

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 (2)

26 August 2022

Expert Conferencing Held on: 26 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.

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 Attachment A JWS Action List (attached)

The planning experts attending this expert conference reviewed Attachment A which included the action lists from expert conferencing sessions on the 18th, 19th and 23rd August 2022. The updated comments are included in the version of Attachment A attached to this JWS.

3.2 Further Expert Conferencing

The planning experts attending this expert conference confirmed that the expert conferencing to date has been very useful and whilst the experts do not think any further expert conferencing is required, it is suggested to the Hearing panel that Directions be issued to enable further facilitated expert conferencing if it were required.

It is noted that any parties and/or their experts can hold direct discussions with a view to resolving any differences without the need for further facilitated expert conferencing.

3.3 Andrew Collins' Endorsement of JWSs From 18th and 19th August 2022

Andrew Collins confirmed that he had reviewed the JWSs from sessions held on the 18th and 19th August 2022 which he had been unable to attend. He confirmed his agreement with the outcomes recorded where there was agreement between the experts.

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 agree to the introduction of the attached information – Refer to para 3.1 above; and
- (c) They have read Appendix 3 of the Environment Court's Practice Note 2014 and agree to comply with it; and
- (d) The matters addressed in this statement are within their area of expertise; and
- (e) 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 26 August 2022

EXPERT'S NAME	PARTY	EXPERT'S CONFIRMATION REFER PARA 4.1
Andrew Collins (P)	The Adare Company	Yes
Ben Inger (P), observer	The Adare Company	Yes, subject to para 1.2
James Hook (P)	M&M Shaw	Yes
Jamie Sirl (P)	Hamilton City Council	Yes
Susannah Tait (P)	Kaainga Ora	Yes
Craig Sharman (P)	Hamilton City Council, s42A joint author	Yes
Renee Fraser-Smith (P)	Jones Land Ltd Northview Capital Ltd Peacocke South	Yes

ATTACHMENT A to HCC PC5 – JWS Planning (2) 26 August 2022

Plan Change 5 – Peacocke Structure Plan

Joint Witness Statement Action list

Date of meeting	Topic	Action Required	Assigned person	Timeframe/ Decision
18 August 2022 Planning	Stormwater Management Devices	<ul style="list-style-type: none"> Title and legend for Figures 2-1 and 2-3 be amended to say “indicative”. Symbol to be used instead of shape for SW basins (conscious of conflict with Open Space zoning underneath) Text added to Chapter 3A to clarify the SW devices will be confirmed at the time of subdivision, locations on maps are indicative, other powers are also available. Activity status for SWD and related subdivision within NOSZ [26/8 – all agreed that SWD are RDAs - Rule 25.7.3qq] 	Craig Sharman Jamie Sirl Renee Fraser-Smith	S42A Report Done
	Structure Plan Mapping	<ul style="list-style-type: none"> Diagonal green hatch for future reserves to be clarified [26/8 Craig Sharman advised that GIS mapping had been circulated and further discussions are to be completed between the HCC Planners & Ecologists as part of this task.] 	Craig Sharman Jamie Sirl	S42A report
	Staging	<ul style="list-style-type: none"> PC5 to provide a consenting framework for alternative staging of development [26/8 draft amendments are in circulation] 	Alastair Black and Craig Sharman	S42A report

Date of meeting	Topic	Action Required	Assigned person	Timeframe/ Decision
	Multi-functional use of SNAs	<ul style="list-style-type: none"> PC5 to provide provisions for multi-functional use of SNAs. <p>[26/8 the experts attending agreed on the following text to be inserted into Rule 20.3 in Chapter 20 Natural Environments:]</p> <p>“Additional Rules for Activities within a Significant Natural Area, Schedule 9C (Volume 2, Appendix 9) – Peacocke Structure Plan</p> <p>ga) Park Furniture – Permitted Activity.</p> <p>gb) Construction of new walkways and cycleways through a Significant Natural Area, including associated pruning, maintenance or removal of indigenous or exotic vegetation or trees and associated earthworks – Discretionary Activity.</p> <p>gc) Construction of, or access to, new infrastructure in a Significant Natural Area, including associated pruning, maintenance or removal of indigenous or exotic vegetation or trees and associated earthworks – Discretionary Activity.”</p>		<p>Done</p> <p>To be reflected in the s42A report</p>
	Earthworks	<ul style="list-style-type: none"> PC5 to provide amended earthworks provisions to be more enabling <p>[26/8 amended text agreed by the experts attending today – refer to Attachment 1 to this JWS]</p>		<p>Done</p> <p>To be reflected in the s42A report</p>
	Dairies in MDSZ	<ul style="list-style-type: none"> Relief sought for dairies in the MDRZ <p>[26/8 relief sought is under review]</p>	Renee Fraser-Smith	

