

**BEFORE THE INDEPENDENT HEARING PANEL
APPOINTED BY HAMILTON CITY COUNCIL**

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

AND

IN THE MATTER of hearing submissions on Plan Change 5 to the Hamilton
City District Plan

BETWEEN **THE ADARE COMPANY LIMITED**
Submitter #53

AND **HAMILTON CITY COUNCIL**
Local authority

**EVIDENCE IN CHIEF OF ANDREW COLLINS
FOR THE ADARE COMPANY LIMITED**

PLANNING

16 SEPTEMBER 2022

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SUMMARY OF EVIDENCE

1. My name is Andrew Collins and I am a planning consultant and the General Manager Urban Development at Harrison Grierson. I am providing planning evidence on the matters raised in the submission and further submissions by The Adare Company Limited.
2. I summarise my evidence, according to the key headings in this statement, as follows:

Relevant statutory context and relevant policy statements and plans

- (a) In this section of my evidence, I conclude that Plan Change 5 (PC5) gives effect to relevant national and regional policy direction and is consistent with the strategic urban growth strategies applicable in Waikato. PC5 seeks to achieve multiple urban development, natural environment, transportation, cultural and infrastructure objectives and I consider that a holistic approach is needed when considering PC5 issues and requests for changes. I conclude that, for the most part, PC5 does a good job of addressing all various competing issues.

Ecology / Long-tailed Bat Habitat Protection

- (b) In this section of my evidence, I address PC5's structure plan framework, then the wider landscape-scale approach that it is necessary to take when considering the issue of long-tail bats and their habitat. I observe that the Peacocke Structure Plan achieves a generous proportion of Natural Open Space Zone land (some 17-19%) relative to the balance land that is zoned for urban development purposes. The proposed Significant Bat Habitat Areas (SBHA) provide the potential to make a substantial contribution to the restoration and enhancement of habitat for the long-tailed bats, particularly if a strategic, coordinated and centralised approach is taken, led by Council with the support of other relevant agencies. While the s.42A report acknowledges the importance of such an approach, it does not commit to it in a strong enough manner and instead proposes that individual landowners "fill the void" and take on enhancement planting, bat monitoring, pest control and reporting

commitments, all of which can only occur in an ad hoc, expensive, unconnected, duplicated manner. I propose numerous amendments that will continue to recognise and provide for the “*protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna*” (s6(c) of the RMA) and will do so in a more effective, efficient and equitable manner.

Residential density and Medium Density Residential Standards

- (c) In this section of my evidence, I consider density issues and relevant national and regional policy direction, and conclude with support for the s.42A report recommendations regarding density targets in the Medium Density Residential Zone, including in the Increased Height Overlay area. I address the extent of the Increased Height Overlay area around the Local Centre Zone and conclude that it should not be extended. I consider that the s.42A report’s recommended provisions enable flexibility by setting a realistic minimum density target and by enabling (not mandating) higher densities to be achieved where appropriate and sought.

Local and neighbourhood centres:

- (d) In this section of my evidence, I consider issues relating to the location and extent of the Local Centre Zone (which I support unchanged) and also matters relating to commercial floorspace caps and the appropriate form and location for residential activities, in the Local Centre Zone and Neighbourhood Centre Zones.

Other matters

- (e) I then provide my planning opinions on a range of other PC5 matters that are the subject of Adare’s submissions and further submissions.

Proposed amendments

- (f) I conclude my evidence with Attachment 1 that comprises a schedule of the changes that I recommend to the Council’s s.42A report wording.

INTRODUCTION

1. My name is Andrew Michael Collins. I am General Manager Urban Development for Harrison Grierson Consultants Limited, a multi-disciplinary consulting company with seven offices throughout New Zealand. I have held this role (including previous Director of Planning / General Manager Planning roles for Harrison Grierson) for the last 17 years. I have an overview role for our urban development teams, specifically our planning and urban design teams (approximately 40 people) and our urban development engineering teams (approximately 80 people) based across all of our offices. I live in Tauranga but work nationwide.
2. I have a Bachelor's Degree in Regional Planning (with First Class Honours) from Massey University in Palmerston North, completed in 1987. Since then, I have had some 35 years' planning and resource management experience. I have worked as a planner in both the public and private sector, mainly the latter. I am a full member of the New Zealand Planning Institute and also the Resource Management Law Association of New Zealand.
3. During my career, I have been involved in a large number of resource consent, designation, and plan making processes relating to both district and regional issues, and as a result have been involved in many local authority and Environment Court hearings. In my current role as General Manager Urban Development for Harrison Grierson, I undertake planning work for a wide range of clients throughout New Zealand. This work is typically of a strategic planning, policy analysis or resource consent-related nature, or in the role of project director, and is undertaken for numerous local authority, government, utility and developer clients throughout the country.
4. In recent years I have assisted various local authority clients with significant strategic urban growth planning projects. Between 2018 and 2021 I was engaged by Queenstown Lakes District Council as lead planner for appeals on the strategic chapters of the Proposed Queenstown Lakes District Plan, including strategic direction, economic resilience, regionally significant infrastructure and urban development topics. This involved a key role in mediations, expert conferences and the

provision of expert planning evidence at several Environment Court hearings. Prior to that, in 2015-2016 I was engaged by Christchurch City Council as lead consultant planner for the urban growth section of the Christchurch Replacement District Plan (focusing on the Residential New Neighbourhood provisions), including mediations and redrafting on behalf of Christchurch City Council in order to assist the Independent Hearing Panel. At various times over the last 10 years I have also led urban growth planning and implementation projects for several Bay of Plenty local authorities.

5. I have had lead planning roles for a significant number of strategic urban growth projects and plan changes (residential, mixed use, business) on behalf of various developer clients, including in the Bay of Plenty (Tauriko West, The Lakes, Rangiuru Business Park), Waikato (Rangitahi), Wellington (Aotea, Wallaceville) and Christchurch (Belfast Park).

EXPERT CONFERENCING

6. I was not involved with the Amberfield consenting and appeal process¹. In relation to Plan Change 5, I was not involved in preparation of Adare's submission nor further submission. I become involved more recently, around May 2022.
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 and Transport (2) – 23 August 2022;
 - (b) Planning and Bats – 24 August 2022;
 - (c) Planning (MDRS/Density) – 25 August 2022;
 - (d) Retail and Urban Design (Local Centre) – 25 August 2022; and
 - (e) Planning (2) – 26 August 2022.
8. In addition, the JWS for the Planning (2) conference recorded² that I had reviewed the JWS's from the expert conference sessions held the prior

¹ Other than in a project director role relating to overview of Harrison Grierson's engineering and survey inputs.

² Refer section 3.3 of Planning (2) JWS 26 August 2022

week (which I could not attend) and I agreed with the outcomes where there was agreement between the experts. These JWS's related to:

- (a) Planning (1) – 18 August 2022; and
- (b) Planning and Transport (1) – 19 August 2022.

CODE OF CONDUCT

- 9. I have read the Environment Court Code of Conduct for expert witnesses and agree to comply with it.
- 10. I confirm that the topics and opinions addressed in this statement are within my area of expertise except where I state that I have relied on the evidence of other persons. I have not omitted to consider materials or facts known to me that might alter or detract from the opinions I have expressed.

SCOPE OF EVIDENCE

- 11. I have been engaged by The Adare Company Limited (**Adare**) to provide independent expert planning evidence on the issues raised in Adare's submission and further submissions on Plan Change 5 (**PC5**) to the Hamilton City District Plan (**District Plan**).
- 12. This evidence is structured to reflect the following key topics:
 - a) Relevant statutory context and relevant policy statements and plans
 - b) Ecology / Long-tailed Bat Habitat Protection
 - c) Residential density and Medium Density Residential Standards
 - d) Local and neighbourhood centres:
 - e) Other matters
- 13. Attached to my evidence as Attachment 1 is a schedule of the changes that I recommend to the Council's s.42A report wording. I have numbered each proposed amendment for ease of reference.

RELEVANT STATUTORY CONTEXT AND RELEVANT POLICY STATEMENTS AND PLANS

- 14. In later sections of this evidence, I will refer to some relevant statutory provisions, objectives and policies where relevant to the points I wish to make. Given that my evidence is focused on relief within the scope of

Adare's submission and further submission, it is not my role to comment on all Resource Management Act 1991 (**RMA**) provisions and all provisions of national and regional policy statements and plans that are relevant to PC5. However, I do wish to note that I concur with the identification of relevant provisions as set out, or referred to, in the s.32 documentation and in section 4 of the s.42A report. These relate to:

- a) Te Ture Whaimana o Te Awa o Waikato
 - b) National Policy Statements (NPSs) - the most relevant being the NPS Urban Development 2020 and the NPS Freshwater Management 2020
 - c) National Environmental Standards (none particularly relevant)
 - d) Waikato Regional Policy Statement
 - e) Waikato Regional Plan
 - f) Other Management Plans and Strategies (including the Future Proof Sub-Regional Growth Strategy, the Hamilton-Waikato Metro Spatial Plan, the Waikato-Tainui Environment Plan and Ngati Haua Environmental Management Plan)
15. As a general statement, I concur with the views expressed in the s.32 and s.42A reports with regard to the relevant statutory and planning provisions and in terms of their overall view expressed that PC5 gives effect to relevant national and regional policy direction and is consistent with the strategic urban growth strategies applicable in Waikato. I will refer to some specific provisions later where relevant to particular points of evidence.
16. I concur with Mr Sirl's comments where he states³ that:

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

³ Refer paragraph 14, Mr Sirl's planning evidence for Council.

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.

17. The above multi-faceted purpose is reflected in Chapter 3A Peacocke Structure Plan, particularly in the “overview and vision” section and in the objectives and policies sections which are divided into:
 - a) Urban Environment objectives and policies
 - b) Natural environment objectives and policies
 - c) Transportation Network objectives and policies
 - d) Cultural outcomes objectives and policies; and
 - e) Infrastructure network objectives and policies

18. I consider that, for the most part, PC5 does a good job of addressing all various competing issues. As I have considered the various planning issues presented by PC5, Adare’s submissions and other parties’ submissions, I have borne in mind the many objectives that PC5 is trying to achieve and have aimed to recommend amendments which I consider strike the right balance and are the most appropriate to achieve the various objectives, not just individually but collectively as a whole.

ECOLOGY / LONG-TAILED BAT HABITAT PROTECTION

Structure plan framework

19. One of the key issues for this plan change is how it recognises and provides for the “*protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna*” which is a matter of national importance listed in section 6(c) of the RMA.

20. The first aspect of section 6(c) (protection of areas of significant indigenous vegetation) is achieved through the identification and mapping of Significant Natural Areas (**SNAs**) within the Peacocke Structure Plan Area (**PSPA**) and the incorporation of these areas within the Natural Open Space Zone, with associated rules that provide appropriate management and protection.

21. It is the second aspect of section 6(c) (protection of significant habitats of indigenous fauna) that is more contentious and therefore one of the key issues for the Hearing Panel to consider at this hearing.
22. The PSPA is located adjacent to the Waikato River, and features the Mangakōtukutuku Gully, with smaller streams, wetlands and gully systems also present across the area.
23. The Technical Ecology Report by Bluewattle Ecology (Attachment 1 to Mr Kessels' evidence) (**Bluewattle report**) notes that these gullies, features and associated vegetation provide habitat for a range of native plants and animals, including fish, birds, invertebrates, lizards and long-tailed bats. A number of these areas are significant in terms of section 6(c) of the RMA and have been identified, mapped and protected from land use change by the updated PC5 provisions and mapping.⁴
24. The Bluewattle report also notes that the PC5 provisions and mapping of high value habitat:

“provide a landscape-scale approach to safeguarding the ecological values, habitats and biodiversity in a currently rural landscape with unusually high ecological values, whilst enabling development required to cater for a growing population”⁵
25. I agree with the approach outlined in the above statement and consider that it is important to take a holistic view of the overall outcomes that Hamilton City Council (**Council**) is seeking to achieve through PC5 when considering this matter.
26. I consider that urban development (at higher densities than have generally been achieved in the past) needs to be achieved within appropriate limits. The fundamental mechanism that has been used in PC5 to achieve a well-designed outcome within Peacocke that integrates environmental protection, infrastructure and land use considerations is the Peacocke Structure Plan (Figs 2-1, 2-2 and 2-3). The key spatial elements of the

⁴ Bluewattle report, page 4

⁵ Bluewattle report, page 5

Peacocke Structure Plan (**PSP**) in terms of zones are also reflected in the Planning Maps.

27. Fig 2-1 of the PSP (Land Use) – as amended by the s.42A report - identifies land to be used for:

Key green network elements

- a) Existing Natural Open Space;
- b) Proposed Natural Open Space;
- c) Proposed Parks (sports, community and neighbourhood parks);
- d) Indicative stormwater management devices; and

Other key land use elements (outside the above green network elements)

- e) Medium density residential areas (and overlay areas where increased height is enabled as a means of achieving higher densities in some areas);
 - f) Proposed centres (neighbourhood and local);
 - g) Proposed transportation elements.
28. Fig 2-3 of the PSP (Natural Environment and Heritage) – as amended by the s.42A report - identifies, amongst other things:
- a) Proposed SNAs – reflecting areas containing significant existing indigenous vegetation;
 - b) Proposed Significant Bat Habitat Areas (**SBHAs**) – reflecting areas that will be enhanced in future and which may, in time (after enhancement), be expected to achieve SNA status;
 - c) Significant trees; and
 - d) Proposed Parks (sports, community and neighbourhood parks).
29. The above structure planning approach effectively establishes a spatial framework whereby:
- a) substantial areas are to be protected from urban development (for both ecology and amenity purposes); and
 - b) the residual land is enabled for medium and higher density urban development which typically will require significant earthworks (and associated vegetation removal).

30. In my opinion, the above approach is the most appropriate way to achieve the high quality urban development outcomes sought by PC5 (as expressed in Chapter 3A – Peacocke Structure Plan - in the “vision” and the “urban development objectives” and “natural environment objectives” - specifically objectives O1, O2 and O8 to O12, as renumbered in the s42A report version).
31. This means that the protection provided by the PSP (Para 29(a) above) has to work hand in hand with an *enabling* approach to development in the residual areas (Para 29(b) above).
32. Mr Kessels refers to a statement by Wallace and Clarkson (2019) that:
- “restoring to a minimum of 10% indigenous ecosystem cover in a city is a necessary target for maintaining a healthy level of native biodiversity”.*⁶
33. This is consistent with Council’s Nature in the City Strategy which has the goal *“We achieve 10% native vegetation cover in Kirikiriroa/Hamilton by 2050”.*⁷ It is also consistent with existing explanatory text within Chapter 20 (Natural Environments) of the District Plan⁸ which states:
- At least 10% of remnant habitat cover is needed across a landscape in order to protect biodiversity and the functions of ecosystems. Only 1.5% of Hamilton City is covered by ecologically significant land. Hamilton City will need to keep maintaining and restoring sites as well as enhance significant natural areas to cover a variety of landforms and vegetation types within Hamilton City.”*
34. It is also consistent with the following proposed policy that forms part of Plan Change 9 to the District Plan:

⁶ Kessels evidence, paragraph 37

⁷ Refer page 26, section 4 of Nature in the City Strategy 2020-2050.

⁸ Chapter 20, explanation of Objective 20.2.1 and associated policies.

“Promote increasing the extent of Significant Natural Areas and indigenous biodiversity to meet the target of 10% indigenous vegetation cover in the City”⁹

35. I note that the PSPA certainly has the potential to do its part towards the City’s target. For example, Council’s PC5 website¹⁰ states that the key elements of the plan change include:
- a) 690 hectares of Medium Density Residential Zone;
 - b) 7.8 hectares of Local Centre Zone
 - c) 3.0 hectares of Neighbourhood Centre Zones
 - d) 14 hectares of Sports and Active Recreation Zone; and
 - e) 143 hectares of Natural Open Space Zone (which includes 58.2 hectares of SNA areas).
36. By my maths, the above areas total to 858 hectares in size, although I note that this figure differs from the 740 hectare area of PSPA that is stated in Chapter 3A, DEV01-PSP Overview and Vision (the latter figure also referred to by Mr Sirl¹¹). Nevertheless, the point I wish to make is that 143 hectares of Natural Open Space Zone represents 17% of the PSPA area if 858 hectares is the total area, or 19% of the PSPA if 740 hectares is the total area. The Natural Open Space Zone includes, in addition to the SNAs, large areas of SBHAs which do not yet contain much in the way of mature vegetation (some are still pasture). These represent future enhancement opportunities to create new and additional bat corridors, linkages and habitat. These are effectively future “compensation sites” to offset the removal of low to moderate value vegetation in the Medium Density Residential Zone parts of Peacocke (I address this issue in further detail later in my evidence).
37. Logically, if this SBHA enhancement potential is achieved over time, then the combined Natural and Open Space Zone land within Peacocke will significantly exceed the abovementioned targets of 10%. The Peacocke area will in effect be compensating for considerably lower areas of

⁹ Proposed Policy 20.2.1i) in Plan Change 9 to the Hamilton City District Plan.

¹⁰ Refer PC5 website under the heading “What’s a structure plan”, and the sub-heading “What does Plan Change 5 cover?”.

¹¹ Refer paragraphs 11 and 53 of Mr Sirl’s evidence.

indigenous ecosystem cover elsewhere in Hamilton, as the City as a whole has a long way to go to achieve the 10% target. My point is simply that the PSPA will be “doing its bit”, and proportionally more, towards city-wide ecological enhancement initiatives.

