction outlined in the MICMP also assists in achieving the objectives of Te Ture Whaimana.

40. PC5 gives effect to the WRPS. PC5 ensures the urbanisation of the Peacocke area occurs in a way that delivers on the objectives of the WRPS through promoting a highly accessible, compact urban form that supports public transport and active modes of transport and recognises and protects the ecological values and natural character of the area.

41. PC5 has been assessed against Future Proof and the Hamilton-Waikato Metropolitan Spatial Plan (**MSP**). Future Proof seeks a net target density of 30 to 45 residential units per ha to be achieved over time in defined locations. The densities enabled under PC5 align with Future Proof density targets. PC5 is consistent with the MSP direction for the Peacocke growth area.

42. PC5 will result in a net increase in the capacity for housing within Hamilton beyond that which is currently enabled by the ODP and reported in Future Proof. PC5 takes a holistic approach to urban planning that balances a range of factors, including the need to provide for well-functioning urban environments as well as the requirement to give effect to Te Ture Whaimana.

43. In summary, HCC has taken a planning approach which balances the need for additional housing and urban development with the need to protect the Mangukootukutuku Gully network and natural environment

from further degradation from urban development.

Submissions

44. I do not provide comment on all issues raised through submissions. Specific comment on submissions are provided by the technical witnesses for HCC, and those witnesses have informed my overall planning assessment. However, in reviewing the further technical reports prepared on behalf of HCC (provided to commissioners on 2 September 2022), I consider that there is one key ecological issue that warrants addressing in my evidence on behalf of HCC as the plan change proponent.

45. One of the more substantial issues raised by submitters relates to the adequacy of protection of long-tailed bat habitat and measures to ensure the long-term persistence of the long-tailed bat within Peacocke.

46. Building on the notified plan provisions, amendments have been recommended to the plan provisions to address these submissions and further support ecological protection and restoration in Peacocke.

47. These amendments to the plan provisions include:

    a) Controls on tree removal (low-to-moderate value bat habitat) across the PSPA;

    b) Further information requirements for Ecological Rehabilitation and Management Plans relating to the design and implementation of monitoring, and measures to avoid remedy, mitigate, offset or compensate for any significant effects on habitats of long-tailed bat;

    c) Further information requirements for Bat Management Plans

required when removing potential bat habitat, including the requirement to address residual adverse effects;

d) More detailed assessment criteria; and

e) Further refinements to the artificial lighting performance standards.

48. As presented in my evidence, there are a range of further initiatives which HCC is engaged in which will play a role in addressing the ecological issues identified in PC5. Provisions within the district plan are only one part of the integrated package of measures needed to recognise and provide for the protection of significant habitat of indigenous fauna affected by the plan change. While I acknowledge the extent of recommended compensation identified by HCC's ecological experts, it has to be recognised that the district plan cannot be expected to deliver all of the necessary compensation, and certainly not all at once. A multi-agency, intergenerational approach is required. The district plan will play a role, but it is not the single answer to the compensation issue.

49. A separate issue which appears to remain unresolved between HCC and the submitters, is the matter of the appropriate size of the local centre zoning and total GFA cap and related issues. On this issue, I rely on and accept the recommendations presented in the technical reports and evidence of Mr Akehurst.

50. The AEE and evidence of HCC's experts demonstrate that there are no significant constraints to the urbanisation of the area, and that potential adverse effects on the environment can be avoided, remedied or mitigated by the existing ODP provisions and updated PC5 provisions which will be presented to the hearing panel at the outset of the hearing.

51. PC5 is considered to reflect sustainable management and the optimal

outcome to address a range of resource management issues for Peacocke, in particular the need for residential growth, amenity and the social, cultural and economic opportunities associated with the local and neighbourhood centres. The urban land resource in Hamilton is scarce, and the Peacocke area is ideally located to provide for an expanded residential community to support the central city.

SECTION 2: BACKGROUND

Regional and local context

52. The Peacocke area is one of four significant growth cells in Hamilton and is 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, in terms of 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 the Hamilton Airport, Cambridge and Te Awamutu in the south.

53. The Peacocke area comprises approximately 740 hectares of rural land on the southern fringe of Hamilton and is approximately 4.5 kilometres from north to south and three kilometres east to west.

54. There is lifestyle block development in the Weston Lea Drive, Hall Road and Peacockes Lane area. This contrasts with the more rolling open country to the south where land remains in larger farm holdings with a typical open, pastoral, rural character and a sparser distribution of buildings.

55. The structure plan area is currently served by a number of local roads. The road network is not extensive as it serves the relatively large

landholdings of the area. Hall Road, Ohaupo Road, Dixon Road and Waterford Road provide property access in the western portion of the PSPA, while Peacockes Road is the primary transportation corridor in the eastern portion. Ohaupo Road is also State Highway 3 and currently serves as the key arterial route into the south of the city.

56. The designated Southern Links Transport Network will provide a future direct connection between the Peacocke area and the central city and hospital to the north and the airport to the south. At the northern section, the route is a direct extension of Cobham Drive from its current end point at Cobham Bridge. From here the route traverses the Peacocke area in a generally north-south alignment. To the south this route will connect with the Waka Kotahi - New Zealand Transport Agency's portion of the Southern Links Transport Network immediately to the south of Peacocke which provides direct connections via Kahikatea Drive in the west and the Waikato Expressway in the east, as well as connecting with the existing SH3 route south to the airport and Te Awamutu.

57. The development of the Peacocke Structure Plan started in 2002. Variation 14-Peacocke Structure Plan to the then proposed district plan was notified in September 2007. It set out a detailed development framework for Peacocke which aligned with other structure plans for growth cells within the city. The Peacocke Structure Plan became operative in May 2012. The development of stage 1 Peacocke has been consented and mostly constructed over the last 10-years. For this reason stage 1 Peacocke is no longer proposed within the revised PSPA.

58. Hamilton is experiencing very high growth and projections show the city is well on its way to having more than 200,000 people living in the city by 2048. Hamilton needs enough land for an extra 12,500 homes by 2028 and 31,900 by 2038. High growth, lack of available/serviced land and a challenging balance sheet make a unique and significant challenge for Hamilton.

59. Over the next 10 years, Peacocke is projected to deliver a third of Hamilton's medium-term housing needs which equates to approximately 7,500 dwellings. The HCC Peacocke programme includes the delivery of the strategic network infrastructure, community facilities and infrastructure, ecological protection and enhancement, funding, and monitoring.

Housing Infrastructure Fund (HIF)

60. The central Government HIF aims to assist high-growth councils to fund infrastructure necessary to open up new large areas for housing. HCC successfully secured $290.4M, made up of $180.3M from the Government's 10-Year interest-free loan and $110.1M of NZ Transport Agency subsidies for the development of the Peacocke growth cell.

61. The $290.4M will fund the following infrastructure projects:

    a) The construction of the Wairere Extension and a new bridge crossing the Waikato River;

    b) The construction of the Cobham Drive overbridge;

    c) The installation of wastewater strategic storage and pressure mains;

    d) The construction of an internal strategic wastewater network;

    e) The construction of the east west minor arterial transport network including the upgrade of Peacocke Road; and

    f) The construction of the north-south wastewater and purchase of land for north-south major arterial network.

62. The securing of funding from the HIF has allowed for the development of the wider Peacocke growth cell earlier than anticipated.

Purpose of PC5

63. The existing structure plan provisions within the ODP are over a decade old and do not represent best practice thinking about how to create attractive, liveable and sustainable communities.

64. As such, there is a need to rethink the whole land use framework for Peacocke, with a strong emphasis on the work being designed / spatially led. There is the potential for substantive change with respect to increased densities, different housing typologies, additional commercial centres, and much greater detail and guidance on how to enhance access across the Peacocke area and how it connects to other parts of Hamilton.

65. The purpose of PC5 is to review the Peacocke structure plan and the land use planning framework for the Peacocke growth cell to ensure the urbanisation of the Peacocke area occurs in an integrated manner and delivers a well-functioning urban environment that respects the key features of the area; the Waikato River and the Mangakootukutuku gully network. A key aspect of PC5 is to enable greater residential densities to ensure efficient use of land and assist with housing supply – optimising the infrastructure investment in the area. However, the urbanisation of Peacocke also requires protecting the significant ecological values of the area which include the presence of the long-tailed bat.