Date of meeting	Topic	Action Required	Assigned person	Timeframe/ Decision
	Neighborhood Parks	<ul style="list-style-type: none"> PC5 to provide provisions that are consistent with other Plan Change in Hamilton <p>[26/8 the experts attending agreed on the following text to be inserted into Appendix 1.3.3.</p> <p>PX - The extent to which the subdivision provides for the vesting of Neighbourhood Parks in locations which are generally consistent with the Peacocke Structure Plan – Figure 2-1. Neighbourhood Parks should generally be approximately 5000 m² in area; have at least 50% of the total neighbourhood park boundary to a transport corridor frontage (unless adjacent to land within the Significant Bat Habitat Area); on land that is generally flat and able to accommodate a 30m x 30m area.</p> <p>The experts attending also agreed that SUB-PREC1-PSP:R22 Neighbourhood Parks be deleted]</p>		<p>Done</p> <p>To be reflected in the s42A report</p>
	Neighborhood Centre on Jones Group Property	<ul style="list-style-type: none"> Neighborhood center zone overlaps with existing roading designation, alternative GIS map required. <p>[26/8 relief sought is under review]</p>	Renee Fraser-Smith	
19 August 2022	Hall Rd/Ohaupo Rd Intersection	<ul style="list-style-type: none"> Agreement is yet to be reached whether this intersection can be closed and another provided. 	All	S42A report
Planning and Transport (1)	Alignment of collector and local roads	<ul style="list-style-type: none"> Amend Fig 2-1 to better clarify that local and collector roads are 'indicative'. 		S42A report

Date of meeting	Topic	Action Required	Assigned person	Timeframe/ Decision
		<p>[26/8 the planning experts attending support the amended text shown below and this has been referred to Alastair Black for review]</p> <p><u>In considering the final alignment of the Transport Network the alignment of transport routes needs to be taken into account, as identified in Volume 2, Appendix 2, Figure 2-3 2-2 Peacocke Structure Plan Staging and Transport Network.</u></p> <p><u>The transport network (refer to Figure 3.4.4a and Volume 2, Appendix 2, Figure 2-32-2 Peacocke Structure Plan Transport Network) shown on the Structure Plan is indicative and not intended to show exact alignments. It is important that the Arterial and Collector networks are established in general accordance with the structure plan in order to deliver a well-connected network that provides a high level of service for public transport, private vehicles and walking and cycling. Collector and key local networks are shown conceptually to provide key linkages and ensure integration between land parcels and different residential developments. The final alignment will be largely determined as individual subdivisions are progressed. New or altered intersections on the state highway network require with the approval of Waka Kotahi.</u></p> <p><u>All transport networks shown on the Structure Plan are considered to be key linkages and future developments must show how these connections are to be provided and how future integration is to be ensured with surrounding land parcels to ensure that integrated and permeable development that avoids the used of Culs-de-sac. Collector roads and key Local Roads in particular are shown</u></p>		

