

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 (MDRS/density)

25 August 2022

Expert Conferencing Held on: 25 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 MDRS provisions included in PC5 for the Peacockes Structure Plan Area

Sam Foster clarified that there were a number of submissions seeking to align PC5 with the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill 2021, including a submission from the Council to align with PC5 provisions with the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021. In addition, there a number of further submissions in support of the Councils submission.

Sam Foster advised that legal input to the Council is that it is appropriate to incorporate the MDRS into PC5 in response to these submissions rather than to revisit is as a variation. Mark Roberts confirmed that the Councils PC12 which introduces the MDRS throughout Hamilton excludes the Peacockes Structure Plan Area.

Jesse Gooding sought clarification about what consideration had been given to qualifying matters in PC5. Sam Foster advised that setbacks from significant bat habitat and setbacks from river and gully hazard areas are being considered. In response to a further request from Jesse, Sam confirmed that setbacks from significant bat habitat was considered to be a qualifying matter as a matter of national importance (s6c RMA).

Sam Foster and Mark Roberts advised that further information relating to qualifying matters was to be included in the s42A report. The experts agreed that further discussion on this item was more appropriate to be held after the s42A report is available and they have had time to consider the contents.

3.2 High density overlay

Amendments provided by the Council experts proposed that the High Density Overlay be renamed as Increased Height Overlay.

Susannah Tait supports the name change of the overlay, but would seek that this is applied to a greater area than what was notified, specifically to be consistent with the High Density Zone Plan that formed part of Kaainga Oras submission.

Andrew Collins and Jesse Gooding support the change of the name from High Density Overlay to Increased Height Overlay and supports the current extent of the overlay.

Jesse Gooding raised concerns in relation to higher buildings and other provisions relating to bats such as setbacks and lighting controls.

3.3 Residential Density Targets DEV01-PSP: P14

The notified PC5 version of this policy is:

“Development of the Peacocke Structure Plan achieves:

1. A minimum overall net residential density (excludes roads and open space) of 22 - 30 dwellings per hectare within the Peacocke Medium Density Precinct.
2. A minimum overall net residential density (excludes roads and open space) of 35 - 50 dwellings per hectare within the Peacock High Density Overlay.”

Susannah Tait expressed a preference for the policy to refer to a minimum rather than a range of densities and for that minimum to be 45 dwellings/ha net (consistent with the upper limit expressed in the Future Proof Strategy for Peacocke (30-45 dwellings/ha net))

with a consenting pathway to provide flexibility to take in to account land development constraints.

Andrew Collins noted the Future Proof Strategy Table 6 sets the net target densities to be achieved over time and in Peacocke this is 30-45 dwellings/ha net, the key point being these are to be achieved over time as the market adapts. Andrew also referred to some specific master-planning work that will be produced in evidence relating to Adares West Block. This was a comprehensive exercise involving engineering, urban design, planning and ecological inputs. It resulted in a medium density design with substantial duplex and terraced housing in locations where this was able to be achieved due to topography. Due to the various practical constraints this design achieved in the order of 30-32 dwellings/ha net. For this reason, Andrew does not support the relief suggested by Susannah Tait that a minimum 45 dwellings/ha net be achieved across the whole Peacocke Structure Plan Area. He does not feel this is achievable. Andrew considers that the flexibility should be achieved by setting a realistic minimum and enabling higher densities to be achieved where appropriate and sought.

Andrew suggests a possible rewording of DEV01-PSP: P14:

"Development of the Peacocke Structure Plan should aim to achieve a minimum overall net residential density (excludes roads and open space) of 30 dwellings per hectare other than in the Increased Height Overlay area which, in recognition of the additional height enabled, should aim to achieve a minimum overall net residential density of 45 dwellings per hectare".

Susannah Tait reserves her position on the suggested wording of P14 above and will consider the matter further.

Renee Fraser-Smith, Mark Roberts and Hannah Craven are generally supportive of the suggested wording of P14 above.

3.4 **Built form outcomes**

The Council proposed amendments to Chapter 3A: DEV01-PSP components of the Peacocke Structure Plan residential environment and MRZ-PREC1-PSP:05 to insert "typically" in relation to built form outcomes of 2-3 storeys in medium density areas and 2-5 storeys in increased height areas.

Andrew Collins agrees with these changes and also with the Councils proposed introduction of MDRS objective MRZ-PREC1-PSP:OB which is consistent with Schedule 3A of the RMA. However, with that new objective there is a duplication with existing objective MRZ-PREC1-PSP:05 and considers that the latter should be deleted.

Mark Roberts advised that the Council would consider this further.

3.5 **HCC discussion and explanation of edited provisions set out in Attachment A: Chapter 23A and Attachment B: Chapter 4A, including alignment and departures from MDRS.**

There was insufficient time in this expert conferencing session to address this agenda item. Sam Foster suggested that if individual experts wished to provide feedback, then this should be emailed directly to Sam (and copied to the other conferencing experts) by midday of Monday the 29th August if it is to be considered prior to the release of the s42A report.

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 25 August 2022

EXPERT’S NAME	PARTY	EXPERT’S CONFIRMATION REFER PARA 4.1
Andrew Collins (P)	The Adare Company	Yes
Ben Inger (P) (observing)	The Adare Company	Yes, subject to Para 1.2 above
Hannah Craven (P)	Waikato Regional Council	Yes, attended for items 3.1-3.3 only
James Hook (P)	M&M Shaw	Yes
Mark Roberts (P)	Hamilton City Council, s42A author	Yes
Sam Foster (P)	Hamilton City Council	Yes
Susannah Tait (P)	Kaainga Ora	Yes
Renee Fraser-Smith (P)	Northview Capital Ltd Jones Lands Ltd Peacocke South	Yes
Jesse Gooding (P)	Director-General of Conservation	Yes