66. The key objectives of PC5 are:

    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.

PLAN CHANGE 5 ZONES, STRUCTURE PLAN AND PROVISIONS

67. 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.

68. Given the above, PC5 will refresh both the structure plan and the associated land use planning provisions to optimise the HIF investment and give effect to the wider Peacocke Programme objectives. PC5:

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.

69. It also:

a) Provides a detailed examination of the opportunities and constraints relating to the land including its suitability for various activities, infrastructure provision, geotechnical issues and natural hazards;

b) Identifies, investigates and addresses the potential effects of

urbanisation and development on natural and physical resources in the structure plan area;

c) Outlines how any adverse effects of land use and development are to be avoided, remedied or mitigated by proposed plan provisions.

70. PC5 seeks to introduce a new medium density zoning framework based on the requirements of the 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 while ensuring the areas of natural importance are protected from the effects of urban development.

Zoning

71. The Peacocke growth cell is currently zoned Peacocke Special Character Area under the ODP, this zoning sets out a planning framework that supports low density residential development based on the natural character of the area. Existing HCC reserve land and land along the river frontage is currently 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.

72. PC5 seeks to change the zoning as follows:

a) Approximately 440 hectares (excludes Southern Links Designation) from General Residential Zone and Peacocke Special Character Zone to Peacocke Medium Residential Zone.

b) Approximately 7.8 hectares of Peacocke Special Character Zone to Local Centre Zone to establish the main commercial centre within Peacocke

c) Approximately 3 hectares from Peacocke Special Character Zone to Neighbourhood Centre zone to establish eight neighbourhood centres

d) Increase the Natural Open Space Zone to 128 hectares (excludes Southern Links Designation) which include SNA and Significant Bat Habitat Areas (buffers and corridors) outside of the gully network to join the Mangakootukutuku Gully network with areas outside of the PSPA

e) Approximately 14 hectares of Peacocke Special Character Zone to Peacocke Sports and Active Recreation Zone for the purpose of establishing a sports park

73. The proposed changes to the planning provisions that apply to the PSPA are summarised in the following table:

Proposed Changes	Purpose
Amend Chapters 3: Structure Plans and 3.4 Peacocke and create a new Chapter 3A: Peacocke Structure Plan.	Update the Provisions relating to the objectives and policies of the Peacocke Structure Plan.
Amend Chapter 5: Special Character Zones to remove the Peacocke Character Zone provisions.	Remove existing Peacocke Provisions found in the Special Character Zones
Create a new Chapter 4A: Medium Density Zone: Peacocke Precinct.	Establish a new planning framework to manage residential development in the PSPA in a format consistent with the National Planning Standards.

Create a new Chapter 6A: Peacocke Neighbourhood Centre Zone.	Manage land use and activities and the development of Neighbourhood Centres within the Peacocke Structure plan in the National Planning Standards format.
Create a new Chapter 6B: Peacocke Local Centre Zone.	Manage land use and activities and the development of the Peacocke Local Centre within the Peacocke Structure Plan in the National Planning Standards format.
Create a new Chapter 15A: Natural Open Space Zone: Peacocke Precinct	Manage land use and activities within the Natural Open Space Zone within the Peacocke Structure Plan in the National Planning Standards format.
Create a new Chapter 15B: Sport and Active Recreation Zone: Peacocke Precinct	Manage land use and activities within the Natural Open Space Zone within the Peacocke Structure Plan in the National Planning Standards format.
Create a new Chapter 23A: Subdivision: Peacocke Precinct chapter and associated provisions in the National Planning Standards Format.	Manage subdivision within the PSPAin the National Planning Standards format.
Amend the following City-wide chapters: a. 25.2 Earthworks and Vegetation Removal	Manage earthworks and vegetation removal in the Peacocke Structure Plan in a manner that considers the existing topography while enabling medium density development to occur and ensure the protection of the long tail bat.
b. 25.6 Lighting and Glare	Introduce new provision to manage lighting and glare along the edge of the identified bat habitat areas.

c. 25.14 Transportation	Manage transportation and the level of assessment expected for development in the Peacocke Structure Plan.
Amend the following appendices:	
Appendix 1.1: Definitions and Terms	Add definitions specific to the Peacocke area.
Appendix 1.2 Information Requirements	Identify information required for development in the Peacocke area to ensure that it delivers on the objectives of the structure plan.
Appendix 1.3 Assessment Criteria	Identify further assessment criteria for the Peacocke Structure Plan.
Appendix 1.4 Design Guides	Create a Peacocke Local Centre Guideline.
Appendix 2 – Structure Plans	Amend and update the Peacocke Structure Plan and introduce a new infrastructure and staging plan for the PSPA.
Appendix 8 – Historic Heritage	Add additional sites of historic heritage in Peacocke and included on the Features Maps.
Appendix 9 – Natural Environments	Add additional SNA in Peacocke by increasing the area of SNA.
Appendix 15 – Transportation	Identify specific cross sections and parking requirements for development in Peacocke.
Appendix 17 - Planning Maps	Remove Peacocke precinct from Appendix 17 and create Appendix 17A containing the Peacocke Precinct in the National Planning Standards. Amend the Features maps as follows:

	Amend the Waikato River and Gully Hazard Area overlay and introduce a new Seismic Setback area to reflect the work undertaken to identify hazards.

ASSESSMENT OF ENVIRONMENTAL EFFECTS

74. A detailed AEE based on the findings of the various technical reports and environmental assessments has been prepared. This assessment is summarised below.

General effects of land use change

75. The zoning maps and structure plan establish a new planning framework for the Peacocke area. Currently Peacocke is zoned General Residential (Stage 1), Peacocke Special Character, Natural Open Space, and Sports and Recreation Open Space Zone. Land uses in the area are rural and rural- residential. However, a number of residential developments are currently making their way through the consenting process or have been consented, including a retirement village in the north-east of Peacocke and two large residential subdivisions. The proposed northern sports park has now also been designated.

76. As described above, the plan change will facilitate the urban development of Peacocke, resulting in approximately 7500 new houses and 20,000 residents in the next 30 years; new arterial roads; extensive three waters networks; parks and playgrounds; and business areas. This is a significant change to the existing environment and will result in modification to this environment to realise this outcome.

77. While PC5 will result in the urbanisation of the Peacocke area, this is already enabled by the existing planning framework, which was established in 2012. Therefore, the starting point of this assessment of effects, is that the area has already been considered suitable for urban development, which is provided for in the current operative planning framework. The changes sought by PC5 relate to enabling development of a higher density, providing for more housing stock, and managing the effects of development on the environment including stormwater,

ecology and biodiversity, cultural significance and infrastructure.

78. The plan change will also create positive effects, such as enabling the supply of new homes with a variety of typologies and price points, contributing to remedying the current housing affordability crisis. There will be new opportunities for residents to open new businesses and the establishment of new community facilities and initiatives, as well as the availability of new parks and reserves to be enjoyed. The urban development of Peacocke enabled by PC5 will enable people and communities to provide for their social, economic and cultural well-being and for their health and safety.

79. New objectives and policies are proposed that will ensure that any potential adverse effects associated with the implementation of the zones and structure plan are avoided, remedied or mitigated. These have been addressed in detail in the section 32 evaluation. The new policy framework has been developed alongside, and informed by, a suite of technical reports including an ICMP, cultural values assessments, ecological reports and economic assessments.

80. The various methods, particularly the structure plan map and zoning maps, identify areas that are suitable for development and areas with environmental value that are protected from development. Development is required to be well designed and to establish a high amenity environment that will create an area that is attractive, desirable and will provide social and environmental benefits.

81. Increasing the density of the Peacocke area will provide a significant boost to the housing stock in Hamilton, helping the city to meet current and future demand and enable growth. Higher density housing will be located within a walkable catchment of the new local centre and public transport routes will provide vitality and vibrancy to the local centre by

supporting employment in the local centre. Public transport will be supported by higher density housing being located within a walkable catchment of public transport routes.