Wider landscape-scale approach (and associated objectives and policies)

38. The Bluewattle report also makes further recommendations to address the adverse residual effects of urbanisation on the low and medium-value long-tailed bat habitats and to pursue “no net loss” or “net gain” outcomes.¹² Amongst other things, these include:
- a) Habitat restoration (native revegetation, weed management and mammalian pest control) within PSPA public open space areas;
 - b) Habitat enhancement (native enrichment planting, weed management and mammalian pest control) within PSPA public open space areas;
 - c) Habitat restoration of significant areas outside of the PSPA within high value bat habitat known to support bat roosts;
 - d) Identification of potential compensation sites to achieve the above (i.e. sites within and outside of the PC5 area to enable pest control and/or restoration planting to address residual adverse effects on ecological values);
 - e) Monitoring guidelines to standardise all bat monitoring; and
 - f) Centralisation of both bat monitoring and pest control initiatives.
39. In my opinion, the above initiatives require a coordinated, city-wide management response (not just Peacocke-wide), including for the:
- a) Acquisition of land that is to be vested as Natural Open Space Zone (particularly SBHAs);
 - b) Restoration and enhancement of SBHAs to provide suitable habitat for long-tailed bats to replace:
 - habitat that has been lost city-wide over past decades; and

¹²

Bluewattle report, page 5-6

- low to moderate value bat habitat located outside SNAs that will be lost as the Peacocke Medium Density Residential Zone is developed.
- c) Bat monitoring and pest control; and
- d) Funding through financial contributions, rates (targeted and/or general) and other regional and central government funding sources that may be identified.

Proposed new objectives and policies in Chapter 3A

40. Adare's submission point 53.7 sought one new objective and three new policies in Chapter 3A.
41. The objective sought to reflect an outcome whereby the PSPA provisions contribute to the mitigation of adverse effects on the habitat of long-tailed bats arising from existing urbanisation and future development across Hamilton City. In *Weston Lea Limited v Hamilton City Council [2020] NZEnvC 189 (Amberfield decision)*, the Court recognised that the maintenance and enhancement of the Hamilton long-tailed bat population is a city-wide issue. Adare's submission records, amongst other things, that the ecological evidence adduced and agreed during the *Weston Lea* appeal process included that:
- a) the long-tailed bat's home range extends across wide areas of Hamilton city and its surrounding environment;
 - b) maintaining and enhancing Hamilton's long-tailed bat population is a city-wide issue; and
 - c) future Council planning documents should include provisions recognising the need for a city-wide approach to maintaining and enhancing Hamilton's long-tailed bat population.
42. The JWS from the Planning and Bats conferencing session records¹³ the agreement of numerous planners and ecologists that "*there is an opportunity in PC5 to recognise a wider landscape approach to managing bat habitat and the role that PC5 has to play within that.*" It also references Attachment 1 to the JWS which contains some suggested amendments to Adare's requested relief for the other experts to review and consider.

¹³

Refer section 3.3 of Planning and Bats JWS 24 August 2022

There was inadequate time for that review and consideration to occur within the conference and so they remain as suggestions, not matters of agreement. In response to Adare's submission 53.7, the s.42A report has proposed a new objective that reads:

DEV01-PSP-OX: Maintain and enhance a network of open space that support the ecological values of the Peacocke Structure Plan Area and contributes to the mitigation of the adverse effects of existing urbanization and future development on the habitat of the longtailed bat across all of Hamilton City

43. Also in response to Adare's submission 53.7, the s.42A report has proposed a new policy that reads:

Recognize that the establishment of Significant Bat Habitat areas within Peacocke Structure Plan Area contributes to the mitigation of the adverse effects of existing urbanization on the long-tailed bat across all of Hamilton City

44. I consider that the above objective and policy are suitably worded and important for inclusion in PC5 for all the reasons set out above. They will provide a policy basis to "anchor" subsequent rules and also non-District Plan methods that have been discussed at length in the s42A report and elsewhere.

The role of City-wide Bat Management Committee

45. The s.42A report recommends rejecting that part of Adare's submission point 53.7 that has sought a new policy that would read as follows (or similar):

Establish a Bat Management Committee pursuant to the City's Indigenous Biodiversity Strategy

46. The s.42 reporting officers note in their Appendix A "summary of submissions and recommendations" their opinion that, whilst a Panel or Committee is being established, the inclusion of a policy to this effect is not necessary. I disagree and consider that the important role of a "Bat Management Committee" (as per Adare's suggested name) or a "Bat and

Habitat Enhancement Panel” (as per the Director-General of Conservation’s suggested name) should be reflected in the PC5 policies.

47. The s.42A report suggests including an “advisory note” at the very end of Appendix 1.2 Information Requirements (at the end of section 1.2.2.28 Bat Management Plan) that records Council’s *“intention to establish a Peacocke-wide Bat and Habitat Enhancement Review Panel or similar entity to be established as a non-statutory body in conjunction with Waikato Regional Council, mana whenua and the Department of Conservation (with representatives from each or nominees) to undertake a coordination and advisory function”*. The proposed “advisory note” carries on to note the Panel’s role in:
- a) making recommendations to Council as consent authority
 - b) supporting resource consent applicants
 - c) preparing a Peacocke Bat Management Strategy to direct enhancement initiatives
 - d) coordinating a centralised monitoring activity including outside of PSPA
 - e) directing the use of financial contributions to specific projects and locations
 - f) identifying suitable locations (including within Waikato and Waipa Districts) of long-tailed bat habitat restoration and enhancement projects
 - g) reviewing various Bat Management Plans
 - h) reviewing monitoring and compliance reports from consent holders (to be required via consent conditions)
48. I note that the s.42 reporting officers’ suggested name “Bat and Habitat Enhancement Review Panel” differs from the Director-General of Conservation’s suggested name only by one additional word (ie. Review). I prefer the Director-General of Conservation’s proposed name as it suggests a more proactive role for the Panel than a merely reactive role which is what the term “review panel” suggests to me. Indeed the matters listed in the above paragraph that I have summarised from the s.42 report’s proposed “advisory note” do show the intent for the Panel to play a proactive role and that is encouraging. I also note the discussion in paragraph 7.61 of the s42A report regarding the “worthy outcomes” that

could be achieved, with the help of strong inter-agency collaboration and programme coordination, in the areas of research, transparent offset and compensation models, coordinated pest control and habitat restoration and enhancement, centralised bat monitoring and so on. I agree with this.

49. The remaining question then, is whether an advisory note is sufficient (I consider it is not) or whether the Panel should be referenced in a new policy in Chapter 3A (I consider it should). Drawing from the scope of Adare's submission point 53-7, and the intent expressed in the advisory notes in the s42A report, I consider that a new policy should be added as follows to implement the proposed new objective proposed by the s42A report (as set out in paragraph 42 above):

*Px Establish a Bat and Habitat Enhancement Panel to advise on matters relating to the creation, restoration and enhancement of habitat for long-tailed bats, and the monitoring of long-tailed bat activity, within and beyond the Peacocke Structure Plan Area.*¹⁴

50. The s.42A report makes frequent reference to the "landscape-scale" approach that underpins the PSP (particularly the SBHA elements) and the desirability of a strategic, coordinated and centralised approach to this long-tailed bat issue. I agree with that, but I disagree with the seeming reluctance to include provisions within PC5 that commit Council to action in this regard. Instead, the s.42A report proposes that individual landowners "fill the void" and take on enhancement planting, bat monitoring, pest control and reporting commitments, all of which can only occur in an ad hoc, expensive, unconnected, duplicated manner.
51. My planning opinion is that the above policy is warranted for inclusion in Chapter 3A. In addition, preferably, but potentially as an alternative, I consider that the Bat and Habitat Enhancement Panel should be referred to in Appendix 1.5 of the District Plan. Appendix 1.5 of the District Plan specifies "other methods of implementation". This section outlines some of the methods, other than District Plan regulation, that will be developed

14 Refer my Attachment 1, proposed amendment #3.

and implemented to give effect to the District Plan’s objectives. The section references:

- a) Regulatory methods outside the District Plan (1.5.1);
 - b) Education and advocacy methods (1.5.2)
 - c) Council projects and initiatives (subject to Long term Plan and Annual Plan) (1.5.3)
 - d) Collaboration and Partnership (1.5.4)
 - e) Economic instruments (1.5.5)
52. In Attachment 1, I propose an amendment to section 1.5.4 of Appendix 1.5 to recognise the method that Council is currently only referencing in an advisory note¹⁵. While PC5 did not propose any changes to Appendix 1.5, I consider that there is scope within Adare’s PC5 submission to make this amendment.
53. I wish to conclude this topic (wider landscape-scale approach to the creation, enhancement and management of habitat for long-tailed bats) by expressing support for the confirmation in both the s42A report¹⁶ and in the Planning and Bats JWS¹⁷ that Council intends to acquire reserve areas based on “fair market value” and the value of the land if it was Medium Density Residential Zone. In my opinion, this is appropriate and will ensure that costs and benefits will be more equitably distributed across the community and landowners in PSPA. This is particularly the case where SBHAs are proposed to create bat corridors in areas which do not currently contain bat habitat.
54. I consider that Council need not, and should not, necessarily wait for subdivision processes to accept SBHA land as reserves. This is likely to result in a piecemeal approach and rather a long timeframe for the creation of SBHAs and enhancement of habitats. I understand from the s42A report¹⁸ that funding has been set aside within Council’s Long Term Plan 2021-2031 for this reserve acquisition process. The s42A report proceeds to discuss the potential advantages of a more proactive

¹⁵ Refer my Attachment 1, proposed amendment #57.

¹⁶ Refer paragraph 7.80 of s42A report

¹⁷ Refer section 3.4 of Planning and Bats JWS 24 August 2022

¹⁸ Refer paragraph 7.80 of s42A report

acquisition and enhancement strategy but then states that Council has no intention of using designations and Public Works Act processes¹⁹. No reason is given. I consider there would be room for willing buyer/seller transactions (augmented where necessary by Public Works Act processes) to achieve the SBHAs if Council wanted to get ahead and address the time lag between vegetation removal in the Medium Density Residential Zones as it develops and the time for offset planting in SBHAs to establish and mature.

Extent of SBHA areas

55. Adare made a further submission opposing the Director-General of Conservation's submission²⁰ which requested the mapping of additional areas of bat habitat so as to create additional SBHAs. The s.42A reporting officers recommend rejecting that submission and accepting Adare's further submission in this regard. I support the s.42A recommendations as I consider that the Peacocke Structure Plan already achieves a generous proportion of Natural Open Space Zone land relative to the balance of land that is zoned for urban development (Medium Density Residential, Local Centre, Neighbourhood Centres and Sport and Active Recreation).

Minor mapping changes (SBHA through Adare's West Block)

56. Several of Adare's submission points²¹ relating to the Peacocke Structure Plan (Figures 2-1 to 2-3 in Appendix 2) and to the Planning Maps requested the removal of the SBHA overlays and Natural Open Space zoning within its "West Block",²² where there is currently no established bat habitat. Adare also had submission points on Chapter 3A diagrams and rule SUB-PREC1-PSP:R24 in Chapter 23A²³ requesting that the minimum width of SBHAs be reduced from 50m to 35m.
57. As recorded in the Planning and Bats JWS²⁴, Adare now supports PC5's minimum 50m width for SBHAs and proposes some minor modifications

¹⁹ Refer paragraph 7.84 of s42A report

²⁰ Director-General of Conservation submission 38.2.

²¹ Adare submissions 53.92, 53.94, 53.102 and 53.103.

²² The "West Block" is shown in Appendix 1 to Mr Peacocke's evidence.

²³ Adare submissions 53.20(5) and 53.80 respectively.

²⁴ Refer section 3.1 of Planning and Bats JWS 24 August 2022

to the SBHA through its West Block rather than its removal. The minor mapping changes reflect ground truthing and masterplanning work undertaken within Adare's West Block, which maintains an SBHA at least 50m wide throughout²⁵. I note that the s42A report²⁶ supports these minor mapping changes and I also support them and Adare's revised position.

Low to moderate value vegetation outside Natural Open Space Zones and Proposed new rule 25.2.5.2

58. One of the key matters of contention in PC5 relates to the approach taken to the removal of vegetation within the PSPA outside of the Natural Open Space Zones.
59. Section 6(c) of the RMA states that "*the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna*" is a matter of national importance that shall be recognised and provided for. I understand that the significantly expanded SNA areas within the PSPA contain the identified and mapped "high value" areas of significant indigenous vegetation, which also provide significant habitats for many types of indigenous fauna, and also contain the currently known and mapped bat roost trees.
60. The issue is that at least some of the low to moderate value vegetation outside the SNAs (and also outside the wider Natural Open Space Zone) is also likely to be used on occasions by long-tailed bats (a nationally threatened species) as they roam, forage and roost. At the same time, as I have noted in paragraph 36 above, PC5 dedicates some 17-19% of the PSPA to Natural Open Space Zone and more particularly provides the framework for the creation of new SBHAs to provide good current, and even better future, corridors and linkages for long-tailed bats. As I discussed in paragraphs 29 to 31 above, it is important for the residual areas of PSPA to be able to be developed efficiently and comprehensively for urban purposes (mainly medium density residential development involving significant earthworks and associated vegetation removal).

²⁵ The plan showing these changes is contained in Appendix A to Mr Bredemeijer's evidence.

²⁶ Refer paragraph 7.132 of s42A report

61. The s.42A report proposes:
- a) addition of a new rule 25.2.5.2 (Vegetation clearance in the PSPA) that provides for tree removal as a permitted activity subject to specified standards;
 - b) a new restricted discretionary activity rule 25.2.3(k) for vegetation clearance in PSPA that does not meet the standards in 25.2.5.2; and
 - c) a suite of information requirements and new assessment criteria in Appendix 1.2 and 1.3 respectively for consents triggered by the above rules.
62. Subdivision and land use consent processes already typically involve ecological assessments, but the above proposals significantly “raise the bar” in terms of information requirements and assessment criteria, both of which lead to the potential, and likelihood, for more complex conditions of consent.
63. Vegetation removal outside of SNAs, and where undertaken separately (generally ahead of) subdivision or land use consent processes, is currently a permitted activity. The proposed changes above aim to continue to provide a permitted activity pathway for some such vegetation removal while also triggering consent applications for the removal of vegetation where the new standards are not met.
64. Proposed standard 25.2.5.2 as recommended in the s.42A report reads:
- 25.2.5.2 Vegetation Clearance in the Peacocke Structure Plan Area**
- a) *No removal of trees or vegetation within the Peacocke Structure Plan Area with a diameter of more than 150mm measured at 1.4m in height above ground level, unless:*
 - i. *It is in conjunction with works authorised by an associated subdivision consent; or*
 - ii. *It is associated with works authorised by an existing resource consent; or*
 - iii. *A report is provided by a suitably qualified ecologist demonstrating that following an assessment of the tree that the tree is not an existing bat roost tree and there is low potential for the tree to be used as habitat for longtailed bats, and*
 - iv. *That the above report is provided to Hamilton City Council prior to the removal of the tree(s).*
65. I am aware from the Planning and Bats expert conferencing that vegetation comes in vast multitudes of different shapes, sizes and forms and, therefore, setting the threshold at “*diameter > 150mm measured at*

1.4m in height” is somewhat simplistic from an ecological perspective and that there could be some potentially significant tree specimens not “caught” by this threshold. However, from my planning perspective, as this is a permitted activity rule, it is important that the rule be clear and easy for plan users to understand. I support that part of the proposed rule as it is. I accept that there is the possibility some trees will be caught that perhaps should not be, and others may not be caught that perhaps should be. However, overall, I consider it will be an effective threshold to use for the triggering of consent applications.

66. Regarding clause iii, I understand from discussions with Adare’s ecologists that many (or even most) trees above the specified size will have more than “low potential” to be used as habitat for long-tailed bats. So the rule as worded above has the potential to trigger a considerable number of consent applications. The associated information requirements proposed are also very onerous for any landowner seeking (via clause iii) to remove just one or a small number of trees, particularly in the context of its Medium Density Residential zoning. They are also onerous for landowners and developers proposing vegetation removal as part of land use or subdivision consent processes (clause i and ii above).
67. I note that the section 6(c) relates to the protection of “*significant habitats of indigenous fauna*” as opposed to “*habitats of significant indigenous fauna*”. I consider this is an important distinction and means that not all trees providing bat habitat need to be protected in an absolute sense. I consider that the proposed combination of new permitted and restricted discretionary rules still provides for the overall “protection” of bat habitat even in circumstances where the trees/vegetation used or potentially used by bats is removed. This is because the long-tailed bat is a highly mobile species and the vegetation removal can be offset by the creation and enhancement of habitat within SBHAs and elsewhere (to achieve a net gain scenario).
68. I support the s.42A report comments²⁷ that explain:

As expressed within the P3 matters of discretion, the purpose of this rule is not to seek to retain all vegetation within the low to moderate habitat areas,

²⁷ Refer paragraph 7.51 of s.42A report.

but rather to ensure there is a consenting mechanism that via consent conditions requires planting/enhancement elsewhere, to manage the process by which the vegetation is removed in accordance with protection protocols, and to provide a framework by which financial contributions and/or other measures can be required to compensate for the loss of the vegetation, including offsite and potentially outside of the Peacocke Structure Plan Area.

69. As a permitted activity rule, which applies to land intended to be developed to medium and higher densities, I consider that the rule should be reframed to make it read more as a permitted activity rule (i.e. “permitted where standards are met” as opposed to “not permitted unless ...”). In Attachment 1²⁸, I suggest the alternative wording below:

25.2.5.2 Vegetation Clearance in the Peacocke Structure Plan Area

- a) The removal of any tree or vegetation within the Peacocke Structure Plan Area outside the Natural Open Space Zone is a permitted activity where:*
- i it has a diameter less than 150mm measured at 1.4m in height above ground level; or*
 - ii where it has a diameter of 150mm or more measured at 1.4m in height above ground level and:*
 - (A) A report is provided by a suitably qualified ecologist demonstrating that, following an assessment of the tree, the tree is not a confirmed or potential bat roost tree; and*
 - (B) The above report is provided to Hamilton City Council prior to the removal of the tree(s); or*
 - iii. the vegetation removal is associated with works authorised by an existing subdivision or land use resource consent.*

70. I acknowledge that the wording in clause a)ii(A)²⁹, where the ecologist has to assess whether or not the tree is a confirmed or potential bat roost tree, will still capture a similar number of trees for resource consent purposes as compared to the s.42A wording. However, I propose later some more streamlined information requirements and amended assessment criteria in an attempt to make the resource consent processes more efficient and targeted. On the positive side from Council’s perspective, my proposed amendments would not diminish Council’s ability to collect financial contributions towards enhancement planting in the SBHAs if appropriate, alongside other funding sources.