Date of meeting	Topic	Action Required	Assigned person	Timeframe/ Decision
		<p>conceptually to provide key linkages and ensure integration between land parcels within and between different residential developments.</p> <p>The transport network (refer to Figure 3.4.4a) shown on the Structure Plan is indicative and not intended to show exact alignments. Collector roads in particular are shown conceptually to provide key linkages between different residential neighbourhoods. Their precise alignment will be largely determined as individual subdivisions are progressed.</p> <ul style="list-style-type: none"> Submission 13.5 identified an alternative collector road route. 		S42A report
	Alignment of roads relative to SNAs	<ul style="list-style-type: none"> Clarification whether/how SNAs were considered in the alignment of the arterial roading network (s32 analysis). <p>[26/8 James Hook confirmed he had requested an update on the design and consenting of the Southern Links Arterial Road from both HCC and WRC and has not yet received an update on progress with design and a programme on consenting that roading, or a copy of currently lodged consent applications associated with that roading]</p>	<p>Sam Foster</p> <p>Jamie Sirl has followed up this request with HCC Strategic Development Unit</p>	
	Indicative local road south of Peacockes Lane	<ul style="list-style-type: none"> Amendment to the Fig 2-1 and 2-2 to show an additional access from Peacocke Road and potentially Whatukooruru Drive. 		S42A report

Date of meeting	Topic	Action Required	Assigned person	Timeframe/ Decision
	Location of Public Transport hub and stops	<ul style="list-style-type: none"> SUB-PREC1-PSP:R25 be deleted, and assessment criteria be added to address the provision of public transport infrastructure. Amendments to Fig 2-2 to show amended locations for public transport facilities and some changes to terminology used in the legend. <p>[26/8 Alastair Black circulated proposed amendments to SUB-PREC1-PSP:R25 (deletion), a new assessment criterion, descriptions of proposed changes to Figure 2-2 and further work being done by HCC on 19/8. Adare responded with feedback on 22/8]</p>	Alastair Black	S42A report
23 August 2022 Planning and Transport (2)	Road cross-section widths	<ul style="list-style-type: none"> Amend table 15.6b and create a new drawing to show a new cross-section for minor arterials. The table is to be amended under the heading "berm" to read 11.1m and not 11.5m. 	Alastair Black	Done To be reflected in s42A report
	New cross-section for Open Space Edge Transport Corridors	<ul style="list-style-type: none"> Amend Table 15.6b to show a new row and a drawing (Appendix 15) to provide for the circumstances where there is an open space land use on one side of the road. Amend to show a 2.5m wide berm and a 5.6m wide carriageway. There will be consequential amendments required to other planning provisions to reflect the introduction of additional cross-sections provisions. 	Alastair Black	Done Done Ongoing
	Local and Collector Road cross-sections	<ul style="list-style-type: none"> Amend the berm width at bus shelters to read 2.9m not 2.8m. 	Alastair Black	Done

Date of meeting	Topic	Action Required	Assigned person	Timeframe/ Decision
		<ul style="list-style-type: none"> Decision needed on width of carriageways for Collector roads with and without PT. Amend Table 15.6b to include a new category of “minor local road”. Threshold between minor local and local and minimum standards need to be established. <p>[26/8 Andrew Collins advised that Tony Penny has circulated suggested amendments in an email on 25/8]</p> <ul style="list-style-type: none"> Amend Table 15.6b to reflect the term “min desirables”, and potentially used in “carriageway width” and “movement lane width” Check consistency with SUB-PREC1-PSP:R21 and Rule 25.14.4.1h amending Rule SUBPREC1-PSP:R21 Review whether to delete all of clause 1 and to replace with new assessment criterion in Appendix 1.3.3 Assessment Criteria P5 <p>To read, Or similar:</p> <p>‘New PX – The extent to which transport corridor design provides design elements identified in or otherwise contrary to any criteria contained in Table 15-6b of Appendix 15’.</p>		<p>S42A report</p> <p>Under consideration</p> <p>The remainder of the bullet points for this items are under consideration</p>
	On-street car parking requirements along Minor Arterial Roads and Collector	<ul style="list-style-type: none"> Unresolved matter – no action assigned. 	All	