82. Medium density housing is becoming more established in the wider Hamilton context, and with the introduction of the MDRS to the wider residential areas of Hamilton increased density and related typologies will become the prevailing urban form. This higher density within Peacocke may result in some perceived adverse social effects arising from these developments however, the plan change strongly directs that future urban development is to be high quality, well-designed, and provide a high level of on-site amenity and urban design.

83. Overall, it is noted that the above factors will assist in providing for positive effects from the change in land use and provide for the well-being of the community. The land use change will also ensure the council meets its obligations under the current NPS-UD and NPS-FM.

Residential re-zoning effects

84. The sections below do not explain the proposed provisions in detail, rather it provides a general overview of the desired outcomes of the policy framework. For details of the proposed provisions and a full analysis, I refer to the s32 analysis.

Residential zoning and amenity

85. One of the objectives of the Peacocke Structure Plan is to ensure that it is developed to deliver the required housing supply for Hamilton while createing a connected, well integrated, high amenity, medium density residential environment. Higher density around commercial centres, schools, public transport corridors and natural space is part of that same objective. To achieve this, the Peacocke area has been rezoned from

Special Character Residential to Medium-density Residential Zoning with a high-density overlay in areas near the local centre, public transport routes and in proximity to amenity and the central city. To support this, additional open space zoning and business zoning in the local centre and neighbourhood centres have been introduced.

86. The economic analysis undertaken by Market Economics in their report 'Greenfield Housing Policy Options Assessment for Hamilton - Dwelling Demand and Feasibility Assessment' (Appendix N to the PC5 AEE) examines patterns of residential dwelling demand across the Hamilton market, and estimates the commercially feasible development options within the Peacocke greenfield area.

87. The patterns of development that are currently feasible within the Peacocke greenfield area reflect the past patterns of development across Hamilton's greenfield areas. These are dominated by detached, three or more bedroom dwellings on individual sites. This type of development pattern is projected to become feasible at higher densities through time, with development becoming feasible on increasingly smaller sites.

88. Higher density dwelling typologies are projected to become feasible to construct in Peacocke through time. Larger attached dwellings are projected to be feasible within the short-term, with an increasing range of dwelling densities and options becoming feasible during the medium-term. The full range of modelled dwelling typologies and densities are projected to become feasible in Peacocke in the long-term.

89. Higher density apartment dwellings are also projected to become feasible within Peacocke at the end of the medium-term. The feasibility of this higher density development option is likely to be contingent upon the establishment of a high amenity node within Peacocke, with

feasibility constrained to locations within and around the high amenity node rather than spread across the greenfield area.

90. A greater range of dwelling densities, within each dwelling size/typology, is projected to become feasible through time within Peacocke. The density of feasible development options is projected to increase through time. At higher densities, attached dwellings are projected to have a greater feasibility due to the greater flexibility of attached dwelling construction on smaller sites (relative to detached dwellings), although these dwellings have a lower overall demand.

91. A high-density overlay has been identified for areas where development is required to support the anticipated community services and proposed public transport networks. This will enable more urban development to occur, providing the opportunity for increased access to activity nodes like the proposed local centre and public transport routes. In turn, this will provide economic and social benefits as it will increase the feasibility of public transport, by increasing the number of potential passengers within a walkable catchment of bus stops. Increased population within a walkable distance from the local centre will improve the viability and vibrancy of the local centre through an increased catchment.

92. Building heights are proposed that allow developments up to three stories within the medium density area, and up to five stories, in the higher density area. This enables a range of housing typologies to be established within the structure plan area that will assist in achieving the density required. Managing height to three stories will ensure that the medium density residential character of the area is maintained.

93. To ensure that the proposed level of density achieves good social, environmental and urban design outcomes, rules are proposed that will enable developments to maximise the space made available for housing efficiently. Buildings are enabled to be taller, closer together and to have

a greater footprint, but they are also required to be designed well to provide a good quality outlook, have good access to open space and provide a high degree of on-site and visual amenity.

94. On-site amenity, or amenity enjoyed by the future residents of the individual dwellings, is provided for through rules that ensure that living areas are located where they face the street or outdoor living areas. It is important to retain outlooks and depth of view in higher density urban environments and design controls will ensure that these are retained and views of narrow or non-existent side yards are avoided.

95. Urban design principles are contained within the objectives throughout the plan change. This will ensure that the built form of Peacocke is well-considered and achieves the desired outcomes as resource consent applications for new development are sought.

Subdivision

96. The proposed policy framework for subdivision aims to achieve a well-considered and well-designed urban environment by specifically enabling a range of typologies to be considered and a block-pattern of development that encourages walking and cycling. Integration and connection, especially in terms of movement networks are key to a well-functioning transport network and this is specifically provided for in Peacocke. To support this, higher density residential development is required to be located a walkable distance from the local centre and public transport routes and enabled adjacent to open space and a walkable distance from neighbourhood centres. Subdivisions provisions also enable a high level of amenity by ensuring that street and lot layouts maximise sunlight access; rear lots are avoided; the use of culs-de-sac are minimised; and connectivity for pedestrians and cyclists is provided.

97. A local centre concept plan and a local centre design guide have been

produced for Peacocke which will ensure that subdivision in and around the local centre achieves the desired urban design outcomes and is people-focused.

98. Movement through Peacocke, by cars, buses, pedestrians and cyclists, will be well-thought out as new subdivisions will have clear, safe and direct transport routes that are accessible and also prioritise the needs of pedestrians and cyclists. Vehicle access arrangements are controlled so that road environments are low speed and low conflict points, supported by the provision of on-street parking and recessed parking bays to slow traffic.

Social

99. At present, the area is rural and rural-residential in character however as the area is zoned for residential development there is an anticipation the areas will become an extension of the urban fabric of Hamilton over time. The area has previously undergone extensive transformation for agricultural activities and is modified by artificial farm drains, farm buildings and dwellings. The existing immediate environment has limited social amenities, with the Glenview club being the only social facility within the area.

100. The proposed zoning and revised structure plan anticipate a local centre and a number of small neighbourhood centres within the area. The purpose of these centres is to support the day-to-day commercial and community services needs of residents. The provision of these facilities is considered to have positive effects for the new development area as well as for the communities living in Glenview, Bader and Fitzroy, who will be in close proximity to the new services.

101. The structure plan identifies a large sports and recreational park (14ha),

which has now been designated, as well as a future small community park (5ha) and a number of neighbourhood parks (+/- 0.5ha) throughout the area. These are proposed to be connected by a green network centred on the Mangakootukutuku Gully and its arms.

102. PC5 will enable and facilitate more social interaction between future residents though urban design criteria and by providing the framework to initiate social interactions by providing for parks, playgrounds, cafés, schools and well-designed public spaces. Peacocke will be highly connected to existing parts of the city through new and improved transit corridors, including a high frequency public transport route, new bus routes throughout Peacocke, high quality footpaths and cycle networks and upgraded road networks. This will provide residents with a range of transport options to access education, employment and recreation in Hamilton and the surrounding areas.

OVERVIEW OF TECHNICAL INVESTIGATIONS

Urban design

103. The urban design assessment (Appendix H to the PC5 AEE) provides a high-level urban design analysis and assessment of the Peacocke Structure Plan and proposed planning provisions, and how they will contribute to achieving the vision for Peacocke, which has led to the development of PC5 and the key rationale for various provisions. The urban design assessment considers the proposed plan provisions relating to residential development and subdivision will result in outcomes that will be consistent with the vision for Peacocke which aims to enable higher density development, while achieving an attractive high amenity well designed environment that:

a) Responds to and enhances the natural environment;

b) Is well connected and encourages walking and cycling;

c) Is well serviced with a range of community facilities;

d) Provides housing choice, encouraging a range of housing typologies that promote a diverse community; and

e) Ensures landscape and urban design excellence.

Archaeology and cultural heritage

104. The Archaeological reporting (Appendix I of the PC5 AEE) was prepared by Warren Gumbley and Matthew Gainsford. The area including and surrounding Peacocke is archaeologically rich with 110 archaeological sites recorded within a four-kilometre radius of Peacocke. This includes 61 Maaori horticultural sites, 33 Paa sites, two pits/terraces, four find spots and 13 19th century European occupation sites. Generally, the distribution of Maaori archaeological sites follow a pattern with sites clustering strongly to the Waikato River and tributary waterways and lakes.

