

Before the Independent Hearings Panel at Hamilton

In the matter of: The Resource Management Act 1991

and

In the matter of: Plan Change 5 to the Hamilton City Plan

and

In the matter of: Submissions and Further Submissions by Kāinga Ora – Homes and Communities

Statement of rebuttal evidence of Susannah Vrena Tait

Dated: 22 September 2022

STATEMENT OF REBUTTAL EVIDENCE OF SUSANNAH VRENA TAIT

INTRODUCTION

- 1 The following rebuttal evidence is in response to primary evidence prepared by experts on behalf of The Adare Company (TAC) and submitted on the 16th of September 2022 to Proposed Plan Change 5 – Peacocke Structure Plan (the ‘Plan Change’ or the ‘Peacocke Precinct’) to the Hamilton City Operative District Plan 2022.
- 2 My rebuttal evidence covers:
 - a) Residential density
 - b) Increased Height Overlay
 - c) Comprehensive development planning

RESIDENTIAL DENSITY

- 3 Planning expert for TAC, Mr Andrew Collins, supports a density of 30 dwellings per hectare (net) in the Medium Density Residential Zone (MDZ) (but outside the Increased Height Overlay (IHO)). This is at odds with my position that the minimum density for the MDZ (outside the IHO) should be 35 dwellings per hectare (net).
- 4 Mr Collins considers that a minimum of 30 dwellings is appropriate as it is consistent with the FutureProof Strategy 2022 (FutureProof)¹, suits the topographical constraints of the Peacocke Precinct², is enabling³ and enables a variety of densities⁴; while a minimum of 35 dwellings per hectare is mandatory in nature and overly aspirational.
- 5 In response to this I note:
 - 5.1 I am unsure why Mr Collins considers one density target to be mandating and the other enabling, when both sit within a planning framework with a clear consenting pathway for any possible density to be approved provided appropriate justification is provided by the developer.
 - 5.2 With respect to the use of the phrase ‘over time’ in FutureProof, I consider it to be vague and provide little direction for (in fact confuses) development outcomes for the Peacocke Precinct. I acknowledge that it may provide time for the market to warm up to higher density development, but in terms of policy drafting (which may remain in place for 10+ years) it should not be relied upon or used to limit development outcomes and / or density targets. Mr Collins also points to the NPSUD’s use of the phrase ‘over time’⁵. The intent of Objective 4 (and related Policy 6) *‘is to allow urban environments to change in response to changing needs, and to ensure local authorities don’t unduly prioritise maintaining and enhancing existing amenity values enjoyed by individuals at the expense of changing and diverse urban outcomes for wider communities’*⁶. I do not consider Objective 4 of the NPSUD is a factor in setting density targets in the Peacocke Precinct.
 - 5.3 I disagree with Mr Collins that the intention of the NPSUD is to provide a ‘variety of densities’ on a development-by-development basis. The NPSUD is clearly focussed on

¹ Evidence of Mr Andrew Collins, paragraph 91

² Evidence of Mr Andrew Collins, paragraph 97

³ Evidence of Mr Andrew Collins, paragraph 98

⁴ Evidence of Mr Andrew Collins, paragraph 99

⁵ National Policy Statement for Urban Development 2020, Objective 4

⁶ National Policy Statement for Urban Development s32, section 8.3.2.1

‘well functioning urban environments’⁷ where the provision of a variety of densities is a contributing factor and to be provided across a wider urban area. I do not think that the NPSUD seeks to undermine a higher density zone framework and unnecessarily incorporate lower density housing. Indeed, the NPSUD directs that:

3.35 Development outcomes for zones

(1) Every tier 1, 2 or 3 territorial authority must ensure that:

- (a) the objectives for every zone in an urban environment in its district describe the development outcomes intended for the zone over the life of the plan and beyond; and*
- (b) the policies and rules in its district plan are individually and cumulatively consistent with the development outcomes described in the objectives for each zone.*

Therefore, to incorporate a ‘variety of densities’ across all zones would run counter to the prescribed outcomes for each zone.

- 5.4 I appreciate the work that TAC has put into developing concepts to determine viable densities for their West Block, but the Plan Change is not designed to only serve TAC development outcomes. The Plan Change must have regard to the 30+ year development timeframe for the Peacocke Precinct and remain cognisant that today’s landowners (in particular those that have a voice in current proceedings) may not be the ultimate developers of the land.
 - 5.5 Lastly, I do not consider 35 dwellings per hectare to be overly aspirational; noting that medium density residential development is typically closer to 180 – 200m² per site (or 50 dwellings per hectare). I consider that increasing the minimum density for the MRZ to enable a higher level of development will go some way to addressing the region’s housing affordability and demand for housing. Furthermore, enabling a minimum of 35 dwellings per hectare (average of 285 sqm site) (rather than a minimum of 30 dwellings per hectare (average of 330 sqm site)) will increase the development opportunity to provide for a wider range of housing typologies, lot sizes and built form that I consider more closely aligns with medium-density residential living. In my view, if the density limits remain at 30 dwellings per hectare, development outcomes will be more akin to those seen in the General Residential Zone, which is not what is desired in Peacocke Precinct.
- 6 I therefore maintain that a density of 35 dwellings per hectare (net) in the MDZ (outside the IHO) is appropriate.

