

**PLAN CHANGE 5 – PEACOCKE
STRUCTURE PLAN**

to

THE HAMILTON CITY DISTRICT PLAN

**SECTION 42A HEARING REPORT
2 September 2022**

Report on Plan Change 5 – Peacocke Structure Plan

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1 Introduction

- 1.1 This Section 42A Hearing Report for Plan Change 5 – Peacocke Structure Plan (PC5) has been co-authored by Craig Sharman and Mark Roberts.
- 1.2 My name is Craig Melville Sharman. I hold the qualifications of a Bachelor of Resource and Environmental Planning and a Master of Philosophy (Geography) from Massey University. I am a Senior Associate Planner for Beca Limited based in Hamilton. I was admitted as a Member of the New Zealand Planning Institute in 2003.
- 1.3 I have 24 years’ professional planning experience and have been a planner based in Hamilton since 2004. I worked for Hamilton City Council between 2004 and 2006 in consenting and policy roles, and as a planning consultant since 2006. As a result, I am highly familiar with the Hamilton City District Plan and am familiar with the strategic land use, growth management and environmental issues in and around Hamilton City.
- 1.4 I have been involved in numerous district plan review and plan change processes over the past twenty plus years in a variety of roles. This includes being the lead planner for the South Waikato District Plan review process from 2009 to 2015, being a part of the project team for the Waipā 2050 District Growth Strategy and subsequent plan change process, preparing notices of requirement, managing stakeholder relationships and assisting with growth management processes on behalf of Council within the Rotokauri growth cell.
- 1.5 In respect of the Peacockes growth cell, during my employment with Hamilton City Council during 2005 and 2006 I was the planning lead for the development of the Peacockes Structure Plan that was subsequently incorporated into the Operative Hamilton City District Plan (the district plan) during 2007 and is now being replaced by the Peacockes Structure Plan within PC5.
- 1.6 My involvement with PC5 commenced in November 2021 when Beca Limited (Beca) was engaged to prepare the summary of decisions requested and support Hamilton City Council (Council) with calling for further submissions. In May 2022 Beca Limited was engaged to further support Council in analysing submission issues, engagement with submitters to resolve matters, and to prepare this section 42A hearing report. Since that time, I have led the combined Beca, Council and wider consultant team in preparing for this hearing.
- 1.7 My name is Mark Hector Roberts. I hold the qualifications of a Masters of Town and Regional Planning from the University of Natal, South Africa. At present I hold the position of Principal Planner within the City Planning Unit of Hamilton City Council (“Council”). I have held this role since 2019 prior to this I held the role of Senior Planner from 2008. I was admitted as a Member of the New Zealand Planning Institute in 2018.
- 1.8 I have 28 years’ professional planning experience and have been a planner based in Hamilton since 2008. I am highly familiar with the Hamilton City District Plan and am familiar with the strategic land use, growth management and environmental issues in and around Hamilton City.
- 1.9 In respect of the Peacocke growth cell, I was part of the section 42A reporting team for Variation 14 – Peacocke Structure Plan in 2009. I am familiar with the Peacocke Structure

Plan ('PSP') that was formulated in 2007-2009 and was subsequently incorporated into the then Hamilton City District Plan by way of Variation 14. I have also been part of the wider Council team responsible for the development of PC5.