105. This reporting confirms the location of two pā in the Peacocke area along with 20 horticultural sites of varying sizes, an urupā, and a number of artefacts associated with 'findspots' within the PSPA. The sites identified in the report have been incorporated into Schedule 8B and 8C and associated features maps within the ODP. The plan change does not propose any amendments to the provisions associated with these archaeological and cultural sites and will therefore have no adverse environmental effects, however the identification and protection of these sites will have a positive effect by ensuring the history of the Peacocke site will continue to be celebrated by the future community of Peacocke by protecting these sites and telling their story.

106. The cultural heritage of the area has been extensively outlined through

consultation with Te Haa o Te Whenua o Kirikiriroa (**THaWK**) and Naagti Wairere members and is included in the CVA included as Appendix G to the AEE. The CVA sets out key principles both HCC and developers need to consider when developing Peacocke.

107. THaWK is the iwi group representing local mana whenua (Maaori with historic ties to the Hamilton/Kirikiriroa area) with whom HCC has a partnership and a service agreement for addressing issues relating to the management of Hamilton's natural and physical resources.

108. The CVA was prepared by THaWK and refers to the Peacocke Area by its traditional name, Nukuhau Whenua. The CVA was developed in consultation with the five Waikato-Tainui hapuu that assert mana whenua:

a) Ngaati Mahanga;

b) Ngaati Tamainupo;

c) Ngaati Wairere;

d) Ngaati Koroki Kahukura; and

e) Ngaati Hauaa.

109. The CVA explains the relationship mana whenua have with the land and detailed information about the hapuu as a people. Fourteen sites and environments of significance are recognised in the CVA:

a) Nukuhau Paa;

b) Kairikiroki Paa;

c) Whatakoruru Paa;

d) Te Puhi A Taraao Paa (Tireke);

e) Hahawaru Paa;

f) Te NihiNihi Paa (Dillicar Park);

g) Te Parapara Paa;

h) Te Pa o Ruamutu;

i) Mangaonua Paa;

j) Borrow pits;

k) Puna – freshwater springs;

l) Urupa;

m) Waterways, streams, and gullies; and

n) Mangakootukutuku Stream and catchment.

110. The CVA also outlines five aspirations of mana whenua:

a) Exercise of kaitiakitanga over their traditional lands;

b) Participation in the planning and implementation of the development of their traditional lands;

c) Opportunities to once again live on their traditional lands;

d) Recognition, commemoration and dissemination of the pre-European Maaori history of their traditional lands; and

e) From that, promotion of community understanding of the

significance of this land to Mana Whenua.

111. Following on from this, the CVA provides a comprehensive list of mitigations that apply not only to HCC, but to future developments and developers. Some of the mitigations can be implemented through existing HCC processes, such as assessing environmental effects of resource consent proposal, while others will need more tailored solutions delivered outside of the District Plan.

112. Council has undertaken an assessment against the Waikato Tainui Environmental Plan and the Ngaati Hauaa Environmental Management Plan (Appendix D of the PC5 AEE). Both of these assessments conclude that the plan change supports the environmental plans and the values and aspirations contained within.

Landscape

113. The landscape assessment (Appendix O of the PC5 AEE) prepared by Mansergh Graham Landscape Architects, concludes that the Peacocke Structure Plan integrates an increased extent of reserve land and infrastructure with integrated residential development. Due to the pervasive gully system, associated Significant Ecological Habitats and Proposed Bat Corridor, the resulting spatial separation provides substantial amenity opportunity that can accommodate intensification, both in density and yield within the developable land. The revegetation of the Mangakootukutuku Gully system and Waikato Riverbank provides an appropriate response to topographical challenges include geotechnical hazards within the site. While the resultant spatial separation provides some challenges in terms of connectivity throughout the site, it also offers an opportunity to reflect the character of the site through a road network that responds to the varying topography and site features. Overall, PC5 creates a balanced development with a strong sense of place, grounded by the response to

the existing landform; its location on the Waikato River and its response to the Significant Ecological Habitats and Proposed Bat Corridor framework it contains.

Ecological assessment

114. The policy framework relating to ecology was developed using a strong evidence base provided by Gerry Kessells and 4Sight Consulting (Appendices J, K and L to the PC5 AEE) and through extensive consultation and engagement with a range of environmental care groups. The plan change results in significantly greater protections of the environment and ecology compared with the current ODP provisions. To support the identified 120ha of high-value habitat, SNAs have been identified and a buffer of Natural Open Space Zone land between SNAs and development has been established, along with controls around lighting. These aim to control the effects of development on the natural environment, particularly as they relate to the long-tailed Bats.

115. The long-tailed bat report (Appendix J) presents an ecological review and assessment of the effects of land-use change on the long-tailed bat (Chalinolobus tuberculatus) to inform the urbanisation of the PSPA.

116. The proposed objectives and policies in Chapter 3A protect and enhance SNA and biodiversity values; create and protect ecological and open space corridors; and establishes a network of open space. Chapter 15 provides for enhanced natural open spaces to provide habitat for pekapeka-tou-roa (long-tailed bats) and an additional 120 hectares of habitat in the PSPA are provided protection.

117. The identification of SNAs and their associated buffers and the identification of ecological corridors to maintain connectivity provides environmental benefits, protecting the role and function of important

habitat and ecological areas. The location of these areas throughout the gully network will have flow-on benefits to the management of water within the Peacocke area. This will provide wider social and cultural benefits, improving stormwater quality and the biodiversity values throughout the Peacocke area.

118. The identification and eventual establishment of a connected ecological corridor network in the structure plan will provide environmental benefits as it will provide a network of undeveloped, restored corridors that enable fauna to move through the urban area with minimal interruption. This will have associated social and cultural benefits, providing a green network for informal recreation such as walking and cycling, contributing to residents' physical, cultural and mental health and wellbeing.

Infrastructure provision

Transport

119. The ITA (Appendix P to the PC5 AEE) prepared by Gray Matter Ltd concludes that PC5 supports through the objectives and policy the need for integration of land use and transport with a focus on higher density development near key transport corridors and activities nodes along with prioritising pedestrians and cyclists over vehicles and encouraging modal shift. Methods for achieving this in Peacocke are:

a) Designing the transport system to prioritise safety and prioritise pedestrians and cyclists over vehicles;

b) Wider footpaths on local corridors;

c) Separated cycle lanes on the collector and minor arterial corridors;

d) Identification of public transport routes so that infrastructure can

be provided at the time of subdivision; and

e) Bus stops are to be provided in-lane to minimise delays to the public transport services.

120. The Southern Links designation which secures the strategic transport network within the south of Hamilton is key to the development of the PSPA. Through the HIF, which aims to assist high-growth councils to fund infrastructure necessary to open up new large areas for housing, HCC has secured funding to assist with the development of the Peacocke growth cell.

121. This funding will fund the development of components of the Southern Links Transport Network along with other infrastructure projects which will enable Peacocke to be developed.

ICMP – Three Waters/ Infrastructure Servicing

122. PC5 has relied on the draft Mangakootukutuku ICMP which provides the detail on the hydrology of the area. The ICMP has been developed in parallel with this plan change and is part of the wider Peacocke development programme. The ICMP is currently with Waikato Regional Council for approval.

123. The purpose of the ICMP is to:

a) To provide guidance to developers, District Plan regulators, Regional Council regulators, and Asset Managers, on how water, wastewater and stormwater (three waters) in the Mangakootukutuku catchment will be managed in an integrated way and in accordance with proposed new land uses that occur with development. This includes provision of conceptual network service plans and flood hazard maps;

b) To ensure that three waters networks in the catchment can accommodate growth while avoiding, remedying or mitigating adverse effects that can occur from land use change. This includes effects of flooding and erosion, ad-hoc stormwater discharges and unreasonable increase in water demand and wastewater generation;

c) To ensure that existing three water networks are not compromised and any future networks to accommodate growth complies with RMA requirements, Hamilton Urban Growth Strategy (**HUGS**), and HCC's Level of Service, HCC's Comprehensive stormwater Discharge Consent and water conservation and demand management objective;

d) Help achieve Te Ture Whaimana;[1] and

e) To include consideration of the reuse of stormwater and greywater to reduce demand of water, minimise wastewater generation and minimise need for three water infrastructures.