71. The s.42A report proposes a new restricted discretionary activity rule to be inserted within the Activity Status Table in section 25.2.3 of the District Plan as follows:

²⁸ Refer my Attachment 1, proposed amendment #41.

²⁹ The numbering system could do with some further attention.

k) *Vegetation clearance in the Peacocke Structure Plan Area that does not meet the requirements of 25.2.5.2* RD

72. I support the above addition. There may be a few trees within the Medium Density Residential Zone where avoidance is an option (for example, perhaps mature trees located close to an SBHA area where they have high potential to be used as bat roosts and can be incorporated into a public reserve). However, my expectation is that the more probable outcome of the consenting process for the majority of applications for tree removal within the Medium Density Residential Zone will be the granting of consent subject to conditions (including financial contributions/offsetting and felling in accordance with DOC tree felling protocols). In the context of the substantial Natural and Open Space Zone areas proposed by PC5 (some 143 hectares, including new linkages/SBHAs to be created), I consider that the overall approach would still constitute “protection of *significant habitats of indigenous fauna*” as well as providing for development of the Medium Density Residential Zone.

Bat Management Plans (Appendix 1.2 – Information requirements: section 1.2.2.28)

73. In response to the Director-General of Conservation’s submission point 38.72 (which was opposed by Adare’s further submission), the s.42A report proposes very substantial additions to the Bat Management Plan requirements which, when PC5 was notified, applied only to applications in SBHAs. Now the s42A report proposes that Bat Management Plans be required for every application (subdivision and land use) within Peacocke that seeks to remove any trees or vegetation of a diameter >15cm at breast height (hereafter abbreviated to “>15cm DBH”). Proposed rule 25.2.5.2 refers to “1.4m” whereas section 1.2.2.28 currently refers to “DBH”, so some changes should be made to the latter to achieve consistency.
74. The list of requirements for a Bat Management Plan is extensive and includes:
- a) Identification of all trees >15cm DBH to be removed;
 - b) Methodology for pre-and post development monitoring for bats using, as a minimum, automated bioacoustics bat detectors;

- c) Pre-felling monitoring regime involving detailed tree inspections and, for potential roost features, a methodology for acoustic or visual monitoring to establish any presence of roosting bats;
 - d) Avoidance, remediation, mitigation, offsetting and compensation measures for roost trees;
 - e) Initiatives that link to other areas with Peacocke Structure Plan area;
 - f) A summary of planned works including replacement planting, permitting requirements, biosecurity protocols, timing, roles and responsibilities, reporting requirements and adherence to the Department of Conservation 'Protocols for Minimising the Risk of Felling Bat Roosts' where potential roosting trees for long-tailed bats are being removed;
 - g) Ongoing monitoring obligations for the consent holder, along with obligations to report to the Bat and Habitat Enhancement Review Panel;
 - h) Pest control measures for cats and mustelids;
 - i) Proposals for any installation and maintenance of artificial bat roost boxes;
 - j) Proposals for any off-site compensation or biodiversity off-setting to address residual adverse effects on bats and to achieve a net biodiversity gain;
 - k) Proposals for vesting of reserves (subdivision applications) or communal open space (land use applications) for retention and enhancement of bat habitat;
 - l) Any consent notices (subdivision applications) or land covenants (land use applications) proposed to protect bat roosts in perpetuity; and
 - m) Financial contribution proposals as a means to provide offset mitigation, including *"calculations ... in accordance with a model developed by the applicant, generally in accordance with ... Tonkin & Taylor report ... July 2021"*. (the last part set out in advisory note)
75. In my opinion, the list of requirements for Bat Management Plans is too wide-ranging and onerous. They may be appropriate requirements for any works within Natural Open Space Zone areas (SNAs and SBHAs) such as walkways or road crossings. However, outside of such areas, for example within the Medium Density Residential Zone, it is important to

consider the time, expense, effort (and likely consternation) that these requirements would place on the landowners and developers in Peacocke as they each have to *individually* address these requirements.

76. The broader issue facing Council and the community, is that very large amounts of money have been invested in trunk infrastructure (roads, bridges and three waters infrastructure) to unlock the potential of the Peacocke urban growth area. It is essential that the PSPA gets developed in a timely manner, and to the densities envisaged, so that the development can repay the infrastructure investments through development contributions, again in a timely manner. Of course, the housing outcomes are also critical to provide for a growing population.
77. This is probably a suitable point to also note that section 7(b) of the RMA requires the Hearing Panel to have particular regard to (amongst other things) "*the efficient use and development of natural and physical resources*". I am concerned that some of the extensive information requirements could lead to substantial costs and delays and, overall, to *inefficient* development of the Medium Density Residential Zone land. In my opinion, it would be far more efficient and generally preferable for there to be:
- a) a simple financial contribution, development contribution or targeted rate regime for bat habitat enhancement (for example, \$1000 per lot over 8400 lots within PSPA would, over time, result in \$8.4m being received); and
 - b) Council coordinated, multi-agency programme (overseen by Bat and Habitat Enhancement Panel) for coordinated habitat enhancement, pest control and centralised monitoring and so on.
78. In paragraph 50 above, I made the point that the s.42A report makes frequent reference to the "landscape-scale" approach that underpins the PSP (particularly the SBHA elements) and the desirability of a strategic, coordinated and centralised approach to this long-tailed bat issue. However, it concurrently proposes that individual landowners take on management plan preparation, enhancement planting, bat monitoring, pest control and reporting commitments, all of which can only occur in an ad hoc, expensive, unconnected, duplicated manner.

79. In Attachment 1³⁰, I propose significant amendments to the section 1.2.2.28 information requirements relating to Bat Management Plans in order to simplify the provisions and strike a fairer and more appropriate balance between the roles and responsibilities of landowners and Council and other relevant agencies.

Development interface with SBHAs

80. Adare's submission 53.82 noted that the policies in 25.6.2.2a) and b) are clear that the lighting standards in 25.6.4.4 are intended to relate to fixed lighting whereas the standards in PC5 are not clear about this and so, unless amended, could be interpreted as applying to vehicle headlights as well, which would be problematic. The evidence of Mr McKensey addresses this issue and the s.42A report proposes a comprehensive suite of changes to 25.6.4.4 in relation to artificial outdoor lighting. The proposed new clause b) clarifies that *"artificial outdoor lighting shall be fixed artificial outdoor lighting and that lighting attached to a vehicle is not considered to be fixed"* and this satisfactorily addresses Adare's submission point. From a planning perspective, I consider the proposed changes are mostly appropriate as there is better certainty around how the standards will be applied.
81. This said, in Attachment 1³¹ I do suggest two changes to 25.6.4.4. One of the changes is to amend the heading of the rule so that it applies to the "Peacocke Precinct" (as a whole) rather than just the "Medium Density Residential Zone: Peacocke Precinct". That change would ensure that lighting effects are managed at all urban development interfaces with SBHAs, including the Neighbourhood Centre Zone and Local Centre Zone. The other change that I recommend is to clause c) of 25.6.4.4 in order to clarify the extent of "land adjoining a SBHA" that needs to meet the standards specified in that clause, which relate to the design of light fittings. I am conscious that there could be very large land parcels adjacent to an SBHA (for example a superlot intended for community housing or for a retirement village, in both cases without subdivision). In these cases, it would not be appropriate for the "higher than normal"

³⁰ Refer my Attachment 1, proposed amendments #51 and #57.

³¹ Refer my Attachment 1, proposed amendment #42.

lighting standards proposed in clause c) of the s.42A wording of 25.6.4.4 for SBHA interface areas to apply across the whole site, including parts relatively distant from the SBHA.

82. As I am not a lighting expert, and Adare does not have a lighting expert in its team, I have simply identified this point in my Attachment 1 for consideration by the Hearing Panel. It may be that Council's lighting expert, Mr McKensy, can offer an opinion in this regard. My planning interest stems generally from section 32 of the RMA and a desire to have effective but reasonable provisions in the plan that appropriately manage effects but that do not unduly add to development costs or uncertainty.
83. I agree with the s.42A reporting officers and with Adare's further submissions that 5.0m is an appropriate setback distance for buildings from SBHAs in all Peacocke zones (unchanged from PC5 as notified).

Multi-functional use of SBHAs and SNAs

84. Adare's submission³² sought clarity in Chapter 3A Policy DEV01-PSP:P5 that recreational activities (such as walkways) are appropriate in SBHAs. That change is recommended to be accepted in the revised version of the policy (now Policy DEV01-PSP:P3) and I support that change.
85. However, I note one omission in the s.42A report in that it does not reflect the outcome of the JWS for the Planning (2) expert conference held on 26 August in one respect. The planning experts all agreed that the following text would be inserted into Rule 20.3 in Chapter 20 Natural Environments which relates to activities in SNAs.

“Additional Rules for Activities within a Significant Natural Area, Schedule 9C (Volume 2, Appendix 9) – Peacocke Structure Plan

ga) Park Furniture – Permitted Activity.

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.

gc) Construction of, or access to, new infrastructure in a Significant Natural Area, including associated pruning, maintenance or removal

³² Adare submission point 53.9.

of indigenous or exotic vegetation or trees and associated earthworks – Discretionary Activity.”

86. I include the above in my Attachment 1³³ proposed amendments.

RESIDENTIAL DENSITY / MEDIUM DENSITY RESIDENTIAL STANDARDS

Density context and policy

87. One of the key issues for PC5 relates to the density outcomes to be achieved within the Medium Density Residential Zone and in the Increased Height Overlay area which, when PC5 was notified, was called the High Density overlay area.
88. Adare’s submission³⁴ supported Policy DEV01-PSP: P14 as notified which targeted the achievement of a minimum overall net residential density (excluding roads and open space) of 22-30 dwellings per hectare within the Medium Density area and 35-50 dwellings per hectare within the High Density overlay. Adare’s further submissions opposed Kainga Ora’s submission points that sought amendments to the policy to target densities of 50 dwellings per hectare within the Medium Density area and 100 dwellings per hectare within the High Density overlay.
89. This matter was discussed at the Planning, MDRS and Density expert conferencing session on 25 August and the JWS effectively records a narrowing of positions but no full agreement by all the experts. The planner representing Kainga Ora (Ms Tait) expressed a preference for this policy to state a minimum density target of 45 dwellings per hectare across the Medium Density Residential Zone while I expressed a preference for a minimum overall net density target of 30 dwellings per hectare in the Medium Density Residential Zone and 45 dwellings per hectare in the Increased Height Overlay area.
90. The s.42A report proposes a reworded policy (which is now P8) that reads:

Development of the Peacocke Structure Plan area should aim to achieve a minimum overall net residential density (excludes roads and

³³ Refer my Attachment 1, proposed amendment #32.

³⁴ Adare submission point 53.10.

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

91. I support this wording. I note that the Future Proof Strategy (Table 6) sets the net target densities to be achieved over time in different parts of the Waikato Region, and in Peacocke this is specified as 30-45 dwellings/ha net. A key point to note is that these densities are to be achieved “over time” as the market adapts. The proposed wording of the policy is therefore fully consistent with the Future Proof Strategy.
92. From the s.42A report and discussions between Adare and Kainga Ora, I understand that the area of difference has narrowed further and that Kainga Ora may be satisfied with the above wording with the exception that it is seeking 35 dwellings per hectare as a minimum density target outside the overlay area (instead of 30 dwellings per hectare).
93. In the JWS, it is recorded that I referred to some specific masterplanning work undertaken by Adare’s various urban design, engineering, planning, transport and ecological experts in relation to its West Block.
94. This West Block masterplanning work has now been documented and illustrated in the evidence of Mr Bredemeijer³⁵. He notes in his evidence that the West Block was selected for the masterplanning work as its varied topography is representative of the topography in other Adare sites and for much of the land in PSPA.
95. Mr Bredemeijer’s evidence explains in some detail why the masterplan achieves as many terraced dwellings as possible (with a variety of 4.5m, 6m and 8m wide frontages for each unit within the various terraced dwelling blocks). He also explains why, in many locations, duplexes are proposed and also vacant lots for stand-alone dwellings (many anticipated to be split level) where necessary due to sloping topography.
96. He discusses two concept variations (both incorporating significant medium density housing typologies but one showing more than the other)

³⁵

Refer to Bredemeijer Appendix A drawings “Capacity study for the West Block”.

and explains why, due to the various practical constraints of the land, these achieved in the order of 29-31 dwellings per hectare (excluding roads and open space). For this reason, I do not support setting a minimum overall net density target of 35 dwellings/ha.

97. I understand a desire to set “stretch targets” to encourage developers to aim for high densities but I maintain that when setting policy that expresses *minimum* overall net density targets, there is a need to take a realistic approach as opposed to an aspirational approach. There is a need to have regard to the practical constraints and nature of the topography in the PSPA. Also an overall target suggests “unders and overs”. Given the evidence on the challenges to achieve even 31 dwellings per hectare in the West Block masterplanning work (despite the introduction of substantial medium density housing typologies), it is unclear where the “overs” will be found in order to achieve 35 dwellings per hectare, given similar topography elsewhere in the PSPA. In summary, I support the s42A report recommendations.
98. I consider that that the policy should enable flexibility by setting a realistic minimum and *enabling* higher densities to be achieved where appropriate and sought.
99. The National Policy Statement for Urban Development 2020 (which has been updated in May 2022 to reflect the Resource Management (Enabling Housing Supply) Amendment Act 2021) is a relevant consideration as district plans are required to give effect to it. I consider that the most relevant objectives and policies for consideration of this issue³⁶ are:

Objective 1: *New Zealand has well-functioning urban 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*

Objective 4: *New Zealand’s urban environments, including their amenity values, develop and change **over time** in response to the diverse and changing needs of people, communities, and future generations. (emphasis added)*

³⁶ Noting that there are other NPS-UD objectives and policies discussed later that are relevant to Local Centre and higher densities around centres.

Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum: have or enable a variety of homes that:

- (i) *meet the needs, in terms of type, price, and location, of different households; and ...* (emphasis added, noting also that the remainder of the policy is not included as it is not particularly relevant for this issue)

100. I consider that setting the minimum density any higher than 30 dwellings per hectare (other than in the Increased Height Overlay area) would result in practical implementation difficulties, and associated delays. The market is already changing at a relatively significant pace and it will change further over time. Collectively we should *enable* that change, not force it.

Extent of Increased Height Overlay

101. Adare's further submission opposes Kainga Ora submission³⁷ where it seeks to increase the extent of the High Density Overlay (now proposed by the s.42A report to be called the Increased Height Overlay). The original increase in extent sought was shown in a plan that was attached as Appendix 3 to its submission. Since then, Kainga Ora has provided a plan to Adare that shows a reduced extent of the additional area to which it seeks the Increased Height Overlay to apply. The modified plan is contained in Appendix C of Mr Bredemeijer's evidence.

102. I support the s.42A report's recommendation to reject this Kainga Ora submission and keep the extent of the Increased Height Overlay the same as in the notified PC5. I also support the s42A report's recommendation to rename the High Density Overlay to Increased Height Overlay. As discussed in paragraph 90, I support the minimum overall net residential density target for this overlay area being set at 45 dwellings per hectare, in recognition of the extra height enabled. For reasons discussed in the previous "density context and policy" section, and noting the wide coverage of the Increased Height Overlay area across a substantial part of the PSPA, I am aware that achieving this high density may be a challenge in some of the areas which have more varied topography, but I accept the target proposed as I understand that the overlay areas have

³⁷ Kainga Ora submission point 55.1. The submission also sought to replace the overlay with a new High Density Zone but I understand that aspect of the relief is not being pursued.

been selected because they generally have easier topography to work with. This is true of the Increased Height Overlay areas on Adare's land (north and south of the Local Centre Zone) anyway.

103. I oppose Kainga Ora's proposed extension of the overlay onto part of the area known as "The Island" within the Adare land that has already been consented as part of the Amberfield subdivision. Appendix E of Mr Bredemeijer's evidence provides a plan showing the consented layout (on the left side of the drawing) along with a second plan showing Adare's intensification and staging intentions (on the right side of the drawing). This drawing is useful to understand that the Amberfield subdivision was consented (following a comprehensive appeal process) based on the *pre-PC5* plan provisions (Peacocke Special Character Area and its associated structure plan). It was designed to achieve a range of lot sizes (300m² to >700m²),³⁸ primarily for standalone houses, although cognisant of evolving planning policies and the NPS-UD, it was (and is) the intention to use s.127 consent processes to vary the approved plans to progressively provide for the development of superlots into terraced housing and thereby achieve higher densities and more varied housing typologies than approved. The orange and red shades in Mr Bredemeijer's Appendix E drawing (right side) – absent in the consented version – show the intentions to create significant amounts of new terraced housing.³⁹
104. It is at Adare's discretion entirely whether to pursue s.127 applications for any stage of its consented development. It is entitled to develop the lower density standalone lots shown in the consented plan on the left side if it chooses to.
105. Turning to Kainga Ora's requested extension of the Increased Height Overlay over some of "The Island" part of Amberfield, I can appreciate that much of the island is within a "walkable catchment" of the Local Centre (most of it within 500m and all of it within 800m of the edge of the Local Centre Zone).⁴⁰

³⁸ Refer to the key on the drawing in Appendix E to Mr Bredemeijer's evidence to better understand the distribution of densities and lot sizes.

³⁹ Refer to the key on the drawing.

⁴⁰ Refer to the scale bar at the bottom of the plan in Mr Bredemeijer's Appendix E.