Date of meeting	Topic	Action Required	Assigned person	Timeframe/ Decision
	Roads			
	Location of road cross sections within the ODP	<ul style="list-style-type: none"> If the road cross-section drawings are retained they should be updated and moved from Chapter 3A to Appendix 15. 	Alastair Black	S42A report
	Access standards in Rule 25.14.4.1(h) and Table 15-6b (Appendix 15).	<ul style="list-style-type: none"> Amend Rule SUB-PREC1-PSP:R20 Clause 4 to insert “or a reserve where pedestrian access is provided”. Delete reference to unit titles in Rule SUB-PREC1-PSP:R20 Clause 3B(iv) and Table 15.6b. Amend Rule SUB-PREC1-PSP:R20 to achieve clarity between rear lanes and private ways Decision needed to change length of rear lane from 150m to 250m. 	Alastair Black	S42A report
	Assessment Criteria for rear lane subdivision	<ul style="list-style-type: none"> Delete from assessment criteria P5g) the introductory words as follows: ‘Where narrow dwelling units are proposed and rear lanes are required for vehicle access, For rear lanes, the extent to which:’ Consider wording: "An appropriate legal mechanism will be established for ownership and ongoing management and maintenance of the lane including, where applicable, provisions for use of the rear lane by public rubbish collection and recycling trucks." Consider deletion/wording of P5g(2) 	Craig Sharman	<p>Done</p> <p>Under Consideration</p> <p>Done</p>

Date of meeting	Topic	Action Required	Assigned person	Timeframe/ Decision
	Separation between vehicle crossings	<ul style="list-style-type: none"> • Amend Rule 25.14.4.1a)v) and Rule SUB-PREC1-PSP:R20 such that the separation of vehicle crossings would only relate to minor arterial roads. • Consider amending assessment criteria P5(l) to read: ‘where vehicle crossings are proposed across separated cycleways and shared paths, the extent to which <u>the number of crossings</u> these are minimised, and the transport corridor is designed <u>having regard</u> to maximise the safety of pedestrians and cyclists’. 	Alastair Black	Done Done

Attachment 1

Changes to earthworks objectives, policies and assessment criteria

DEV01-PSP:O11

Earthworks in the Peacocke Structure Plan are undertaken in a comprehensive and integrated manner, ensuring a high amenity urban environment ~~that is sympathetic to the areas topographical character.~~

DEV01-PSP:P24

Enable the development of a medium and high density environment in the Peacocke Structure Plan, while managing earthworks to ensure the development of a high amenity environment by:

- 1. Managing the use, size, location and style of retaining walls in the area.*
- 2. Requiring earthworks to be carried out in conjunction with subdivision to ensure comprehensive, cohesive outcomes are achieved.*
- ~~3. Requiring earthworks to be carried out in a way that is sympathetic to the character of the area.~~*

Objective 25.2.2.2

Enable earthworks in the Peacocke Structure Plan area that facilitate the creation of a high amenity, medium density environment where they:

- 1. Are undertaken as part of subdivision to establish a cohesive and consistent approach to earthworks throughout a development.*
- 2. ~~Avoid~~ Minimise modification of ~~s~~Significant ~~n~~Natural ~~a~~Areas and locations with significant ecological, cultural and historic value.*
- 3. Are within Significant Bat Habitat Areas that are not Significant Natural Areas.*
- ~~3. Are sympathetic to the existing land form~~*
- 4. Establish a transport network that works with and reflects the topography of the site.*

~~Policy 25.2.2.2e~~

~~Require earthworks to be undertaken in a manner that is sympathetic to the character and orientation of the existing topography.~~

Appendix 1.3.3

P	Peacocke Structure Plan	
P1	a)	<i>The extent to which earthworks are sympathetic to the existing landform.</i>
	b)	<i>Whether bulk earthworks are carried out in a comprehensive and integrated manner that minimises the need for secondary earthworks and retaining walls.</i>
	c)	<i>The extent to which the roading network has been designed to work with the topography and features of the site.</i>
	d)	<i>Whether earthworks minimise the need for retaining walls throughout the site and if required:</i> <ol style="list-style-type: none"><i>Minimises the use of retaining walls in front yards.</i><i>Minimises their visibility from public spaces.</i>

		<p><i>iii. Minimises their height.</i></p> <p><i>iv. Are designed to minimise their visual impact through the use of stepped walls, landscaping and planting.</i></p> <p><i>v. Are a consistent style throughout a development.</i></p>
	<i>ed)</i>	<p><i>The extent to which earthworks facilitate outcomes that are consistent with the Peacocke Structure Plan.</i></p>