

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

AND

IN THE MATTER of **Plan Change 5** to the Hamilton City Council District Plan

JOINT WITNESS STATEMENT (JWS) IN RELATION TO:

Planning (1)

18 August 2022

Expert Conferencing Held on: 18 August 2022

Venue: Online

Independent Facilitator: Marlene Oliver

Admin Support: Tania Bryant

1 Attendance:

- 1.1 The list of participants is included in the schedule at the end of this Statement.
- 1.2 Note from the facilitator: Ben Inger attended this session as an observer in place of Andrew Collins (Planner for The Adare Company) who was unavailable.

2 Basis of Attendance and Environment Court Practice Note 2014

- 2.1 All participants agree to the following:
 - (a) The Environment Court Practice Note 2014 provides relevant guidance and protocols for the expert conferencing session;
 - (b) They will comply with the relevant provisions of the Environment Court Practice Note 2014;
 - (c) They will make themselves available to appear before the Hearing Panel;
 - (d) This statement is to be filed with the Hearing Panel and posted on the Council's website.

3 Matters considered at Conferencing – Agenda and Outcomes

3.1 Natural Open Space Zoning (NOSZ)

Renee Fraser-Smith considers that the substantial issue is the use of an open space zoning as opposed to an overlay in relation to the green corridors, including where stormwater devices are shown in the green corridors. The preference is to use an overlay for open space corridors rather than a zoning until such matters have been ground-truthed through the land development process. James Hook identified that this matter is relevant for other parties as well.

This matter has been agreed to be discussed at the Planning & Bats session (24th August 2022).

3.2 Stormwater Management Devices (SWD)

Concern was raised about the detail shown on figure 2.1 and figure 2.3 (Appendix 2) in relation to the size and location and name given to stormwater management devices.

It was agreed that the title and legend for figure 2.1 and figure 2.3 be amended to use the term “indicative” and that a symbol be used on the plan rather than a specific shape. Further text would be added to Chapter 3A to clarify that the details relating to stormwater management devices would be confirmed during subsequent resource consent and development processes and that the features as shown on figure 2.1 and figure 2.3 are generalised. Additional text could also be included to recognise that the council has other powers such as Notices of Requirement and powers under the Local Government Act 2002. A range of processes may need to be used, particularly where there are multiple land owners.

Susannah Tait does not support the use of Chapter 3A, including the use of further text.

Rachel Dimery, Craig Sharman and Jamie Sirl supports the use of Chapter 3A and considers it provides useful context and interpretation for the Peacocke Structure Plan.

A consequential matter is the need to review the spatial extent of the natural open space areas where they adjoin the indicative stormwater management devices. The experts acknowledge that the natural open space areas are serving a number of ecological functions and these will all need to be taken into consideration when reviewing these areas.

Craig Sharman and Jamie Sirl will circulate draft text and figure amendments to be brought back to expert conferencing on Friday 26th August 2022.

Several experts expressed concern about the activity status for SWD and related subdivision within the NOSZ. Renee Fraser-Smith and Craig Sharman will clarify the activity status of these activities in the NOSZ.

3.3 Structure Plan Mapping (figures 2.1, 2.2 and 2.3, Appendix 2) Future Reserves

Arising from the discussion about SWD it was raised that there is no legend explaining the meaning of the diagonal green hatching on figure 2.1. Craig Sharman and Jamie Sirl confirmed that there are a number of submissions that relate to this mapping and this will be further discussed in a subsequent session on Friday 26th August 2022.

3.4 **Local Centre Design Guide**

Concern was expressed about including stormwater design details in the local centre design guide. It was acknowledged that this is a topic for expert conferencing on Thursday 25th August 2022 and that this will be the appropriate time to consider all matters relating to the local centre.

3.5 **Staging**

Renee Fraser-Smith and Mark Tollemache raised concerns that PC5 as notified may not provide a consenting framework for alternative staging of development, noting that some of the provisions include words such as “must be in accordance with staging”.

There was agreement amongst the experts with an interest in this topic that it was appropriate to provide a framework for consenting to alternative staging.