INCREASED HEIGHT OVERLAY

- 7 Mr Collins⁸, Mr Hamish Anderson⁹ and Mr Wayne Bredemeijer¹⁰ (commercial expert and urban design expert on behalf of TAC respectively) have all raised concerns about the IHO being extended on to ‘The Island’, east – southeast of the Local Centre Zone (LCZ) on account of this area already being consented for development.
- 8 The experts for TAC cite the NPSUD, commercial and staging concerns, connectivity and topography. Overall, the experts for TAC seem more persuaded by the resource consent

⁷ *urban environment means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that: (a) is, or is intended to be, predominantly urban in character; and (b) is, or is intended to be, part of a housing and labour market of at least 10,000 people*

⁸ Evidence of Mr Andrew Collins, paragraphs 104 – 111

⁹ Evidence of Mr Hamish Anderson, paragraphs 21 – 28

¹⁰ Evidence of Mr Wayne Bredemeijer, paragraphs 24 – 27

already in place than what is the most appropriate planning outcome for this land. I note the following:

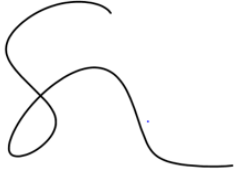
- 8.1 The Plan Change seeks to achieve medium to higher density housing outcomes in the Peacocke Precinct. Proposed rules MRZ-PREC1-PSP:R3 and MRZ-PREC1-PSP:R15 provide for a range of housing typologies, including the development of standalone houses.
 - 8.2 I acknowledge that TAC is able to exercise the resource consent they hold for the development of The Island at any time they choose. Equally, they are entitled to apply to amend that resource consent, but it will be subject to the planning framework in place at the time of the application. The most appropriate planning framework for the Peacocke Precinct is still being determined.
 - 8.3 Mr Collins cites a number of passages from the NPSUD but does not clearly explain how they support his position that the IHO should not be in this location. For the reasons I have cited in paragraph 70 in my EIC (specifically Objectives 3a, 3b, 3c and 8a and Policies 1c, 1e, and 3d of the NPSUD), I consider that the NPSUD provides substantial support for the IHO in this location.
 - 8.4 Mr Bredemeijer and Mr Anderson have advised that TAC staging plan has been devised to ensure that TAC is able to provide a range of housing typologies to meet market demand at all stages of their development. As noted above, the resource consent held by TAC can be given effect any time that TAC chooses, which would mean that the approved densities and staging can be developed. Conversely, if TAC decided to amend the resource consent, and if the IHO was in place, they would still be able (subject to the consenting process) to deliver a range of typologies across The Island because the IHO only covers a portion of The Island and standalone dwellings are permitted in the MRZ.
 - 8.5 As I noted in paragraph 70 of my EIC, I consider that The Island is well connected to the LCZ. I disagree with the connectivity issues raised by TAC's experts.
 - 8.6 Lastly, Mr Bredemeijer has raised concerns over the ability to provide higher density housing due the topography of The Island. As set out in paragraphs 90 and 91 of my EIC, I consider that the minimum (vacant) lot size should be 1200m² which readily supports comprehensive development of a site and better supports higher density outcomes. In the area identified by Kāinga Ora to be included in the IHO, there are large areas of relatively flat land that could accommodate 1200m² comprehensive development lots (as shown in Figure 1 below).
- 9 For the reasons set out in paragraph 70 of my EIC and for the reasons above, I consider that the IHO should be extended to cover a portion of The Island to the east – southeast of the LCZ.



Figure 1: Topographical image of The Island showing a 1200m² square

COMPREHENSIVE DEVELOPMENT PLANNING

- 10 I disagree with the recommendation of Mr Collins to delete the additional paragraph in the Vision of Chapter 3A requiring a Master Plan for both subdivision and land use applications. This paragraph is formalised by DEV01-PSP:P1, MRZ-PREC1- PSP:P9 and SUB-PREC1-PSP:P9, but still needs to be captured in Appendix 1, Section 1.2.2.2.1 as set out in paragraphs 43 – 46 of my EIC.
- 11 I agree with Mr Collins that the language should be consistent throughout Plan Change 5 and that the vision and relevant policies should be amended to refer to concept plans in line Appendix 1, Section 1.2.2.2.1.



Susannah Vrena Tait
22 September 2022