106. However, the island is physically separated from the Local Centre Zone by a substantial gully and so any walking access will be via the proposed bridge. The situation is different, in my opinion, to most scenarios of walkable catchments around centres. Mr Bredemeijer's evidence discusses Adare's proposed staging and his Appendix E plan shows how the higher density stages to the south of the Local Centre are intended to be developed either simultaneously, or within a close staging sequence, so as to provide a variety of housing product types to the market at any one time.
107. I note that the evidence of Mr Anderson addresses the commercial importance of being able to supply a variety of housing typologies to the market at any one time and, conversely, the importance of not being forced to supply *only* higher density housing typologies over large stages of development if there is insufficient market demand for such a high volume of higher density typology product.⁴¹
108. While I defer to the evidence of Mr Anderson in terms of commercial aspects, from a planning perspective I do understand the importance of recognising commercial drivers when formulating planning provisions.
109. The following objectives and policies in the NPS-UD are considered most relevant (emphasis added):

Objective 3: *Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:*

- (a) *the area is in or near a centre zone or other area with many employment opportunities*
- (b) *the area is well-serviced by existing or planned public transport*
- (c) *there is high demand for housing or for business land in the area, relative to other areas within the urban environment.*

Objective 4: *New Zealand's urban environments, including their amenity values, develop and change **over time** in response to the diverse and changing needs of people, communities, and future generations.*

⁴¹ Refer to paragraph 26 of Mr Anderson's evidence.

Policy 1: *Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum: have or enable a variety of homes that:*

(i) *meet the needs, in terms of type, price, and location, of different households; and ... (noting also that the remainder of the policy is not included as it is not particularly relevant for this issue)*

Policy 3: *In relation to tier 1 urban environments, regional policy statements and district plans enable ...:*

(d) *within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and densities of urban form commensurate with the level of commercial activity and community services.*

110. The density target that is associated with the Increased Height Overlay (45 dwellings per hectare compared with 30 dwellings per hectare proposed for areas outside the overlay) is such that it can only be achieved if the housing typologies are predominantly terraced housing and apartments. This is completely different to the consented subdivision. Although Adare has intentions to pursue s.127 applications to introduce significantly more terraced housing and smaller vacant lots too, I understand from Mr Anderson's evidence⁴² that it will be more inclined to not do this, and instead implement the lower density consented plan, if the Increased Height Overlay is extended and, with it, the higher density target introduced.

111. I consider that the more enabling approach in this case, recognising the existing consent, would be to leave the overlay unchanged and enable Adare to provide a variety of housing typologies (consistent with NPS-UD Objective 4 and Policy 1) through its proposed s.127 application processes. This would be a pragmatic response in my opinion given that the Amberfield subdivision has already been consented.

Changes to incorporate Medium Density Residential Standards

112. I note that the s.42A report responses to the Medium Density Residential Standards (**MDRS**) in Schedule 3A of the RMA included a variety of amendments to Chapter 4A (Medium Density Residential Zone) and also to Chapter 23A (Peacocke Subdivision). As part of the expert conferencing process, I had the opportunity to review and provide

⁴² Refer to paragraph 28 of Mr Anderson's evidence.

comments prior to the release of the s.42A report. I support the s.42A report recommendations.

Masterplans, Concept plans, Design Guides

113. Adare's further submission supported in part Kainga Ora's submission 55.103 where it sought to simplify Chapter 3A by moving the Components of the Peacocke Structure Plan into a non-statutory design guide. Adare supported the simplification and general editing of Chapter 3A and it supported the preparation of a Design Guide that is suited to the medium and high density outcomes anticipated in the Peacocke Precinct. However Adare's further submission was opposed to the suggestion that a non-statutory Design Guide could be referenced in the district plan and simply updated as necessary without a First Schedule RMA process.
114. The section 42A report summary of submissions and recommendations accepts the simplification of Chapter 3A, Components of the Peacocke Structure Plan section, and proposes numerous changes. I support the recommended removal and/or relocation of numerous parts of Chapter 3A. I consider that the balance of descriptive information left in the Components of the Peacocke Structure Plan section of Chapter 3A (s42A version) strikes an appropriate balance.
115. The s42A report does not recommend the introduction of any new Medium Density Design Guide, whether within or outside the district plan and the various JWS's do not record discussion of this topic nor any agreement. The design guide discussion focused on the Local Centre Design Guide which is briefly discussed later in my evidence and also in Mr Bredemeijer's evidence (in both cases recording our agreement for that particular significantly edited and streamlined Design Guide)
116. In Attachment 1 to my evidence⁴³ I recommend deleting the last paragraph of DEV01-PSP: Overview and Vision as shown in the s42A report, and as shown deleted below

~~To guide development in the Peacocke Precinct, a Master Plan will need to be developed with either a landuse or subdivision application to ensure that the vision for the Precinct is delivered. Information~~

⁴³ Refer my Attachment 1, proposed amendment #2.

~~requirements will include concept plans for transport, infrastructure, the natural environment network, the open space network, landuse, landscape design, staging and integration, as well as a detailed development response (architecture and urban design) and an ecological rehabilitation and management plan. With respect to the Local Centre, a Master Plan is required and developers of the Local Centre will take guidance from the non-statutory Peacocke Centre Design Guide.~~

117. This above text is proposed in the s42A report in response to Kainga Ora's submission 55.5 which it recommends accepting. Adare opposed that submission point in its further submission. I consider that the above text should be deleted (and therefore Kainga Ora submission 55.5 rejected, at least in this respect, and Adare's further submission accepted). Kainga Ora's submission was as stated above except that, in the first line of the paragraph, it used the term "Comprehensive Development Plan". Council's s42A report replaced that term with "Master Plan".
118. That seems an odd change for the s42A report to recommend as it does not reflect the fact that the Peacocke Local Centre Design Guide is *not* non-statutory (it is included in section 1.4.11 in Appendix 1.4) and there are no Master Plan requirements that apply to PC5, other than for the Local Centre (section 1.2.2.27 in Appendix 1.2). For other areas, PC5 amended section 1.2.2.3 of the district plan (in Appendix 1.2 Information Requirements) to *remove* the previous Master Plan requirements for subdivisions in the previous Peacocke Character Area. In doing so, PC5 repurposed that section and renumbered it 1.2.2.2.1 so as to be part of section 1.2.2.2 (Subdivision Concept Plans).
119. The new section 1.2.2.2.1 (Additional requirements for Concept Plans for the Peacocke Structure Plan) sets out a range of matters for subdivision applications in the Peacocke Precinct to address including, importantly, the need to "*demonstrate how the proposal is in accordance with the Peacocke Structure Plan and how the objectives and policies of the Structure Plan are able to be met*". These Subdivision Concept Plans effectively perform the same role as Kainga Ora's suggested Comprehensive Development Plans would do. In my opinion, there is no reason to change terminology and even less reason to persist with confusing or conflicting terminology.

120. Section 1.2.2.2.1 clause f) is Detailed Development Response. It currently refers to the need for subdivision to consider the design guides in Appendices 1.4.1, 1.4.2 and 1.4.3 of the District Plan which are:
- a) Appendix 1.4.1 Subdivision Design Guide
 - b) Appendix 1.4.2 Residential Design Guide (Residential and Special Character Zones)
 - c) Appendix 1.4.3 Medium Density Residential Design Guidelines
121. In Attachment 1⁴⁴, I recommend deletion of the cross-references to Appendices 1.4.2 and 1.4.3. Appendix 1.4.1 remains relevant and applicable.
122. Appendix 1.4.2 is not relevant as it applies to development in the General Residential Zone, Residential Intensification Zone, Large Lot Residential Zone and Special Character Zone only, none of which apply in the PSPA.
123. Appendix 1.4.3 is not relevant as that design guide is specific to activities covered by a Comprehensive Development Plan application. This is not a process or method that applies in the PSPA.
124. I do not consider there to be a need for any new Medium Density Design Guideline for subdivision in the PSPA, as requirements in section 1.2.2.2.1 relating to Subdivision Concept Plans are sufficient.

Vacant residential lots

125. The MDRS-related changes in the s42A report also recommend the retention of 300m² minimum lots size for vacant residential lots. As can be seen from Mr Bredemeijer's evidence (Appendix A West Block and Appendix E Amberfield) it is important to enable some development of vacant residential lots, even in a medium density zone, as they are often the most appropriate design response, particularly in areas of considerable slope where there is a need to address height/level differentials without providing extensive or overly high retaining walls which would be necessary to provide flat platforms for terraced housing or apartments. I support the minimum size remaining at 300m².

⁴⁴ Refer my Attachment 1, proposed amendment #47.

Earthworks

126. The relevant earthworks objectives, policies and rules are contained in city-wide Chapter 25.2 (Earthworks and Vegetation Removal) where PC5 has introduced a new objective and seven new policies (reduced to six policies in the s.42A report) for earthworks in PSPA.
127. The s.42A report recommendations reflect the agreed position of planning experts as set out in the JWS from the Planning (2) expert conference.⁴⁵ I fully support these changes because, outside of SNA areas, significant earthworks will be necessary on many sites within the PSPA due to the nature of the topography in the Precinct and the need to work back from gully edges to create appropriately graded sites and platformed terraces. These are needed for the subsequent development of medium density housing typologies such as terraced housing and apartments to achieve the overall density targets sought. Undertaking these primary earthworks at the time of subdivision development will mean that secondary earthworks at the time of subsequent building development can be minimised. The subdivision stage earthworks will be well controlled from an environmental perspective but they will not necessarily be “sympathetic to the existing landform” which is why the JWS recorded the agreed changes in this regard.
128. Amongst the changes agreed in the abovementioned JWS was the wording for a replacement clause 3 within Objective 25.2.2.2 so as to enable earthworks within SBHA areas that are outside of SNAs. This change is shown in the s.42A report. I support the change. The reasoning for this change is that several of the SBHAs relate to future corridors and linkages that are intended to be created over time. At present they do not contain significant vegetation and, until such time as they are planted, it makes sense to enable earthworks within them so as to provide a more suitable contour for the SBHA and the future planting but also so that the landform can be shaped up to match with the earthworks needed in the adjacent Medium Density Residential Zone (for example, for adjacent stormwater wetland construction and the like).

⁴⁵

Refer Attachment 1 of JWS – Planning (2) 26 August which is on HCC’s PC5 webpage.

LOCAL AND NEIGHBOURHOOD CENTRES:

Extent of local centre zone

129. Adare's further submission opposed Woolworths New Zealand Limited's submission⁴⁶ that seeks to amend the Peacocke planning maps so as to zone 410 Peacockes Road (on the west side of Peacockes Road) as Local Centre Zone, and to rezone some of the Local Centre Zone on the eastern side of Peacockes Road to Medium Density Residential Zone, as illustrated in Figure 1 of the submission.
130. The s.42A report recommends rejecting the submission and, for reasons I discuss below, I support that position.
131. The JWS for the Retail and Urban Design (Local Centre) topic⁴⁷ records considerable discussion on the topic. It also records⁴⁸ Adare's revised position that it is not pursuing its submission point 53.101 which had sought a small reduction of the size of the Local Centre, on the north side of the zone.
132. Mr Bredemeijer's evidence discusses the urban design aspects of the conceptual designs that have been developed for the Local Centre Zone. His Appendix G contains three options for the zone. At the time of the expert conference on 25 August 2022, just Option 1 had been developed and it was attached to the JWS. However, since then, and in response to the discussion at the expert conferencing as recorded in the JWS, he has produced Options 2 and 3 to show how the existing extent of the Local Centre Zone can readily accommodate two supermarkets.
133. Drawing on the advice of both Council's and Adare's urban design and retail economics experts, I am of the planning opinion that the most appropriate outcome is for the Local Centre to be developed on just the eastern side of Peacockes Road as envisaged by the PSP and Planning Maps.

⁴⁶ Woolworths submission 22.1

⁴⁷ Refer section 3.2 of the JWS Retail and Urban Design (Local Centre) – 25 August 2022

⁴⁸ Ibid, section 3.1

134. I note that the three layout options in Mr Bredemeijer's Appendix G all show GFA of 15,400m² to 15,700m² as compared with Market Economics projection of market demand for 12,700m² in 2048. In addition, the plans show areas of additional capacity within the zone, if needed. It is clear to me that the extent of the Zone should not be increased as it already has more capacity than is likely to be needed for supermarket, retail, commercial and community uses. It is also my opinion that it would be detrimental to keep the Local Centre Zone the same size by redistributing the zoning between the western and eastern sides of Peacockes Road as sought by Woolworths' submission.
135. Following from the above conclusion (based on the advice of Council's and Adare's retail economist experts) that the existing Local Centre Zone has more capacity than is likely to be needed for supermarket, retail, commercial and community uses, it follows that if additional land was to be rezoned Local Centre Zone on the western side of Peacockes Road, there would be so much combined land area that the Local Centre could (unless controlled with GFA limits as proposed) grow to levels that challenge the centres hierarchy in the District Plan.

Tenancy size cap for supermarkets

136. Rule LCZ-PREC1-PSP: R22 currently provides for supermarkets as a restricted discretionary activity in the Local Centre Zone subject to meeting the specified standards. I note the s.42 report recommendation, and the evidence of Mr Akehurst for Council, that proposes to amend this rule so as to introduce a tenancy size limit of 4,500m² for supermarkets (with non-complying activity status where the limit is exceeded).
137. Drawing on the evidence of both Mr Bowker and Mr Akehurst, I support the proposed tenancy size limit of 4,500m² for supermarkets.

Gross floor area caps in Local Centre

138. I note the s.42 report recommendation, and the evidence of Mr Akehurst for Council, that proposes the introduction of an overall GFA cap of 20,000m² for the Local Centre Zone. I understand that Adare's Local Centre concept plans as contained in the JWS (Option 1) and in the evidence of Mr Bredemeijer (Options 1, 2 and 3), have helped crystallise the realisation that there is not only sufficient capacity within the Local

Centre Zone, there is more likely to be surplus capacity. This point underpins a later submission point relating to the extent to which residential activities are enabled in the Local Centre Zone, where demonstrably not needed for commercial and retail activities. For this reason, I support the s.42A report recommendation to introduce a GFA cap by way of new Rule LCZ-PREC1-PSP: R39 (Total Gross Floor Area in the Local Centre). This states:

The total GFA of the following activities does not exceed 20,000m² within the Local Centre:

- a. Ancillary Retail*
- b. Retail*
- c. Banks*
- d. Restaurants, cafes and licensed premises*
- e. Food and Beverage Outlets*
- f. Supermarkets*

139. I note the evidence of Mr Bowker where he states⁴⁹:

In addition to ancillary retail, retail, banks, restaurants, cafes and licensed premises, food and beverage outlets and supermarkets which are recommended by Mr Akehurst, the caps should also include gymnasiums, office, healthcare facilities, tertiary education and specialist training facilities. The addition of these activities would assist in ensuring that the Local Centre does not grow to a size which could alter its position in the hierarchy of Centres within Hamilton.

140. I note that retail caps (and wider commercial activity caps) are not a new concept for the operative Hamilton City District Plan. For example, I note that The Base (sub-regional centre) and the Ruakura Retail Centre (planned to function as a suburban centre, although located within the Knowledge Zone) both have rules that limit activities within total GFA caps.

141. Of these two examples, I consider the Ruakura Retail Centre to be a good comparison when considering this issue for the Local Centre in Peacocke (both being at the level of suburban centres). In rule 8.3.3 (clauses kk to nn) of the operative district plan, a total floorspace cap of 9,000m² applies to permitted activities in the Ruakura Retail Centre, including a specific GFA cap of 7,000m² for retail, supermarket and building improvement

⁴⁹ Refer paragraph 20(e)(i) of Mr Bowker's evidence

centre activities. There is also a total floorspace cap of 15,000m² (as a restricted discretionary activity), beyond which non-complying activity status applies. Of relevance to this issue, is that the above floorspace cap applies to all permitted activities in the Ruakura Retail Centre.

142. I note that in Chapter 6 (Business 1 to 7 Zones) of the operative Hamilton City District Plan, there is an explanation section that follows the “Suburban Centres” Objective 6.2.2 and associated policies in Chapter 6. This explanation includes the following statement (bold emphasis added):

*Suburban centres vary in size and character **between 10,000-20,000m² gross floor area** and generally serve between 10,000-30,000 people. Supermarkets commonly anchor these centres and between 20-30 outlets, comprising a variety of smaller specialist retailers, provide retail, limited office, community and other services to the suburban population on an integrated basis. Often another large format retailer is located in the centre. Service stations may also be a feature.*

143. Drawing from the evidence of Mr Bowker, and also the above examples of caps used elsewhere in the district plan, I support the amendment of the s.42A report’s recommended new Rule LCZ-PREC1-PSP: R39 (Total Gross Floor Area in the Local Centre) so as to add gymnasiums, office, healthcare facilities, tertiary education and specialist training facilities to the list of activities to which the GFA cap applies. This is shown in Attachment 1.⁵⁰

Gross floor area caps in neighbourhood centres

144. Adare’s submission⁵¹ sought a new rule in Chapter 6A to impose a maximum 800m² GFA limit for commercial activities within any one Neighbourhood Centre. The purpose of this is to ensure that the scale of commercial activities within each centre is strictly limited to avoid undermining the viability, vitality and amenity of the Local Centre and the other Neighbourhood Centres.

⁵⁰ Refer my Attachment 1, proposed amendment #28.

⁵¹ Adare submission 53.41

145. The JWS for the Retail and Urban Design (Local Centre) topic⁵² records the agreement on this point between Council and Adare experts and this has followed through to the s42A report recommendations.
146. New Rule NCZ-PREC1-PSP: R45 (Total Gross Floor Area in each Neighbourhood Centre). This states:
- The total GFA of the following activities does not exceed 800m² within a Neighbourhood Centre:*
- a. Ancillary Retail*
- b. Retail*
- c. Banks*
- d. Restaurants, cafes and licensed premises*
- e. Food and Beverage Outlets*
147. I support this recommendation as a review of the size of each Neighbourhood Centre has shown that there is considerable surplus capacity within the zoned areas (some centres more than others depending on the land area concerned).
148. Following on from the above discussion in relation to GFA caps in the Local Centre Zone, and again drawing from the evidence of Mr Bowker, , I support the amendment of the s.42A report's recommended new Rule NCZ-PREC1-PSP: R45 (Total Gross Floor Area in each Neighbourhood Centre) so as to add gymnasiums, office, healthcare facilities, tertiary education and specialist training facilities to the list of activities to which the GFA cap applies. This is shown in Attachment 1.⁵³

Provision for residential activities within centres

149. In order to ensure the vibrancy and success of the Local Centre and the various Neighbourhood Centres, where there is the potential for surplus land within some of those zones, there was general agreement amongst the planners, urban designers and retail economists at the Retail and Urban Design (Local Centre) expert conference⁵⁴ that it is appropriate to make provision within the Neighbourhood and Local Centre Zones for multi-unit residential development (including at ground floor level outside

⁵² Refer section 3.4 of the JWS Retail and Urban Design (Local Centre) – 25 August 2022

⁵³ Refer my Attachment 1, proposed amendment #23.