Renee and Mark provided some proposed amendments. The experts agree that further time is needed to consider the proposed amendments and to also check for consistency in the objectives and policies. The experts agree to hold further discussion offline and that the topic will be scheduled for further consideration at expert conferencing on Friday the 26th August.

3.6 **Multi-functional use of SNAs**

This topic relates in part to The Adare Company submission point 53.62. The experts agreed that there should be provision for appropriate multi-functional use of SNAs and review of alignment (where it may be appropriate) with Plan Change 9 (recently notified). The experts agree to carry out further work and prepare draft amended provisions to be circulated and considered in further expert conferencing sessions scheduled next week (particularly the sessions on the 24th and 26th August).

3.7 **Earthworks**

The experts agreed that there are some inconsistencies between the objectives and policies relating to earthworks and the actual earthworks likely to be required to achieve the residential densities being sought. The experts agree that the earthworks should be enabled to achieve these densities and a high quality urban environment rather than to protect existing topography and character. Amendments to the provisions would avoid the need for an earthworks overlay.

The experts agree to carry out a review of the provisions and to propose amendments to better reflect what has been agreed in the paragraph above. The experts consider that the agreement reached on this topic should be introduced to the expert conferencing session on MDRS/density scheduled for Thursday 25th August 2022, even though the detailed work on revising the wording may not have been completed.

3.8 **Activities in Medium Density Residential Zone (MDRZ)**

Dairies in MDRZ - Renee Fraser-Smith clarified that the submission point supports dairies where they will not undermine the viability of the neighbourhood centres. Renee will review the MDRZ provisions and suggest amended wording to reflect the relief sought.

3.9 **Neighbourhood Parks**

The experts agreed that some provisions for neighbourhood parks should be retained and that there should be some consideration given to consistency with provisions in other

parts of the plan (e.g. Rotokauri North). Renee Fraser-Smith will circulate some proposed provisions to be subsequently considered by other parties and their experts.

3.10 Neighbourhood Centre on Jones Group Property

Renee Fraser-Smith and Mark Tollemarche identified that the neighbourhood centre zone shown on the Jones Group property overlaps with an existing designation for road. This has the effect of reducing the neighbourhood centre zone as the land has already been taken for road purposes. The submission seeks to relocate the same area lost to the designation to the western boundary of the identified neighbourhood centre zone. Renee will provide a GIS map to HCC.

Craig and Jamie indicated that subject to considering the map to be provided by Renee, in general they support the replacement zoning. The underlying zoning of the designated road will need to be reconsidered.

It was noted that the Adare Company has a relevant submission relating to the scale of commercial activity in neighbourhood centres.

4 PARTICIPANTS TO JOINT WITNESS STATEMENT

4.1 The participants to this Joint Witness Statement, as listed below, confirm that:

- (a) They agree that the outcome(s) of the expert conferencing are as recorded in this statement; and
- (b) They have read Appendix 3 of the Environment Court’s Practice Note 2014 and agree to comply with it; and
- (c) The matters addressed in this statement are within their area of expertise; and
- (d) As this session was held online, in the interests of efficiency, it was agreed that each expert would verbally confirm their position to the Facilitator and this is recorded in the schedule below.

Confirmed online 18 August 2022

EXPERT’S NAME	PARTY	EXPERT’S CONFIRMATION REFER PARA 4.1
Susannah Tait (P)	Kaainga Ora	Yes
Rachel Dimery (P)	Cordyline Holdings Ltd	Yes
Ben Inger (P) (observing) for Andrew Collins (P)	The Adare Company	Yes, subject to Para 1.2 above
James Hook (P)	M&M Shaw	Attended 9.30-12.15 only.
Jamie Sirl (P)	Hamilton City Council	Yes
Craig Sharman (P)	Hamilton City Council, s42A joint author	Yes

Mark Tollemache (P)	Northview Capital Ltd Jones Lands Trust Peacocke South	Yes
Renee Fraser-Smith (P)	Northview Capital Ltd Jones Lands Trust Peacocke South	Yes
Lynne Sun	Shortbread Ltd	Attended 9.30-12.15 only.
Jesse Gooding (P)	Director-General of Conservation	Yes