124. 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 PC5 as both seek to ensure improved environmental outcomes through future development.

125. A network of stormwater treatment devices are identified in the ICMP which is also portrayed in the proposed Peacocke Structure Plan figures 2-1 and Figure 2-3. The increased density proposed by the plan change has been allowed for in the ICMP by ensuring stormwater device

[1] See Schedule 2 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

footprints are sized to manage the flows that would result from 80% imperviousness.

126. The plan change relies on the ICMP to inform developers and HCC about the future requirements for three waters infrastructure in Peacocke. Therefore, the plan change does not propose any amendments to the provisions relating to three waters in ODP chapter 25.13, which requires 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.

Risk from hazards and contamination

Land stability

127. Geotechnical reporting (Appendices X and Y of the AEE) were prepared by AECOM New Zealand Limited as part of the Mangakootukutuku ICMP. The Peacocke area is intersected by the Mangakootukutuku Gully Network, which is defined by steep slopes with associated risks of instability. These are currently managed through district plan provisions that spatially identify hazardous areas and require buildings to be set back from those identified hazards.

128. As part of the ICMP investigations of the site, a geotechnical assessment was undertaken and land that was considered geotechnically hazardous was identified. The identified areas are considered unsuitable for development. These areas were typically evident in association with gullies and riverbank areas. PC5 seeks to amend the existing operative Waikato River and Gully Hazard Area Overlay to reflect the geotechnical assessment.

129. Further a seismic buffer was identified this buffer captures a more extensive area of the Peacocke that extends beyond the visible extent of the riverbank and gully system. This buffer does not preclude the

potential for development but any development within it may be subject to geotechnical validation and may require specific design to proceed. The inclusion of this buffer in the PC5 Features Maps as a seismic setback was intended for information purposes only as no provision associated with the buffer were introduced.

Site contamination

130. HCC maintains a Hazardous Activities and Industries Lists (**HAIL**) database and GIS layer. HAIL sites may have had historic or current activities taking place which create a risk to the health of humans or the environment. HAIL sites that are developed are managed under the NES, which is primarily concerned with Human Health.

131. There is an old fly ash landfill located at the north end of Hall Road identified on the HAIL database. It has been specifically identified in the ICMP as it may be leaching contaminants into the watercourse. Other sites may be generating groundwater or surface water contaminants but have not been specifically identified here. Further investigation of individual development sites will need to be undertaken at time of consent.

Flood management

132. Flood hazards are addressed in the ICMP.

Potential economic effects

133. The Retail Assessment (Appendix M of the AEE) prepared by Market Economics Consulting identifies that the proposed Neighbourhood Centre Zoning and Local Centre zoning will enable sufficient retail floorspace to service the proposed residential density of PC5 and meet their day-to-day needs.

STATUTORY CONSIDERATIONS

134. The statutory requirements relevant to PC5 are outlined in Part 3 – Statutory Context of the AEE. The plan change contains all the necessary information and assessments in terms of clause 22 of Schedule 1 to the RMA. The purpose and reasons for the Plan Change have been outlined in the AEE and supporting documents.

Sections 74 and 75

135. Sections 74 and 75 of the RMA set out the matters to be considered by a territorial authority, and the contents of district plans. Section 74 is concerned with having regard to and ensuring consistency with any regional policy statements or regional plans, management plans and strategies under other Acts.

136. PC5 has been prepared under the requirements of s31 and s32 with the appropriate analysis being carried out. Part 2 is considered under Section 5.5 of the AEE.

Section 31

137. Section 31 of the RMA sets out the functions of a territorial authority with respect to integrated management and the control of actual and potential effects. In preparing the ODP, HCC has given effect to these functions.

138. A territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

139. PC5 has considered Tai Tumu Tai Pari Tai Ao, the Waikato-Tainui Environmental Management Plan and Te Rautaki Tāmata Ao Turoa o Hauā the Ngati Haua Management Plans This is outlined in more detail

in Appendix D of the AEE.

140. The plan change has been prepared to give effect to the relevant National Policy Statements, and as much as possible, the National Planning Standards, while recognising the need to maintain consistency with the rest of the ODP for clarity of interpretation, until such time as the entire district plan is updated.

141. In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition.

Section 32

142. Section 32 requires an evaluation of the proposed objectives and provisions of the plan change. A detailed s32 analysis has been undertaken for PC5. The requirements of that provision and the s32 evaluation undertaken for PC5 are addressed in Appendix B – Peacocke Structure Plan – Section 32 Report of the PC5 AEE.

RELEVANT POLICY STATEMENTS AND PLANS

143. PC5 has been assessed against the relevant National Policy Statements, National Environmental Standards and the WRPS in Part 3 – Statutory Context of the PC5 AEE.

Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021

144. The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**HSAA**) requires tier 1 councils (including HCC) to alter planning rules so that most residential areas in urban environments are zoned or rezoned for medium density housing. To support this transition, the HSAA contains a suite of medium density residential planning provisions, called the MDRS, that are required to be included in the ODP. This includes (but is not limited to) building heights,

landscaping, and building setbacks.

145. The HSAA does allow for the mandatory density requirements to be departed from, and less enabling development densities imposed in their place, but only to the extent necessary to accommodate a qualifying matter.

146. Section 77G of the RMA sets out the requirement for territorial authorities to incorporate the MDRS in Schedule 3A of the HSAA and give effect to Policy 3 of the NPS-UD in residential zones. Councils may also enable a greater level of development than provided for by the MDRS in accordance with s77H. Section 77N also sets out the duty of territorial authorities to give effect to Policy 3 of the NPS-UD in non-residential zones. Related or consequential changes to objectives, policies or rules can also be made to support the implementation of the HSAA, as outlined in s80E.

147. The Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill (**Bill**) was released on the 19 October 2021. HCC publicly notified PC5 under the RMA on 24 September 2021 and submissions closed on Friday 5 November 2021 prior to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 came into force on 21 December 2021. A summary of submissions and copies of the original submissions were published on 16 February 2022. Further submissions were invited, and this period closed on Wednesday 16 March 2022. HCC made a submission on the plan change seeking changes to the planning provisions to align PC5 with the HSAA.

National Policy Statement Urban Development 2020

148. The NPS-UD came into effect in August 2020, replacing the National Policy Statement on Urban Development Capacity 2016. The NPS-UD

recognises the national significance of having well-functioning environments that enable all people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety, now and into the future. It also recognises the national significance of providing sufficient development capacity to meet the different needs of people and communities.

149. PC5 enables the delivery of medium to high density housing in a newly unlocked growth cell for Hamilton. This will be well serviced by public transport and encourage mode shift through providing a walkable/cyclable environment that prioritises the needs of pedestrians and cyclists. Development of up to 3-5 storeys is enabled throughout the structure plan which is commensurate with demand and will support a well-functioning public transport system. Business land is provided at a scale that is suitable for the demand anticipated from the structure plan without affecting the centres-based hierarchy established in the plan. Taking the above into account, it is considered that the Peacocke Structure Plan will give effect to the NPS-UD.

Waikato River Vision and Strategy/Te Ture Whaimana

150. Te Ture Whaimana is the primary direction setting document for the Waikato River and the activities within the catchment affecting the Waikato River.

151. The overarching purpose of the settlement is to restore and protect the health and wellbeing of the Waikato River for future generations. Te Ture Whaimana is part of the WRPS. The WRPS must be consistent with Te Ture Whaimana, and if there are any inconsistencies, Te Ture Whaimana prevails over the WRPS. The RMA directs district plans to give effect to an operative Regional Policy Statement and therefore the Hamilton City District Plan is required to give effect to Te Ture Whaimana. The ODP was prepared after the Waikato River Settlement Act 2010, being notified in

December 2012. The ODP was considered to give effect to Te Ture Whaimana.

152. The proposed plan change and update of the Peacocke Structure Plan will be embedded in the wider ODP framework and will therefore be subject to the same objectives, policies and methods as the rest of the city in this regard.