⁵⁴ Refer section 3.5 of the JWS Retail and Urban Design (Local Centre) – 25 August 2022

the core). Accordingly, the s.42A report proposes changes that provide a consenting pathway for residential activities at ground floor level in NCZ and LCZ, along with assessment criteria in Appendix 1.3 of the District Plan, section 1.3.3, P4 (Development on Peacocke Business Centres).

150. I support the s.42A amendments in relation to the following NCZ and LCZ rules which provide discretionary activity status for ground floor residential activities:

- LCZ – PREC1-PSP: R21 (Apartments buildings)
- LCZ – PREC1-PSP: R38 (Terraced dwellings)
- NCZ –PREC1-PSP: R22 (Apartments buildings)
- NCZ – PREC1-PSP: R28 (Terraced dwellings)

151. I consider that any residential activities in the LCZ and NCZ should contribute to higher density outcomes to support the vibrancy and success of the Local Centre and Neighbourhood Centres. For this reason, I support the consenting pathway provided for apartments and terraced dwellings in particular and that single dwellings remain non-complying activities in both the LCZ and NCZ and that duplexes remain non-complying in the LCZ.

152. In Attachment 1 to my evidence⁵⁵ I suggest minor amendments to the wording of the relevant assessment criterion in P4 Development in Peacocke Business Centres to remove one element of duplication (delete clause i) and also to reflect the desire for suitable densities to support the centres. The s.42A proposed wording the “maximum viable density” be proposed is not appropriate in my view and it would require a lot of evidential proof over a range of development scenarios to satisfy the criteria. I do not consider it would assist efficient consenting processes and so I consider the wording in my Attachment 1 to be more appropriate.

Peacocke Local Centre Design Guide and Local Centre Concept

153. Mr Bredemeijer’s evidence records⁵⁶ that he has had input into the revised section 1.4.11 (Peacocke Local Centre Design Guide) that is set out in the

⁵⁵ Refer my Attachment 1, proposed amendment #53.

⁵⁶ Refer paragraph 43 of Mr Bredemeijer’s evidence.

s42A report and he supports it. Drawing on that evidence, I also support this from a planning perspective on the basis that it now provides clearer guidance. In my Attachment 1⁵⁷, I propose only the smallest of changes to replace the word “square” with “plaza” to reflect the terminology used in the Local Centre Conceptual Layout that is now contained within the Design Guide (previously contained in Appendix 2 Structure Plan).

Minor mapping changes (Stubbs Road neighbourhood centre)

154. Adare’s submission⁵⁸ requested that Planning Map 64A be amended to adjust the location of the Neighbourhood Centre Zone opposite Stubbs Road. This is because the current location (in PC5 as notified) conflicts with the proposed Collector Road shown on Figure 2-2 Peacocke Structure Plan – Transport Network. Adare sought that the location of this Neighbourhood Centre Zone should be shifted south on Planning Map 64A so that it is not located directly opposite the intersection with Stubbs Road to resolve this conflict, and it included a diagram within the submission showing the proposed minor adjustment. The s.42A report recommends acceptance and shows the amended location on Map 64A. I also support that recommendation as it resolves conflict with the indicative collector road also a proposed Public Transport Route as shown on the PSP (Fig 2-2).

OTHER MATTERS

New definition of “Seismic Investigation Area” (Appendix 1.1 – Definitions and Terms)

155. Section 7.128 of the s.42A report notes Council’s proposal (in response to Adare submission points, including 53.105, that the “Seismic Setback Line” in the legend to the Planning Maps be changed to “Seismic Investigation Area”, and that this change is also reflected in the information requirements in Appendix 1.2.2.2. The s.42A report notes the need for a new definition of “Seismic Investigation Area” and says that it has been proposed in Appendix 1.1. However it seems that due to an

⁵⁷ Refer my Attachment 1, proposed amendment #56.

⁵⁸ Adare submission point 53.100.

oversight this was not included. My suggested wording below is included in my Attachment 1⁵⁹:

“Seismic Investigation Area - Means an area that is in close proximity to a gully or river within which specific geotechnical investigations are required to consider seismic requirements for development, including building foundations.”

Landscape Concept Plans Peacocke Precinct (Appendix 1.2 – Information requirements: section 1.2.2.25)

156. In section 1.2.2.25, I suggest amendments that would have the effect of requiring Landscape Concept Plans only where applications propose new public road or reserve areas. This is to avoid capturing applications for the “re-subdivision” of superlots created by a previous subdivision (for example, in conjunction with a land use consent to achieve terraced housing) where the superlot is contained within existing or consented roads and so the subdivision comprises just private lots and accessways but no new public areas.
157. All the matters to be contained in these Landscape Concept Plans (clauses i to x that follow the introductory text in section 1.2.2.25) relate to public areas and should not be applicable where only private lots and accessways are being created. My suggested amendments are included in my Attachment 1⁶⁰.

Ecological Rehabilitation and Management Plan Peacocke Precinct (Appendix 1.2 – Information requirements: section 1.2.2.26)

158. I suggest amendments to section 1.2.2.26 that would require the assessment of freshwater and terrestrial ecological values for all subdivision applications within Peacocke Precinct that meet the specified size threshold (which the s.42A report suggests should be reduced from two hectares to 5,000m²). Then, only where that ecological assessment confirms the presence of a watercourse, wetland, significant indigenous vegetation or other significant habitat of indigenous fauna, would the need for a full Ecological Rehabilitation and Management Plan (**ERMP**) be triggered. The information requirements for ERMP’s are onerous and so

⁵⁹ Refer my Attachment 1, proposed amendment #46.

⁶⁰ Refer my Attachment 1, proposed amendment #48.

should not apply “across the board” to all subdivisions over the 5,000m² size threshold but rather only where this is appropriate following professional ecological assessment. I consider this strikes an appropriate balance. My suggested wording is included in my Attachment 1⁶¹.

159. My Attachment 1 wording suggestions for section 1.2.2.26 also propose the deletion of **clause vii** that relates to the need for an ERMP to include details of *“fixed lighting design that achieves the required lighting standards in relation to areas of Significant Bat Habitat, and is sensitive to bats in the wider area, including avoidance of upward-facing lighting and UV lighting, and avoidance of lighting in wetland and riparian margin areas.”*. This is not to say that the topic is not important or relevant, as it is. It is covered by way of objectives, policies and standards in city-wide Chapter 25, section 25.6 (Lighting and Glare), specifically the new provisions in 25.6.4.4 that apply specifically to subdivision and development in the Peacocke Precinct. However it is not appropriate, nor feasible, for a management plan prepared at the time of subdivision (namely, an ERMP) to anticipate future housing design and its associated fixed lighting arrangements which will be many and varied. That lighting is best addressed by the standards in 25.6.4.4.
160. Finally, with regard to the ERMP requirements, I suggest amendments to **clause ix** (shown incorrectly in the section 42A report as clause iv) that removes the onus on individual landowners and developers to enhance SBHAs. They need to vest them in Council at the time of subdivision so as to be consistent with the PSP, and they can pay a financial contribution (condition of consent) towards Council’s reserve acquisition and enhancement costs. However, in my opinion they should not be responsible for enhancement of SBHAs directly, as this would result in a very ad hoc and uncoordinated approach. My suggested wording in Attachment 1⁶² is as set out below (s.42A wording as the base text).

⁶¹ Refer my Attachment 1, proposed amendment #49.

⁶² Refer my Attachment 1, proposed amendment #49.

The vesting and establishment and enhancement of identified Significant Bat Habitat Areas corridors as identified within the Peacocke Structure Plan.

Appendix 1.3 Assessment criteria

P1 Earthworks in Peacocke Precinct

161. For reasons discussed previously in paragraph 127, I support the proposed deletion of criterion (a) relating to earthworks being “sympathetic to the existing landform”. To provide for medium and higher density housing typologies such as terraced housing, flat and gently graded sites are often needed and, to achieve these, extensive earthworks will often be necessary.

P3 Development in Peacocke Precinct

162. Before addressing specific criteria I note that the existing District Plan text in section 1.3.1 Guide to Using the Criteria (which is not affected by PC5) states “*The headings within section 1.3.3 relate to the Matters of Discretion. The criteria listed under each heading are to be used where relevant*”. I consider this is important to note as clearly not all the assessment criteria will be relevant for every application. Common sense, and the judgement of the consent officer, should prevail. For this reason, I am not so concerned now (as I was upon first review) at the duplication of the proposed new bat assessment criteria in P3 (Development in Peacocke) and P5 (Subdivision in Peacocke). For example, some of the roading and design matters that would normally be a matter to be addressed at time of subdivision could potentially apply at time of “development”, such as proposed road crossings across gullies which may not necessarily be associated with subdivision processes.
163. I consider that the criteria in a) to i) - and the proposed changes to these in the s42A report - are appropriate and so will move straight onto the proposed new “bat assessment criteria” in j) to p).

164. I suggest some changes to clause (j), as set out in my Attachment 1.⁶³ The reason for these changes is that for many developments within the Medium Density Residential Zone that involve the removal of a tree or trees > 15cm DBH, it will simply not be practical to create new ecological corridors or to provide enhanced habitat within their sites. Rather, it will be the Council that will have new Natural Open Space Zone area (SNAs and SBHAs) vested in it through progressive subdivisions and which (advised by a Bat and Habitat Enhancement Panel) will be able to invest in restoration, enhancement, pest control, monitoring and so on in a coordinated city-wide manner. The proposed amendments I suggest in Attachment 1 provides for both scenarios and will complement proposed criterion n) which refers to financial contributions.
165. I also suggest some changes to clause (l), as set out in my Attachment 1.⁶⁴ The main change is to add a qualifier to the direction that, where necessary at all, transport corridors should take the “shortest route practicable” through SBHAs. I suggest the additional words “(provided that is the route most likely to minimise impacts)”.
166. I suggest amendments to clause o) as set out in my Attachment 1.⁶⁵ I add the word “domestic” before “cats” as I consider that individual landowners can implement controls with regard to domestic cats and mustelids but they (or consent holders) should not be expected to implement and monitor wider pest control programmes. This would be a very ad hoc approach and an unreasonable cost. Rather, as envisaged by the advisory note in the s.42A report version of this chapter (below clause p), it is much more appropriate for Council to *“investigate and implement a Peacocke Structure Plan Area wide animal pest control programme, in collaboration with other key stakeholders, particularly those with statutory obligations to protect long-tailed bats, such as the Department of Conservation and Waikato Regional Council.”*
167. Finally, in terms of these assessment criteria, I suggest amendments to clause p) as set out in my Attachment 1.⁶⁶ These changes reflect my

⁶³ Refer my Attachment 1, proposed amendment #52.

⁶⁴ Refer my Attachment 1, proposed amendment #52.

⁶⁵ Refer my Attachment 1, proposed amendment #52.

⁶⁶ Refer my Attachment 1, proposed amendment #52.

previous comments that Council should coordinate habitat enhancement and pest control within SBHAs and other publicly-owned land, rather than expecting individual landowners to do this in ad hoc, uncoordinated and potentially inequitable manner.

Appendix 2 – Structure Plans

168. Adare’s submissions⁶⁷ requested various changes to the PSP Figures, 2-1, 2-2 and 2-3 respectively. Some points aimed to remove confusing notations and markings that did not align with the legends and I note that the revised Figures 2-1 and 2.3 in particular in the s.42A report are much clearer and easier to understand. In my planning opinion, the changes are all appropriate and supported.

Appendix 2 – Structure Plans – Fig 2-2 - Indicative key local road

169. Adare’s submission⁶⁸ sought the addition into Figure 2-2 of a new indicative key local road (labelled in the legend as “indicative Key Local Transport Network”) to be shown to provide a connection between Peacockes Road and Peacockes Lane, through Adare’s “Homestead Block”. This matter was discussed in the Planning and Transport expert conferencing and the JWS records⁶⁹ an agreement between the experts for the Council, Adare and Cordyline that additional access from Peacockes Road and potentially Whatukooruru Drive will be required to this area and should be shown on Figures 2-1 and 2-2. The JWS notes that agreement was not reached on the method for showing this on the structure plan and it anticipated further discussions between the parties to resolve the method of notation (which I understand to be a choice between a symbol and a dashed line).
170. The s.42A report version of Figure 2-2 shows this additional indicative local road as a grey dashed line in the alignment requested by Adare and I support that. This will provide greater certainty that the land can develop without being dependent on the prior development of small surrounding landholdings owned by others (and potentially concurrently with the

⁶⁷ Adare submission points 53.92 (re PSP Fig 2-1), 53.93 (re PSP Fig 2-2) and 53.94 (re PSP Fig 2-3)

⁶⁸ Adare submission point 53.93

⁶⁹ Section 3.1 of JWS Planning and Transport (1) 19 August 2022.

consented Amberfield development on the east side of Peacockes Road). Figure 2-2 already shows other indicative key local roads and it makes complete sense to me to continue using the same notation (grey dashed line) rather than adopting a new symbol. By both nature and name, the alignment is only indicative and so there is room for changes to be made if necessary following further consideration and design by any of the landowners involved (for example at subdivision consent stage).

Appendix 15 – Criteria for Transport Corridors

171. In Attachment 1, I propose numerous amendments to address points raised in the evidence of Mr Penny. My understanding of these amendments is that they will provide for appropriate road cross-sections which achieve safety, movement and efficiency objectives. A degree of flexibility is proposed to deal with a variety of scenarios. PC5 contains transportation objectives and policies in Chapter 3A as well as a single objective and several policies in section 25.6 (Transportation) of city-wide Chapter 25. In my opinion, Objective 25.14.2.1 in Chapter 25 (which is not part of PC5) is an appropriate objective against which the Panel can consider the merits of Mr Penny's suggestions (which are set out in my Attachment 1). This objective states:

Objective 25.14.2.1 Integrated Transport Network

An integrated multi-modal transport network that meets national, regional and local transport needs and is:

- *Responsive*
 - *Efficient*
 - *Affordable*
 - *Safe*
 - *Accessible*
 - *Sustainable*
 - *Integrated with land use*
172. Drawing on Mr Penny's expertise, and certainly deferring to it, I consider that the suggested changes will provide for all of the above outcomes. For example, without compromising accessibility or safety (and in some cases increasing safety), his amendments provide for responsive, efficient and affordable solutions and for more efficient use of valuable land in the PSPA.

Planning Maps - Waikato Riverbank and Gully Hazard Area

173. Adare's submission 53.90 noted that, as notified in PC5, the Waikato Riverbank and Gully Hazard Area was proposed to be enlarged. One of the implications of this is that it would cover areas of the Amberfield site where – following detailed geotechnical investigations - resource consents have already been granted for residential lots, roads and other infrastructure. The notified overlay also affected areas of Adare's other land holdings (within its "West Block" and "South Block") where Adare had anticipated future development occurring.
174. Council staff have been receptive to this issue and, following discussions between Council's and Adare's respective geotechnical experts, the s42A version of the Planning Maps now show an amended Waikato Riverbank and Gully Hazard area. The amended overlay area aligns well now with the Amberfield consent. The smaller overlay areas over the West Block and South Block land reflects the outcomes of more detailed consideration and analysis by Adare's geotechnical experts.
175. I record my agreement with this outcome, particularly as the changes for Amberfield represent a sensible planning outcome that will avoid unnecessary further consenting processes for future Amberfield residents.

CONCLUSION

176. In conclusion, PC5 seeks to achieves multiple different objectives and I consider that a holistic approach is needed when considering PC5 issues and requests for changes. I support PC5 in most respects. I have identified some areas within the scope of Adare's submissions and further submissions where I consider that PC5 can be improved further. Having regard to s32 of the RMA, I consider that my proposed amendments will result in more effective, efficient and appropriate provisions.

Dated this 16th day of September 2022



Andrew Collins

Attachment 1 to Collins planning evidence

Suggested amendments to PC5 provisions

The red, green and brown fonts below (and provision numbering) is from the s42A report, i.e.

- **red font:** notified PC5 text;
- **green font:** section 42 report recommended changes;
- **blue font:** section 42 report recommended changes (MDRS topic)
- **brown font:** section 42 report recommended changes (bat topic);

The changes shown in **purple font** below are my suggested amendments.

Chapter 3A – Peacocke Structure Plan

1. Amend the second bullet point in the Overview (a point introduced by s42A report) to read:

- Low density residential development is discouraged except where challenging topography or other site constraints apply.

2. Delete the last paragraph in the Vision section (text introduced by s42A report):

To guide development in the Peacocke Precinct, a Master Plan will need to be developed with either a landuse or subdivision application to ensure that the vision for the Precinct is delivered. Information requirements will include concept plans for transport, infrastructure, the natural environment network, the open space network, landuse, landscape design, staging and integration, as well as a detailed development response (architecture and urban design) and an ecological rehabilitation and management plan. With respect to the Local Centre, a Master Plan is required and developers of the Local Centre will take guidance from the non-statutory Peacocke Centre Design Guide.

3. Add the following new policy in the Natural Environment policy section of Chapter 3A:

DEV01-PSP-Px: Establish a Bat and Habitat Enhancement Panel to advise on matters relating to the creation, restoration and enhancement of habitat for long-tailed bats, and the monitoring of long-tailed bat activity, within and beyond the Peacocke Structure Plan Area.

4. Amend DEV01-PSP: O3 to read:

Business The Centres in the Peacocke Precinct are well designed functional, safe, attractive and vibrant and provide for the commercial and community needs of

~~the Peacocke residents, as well as high density living opportunities, and seek to avoid adverse effects on long-tailed bats and their habitat integrate with surrounding neighbourhoods, provide for multi-level apartment buildings and create distinctive places that are functional, safe, attractive and vibrant.~~

5. Amend DEV01-PSP: O6 to read:

~~Earthworks in the Peacocke Structure Plan are undertaken in a comprehensive and integrated manner, ensuring a high amenity urban environment. that protects significant ecological values such as actual and potential long-tailed bat habitat is sympathetic to the areas topographical character.~~

6. Amend DEV01-PSP: O11 to read:

~~Enable development adjacent to ecological-Natural Open Space zoned areas where it is designed to managed to protect and enhance the ecological functions and processes of those areas. the effects of development on the function of these areas.~~

7. Amend DEV01-PSP: P1 to read:

~~Development should be in general accordance with the relevant Structure Plan Peacocke Structure Plan and master plans will be required to ensure development meets the vision of the Precinct.~~

8. Amend DEV01-PSP: P7 to read:

~~Higher density development in the Peacocke Structure Plan:~~

- ~~1. Shall be established within a walkable distance of the Peacocke Local Centre, neighbourhood centres, identified public transport routes, adjacent to schools, parks and community facilities.~~
- ~~2. May be provided alongside Natural Open Space zoned areas of natural open space including the river corridor and gully network where the ecological functions and processes of those areas can be protected and enhanced.~~

9. Amend DEV01-PSP: P16 to read:

~~Near identified ecological corridors, e-Ensure the design and location of buildings, infrastructure and lighting near and within Significant Bat Habitat Areas is managed throughout the Peacocke Structure Plan in order to maintain and enhance the ecological their role and functions of those corridors and processes of those areas, including protection for long-tailed bats.~~

10. Amend DEV01-PSP: P22 to read:

~~Road layouts adjacent to identified natural features Significant Bat Habitat Areas recognise and retain the ecological functions and processes of those areas their natural form where practicable.~~

11. Amend DEV01-PSP: P26 to read:
Protect ~~bat~~ Significant Bat habitat Habitat Areas within and adjoining the edge of the Mangakotukutuku Gully and Waikato River to ensure long tailed bats are able to continue to utilise these areas.
12. Amend DEV01-PSP: P28 to read:
Provide ~~ecological corridors~~ Significant Bat Habitat Areas between the major arms of the Mangakotukutuku Gully and Waikato River of sufficient width that enables the movement of long tailed bats between the two areas.
13. Amend DEV01-PSP: P48 to read:
To ~~e~~Ensure co-ordination of development and infrastructure ~~S~~staging and sequencing ~~is~~ in general accordance with ~~any the staging stage indicated on the relevant shown on~~ planned staging and sequencing in the Peacocke Structure Plan.
14. Delete DEV01-PSP: P51:
Integrated Transport Modelling is undertaken for all Structure Plan areas areas activities that have the potential to adversely impact the transport network.
15. Amend DEV01-PSP: Components of the Peacocke Structure Plan: (Natural Environment and Open Space Network), Key Bat Habitat and Bat Buffer diagram as follows:
 - Add a reference for the figure;
 - Change “Key Bat Habitat” to “Significant Natural Area”; and
 - Change “Bat Habitat” to “Bat Habitat Buffer”.
16. Amend DEV01-PSP: Components of the Peacocke Structure Plan: (Natural Environment and Open Space Network), Proposed Bat Corridor diagram as follows:
 - Add a reference for the figure; and
 - Change “Proposed Bat Corridor” to “Significant Bat Habitat Area (Proposed Bat Corridor)”.
17. Amend the second paragraph of DEV01-PSP: Components of the Peacocke Structure Plan (Peacocke Transport Network) to read:
The transport network (~~refer to Figure 3.4.4a and Volume 2, Appendix 2, Figure 2-2 Peacocke Structure Plan - Transport Network~~) shown on the Structure Plan is indicative and not intended to show exact alignments. Collector roads and Key Local 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. New or altered intersections on the state highway network require the approval of Waka Kotahi.

18. Delete the following paragraph from DEV01-PSP: Components of the Peacocke Structure Plan (Peacocke Transport Network)

Open Space Edge Corridors

Open Space Edge Corridors have low traffic volumes, as well as travel speed of 10 to 30 km/h. They are streets with residential development on one side and open space on the other. These streets should have friction (trees, green infrastructure, parking, etc.) on either side of the street to slow speeds and allow for a mix of traffic and cycling. Local streets are some of the most important street types, as this is where people live and play. Walking and cycling should be prioritized as the fundamental units of movement within the local road network by designing low traffic streets. The needs of a wide variety of people throughout their lifetime should be considered during the design of these streets (Universal Access provisions). Local streets should be multi-purpose streets that are a community asset. They are spaces used for gathering, play, and support the built form through the provision of amenity (street trees).

Key design principles:

- Design speed of 30km/h
- Residential development limited to one side with open space on the other side
- Short blocks

19. Amend the second paragraph of DEV01-PSP: Components of the Peacocke Structure Plan (Residential Environment) to read:

A higher density area, which is anticipated to have a mix of terrace dwellings and apartment buildings typically between 2 and 5 storeys, is enabled through an Increased Height Overlay which has been identified for locations within close proximity of the identified local centre, schools, community facilities and transport routes identified for frequent public transport. The higher density will assist in supporting public transport and creating a viable and vibrant local centre.

20. Amend DEV01-PSP: Components of the Peacocke Structure Plan (Peacocke Infrastructure and Staging, Table 3A) as follows:

- Row F, Transportation column: Delete New north-south collector road
- Row G, Transportation column: Delete New collector road linkages; and
- Amend the note after Table 3A as follows:

*** In addition, localised and on-lot infrastructure and connections will be required. This should generally not influence sequencing of other stages. The delivery of most strategic infrastructure is expected to be Council-led. However, some of the infrastructure identified, such as new and upgraded collector roads, stormwater infrastructure, and various pumpstations and distribution mains, are expected to may be either Council-led or developer-delivered to Council specifications.

Chapter 4A – Medium Density Residential Zone

21. Amend the third paragraph of MRZ – PREC1-PSP: Issues to read:

Increased density supports public transport and viable commercial centres, increasing the number of people within a walkable catchment. It also provides more housing options, such as one or two person homes, smaller families and opportunities for retirees to downsize. For this reason, the Peacocke Precinct includes a high density overlay an Increased Height Overlay which is located within walkable distances from the suburban local centre, identified public transport routes and areas of amenity including the river and gully network, parks and community facilities (including schools). This overlay enables the delivery of higher density housing and in combination with the objectives and policies of the plan, will create a walkable environment that provides ease of access to facilities and amenities and public transport.

22. Amend MRZ - PREC1-PSP: P14 to read:

Residential development is designed to manage effects of fixed lighting on adjacent areas of within the Natural Open Space Zone and high-value long-tailed bat habitats.

Chapter 6A – Neighbourhood Centre Zone

23. Amend NCZ-REC1-PSP: R45 (Total Gross Floor Area in each Neighbourhood Centre) to read:

Activity Status: Permitted

Where the following are complied with:

PER-1

1. The total GFA of the following activities does not exceed 800m² within a Neighbourhood Centre:
 - a. Ancillary Retail
 - b. Retail
 - c. Banks
 - d. Restaurants, cafes and licensed premises
 - e. Food and Beverage Outlets
 - f. Gymnasiums
 - g. Healthcare services
 - h. Offices
 - i. Tertiary education
 - j. Specialised training facilities

Note: The activities listed above are still subject to relevant Activity Status standards and Development standards

24. Amend NCZ – PREC1-PSP: R47 Height in Relation to Boundary to read:

<u>1)</u>	<u>For the transport corridor boundary, the top storey of any building over 12m in height shall be set back by a minimum of 3m.</u>
<u>12)</u>	<u>Where any boundary adjoins a Medium Density Residential Zone, no part of any building shall penetrate a height control plane rising at an angle of 45-60 degrees beginning at an elevation of 3m-4m above the boundary.</u>
<u>23)</u>	<u>Elements such as flues, flagpoles, open balustrades and aerials shall be exempt from R64547-1) and 2) above.</u>

Chapter 6B – Local Centre Zone

25. Amend LCZ-PREC1-OSP: O1 to read:

A ~~distribution of suburban~~ local centres that provides a mixed-use environment with health-care services, goods, services and employment at a scale appropriate to its suburban catchments, while not undermining the primacy, function, vitality, amenity or viability of the Central City.

26. Delete LCZ – PREC1-PSP: P1:

~~A comprehensive, urban design-led approach is used to determine the form of Suburban the local centre intended to serve new growth areas the Peacocke.~~

27. Amend LCZ-PREC1-PSP: P13 to read:

~~Provide a Public Transport Hub for the Local Centre in general accordance with the Peacocke Structure Plan. Incorporate public transport stops into the Local Centre where it will provide an efficient and convenient access to the network.~~

28. Amend LCZ – PREC1-PSP: R39 Total Gross Floor Area in the Local Centre to read:

<u>NZC NCZ LCZ – PREC1-PSP: R39</u>	<u>Total Gross Floor Area in the Local Centre</u>	
<u>Neighbourhood Local Centre Zone</u>	<u>Activity Status: Permitted</u> <u>Where the following are complied with:</u> <u>PER-1</u> 2. <u>The total GFA of the following activities does not exceed 20,000m² within the Local Centre:</u> <ol style="list-style-type: none"> a. <u>Ancillary Retail</u> b. <u>Retail</u> c. <u>Banks</u> 	<u>Activity Status where compliance is not achieved with PER-1: Non-Complying</u>

	<ul style="list-style-type: none"> d. Restaurants, cafes and licensed premises e. Food and Beverage Outlets f. Supermarkets g. Gymnasiums h. Healthcare services i. Offices j. Tertiary education k. Specialised training facilities <p>Note: The activities listed above are still subject to relevant Activity Status standards and Development standards</p>	
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29. Amend LCZ – PREC1-PSP: R40 Maximum building height to read:

	Location	Height limit (max)
1)	Local Centre Zone – Outside of the Primary Frontage Area overly) Except within 30m of any Medium Density Residential or Natural Open Space Zone then LCZ-PREC1-PSP:R40 2) applies.	16m24m
2)	Local Centre Zone –Within the Primary Frontage Area-30m of any Medium Density Residential or Natural Open Space Zone	24m16m

30. Amend LCZ – PREC1-PSP: R41 Height in Relation to Boundary to read:

1)	For the transport corridor boundary, the top storey of any building over 10m 12m in height shall be set back by a minimum of 3m.
2)	Where any boundary adjoins a Medium Density Residential Zone, no part of any building shall penetrate a height control plane rising at an angle of 45 degrees beginning at an elevation of 3m above the boundary
2)	Where any boundary adjoins a Medium Density Residential Zone, no part of any building shall penetrate a height control plane rising at an angle of 60 degrees beginning at an elevation of 4m above the boundary.
3)	Elements such as flues, flagpoles, open balustrades and aerials shall be exempt from R4841-1) and 2) above.

Chapter 15A – Natural Open Space Zone

31. Amend the third paragraph of NOSZ– PREC1-P: Issues to read:

The Natural Open Space Zone includes publicly and privately owned areas that possess natural or landscape values [or that are locations where Significant Bat Habitat Areas are proposed to be created to mitigate potential effects of urban development within the Peacocke Structure Plan area and surrounding areas on the city-wide long-tailed bat population. The Natural Open Space zoned areas will be vested as public reserves.](#) It is important to protect these areas from

disturbance, modification, buildings and uses that would compromise these values. This zone includes esplanade reserves (e.g. river banks and lakes), reserves in gullies, and indigenous vegetation on private land and public reserves (e.g. Grove Park and Jubilee Park), Significant Natural Areas identified in Chapter 20: Natural Environments, and the surface of water.

Chapter 20 Natural Environments

32. Add the following rule into the activity rules table in section 20.3, Activities within a Significant Natural Area, Schedule 9C (Volume 2, Appendix 9):

<u>Additional Rules for Activities within a Significant Natural Area, Schedule 9C (Volume 2, Appendix 9) located within the Peacocke Precinct</u>	
<u>ga) Park Furniture</u>	<u>P</u>
<u>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</u>	<u>D</u>
<u>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</u>	<u>D</u>

Chapter 23A – Subdivision

33. Amend SUB – PREC1-PSP: O7 to read:

Subdivision ~~considers~~ supports the planned medium and high density development outcomes and enables a range of building typologies to be constructed.

34. Amend SUB – PREC1-PSP: O9 to read:

Subdivision enables the restoration of ~~responds to and restores~~ the natural environment with a focus on the Significant Bat Habitat Areas ~~those areas~~ identified in the Peacocke Structure Plan which provide for ~~including~~ the creation of new ecological corridors and protection and enhancement of ~~identified~~ existing ecological corridors including stream network.

35. Amend SUB - PREC1-PSP: P4 to read:

Subdivision ~~avoids, remedies or mitigates adverse effects on:~~ , protects and where possible promotes and compliments any avoids, remedies or mitigates adverse effects on:

1. Scheduled heritage items.
2. Scheduled archaeological and cultural sites.
3. Scheduled significant trees.
4. Scheduled significant natural areas.
5. The Waikato River, ~~and gullies and their margins,~~ lakes, wetlands and their margins, ~~including proposed stormwater wetlands identified on the Peacocke Structure Plan maps: river banks, lakes, rivers and streams.~~

36. Amend SUB - PREC1-PSP: P9 to read:

Require subdivision to efficiently use land and to ~~provide support for (55.348) higher density residential development in walkable distances from the Peacocke Local Centre and identified public transport routes by encouraging subdivision to occur concurrently with or following land development.~~

37. Amend SUB - PREC1-PSP: R12 by adding an asterisk as shown below so that non-notification applies in accordance with section 1.1.9 (Notification/ Non-notification Rules), subject to the exceptions set out in that section 1.1.9, as is the case for other restricted discretionary activity subdivision rule in Chapter 23A:

<u>SUB-PREC1-PSP: R8 R12</u>	<u>Subdivision to accommodate a network utility service or transport corridor in Peacocke Precinct*</u>	
<u>Subdivision – Peacocke Precinct</u>	<u>Activity Status: Restricted Discretionary</u> <u>Where the following are complied with:</u> <u>RDIS-1</u> 1. <u>SUB-PREC1-PSP: R12-R25R15-R25.</u> <u>Matters of discretion are restricted to:</u> 1. <u>C – Character and Amenity</u> 2. <u>I – Network Utilities and Transmission</u> 3. <u>P – Peacocke Structure Plan</u>	<u>Activity Status where compliance not achieved with RDIS-1: Restricted Discretionary</u> <u>Matters of discretion are restricted to:</u> 1. <u>A – General</u>

38. Amend SUB-PREC1-PSP: R23 Rooding, and Pedestrian and Cycle Access as follows:

<u>1)</u>	<u>Minimum road width of vehicle access to be formed and vested as public road:</u> a) <u>Local Road Transport Corridor</u> b) <u>Collector Road Transport Corridor - no Public transport</u> c) <u>Collector Road Transport Corridor – Public transport Route</u>	<u>16.8m 16.4m (See note 1)</u> <u>24.2m 21.5m (See note 1)</u> <u>24.6m 21.9m (See note 1)</u>
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	d) <u>Neighbourhood Street</u> e) <u>Open Space Edge Transport Corridor</u> f) <u>Minor Arterial Transport Corridor</u>	14.3 <u>12.2m (See note 1)</u> <u>11.8m (See note 1)</u> <u>32.2m (See note1)</u>
	Note 1: <u>This width does not provide for swales or stormwater management. Additional width may be required for these features, if present, and may be required to accommodate any other features or activities.</u>	
2)	<u>Minimum width of a private way or rear lane:</u> a) <u>Rear lane</u> b) <u>Private way (serving 1-6 units)</u> c) <u>Private way (serving 7-20 units)</u>	<u>7m</u> <u>4m</u> <u>6m</u>
2 3)	<u>Maximum pedestrian/cyclist access way length through a block</u>	<u>80m</u>
3 4)	<u>Minimum width for pedestrian/cyclist access way through a block:</u> a) <u>40m or less in length.</u> b) <u>41m – 60m in length.</u> c) <u>61m – 80m in length:</u>	<u>6m wide</u> <u>9m wide</u> <u>12m wide</u>
4 5)	<u>Minimum paved width for shared pedestrian/cyclist path through a block.</u>	<u>3m</u>
6	<u>Internal vehicle accesses and public roads shall meet the relevant requirements of Table 15-6b in Appendix 15.</u>	

39. Amend SUB-PREC1-PSP: R24 Local Centre: Peacocke Precinct and Neighbourhood Centre Zones: Peacocke Precinct to read:

<u>1</u>	<u>Minimum net site area</u>	<u>1,000m²</u>
<u>2</u>	<u>Minimum shape factor</u>	<u>20m diameter circle.</u>
<u>3</u>	<u>Minimum transport corridor boundary length</u>	<u>8m</u>
<u>4</u>	<u>Minimum transport corridor boundary length adjoining a major arterial transport corridor</u>	<u>20m</u>
<u>5</u>	<u>Minimum access or private way width serving an allotment with a net site area of less than 2000m²</u>	<u>8m</u>
<u>6</u>	<u>Minimum access or private way width serving an allotment with a net site area of 2000m²– 5000m²</u>	<u>10m</u>
<u>7</u>	<u>Minimum access or private way width serving an allotment with direct access to a major arterial transport corridor</u>	<u>10m</u>
<u>8</u>	<u>Minimum private way width serving 1-5 allotments</u>	<u>10m</u>

<u>9-5</u>	<u>Maximum private way gradient</u>	<u>1:8</u>
<u>10-6</u>	<u>Maximum private way length</u>	<u>100m</u>
<u>11-7</u>	<u>Maximum pedestrian accessway length</u>	<u>80m</u>
<u>12-8</u>	<u>Minimum pedestrian accessway width</u>	<u>40m or less in length: 6m wide</u> <u>41m – 60m in length: 9m wide</u> <u>61m – 80m in length: 12m wide</u>
<u>13-9</u>	<u>The ability for any proposed lot in a subdivision to comply with the vehicle crossing separation distance requirements in Rule 25.14.4.1a) and 25.14.4.1c) shall be demonstrated.</u>	<u>=</u>

40. Amend SUB-PREC1-PSP: R25 Provision of Ecological Areas to read:

1) <u>Where subdivision includes Natural Open Space zoned areas identified in the Peacocke Structure Plan area as Significant Bat Habitat Areas Corridors, these shall be provided vested in Council as Local Purpose (Ecological) Reserve or Local Purpose (Esplanade) Reserve, and vested in Council in accordance with the Peacocke Structure Plan and be designed to meet the following requirements:</u>	
<u>a)</u>	<u>Maintain a minimum width of 50m.</u>

Chapter 25.2 – Earthworks and Vegetation Removal

41. Amend proposed rule 25.2.5.2 (introduced in s42A report) to replace the struck out text below with the revised text below:

Vegetation Clearance in the Peacocke Structure Plan Area (38.49)

- a) ~~No removal of trees or vegetation within the Peacocke Structure Plan Area with a diameter of more than 150mm measured at 1.4m in height above ground level, unless:~~
- i. ~~It is in conjunction with works authorised by an associated subdivision consent; or~~
 - ii. ~~It is associated with works authorised by an existing resource consent; or~~
 - iii. ~~A report is provided by a suitably qualified ecologist demonstrating that following an assessment of the tree that the tree is not an existing bat roost tree and there is low potential for the tree to be used as habitat for long-tailed bats, and~~
 - iv. ~~That the above report is provided to Hamilton City Council prior to the removal of the tree(s).~~

- a) The removal of any tree or vegetation within the Peacocke Structure Plan Area outside the Natural Open Space Zone is a permitted activity where:
- i it has a diameter less than 150mm measured at 1.4m in height above ground level; or
 - ii where it has a diameter of 150mm or more measured at 1.4m in height above ground level and:
 - (A) A report is provided by a suitably qualified ecologist demonstrating that, following an assessment of the tree, the tree is not a confirmed or potential bat roost tree; and
 - (B) The above report is provided to Hamilton City Council prior to the removal of the tree(s); or
 - iii the vegetation removal is associated with works authorised by an existing subdivision or land use resource consent.