153. The proposed amendments to the structure plan put more emphasis on the Mangakootukutuku gully network and the protection and enhancement of these areas. It also identifies additional ecological corridors to be created as part of development to mitigate the effects of the urbanisation of Peacocke and create a connected green network throughout the structure plan. This will protect the significant habitat of long- tail bats and other fauna within the ecological network and assist in improving the Mangakootukutuku gully network. The protection of the gullies and the river corridor will provide and improve public access to these areas.

154. HCC has developed an ICMP for the Peacocke area, the Mangakootuktuku ICMP. It is the main tool available to HCC to manage three waters within the structure plan area and any development will be required to be in accordance with the document. The ICMP has been assessed and is considered to give effect to Te Ture Whaimana.

155. On the basis of the above, I am of the view that the proposed plan change and the tools that will be utilised to manage development are consistent with Te Ture Whaimana and development of the area will be directed to be carried out in such a way will assist in improving the health and well-being of the Waikato River for future generations.

National Policy Statement for Freshwater Management 2020

156. The National Policy Statement for Freshwater Management (**NPS-FW**) came into effect on 3 September 2020, replacing the previous NPS – Freshwater Management 2014 (amended 2017), providing additional guidance for urban development in relation to ensuring sufficient residential and commercial development capacity to meet expected demand.

157. The fundamental concept of the NPS-FW is Te Mana o te Wai, which refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.

158. The ODP manages the effects of development on water on a city-wide basis and uses Integrated Catchment Management Plans which have been, or are being, developed across the city's catchments.

159. Citywide Chapter 25.13 Three Waters establishes objectives that promote the management of the effects of development on water and where possible enhance riparian margins, water quality, water resources and aquatic habitats.

160. It is considered the combination of the ODP objectives and policies, the proposed objectives and policies, the development of the Mangakootukutuku ICMP and the identification of additional SNAs gives effect to the NPS-FW as per the functions of a territorial authority.

National Planning Standards

161. The National Planning Standards 2019 requires district plans to comply with the National Planning Standards by November 2024 either by

amendment to the district plan or notification of a proposed district plan.

162. The ODP was originally notified 10 December 2012 and made operative on 18 October 2017.

163. As HCC are near the required 10-year period to commence a review of the district plan as directed by s79(1) of the RMA, the decision was made to draft as much of PC5 as possible in a manner that reflects the National Planning Standards to avoid the need to duplicate and re-format these proposed changes, potentially quite soon after they achieve operative status. It is noted that not all amendments will be able to be completed in a manner that is consistent with the National Planning Standards format due to the format of the ODP and the interdependencies between plan chapters in how it is implemented. This means that some level of change will be required as part of the plan review.

164. PC5 establishes the following, and uses precincts to differentiate the Peacocke Provisions from other zones:

a) Medium Density Residential Zone: Peacocke Precinct; and Peacocke High Density Overlay.

b) Subdivision: Peacocke Precinct.

c) Neighbourhood Centre Zone: Peacocke Precinct.

d) Local Centre Zone: Peacocke Precinct.

e) Natural Open Space Zone: Peacocke Precinct.

f) Sport and Active Recreation Zone: Peacocke Precinct.

165. Changes to City-wide chapters, and appendices as part of this plan change will remain in the existing format due to the intricacies and

relationship between zones and the chapters within the ODP.

166. The use of the National Planning Standards format, where possible, is considered to be an effective and efficient approach to drafting PC5.

Waikato Regional Policy Statement

167. The WRPS provides a framework for promoting the sustainable management of the Waikato Region's natural and physical resources by identifying issues and outlining objectives, policies and methods, including processes, for addressing these issues.

168. A detailed assessment against the WRPS can be found in Part 3 – Statutory Context of the AEE. PC5 gives effect to the WRPS. The plan change allows for the urbanisation of the Peacocke area which has been identified for residential growth and development for 30 years. It does so in a way that delivers a compact urban form, enabling efficient development to occur. New centres are proposed that support the existing centres hierarchy while providing for the economic and social well-being of the new community that will be established in this area.

169. The proposed plan change seeks to establish a permeable and legible transport network with a focus on providing a high-quality walking and cycling network that will encourage mode shift and allow for ease of movement by people walking, on bikes and other micro modes of transport.

170. The proposed provisions recognise and protect the significant habitat of indigenous fauna and SNA, establishing buffers and ecological corridors that will support the functionality of these spaces.

Waikato Regional Land Transport Plan

171. An updated Regional Land Transport Plan (**RLTP**) for the Waikato Region

was released for the 2021-2051 and outlines the strategic direction for public transport in the Waikato region over the next 10 years. The plan aims to deliver an effective, efficient and integrated public transport system for the region. The vision of the RLTP is to "build a public transport system that enhances the vitality of our communities, strengthens our economy and helps create a healthier environment".

172. Of particular relevance to the PSPA is the Southern Links designation which forms part of the strategic network. The local road aspect within the Peacocke Structure Plan will provide for a mix of longer and local trips. The transport system will need to be designed to strike the right balance of access and through movement.

173. The RLTP seeks to support an inclusive transport system that supports mode shift, travel behaviour change and a compact urban form. The Peacocke Structure Plan is consistent with this approach and seeks to establish an environment that facilitates mode shift and enables walking and cycling through the provision of high-quality walking and cycling facilities that encourage people to walk or bike.

174. The Peacocke Structure Plan also encourages a built form that supports public transport and the provision of a high frequency service by providing density along these routes.

175. The road network within the Structure Plan is directed to be designed in accordance with principles of Vision Zero and generally establish a lower speed, safer environment.

176. It is considered that the Peacocke Structure Plan and proposed planning provisions are generally consistent with the objectives and policies of the RLTP.

Waikato Regional Public Transport Plan

177. The Waikato Regional Public Transport Plan 2018 - 2028 (**RPTP**) outlines the strategic direction for land transport in the Waikato Region. It describes what the region is aiming to achieve for the land transport system in the context of a growing Hamilton-Waikato metro-spatial area. Of relevance to the Peacocke Structure Plan, are the need to consider effects of growth pressure on inter and intra-regional corridors, ensuring a safe roading system aiming for zero deaths or serious injuries, providing transport choice, reducing carbon emissions and integrating land use with transport.

178. There are currently a number of public transport services available in the surround suburbs of Peacocke it is proposed that these services will be extended into Peacocke to provide a service to the area. Public transport routes have been identified within the structure plan, including arterial and collector corridors. The Transport network within Peacocke is to be designed to provide for a public transport network, with the network giving priority to the public transport service through allowing for in lane stops and future proofing the road carriage way to allow for dedicated bus lanes in the future. The Peacocke Structure Plan identifies the Major Arterial route as a potential future Mass Transit route connecting the Hamilton Airport in the South with the Centre City in the north. In this regard, it is expected that as the public transport services outlined in the structure plan are implemented, I am of the view that the proposed development is considered to align well with the objectives of the RPTP.

RELEVANT NON-STATUTORY DOCUMENTS

179. PC5 has also been assessed against the relevant non-statutory documents in the AEE. A summary of key documents is provided below.

Future Proof Strategy

180. Future Proof is a 30-year growth management and implementation plan specific to the Hamilton, Waipā and Waikato sub-region within the

context of the broader Hamilton-Auckland Corridor and Hamilton-Waikato Metropolitan areas, which include important adjacent areas such as Pukekohe, Drury and Morrinsville. The Strategy is produced by the Future Proof partners which includes taangata whenua, Waikato Regional Council, HCC, Waipā District Council, Waikato District Council, Waka Kotahi and Waikato District Health Board.

181. The original Future Proof was adopted in 2009 and incorporated into the WRPS. This included a settlement pattern which provided a blueprint for growth to achieve a compact and concentrated urban form over time. The Future Proof Strategy was updated in 2017 to reflect new government direction. In 2021, a further update to Future Proof commenced. The purpose of this update was primarily about translating the Hamilton to Auckland Corridor Plan and the MSP into the wider Future Proof Strategy, along with incorporating NPS-UD requirements. The updated Future Proof was adopted in June 2022. It is expected that Future Proof will be incorporated into the WRPS in late 2022.