Chapter 25.6 – Lighting and Glare

42. Amend standard 26.6.4.4 so that it applies to the entire Peacocke Precinct (rather than just the Medium Density Residential Zone) and to insert a specific distance from SBHAs where the standards in clause (c) would apply. **The specific distance in clause (c) below is TBC following advice of lighting experts.**

25.6.4.4 ~~Peacocke Medium Density Zone:~~ Peacocke Precinct

- a) Lighting Added illuminance from artificial outdoor lighting shall not exceed 0.3 lux (horizontal and vertical) at any height when measured at the external boundary of the Significant Bat Habitat Area (SBHA).
- b) Artificial outdoor lighting shall be fixed artificial outdoor lighting. Lighting attached to a vehicle is not considered to be fixed.
- c) Within **x** metres of a SBHA, artificial outdoor lighting on land adjoining a SBHA, including land immediately on the opposite side of the road which adjoins a SBHA, must;
 - i. Emit zero direct upward light.
 - ii. Be installed with the light emitting surface facing directly down and be mounted as low as practical.
 - iii. Be white LED, a maximum colour temperature of;
 - 3000K on land with a residential use where separated from a SBHA by a public road with maximum 2700K lighting
 - 2700K for land with a residential use, directly abutting a SBHA
 - 2700K for all other uses
 - iv. In the case of exterior security lighting, be controlled by a motion sensor with a short duration timer (5 minutes).
- d) Artificial exterior lighting within a SBHA is only permitted for the express use of providing emergency lighting for an essential public service that could require unavoidable maintenance at night – e.g. a waste water pumping station. The lighting must be white LED with a maximum 2700k colour temperature, installed with the light emitting surface facing

directly down, emit zero direct upward light and be mounted as low as practical.

Advisory notes

1. The term 'Added Illuminance' means illuminance added by artificial outdoor lighting that is therefore additional to illuminance present from natural ambient lighting. The Ambient Illuminance should be measured at a nearby proxy location on the same night and for the same sky conditions (clouds, weather, etc). The proxy location must have an unobstructed view of the sky, sufficient to ensure that the measurement is not affected. The Added Illuminance may then be determined by subtracting the Ambient Illuminance from the Measured Illuminance.
2. Any illuminance meter must be recently calibrated by a suitably accredited laboratory. The calibration should consider the spectral response and the meter must accurately read 100.1 lux.

Chapter 25.10 – Signs

43. Amend rule 25.10.5.7 (Central City, Business 1 to 7, Industrial Zones, Neighbourhood Centre Zone - Peacocke and Local Centre Zone – Peacocke) to read:
 - a) Signs in the Central City, Business 1 to 7, ~~and~~ Industrial zones, Neighbourhood Centre Zone – Peacocke and Local Centre Zone – Peacocke shall comply with the following standards.
44. Amend 25.10.6 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria, clause ii, to read
 - ii. Any electronic sign in the Central City Zone, Business 1-7 Zones, Industrial Zone, Neighbourhood Centre Zone – Peacocke and Local Centre Zone – Peacocke Ruakura Logistics Zone and Ruakura Industrial Park Zone which complies with Rule 25.10.4 and Rule 25.10.5

Chapter 25.14 – Transportation

45. Amend Rule 25.14.4.1 (General standards for Vehicle Crossings and Internal Vehicle Access), clause (h) Design and access widths, sub-clause (vii) to read:
 - vii. The internal vehicle access requirements for residential units of i., iv and v do not apply to rear lanes in the Peacocke Structure Plan area. Instead SUB-PREC1-PSP: R2123 Roading and Pedestrian and Cycle Access the following and SUB-PREC1-PSP: R24 Local Centre: Peacocke Precinct and Neighbourhood Centre Zones: Peacocke Precinct shall apply.:

<u>i. Minimum legal width of a rear lane</u>	<u>7m</u>
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Appendix 1 – District Plan Administration – Section 1.1 Definitions and Terms

46. Add the following new definition:

“Seismic Investigation Area: Means an area that is in close proximity to a gully or river within which specific geotechnical investigations are required to consider seismic requirements for development, including building foundations.”

Appendix 1 – District Plan Administration – Section 1.2 Information requirements

47. Amend Section 1.2.2.2.1 Additional Requirements for Concept Plans for the Peacocke Structure Plan, clause f) Detailed Development Response, to read:

The approach proposed for the urban form of the neighbourhood will need to be developed. This will demonstrate the urban design and architectural responses to the opportunities and constraints within the neighbourhood and will need to consider the design guides set out in ~~Appendices Appendix~~ 1.4.1, 1.4.2 and 1.4.3.

48. Amend section 1.2.25, Landscape Concept Plans, Peacocke Precinct to read:

1.2.2.25 Landscape Concept Plans Peacocke ~~Plan~~ Precinct (55.400)

For any subdivision and land use development application in the Peacocke Structure ~~Plan~~ Precinct (55.400) adjoining or including any open space zone or (46.7/ 53.86) involving the development of more than two hectares of land and including proposed new public roads or reserve areas, a Landscape Concept Plan shall be provided with the application that meets the following requirements (and shall apply to the application footprint of the proposed subdivision).

The objectives of the Landscape Concept Plan is to identify opportunities to protect or enhance the natural character and cultural, heritage and amenity values, within the ~~subdivision~~ site, to recognise and provide for tangata whenua values and relationships with Peacocke, and their aspirations for the area, and to reflect the area’s character and heritage. The landscape concept plan shall include:

Also in clause i and ii that follows the above text, the word “subdivision” should be deleted if the s42A recommendation to widen this information requirement to land use applications >2 ha is confirmed : subdivision site

49. Amend section 1.2.26, Ecological Rehabilitation and Management Plan, Peacocke Precinct to read:

1.2.2.26 Ecological Rehabilitation and Management Plan Peacocke Structure Plan Precinct

All subdivision applications within the Peacocke Structure Plan Precinct (55.401) adjoining or including any Natural eOpen sSpace zone or involving more than two hectares 5,000m² of land shall include an assessment of freshwater and terrestrial ecological values prepared by a qualified ecologist. Where that assessment confirms the presence of a watercourse, wetland, significant indigenous vegetation or other significant habitat of indigenous fauna then, as part of the resource consent application, an Ecological Rehabilitation and Management Plan (ERMP) shall be included as part of the resource consent application. The objective of the ERMP is to manage construction related effects and to assess and identify opportunities to enhance freshwater and terrestrial ecological values within proposed public roads or reserves within the site. As a minimum and commensurate with ecological values found on the site, and to the extent applicable, each application shall, it is to include the following, and the methods to implement them:

<u>i</u>	<u>Design and implement for monitoring and assessment of ecological significance of any freshwater and terrestrial ecological values, including aquatic biota, wetlands in accordance with NES-FW natural wetland protocols, indigenous birds, indigenous lizards and long-tailed bats.</u>
<u>ii</u>	<u>An indigenous fish management plan for any stream or wetland habitat within the site, including a summary of fish habitat and species abundances present, a summary of planned works, permitting requirements, procedures for dealing with pest fish, biosecurity protocols, timing of works, procedures for recovering indigenous fish prior to and during works, roles and responsibilities of parties, reporting requirements, monitoring plans and responsibilities and any specific mitigation measures.</u>
<u>iii</u>	<u>Maintenance or enhancement of fish passage in accordance with the New Zealand Fish Passage Guidelines.</u>
<u>iv</u>	<u>Measures to avoid, remedy, mitigate, offset or compensate for any significant effects on habitats of indigenous fauna including birds, lizards and long-tailed bats and their habitats.</u>
<u>v</u>	<u>Consideration of herpetofauna and avifauna and related habitat where values are likely to be affected.</u>
<u>vi</u>	<u>Measures to minimize harm on indigenous fauna species during any habitat removal or modification.</u>
<u>ii.</u>	<u>Planting of indigenous tree species to provide indigenous vegetation and habitat for indigenous fauna.</u>
<u>vii.</u>	<u>Fixed lighting design that achieves the required lighting standards in relation to areas of Significant Bat Habitat, and is sensitive to bats in the wider area, including avoidance of upward-facing lighting and UV lighting, and avoidance of lighting in wetland and riparian margin areas.</u>
<u>viii.</u>	<u>Restoration planting to include wetland restoration, habitat enhancement and riparian buffer zones.</u>

ixv.	<u>The vesting establishment and enhancement of identified Significant Bat Habitat Areas corridors as identified within the Peacocke Structure Plan.</u>
xvi.	<u>Evidence of engagement with tangata whenua during preparation of the ERMP including how the outcomes of that engagement have been addressed.</u>

50. Amend section 1.2.2.27. Peacocke Local Centre Master Plan. clause B - Built Form and Land Use, clause iii, to read:

iii Outline the future development outcome of the town centre Local Centre and show how the proposed development ties into existing or future development to create a high-amenity urban centre.

51. Amend section 1.2.2.28, Bat Management Plan, to read:

1.2.2.28 Assessment of effects on long-tailed bat habitat ~~Bat~~ Management Plan

All applications that require consent under:

- Rule 25.2.3(k) (Vegetation clearance in the Peacocke Structure Plan Area that does not meet the requirements of 25.2.5.2), or
- Rule NOSZ-PREC1-P: R15 (Removal of vegetation or trees) where permitted activity standards are not met, or
- Any subdivision in circumstances where any tree exceeding 15cm diameter at a height 1.4m above ground level is proposed to be removed

shall provide an ecological assessment prepared by a suitably qualified bat ecologist that includes the following information:

- a) Plan showing the location of the tree or trees that are proposed to be removed that require consent and, where consent is required under Rule 25.2.3(k), their location in relation to any Natural Open Space Zone areas in the vicinity;
- b) An assessment of the value of the tree or trees proposed to be removed as confirmed or potential bat roost trees having regard to:
 - (A) Presence of features: whether they contain any of the following features:
 - i. Cracks, crevices, cavities and/or fractured limbs large enough to support roosting bat(s).
 - ii. Sections of loose flaking bark large enough to support roosting bat(s).
 - iii. A hollow trunk, stem or branches.
 - iv. Deadwood in canopy or stem of sufficient size to support roost cavities or hollows.
 - v. Bat droppings, grease marks and/or urine staining around cavities.
 - (B) Presence of roosting bats: the results of acoustic or visual monitoring undertaken in accordance with best practice to establish the presence of roosting bats.

- c) Whether retention of any tree or trees which are confirmed or potential bat roost trees is practicable and appropriate, having regard to:
 - (A) The assessed values, including whether the tree is a confirmed bat roost tree, and whether it is known to be a solitary or communal roost; and
 - (B) Whether the tree is in close proximity to any Natural Open Space Zone and could continue to be used as a bat roost within an otherwise urban context; and
 - (C) Any earthworks that will be required to enable urban development; and
 - (D) Any proposed legal mechanism to ensure retention of the tree.
- d) Proposed tree removal methodology and timing, with regard to the Department of Conservation 'Protocols for Minimising the Risk of Felling Bat Roosts' (Version 2: October 2021).
- e) Any proposed mitigation, offset or compensation measures proposed, including any proposed financial contribution offered or required as a means to provide off-site compensation for the adverse bat habitat effects generated by the removal of a confirmed or likely bat roost.

All applications within the Peacocke Structure Plan Area in the Significant Bat Habitat area that seek to remove any trees or vegetation with a diameter at breast height (DBH) higher than 15cm shall include a bat management plan. The Bat Management Plan shall be prepared and undertaken by a suitably qualified bat ecologist (Class D or E) and include:

- a) Identification of what type of habitat is to be removed, including any which trees are proposed to be removed. In particular the identification of all trees to be removed, that are \geq 15cm diameter at breast height and that provide or potentially provide roost habitat and buffering of light for long-tailed bats.
- b) A methodology for pre- and post- development monitoring for bats using, as a minimum automated bioacoustics bat detectors.
- c) A pre-felling monitoring regime that includes, at a minimum:
 - a) An assessment of the trees/vegetation proposed to be felled with a DBH $>$ 15cm and whether they contain any of the following features:
 - vi. Cracks, crevices, cavities and/or fractured limbs large enough to support roosting bat(s).
 - vii. Sections of loose flaking bark large enough to support roosting bat(s).
 - viii. A hollow trunk, stem or branches.
 - ix. Deadwood in canopy or stem of sufficient size to support roost cavities or hollows.
 - x. Bat droppings, grease marks and/or urine staining around cavities.

Note: If no features are identified, then no further information is required.

- b) Where potential roost features are identified:
 - i. Identified methodology of how acoustic or visual monitoring is to be undertaken in accordance with best practice to establish the presence of roosting bats.

- d) How trees which are identified as roosting sites are to be managed to ensure effects on bats are to be avoided or mitigated. While the Bat Management Plan focuses on mitigation it should also outline measures to avoid and remedy bat values and offset or compensate where this is not possible. Roost tree protection should also be included in the Bat Management Plan for identified or potential roost trees.
- e) The Bat Management Plan initiatives should link to other areas within the Peacocke Structure Plan Area wherever possible to create a consistent approach.
- f) A summary of planned works including proposals for replacement planting of indigenous tree species to provide indigenous vegetation and habitat for indigenous fauna, permitting requirements, biosecurity protocols, timing of works, roles and responsibilities of parties, reporting requirements and any specific mitigation measures. The planned works should employ the Department of Conservation 'Protocols for Minimising the Risk of Felling Bat Roosts' where potential roosting trees for long-tailed bats are being removed and/or for trees with a diameter at breast height (DBH) of 15cm or greater for trees being removed as part of an application.
- g) Ongoing monitoring obligations that the consent holder is required to conduct including the purpose of monitoring, the form of monitoring required, the baseline identified for monitoring, the timeframe the monitoring obligations continue for, and reporting to the Bat and Habitat Enhancement Review Panel (or other identified entity) as the centralised entity to coordinate monitoring activity, to ensure consistent methodology and management of cumulative effects.
- h) Include pest control measures (including for domestic/feral cats and mustelids) to be implemented either within the application site and/or other locations as may be directed by the Bat and Habitat Enhancement Review Panel (or other identified entity) to enhance the Significant Bat Habitat Area or nearby bat corridor, including as a compensation measure beyond the application site.
- i) Include any proposals for the consent holder to install and maintain artificial bat roost boxes with predator control bands within the site and/or within Hamilton City Council reserves (where prior approval has been granted from Council), where known high activity of bats occurs.
- j) Proposals for any off-site compensation or biodiversity off-setting to address residual adverse effects on bats and to achieve a net biodiversity gain such as habitat enhancement and targeted predator control that achieves residual pest indices relevant to bat conservation.
- k) The extent to which the application proposes the vesting of land to Council as Local Purpose (Ecological) Reserve or Local Purpose (Esplanade) Reserve (for a subdivision application) or the setting aside of communal open space (for a land use application) to enable retention or enhancement of long-tailed bat habitat values within the application site.
- l) The extent to which the application provides for the protection of trees identified to be bat roosting trees to be protected in perpetuity. For a subdivision application this would be via the use of a consent notice on the record of title for the relevant lot or a similar mechanism. For a land use application this would be via registering a land covenant on the record of title or a similar mechanism.
- m) Proposals for the provision of a financial contribution as a means to provide off-site compensation for the adverse bat habitat effects generated by the application that are not being compensated for within the site. The purpose

of any financial contribution is to offset such effects through a financial contribution for the purpose of habitat restoration and/or enhancement off-site, and monitoring to address any short-term adverse effects (or risk of such effects) of the proposed subdivision or development on the long-tailed bat population. This is intended in addition to any long-tailed bat habitat restoration and enhancement activities within the application site, including the vesting of land for the purposes of re-vegetation and other protection/enhancement measures.

Advisory Note: The financial contribution proposals should include calculations of the monetary in accordance with a model developed by the applicant, generally in accordance with the methodology stated within the report prepared by Tonkin and Taylor Limited titled 'Preliminary Assessment of Ecological Effects – Peacocke Structure Plan Area' dated July 2021.

Advisory Note: Hamilton City Council's intention is to establish a Peacocke City-wide Bat and Habitat Enhancement Review Panel is recorded in Appendix 1.5.4(r).

or similar entity to be established as a non-statutory body in conjunction with Waikato Regional Council, mana whenua and the Department of Conservation (with representatives from each or nominees) to undertake a coordination and advisory function. This entity could make recommendations on an ongoing basis to Hamilton City Council as the consenting authority, and support resource consent applicants, landowners and developers; prepare a Peacocke Bat Management Strategy to direct habitat enhancement initiatives, and coordinated and centralised monitoring activity, including outside of the Peacocke Structure Plan Area within, to direct the use of financial contributions to specific projects and locations, to identify suitable locations (including within Waipa District and Waikato District) for long-tailed bat habitat restoration and enhancement projects to be funded through financial contributions from consent applicants within the Peacocke Structure Plan Area; review Habitat Management Plans, Bat Protection Plans and similar produced by consent applicants; and support Hamilton City Council with the review of monitoring and compliance reports provided by consent applicants required via resource consent conditions.

Appendix 1 – District Plan Administration – Section 1.3.3 Restricted Discretionary, Discretionary and Non-Complying Assessment Criteria

52. Amend **P3 Development in Peacocke Precinct**, criteria j), l), o) and p) to read:

P3 j)

The extent to which the proposal avoids, remedies, mitigates, off-sets or compensates for the effects of development on identified Significant Bat Habitat Areas and non-identified low to moderate habitat values in the Medium-Density Residential Zone. This may include the direct through the protection of identified Significant Bat Habitat Areas, the protection of confirmed or potential bat roost trees (subject to the recommendations of the assessment required in Appendix 1.2.2.28), provision of re-vegetated and enhanced ecology corridors to provide

~~new and enhanced bat habitat or the provision of a financial contribution to provide for this elsewhere towards city-wide initiatives for the long-tailed bat.~~

P3 l)

~~The extent to which transport corridors are located and designed to avoid or minimise effects of roadside lights and vehicle headlights on nearby Significant Bat hHabitat Areas, and the bat population within that area. Where transport corridors are proposed in Significant Bat Habitat Areas ecological corridors, they should take the shortest route practicable (provided that is the route most likely to minimise impacts), be aligned and designed to minimise the number of existing trees that are required to be removed, ensure lighting is designed to ensure that the bat corridor maintains its role and function, and is designed to enable bats to continue to access the wider corridor.~~

P3 o)

~~The extent to which measures for the control of domestic cats and mustelids has been addressed and the effectiveness of the any measures proposed., including their implementation and ongoing monitoring. This includes the estimated timing for completion of animal pest control measures and the anticipated ecological enhancement outcomes following the implementation of the animal pest control measures.~~

P3 p)

~~The extent to which the application addresses residual adverse effects on bats and achieves a net biodiversity gain, whether through direct actions or via a financial contribution to be used within publicly owned land for measures such as habitat enhancement and targeted predator control. that achieves residual pest indices relevant to bat conservation.~~

53. Amend **P4 Development in Peacocke Business Centres**, criterion e) as follows:

For Residential Units located on the ground floor within Business Centres, whether:

- ~~i. The location is on the fringe of the centre zone and adjacent to the residential zone.~~
- ii. The development is located outside of the core area of the centre and any identified primary and secondary frontages.
- iii. Evidence from a suitably qualified person has been provided that establishes that there is no need for the location proposed to meet the future commercial needs of the community.
- ~~iv. The development proposes the maximum viable proposed is of a suitable density to support the viability vitality and vibrancy of the Local Centre.~~

54. Amend the criteria in **P5 Subdivision in Peacocke Precinct** that are the equivalent of P3 criteria j), l), o) and p) in the same manner as shown above for P3 amendments.

55. Amend **P5 Subdivision in Peacocke Precinct** by deleting the following assessment criteria:

~~x) — The outcome of consultation with the Waikato Regional Council regarding public transport~~

~~x) — The extent to which the transport corridor design provides public transport infrastructure including accessible bus stops, bus stop shelters, bus priority measures on key corridors or at key intersections, bus turning facilities, including interim facilities responding to staged development, and facilities for pedestrians to cross transport corridors to access public transport stops.~~

Appendix 1 – District Plan Administration – Section 1.4 Design Guides

56. Appendix 1.4.11 Peacocke Local Centre Design Guide (Public Plaza and Open Space, para [3]) as follows:

~~Integrate the public square-plaza with any buildings that fulfil a civic or community function to allow the space to provide for community gatherings in an integrated manner. If a community facility is not established then the public plaza should be integrated with retail, restaurants, licensed premises and/or food and beverage activities to activate the space.~~

Appendix 1.5 Other Methods of Implementation

57. Amend section 1.5.4 Collaboration and Partnership by inserting the following new clause (r):

~~(r) Establish a City-wide Bat and Habitat Enhancement Panel as a non-statutory body in conjunction with Waikato Regional Council, mana whenua and the Department of Conservation (with representatives from each or nominees) to undertake a coordination and advisory function. This entity will be responsible for:~~

- ~~(A) Advising on preparation of a City-Wide Bat Management Strategy to direct coordinated and centralised habitat enhancement initiatives (planting and pest control) and monitoring activity within and outside of the Peacocke Structure Plan Area;~~
- ~~(B) Directing the use of financial contributions and other sources of funding to specific projects and locations (which may be within Waipa District and Waikato District) for long-tailed bat habitat restoration and enhancement to mitigate, compensate and off-set adverse effects on low to moderate value habitats as a result of urban development;~~
- ~~(C) Supporting and advising resource consent applicants, landowners and developers; and~~
- ~~(D) Supporting and advising Hamilton City Council on the review of reports and management plans.~~

59. Amend Table 15-6b Criteria for the form of Transport Corridors in the Peacocke Structure Plan (“Rear Lane” row; “Berm requirements” column) to read “One side” as follows:

Transport corridor type ¹	Land use environment ²	Design speed environment (max desirable)	Legal road width (min desirable) ³	Carriageway width ⁴	Movement lane width ⁵	Berm requirements ⁶ <u>(min desirable)</u>	On street parking and landscaping/stormwater management		Buses and public transport requirements (min desirable) ¹¹	Footpath requirements (min desirable) ¹²	Cycle path requirements (min desirable absolute minimum) ¹³	Service corridor (min desirable) ⁷
							On street parking requirements (min desirable)	Stormwater management and landscaping				
<u>Peacocke Residential Land Use Environment</u>												
Private Way Rear Lane Rear Lane Two-way	Residential Rear Lane access Two-way	10-20km/h	7m	5.5m	1 or 2 way flow, not marked	One side N/A <u>One side</u>	None	None	None	Shared zone	Shared zone – no dedicated facility	One side

60. Amend Table 15-6b Criteria for the form of Transport Corridors in the Peacocke Structure Plan (“Private Way” row; “Land Use Environment” column) to delete the words “via common property under Unit Titles Act” to read:

Transport corridor type ¹	Land use environment ²	Design speed environment (max desirable)	Legal road width (min desirable) ³ 5.14	Carriageway width ⁴	Movement lane width ⁵	Berm requirements ⁶ (min desirable)	On street parking and landscaping/stormwater management		Buses/ Public transport requirements (min desirable) ¹¹	Footpath requirements (min desirable) ¹²	Cycle path requirements (min desirable absolute minimum)	Service corridor (min desirable) ⁷
							On street parking requirements (min desirable)	Stormwater management and landscaping				
<u>Peacocke Residential Land Use Environment</u>												
Private Way	Residential serving 7-20 units (via common property under Unit Titles Act) etc. (where access is part of a lot or multiple subdivision)	10 to 20km/h	6.9m	5.5m	2 way flow, not marked	1.5m both sides One side	None	None	None	Shared zone	Shared zone – no dedicated facility	1.5m both sides One side

61. Amend Table 15-6b Criteria for the form of Transport Corridors in the Peacocke Structure Plan (“Park Edge” row) to read:

Transport corridor type ¹	Land use environment ²	Design speed environment (max desirable)	Legal road width (min desirable) ⁴	Carriageway width ³	Movement lane width ¹³	Berm requirements ⁵	On street parking and landscaping/stormwater management		Passenger Public transport requirements (min desirable) ¹¹	Footpath requirements (min desirable) ¹²	Cyclepath requirements (min desirable absolute minimum)	Service corridor (min desirable) ⁶
							On street parking requirements (min desirable)	Stormwater management and landscaping				
Peacocke Residential Land Use Environment												
					...							
Park Edge	Residential	30km/h	11.8m ⁷	6m 5.6m	2 way flow, not marked	3.3m and 0.4m-2.5m berms	Recessed parallel parking bays (2.1 m) on one side	Specific Design	None	1.8m wide footpath, one side	Cycling on road shared in movement lane	1.5m one side

62. Amend Table 15-6b Criteria for the form of Transport Corridors in the Peacocke Structure Plan (“Neighbourhood Street” row) to read:

Transport corridor type ¹	Land use environment ²	Design speed environment (max desirable)	Legal road width (min desirable) ⁴ 5, 14	Carriageway width ³	Movement lane width ¹⁵	Berm requirements ¹ (min desirable)	On street parking and landscaping/stormwater management		Passenger Public transport requirements (min desirable) ¹¹	Footpath requirements (min desirable) ¹²	Cycle path requirements (min desirable absolute minimum)	Service corridor (min desirable) ⁹
							On street parking requirements (min desirable)	Stormwater management and landscaping				
Peacocke Residential Land Use Environment												
Neighbourhood Street	Residential ¹⁰ (serving up to 20 units or up to 100m long)	30-20 km/h	14.3m 12.2m ⁷ or 14.5m ⁷	5.6m-6.0m ¹³ or 7.9-8.5m ¹⁴	2 way flow, restricted to 1 way by kerbside parking not marked	3.3m both sides	Recessed parallel parking bays (2.1m) on one side Kerbside parking on either side	Where parking is not provided – Specific Design ¹⁶ (2.1m wide) on one side	None	1.8m wide footpath on one side at least, both sides	Cycling on road shared in movement lane	1.5m both sides

63. Amend Table 15-6b Criteria for the form of Transport Corridors in the Peacocke Structure Plan (“Local Street” row) to read:

Transport corridor type ¹	Land use environment ²	Design speed environment (max desirable)	Legal road width (min desirable) ⁴	Carriageway width ³	Movement lane width ⁵	Berm requirements ⁶ (min desirable)	On street parking and landscaping/stormwater management		Reserves Public transport requirements (min desirable) ¹¹	Footpath requirements (min desirable) ¹²	Cyclepath requirements (min desirable absolute minimum)	Service corridor (min desirable) ⁹
							On street parking requirements (min desirable)	Stormwater management and landscaping				
Peacocke Residential Land Use Environment												
Local	Residential	30km/h	16.8m ⁷ 16.4m ⁸	6m 5.6m	2 way flow, not marked	5.4m both sides	Recessed parallel parking bays (2.1m) on both sides	Where parking is not provided – Specific Design (2.1m) on both sides	None	1.8m wide footpath, both sides	Cycling on road shared in movement lane	1.5m both sides

64. Amend Table 15-6b Criteria for the form of Transport Corridors in the Peacocke Structure Plan (“Collector – PT” row) to read:

Transport corridor type ¹	Land use environment ²	Design speed environment (max desirable)	Legal road width (min desirable) ⁴ 5.14	Carriageway width ³	Movement lane width ⁵	Berm requirements ⁶ (min desirable)	On street parking and landscaping/stormwater management		Passenger Public transport requirements (min desirable) ¹¹	Footpath requirements (min desirable) ¹²	Cycle path requirements (min desirable absolute minimum)	Service corridor (min desirable) ⁹
							On street parking requirements (min desirable)	Stormwater management and landscaping				
Peacocke Residential Land Use Environment												
Collector – PT Route	Residential	40 km/h	24.6m ⁷ 23.2m ⁷ or 21.9m ⁷ with bi-directional cycleway	6.8m 6.4m	2 @ 3.4m 3.2m marked	8.8m 8.4m or 9.9m and 5.6m with bi-directional cycleway	Recessed parallel parking bays (2.1m) on both sides	Alternating where parking is not provided – Specific Design (2.1m) on both sides	All bus stops to be in lane 2.8m 2.9m berm with bus shelter.	2m wide footpath, both sides	2m off road, separated from carriageway, both sides. With 0.8m separator from parking. Or 3.5m bi-directional off-road separated from carriageway on one side With 0.8m separator from parking. ^{9a}	2m 1.5m both sides

65. Amend Table 15-6b Criteria for the form of Transport Corridors in the Peacocke Structure Plan (“Collector – Non-PT Route”) to read:

Transport corridor type ¹	Land use environment ²	Design speed environment (max desirable)	Legal road width (min desirable) ³	Carriageway width ³	Movement lane width ⁴	Berm requirements ⁵ (min desirable)	On street parking and landscaping/stormwater management		Reserves Public transport requirements (min desirable) ¹¹	Footpath requirements (min desirable) ¹²	Cycleway requirements (min desirable absolute minimum)	Service corridor (min desirable) ⁶
							On street parking requirements (min desirable)	Stormwater management and landscaping				
Collector – Non-PT Route	Residential	40 km/h	24.2m ⁷ 22.8m ⁷ or 21.5m ⁷ with bi-directional cycleway	6.4m 6.0m	2 @ 3.2m, 3.0m marked	8.9m 8.4 both sides or 9.9m and 5.6m with bi-directional cycleway	Recessed parallel parking bays (2.1m) on both sides	Alternating where parking is not provided – Specific Design (2.1m) on both sides	N/A	2m wide footpath, both sides	2m off road, separated from carriageway, both sides. With 0.8m separator from parking. Or 3.5m bi-directional off-road-separated from carriageway on one side. With 0.8m separator from parking ⁹	2m 1.5m both sides

66. Amend Table 15-6b Criteria for the form of Transport Corridors in the Peacocke Structure Plan (“Minor Arterial”) to read:

Transport corridor type ¹⁴	Land use environment ²	Design speed environment (max desirable)	Legal road width (min desirable) ¹ 5, 14	Carriageway width ³	Movement lane width ¹⁵	Berm requirements ² (min desirable)	On street parking and landscaping/stormwater management		Reserves Public transport requirements (min desirable) ¹¹	Footpath requirements (min desirable) ¹²	Cyclepath requirements (min desirable absolute minimum)	Service corridor (min desirable) ⁶
							On street parking requirements (min desirable)	Stormwater management and landscaping				
Peacocke Residential Land Use Environment												
Minor Arterial ¹	Residential (Managed or limited direct access) ¹³	50-60km/h	32.2m. Subject to Specific Design ^{8, 2}	10.0m	2 @ 3.5m, marked, plus 3m flush median	11.5m 11.1m Subject to Specific design ^{8, 2}	Recessed parallel parking bays (2.3m) on both sides	Specific Design (2m wide) on both sides ^{8, 2}	All bus stops to be kerbside. Potential for bus priority at intersections	2.0m footpath on both sides	2.3m off road, separated from carriageway, both sides. With 1.0m separator from parking	1.5m both sides

67. Amend Table 15-6b Criteria for the form of Transport Corridors in the Peacocke Structure Plan, Footnotes to read:

Note 1: This width does not provide for swales or stormwater management. Additional width may be required for these features, if present.

Note 2: Use of a bi-directional cycleways shall include an assessment that shows the design minimises and manages the risks associated with two way movement, otherwise single direction cycleways on each side of the road shall be required.

Footnotes

1. New minor arterial transport corridors are likely to be designed with the final design undertaken on a case-by-case basis. For work involving significant changes to existing transport corridors, local constraints, land use environment and network function requirements may require design compromises whereby the minimum desirable design criteria may not be able to be met.
2. Refer to Table 15-4a for which zones form land use environments
3. Measured from the face of the kerb to the face of the opposite kerb (excluding any recessed parking **but includes any separated cycle facility**).
4. Full transport corridor width
5. Measured from the property boundary to the face of the kerb. **Berm** width will vary in order to accommodate features as required, including: lighting, noise attenuation, landscaping, street trees, swale drains, footpaths, shared paths, cycle lanes, cycle paths, recessed parking. Landscaping or street trees will require a minimum width of 2m and be incorporated into the legal road width (typically replacing indented parking or medians). A berm width wider than that indicated in Table 15-5b may be required to accommodate indigenous trees.
6. Location of services will be dependent upon the location of the footpath. The Regional Infrastructure Technical Specifications contain relevant guidance on locating services.
7. **This width does not provide for swales or stormwater management. Additional width may be required for these features, if present.**
8. Specific design requires case by case consideration of the design elements in the local context. This must be undertaken with input from Council's City Infrastructure engineers.
9. **Use of a bi-directional cycleways shall include an assessment that shows the design minimises and manages the risks associated with two-way movement, otherwise single-direction cycleways on each side of the road shall be required.**
10. **The neighbourhood street design guide can be used for a cul-de-sac up to 150m in length or a road with dual connectivity up to 250m in length provided that there is little or no through traffic.**
11. For guidance on bus stop types refer to the Regional Infrastructure Technical Specifications. The design of kerb side bus stops will result in the positioning of a stopped bus partially or fully within the cycle or movement lane. This may require kerb extensions to achieve. Bus stops and other elements of public transport infrastructure are only necessary if part of a bus route.
12. For guidance on pedestrian crossing facilities refer to the Regional Infrastructure Technical Specifications.
13. **Appropriate for carriageways accommodating two car widths.**
14. **Appropriate for carriageways accommodating three car widths.**
15. Excluding shoulders
16. **Where a footpath is only provided on one side there should be an equivalent increase in the landscaping.**