182. The purpose of Future Proof is to manage growth in a staged and coordinated manner and to address complex planning issues, especially cross-boundary matters.

183. The growth management approach outlined in Future Proof seeks to balance a range of drivers, trends and issues within the sub-region. Future Proof identifies climate change resilience (Section 4) and the protection of waahi toituu and waahi toiora as significant issues for the subregion (Section 3). It further situates the Waikato and Waipā rivers at the heart of the sub-region as part of an expansive blue-green network. In particular, it acknowledges the importance of Te Ture Whaimana as the primary direction-setting document for restoring and protecting the health and wellbeing of the Waikato River for future generations (Section 5). Future Proof specifically seeks that Te Ture Whaimana is

given effect to in all aspects of planning.

184. Future Proof also recognises the other factors influencing urban planning, including the transformation shift required in the transportation space, as well as the pressures facing three-waters infrastructure. With respect to transportation, it seeks to realise the long-term vision of rapid and frequent transport networks and a rapid transit spine linking major employment and residential hubs in the subregion. It also supports the provision of safe and efficient pedestrian linkages in the central Hamilton city area (Section 6).

185. The management approach with regards to three-waters is set out in Section 11. The directive in this section seeks collaboration between partners to give effect to Te Ture Whaimana and that solutions provide positive environmental outcomes in the catchment. It also recognises the importance of integrated planning of land use and infrastructure.

186. PC5 will result in a net increase in the capacity for housing within Hamilton beyond that which is currently enabled by the ODP and reported in Future Proof. PC5 takes a holistic approach to urban planning that balances a range of factors, including the need to provide for well-functioning urban environments as well as the requirement to give effect to Te Ture Whaimana.

187. In summary, HCC has taken a planning approach which balances the need for additional housing and urban development with the need to protect the Mangukootukutuku Gully network and natural environment from further degradation from urban development. The provisions enable the provision of additional housing, particularly in areas that are within the walkable catchment of the local centre and proposed public transport routes.

188. It is recognised that Future Proof seeks to realise a vision for transportation that includes significant mode shift and the establishment of a rapid and frequent transport network. PC5 proposes a range of provisions intended to support the provision of walking and cycling facilities and infrastructure and promote mode-shift over time. These provisions align with the outcomes sought in Section 6 of Future Proof. In the long term, it is considered that this approach will contribute to climate change resilience in the city.

189. Future Proof acknowledges that higher densities can help to support modal shift from the private car to more sustainable modes of transport. Higher density living also provides for a more effective use of land, allows people to live closer to key urban areas, and can help deliver affordable housing options across a range of housing sizes, types and tenures to meet changing demographics. The NPS-UD seeks to ensure that more people live in, and more businesses and community services are located in, areas of urban environments which are in or near centre zones or other areas with many employment opportunities, areas well-serviced by existing or planned public transport and/or where there is high demand relative to other areas of the urban environment. Future proof seeks a net target density of 30 to 45 residential units per ha to be achieved over time in defined locations. Future Proof relies on individual Future Proof partners to define these locations through plan making process. PC5 is the mechanism to ensure these densities. In order to achieve the overall density required in the Peacocke area, the provisions seek to establish net densities between 20-50 dwellings/ hectare throughout the remainder of the structure plan.

190. Taking the above into account, I am of the opinion that PC5 is consistent with Future Proof.

Tai Tumu Tai Pari Tai Ao, the Waikato-Tainui Environment Plan

191. The Waikato-Tainui Environmental Plan (**WTEP**) was developed by Waikato-Tainui to guide development through to 2050 to ensure that the needs of the present and future generations are provided for in a manner which goes beyond sustainability, while protecting and enhancing the environment.

192. The evidence base informing the Plan Change, as well as the continued engagement with council's Iwi partners, has resulted in strong alignment with the principles and objectives set out in Tai Tumu Tai Pari Tai Ao. A comprehensive assessment of the Tai Tumu Tai Pari Tai Ao, the Waikato-Tainui Environment Plan has been undertaken and can be viewed in Appendix D of the PC5 AEE.

Te Raukai Tamata Ao Turoa O Haua: Ngati Haua Environmental Management Plan

193. The evidence base informing the Plan Change, as well as the continued engagement with HCC's Iwi partners, in my opinion has resulted in strong alignment with the principles and objectives set out in TeRautaki Taamata Ao Turoa o Hauaa. A comprehensive assessment of the TeRautaki Taamata Ao Turoa Hauaa has been undertaken and can be viewed in Appendix D of the PC5 AEE.

Hamilton-Waikato Metropolitan Spatial Plan

194. The MSP is a vision and framework for how Hamilton City and the neighbouring communities within Waipaa and Waikato districts will grow and develop over the next 100 plus years, creating one of the most liveable places in New Zealand. The MSP sets out how and where Hamilton City and the neighbouring communities should grow, develop and move around long-term to provide social, economic and environmental prosperity.

195. In terms of Peacocke, the MSP identifies Peacocke:

a) As a future growth area that will require a town centre to service the everyday needs of the communities that live there;

b) As a greenfield area where there will be a focus on providing a high-quality, high amenity urban environment with a range of housing types and some development occurring at higher densities to improve housing supply and affordability.

c) To have a net target density of 30-45 dwellings per hectare and a frequent public transport service.

196. It is my option that the Peacocke Structure Plan is consistent with the direction of the Hamilton - Waikato Metro Spatial Plan.

KEY ISSUES RAISED BY SUBMITTERS

197. Overall, a range of submission points were raised by submitters. Specific comments on submissions are provided by the technical witnesses for HCC, and those comments have informed my overall planning assessment. For this reason, I do not provide comment on all issues raised through submissions.

198. In reviewing the further technical reports prepared on behalf of HCC (provided to commissioners on 2 September 2022 in the evidence of HCC's expert witnesses), I consider that there are two key issues that warrant further comment on behalf of HCC as the plan change proponent.

199. I have not focused on implementation of the MDRS or residential density related matters as evidence on this matter is being provided separately by Samuel Foster.

Long-tailed bat habitat

200. One of the more substantial issues raised by submitters relates to the adequacy of protection of long-tailed bat habitat and measures to ensure the long-term persistence of the long-tailed bat within Peacocke.

201. In relation to long-tailed bats, submissions raised the following key matters:

    a) Request for more detail in the plan regarding information requirements;

    b) The extent and location of identified ecological features and protection areas;

    c) Bat ecology and protection, including vegetation removal and lighting effects;

    d) Financial compensation and offsetting for loss of bat habitat; and

    e) Bat management plans and monitoring.

202. Building on the notified plan provisions, amendments have been recommended to PC5 to address these submissions and that further support ecological protection and restoration in Peacocke. These recommendations are supported by HCC as the proponent for PC5.

203. These amendments to the plan provisions include:

    a) Controls on tree removal (low-to-moderate value bat habitat) across the PSPA;

    b) Further information requirements for Ecological Rehabilitation and Management Plans relating to the design and implementation of

monitoring, and measures to avoid remedy, mitigate, offset or compensate for any significant effects on habitats of long-tailed bat;

c) Further information requirements for Bat Management Plans required when removing potential bat habitat, including the requirement to address residual adverse effects;

d) More detailed assessment criteria; and

e) Further refinements to the artificial lighting performance standards.

204. In my view these amendments to the plan change provisions provide an appropriate and proportionate response to the issues raised by submitters insofar as they can be managed through the district plan.

205. A number of submitters raised the need to take a wider landscape approach to the management of long-tailed bat habitat and continued presence of bats within Peacocke and their wider home range. Submitters requested there be a more comprehensive approach to monitoring and management of bat habitat.

206. In my view, not all of what submitters are seeking can be achieved under an RMA framework and through plan provisions in a District Plan. In addition, and in support of PC5, there are other methods that HCC (and others) can utilise in achieving the overall objective which is to enable the urbanization of the Peacocke area whilst providing for the on-going presence of long-tailed bats in the area.

207. The scale of residual effects resulting from the urbanization of Peacocke is also of a magnitude that requires looking outside of the PSPA for offset compensation opportunities. The approach to managing offset compensation and identification of appropriate offset sites is well-

aligned with work already underway by council to achieve indigenous biodiversity outcomes across the city.

208. In addition to, or in place of, biodiversity compensation payments that may be required through a consenting process to compensate for residual adverse effects, HCC has other mechanisms to fund the necessary restoration and enhancement such as through Development Contributions or a targeted rate which provide an equitable approach to apportioning the costs associated with land required for SNA, Significant Bat Habitat Area (buffers and establishment of corridors), restoration and enhancement planting, and interventions such as ongoing predator control.

209. In the current 2021-2031 10-Year Plan, HCC has included funding to acquire land in Peacocke including for gully habitat areas. It is expected that HCC will reassess funding requirements for land acquisition in Peacocke through the next 10-Year Plan.

210. However, HCC considers that the matter of landscape scale protection of long-tailed bats and their habitat requires a collaborative and multi-agency and stakeholder approach.

Council's policy approach to biodiversity management

211. To provide context for HCC's wider commitment to indigenous biodiversity protection and enhancement, the following sections summarise HCC's policy and operational approach which will in addition to PC5 provide a wider framework to achieve the intended biodiversity outcomes required in Peacocke to ensure the persistence of the long-tailed bat.

Nature in The City Strategy

212. HCC's Environment Committee approved the adoption of a Hamilton City

30-year biodiversity strategy – Nature in the City Strategy, in December 2020. In addition to aims to connect people with nature, the strategy provides a framework to inform HCC's decisions on investment and priorities for nature in Hamilton.

213. The strategy represents the city's strategic approach to realising the objective of restoring 10% native vegetation cover to Hamilton City.

214. The establishment of the Nature in The City (**NITC**) programme with funding of $29M over the next 10 years, was approved in May 2021. This includes $5M in the first 3 years.

215. A Technical Advisory Group has been set up to advise and support the NITC programme and extend its capability in areas of ecology, education, and community connection. This group includes representatives from the University of Waikato, Department of Conservation, Waikato Regional Council and Go Eco. HCC is awaiting confirmation of Iwi representation from our mana whenua partners.

216. New growth areas such as Peacocke provide a critically important aspect of the NITC programme, with the opportunity to define, protect and restore large areas of green infrastructure ahead of (or aligned to) urban development. Ensuring all of this space is used for nature and restored and maintained is crucial to move the dial from 2% to 10% native vegetation cover.

217. Four primary workstreams have been identified for the programme – Delivery Projects, Monitoring, Collaboration and Engagement, and Education.

218. Delivery Projects include both biodiversity (native restoration and pest control) and infrastructure (access and walking tracks/signage/furniture etc) to be implemented at identified priority locations.

219. Programme phasing shows Mangakootukutuku as part of Tranche 2 projects (Year 3 or 2023/24). Resource allocation of $50K is set for biodiversity (pest control) activity in that year. However detailed programme planning for Mangakootukutuku is set to be undertaken the preceding year.

220. Other desired outcomes will be achieved through other workstreams – through collaboration and engagement the programme will seek to support existing community groups and school groups and enhance their capacity to deliver ecological restoration activity. The NITC resource has already boosted capacity in HCC natural areas team and two community and gully restoration advisor positions. Some of this resource will be targeted to boosting community groups in and around Sandford Park and the Mangakotukutuku Stream Care Group or equivalent.

221. The $2.9 million per year for the NITC programme will also be used to leverage other funders from the business and philanthropic sectors among others, to support and extend restoration activity and build community capacity and capability.

222. The NITC programme funding includes a monitoring component but this does not current extent to specific long-tailed bat monitoring within the city. However, HCC does financially contribute to the Project Echo annual Hamilton bat survey.

Waikato Bat Alliance and the Waikato Regional Bat Strategy

223. The Waikato Bat Alliance (**Alliance**) is a partnership between Waikato-Tainui, THaWK, Ngā Iwi Tōpū O Waipā (**NITOW**), Waikato Regional Council, HCC, Waipā District Council, Waikato District Council, and the Department of Conservation.

224. In establishing the Alliance, the group agreed its role was “to coordinate

the collaboration of its members (all with a mandate to protect bat habitat or the bats themselves) and engage productively with stakeholders maximising opportunities to achieve its vision".

225. The representatives of each organisation making up the Alliance draw from a wide range of disciplines and experience including ecology, tikanga Maaori, planning and policy, and arboriculture.

226. The need for a coordinated regional approach to bat and bat habitat protection was recently highlighted through the resource consent process for the Amberfield development in Peacocke. The Environment Court decision emphasises the need to work more collaboratively and develop a unified approach to protecting bat habitat at a landscape scale.

227. The Alliance was established as a forum to discuss the issues and opportunities relevant to the protection of bats and bat habitat across the region, and to collectively coordinate and fund a Waikato Regional Bat Strategy.

228. A Waikato Regional Bat Strategy and discussion document were prepared in 2021 by strategy consultant (Alternative Endings) on behalf of the Alliance, with input from Alliance members and stakeholder interviews undertaken by the consultant.

229. The vision of the Strategy is: 'The tāonga pekapeka-tou-roa, long-tailed bat is flourishing and treasured in a growing and developing Waikato region'.

230. The Strategy reflects the range of views and input that informed its development and sets a high-level framework to inform ongoing cross-entity collaboration.

231. A range of possible focus area for actions to implement the Strategy has been collated. These actions include:

a) A policy and planning working group to collaborate on plan and policy development, such as district plan habitat identification and protection;

b) Research and monitoring – data collation and sharing; and

c) Educational opportunities within Alliance organisations and wider community.

232. The Waikato Bat Alliance is an established forum for cross-organisation collaboration to achieve the wider landscape approach required to ensure the persistence of the long-tailed bat within the Waikato Region.

233. Overall, HCC is committed to a wider landscape and city-wide approach to protecting bat habitat and helping to ensure the continued presence of the long-tailed bat within Hamilton and the wider landscape. Matters such as a centralised, independent monitoring programme for long-tailed bats can, and should be, achieved through established groups such as Project Echo and The Waikato Bat Alliance or in conjunction with a dedicated Bat and Habitat Enhancement Review Panel. HCC also has other funding mechanisms, in addition to biodiversity compensation contributions, to ensure that the biodiversity outcomes intended for Peacocke are delivered and that the costs of these interventions is apportioned fairly.

Local centre

234. Following consideration of submissions relating to the extent of the local centre, seeking the local centre be extended to include the south-western side corner of the proposed intersection, and considering the expert opinion of both Ian Munro and Market Economics, HCC as the plan change proponent concurs with the view that the local centre

should not extend across the arterial to the south-western corner as sought by the submitter.

235. The justification for this view is as outlined in the relevant technical reports, being the likelihood that fragmentation of the local centre could undermine the viability of the local centre to the east.

236. With regard to the matter of the appropriate size of the local centre zoning and total GFA cap, I support and accept recommendations of the technical reports and evidence presented by Mr Akehurst for HCC.

CONCLUSION

237. PC5 is based on the opportunities and constraints identified from a wide range of technical inputs and analyses. There has been extensive engagement by HCC with landowners, other statutory bodies, iwi and the community.

238. The PC5 provisions are considered to be more efficient, effective and optimal than the existing operative planning provisions or alternatives. The s32 assessment demonstrates that the proposed policies and methods are the most appropriate for giving effect to the WRPS and implementing the objectives identified in the ODP and for achieving the purpose of the RMA.

239. The AEE and evidence of HCC's experts demonstrate that there are no significant constraints to the urbanisation of the area, and that potential adverse effects on the environment can be avoided, remedied or mitigated by the existing ODP provisions and updated PC5 provisions which will be presented to the hearing panel at the outset of the hearing.

240. Both the structure planning and rezoning process have addressed the matters in Part 2 of the RMA, the WRPS and other matters within ss74 to 77D of the RMA. PC5 is considered to be consistent with all of these

matters and gives effect to the WRPS and relevant National Policy Statements.

241. PC5 is considered to reflect sustainable management and the optimal outcome to address a range of resource management issues for Peacocke, in particular the need for residential growth, amenity and the social, cultural and economic opportunities associated with the local and neighbourhood centres. The urban land resource in Hamilton is scarce, and the Peacocke area is ideally located to provide for an expanded residential community to support the central city.

James (Jamie) Sirl
2 September 2022