- 1.10 We have jointly prepared this report pursuant to section 42A of the Resource Management Act 1991 (RMA). We have considered and assessed the relief sought in the submissions and further submissions received in relation to PC5 and have engaged with submitters to fully understand the matters raised. This process has included attendance on behalf of Council as section 42A hearing report authors during expert conferencing between the dates of 18 August and 26 August 2022. No formal pre-hearing meetings concerning submissions covered by this evidence have been undertaken pursuant to clause 8AA, Schedule 1 of the RMA.
- 1.11 Council publicly notified PC5 under the RMA Schedule 1 process on 24 September 2021 with submissions closing on 5 November 2021. The summary of decisions requested, and copies of the original submissions were published on Council's website on 16 February 2022, and further submissions invited with this period closing on 16 March 2022. Fifty-eight submissions were received within the submission period (with over 1300 individual submission points) and eighteen further submissions received. At the conclusion of this report, we have made recommendations to the independent commissioner hearing panel which has delegated authority pursuant to section 34A of the RMA to hear and determine submissions on PC5 and make decisions on the plan change.
- 1.12 There are a number of supporting appendices to this report. These are as follows:
- Appendix A – Summary of Decisions Requested and Recommendations
 - Appendix B – Recommended Revisions to District Plan Chapters
 - Appendix C – Amendments in Response to Medium Density Residential Standards
 - Appendix D – Amendments in Response to the Long-Tailed Bat Protection Topic
- 1.13 The Summary of Decisions Requested and Recommendations (**Appendix A**) provides a comprehensive summary of each submission point, the decision requested of Council, and recommendations in response (including further submissions in support or opposition) as part of the section 42A hearing report.
- 1.14 We have received and rely upon expert advice relating to transport, stormwater, ecology, visual/landscape, archaeology, lighting, retail/economics and urban design matters. The advice received on these matters has informed the recommendations in this report and we have identified in this report where this advice is relied upon. These supporting reports are attached to the statement of evidence prepared by the technical report authors.
- 1.15 Amendments to the PC5 provisions have been recommended, and **Appendix B** consists of the PC5 'as notified' version of the plan change, with recommended further amendments in response to submission points shown. These chapters are Chapter 3, Chapter 3A, Chapter 4A, Chapter 5, Chapter 6A, Chapter 6B, Chapter 15A, Chapter 15B, Chapter 23, Chapter 23A, Chapter 25, Appendix 1, Appendix 2, Appendix 8, Appendix 9, Appendix 15, Appendix 17 and Appendix 17A.
- 1.16 Amendments have also been proposed in response to the government's Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the

Amendment Act) and the Medium Density Residential Standards (MDRS). Whilst these recommended amendments are in response to relief sought within submissions, they are primarily a response to the MDRS as shown as a comprehensive set of amendments within **Appendix C**.

- 1.17 Similar to the above, the provisions in response to the long-tailed bat protection matter are shown within **Appendix D** as a comprehensive set of amendments. Whilst these represent amendments in response to relief within submissions, they are provided as a consolidated set of amendments within the appendix.
- 1.18 Of significance to the consideration of PC5 and submissions received is the recent public notification of Proposed Plan Change 9 - Historic Heritage and Natural Environment (PC9) with the submission period closing 2 September 2022, and Plan Change 12 - Enabling Housing Supply (PC12) with the submission period closing 30 September 2022). The key relevance of PC9 is in respect of provisions relating to significant natural areas (SNAs) and historic heritage on a city-wide basis (including Peacocks). The key relevance of PC12 is as the city's response to the Enabling Act and the MDRS requirements on a city-wide basis. Given that PC5 was formulated, and the submission and further submission processes had concluded prior to the notification of either PC9 or PC12, and that PC9 and PC12 are city-wide plan changes that have a statutory effect on Peacocks, challenging alignment issues have emerged with PC5 provisions. These have been managed through recommendations in response to submission points except where stated within this report where unresolved alignment issues remain.
- 1.19 We confirm that we have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and have complied with it when preparing this report. Other than when we state that we are relying on the advice of another person, this evidence is within our respective areas of expertise. We have not omitted to consider material facts known to us that might alter or detract from the opinions that we express.
- 1.20 The primary purpose of jointly authoring the section 42A hearing report is to enable the robust management of potential or perceived conflicts of interest. Beca has wider client relationships with Kāinga Ora – Homes and Communities (Submitter 55), the Ministry of Education (Submitter 24) and Fire and Emergency New Zealand (Submitter 18). In respect of the first two submitters, Beca had no role in providing advice regarding PC5 and no involvement in the preparation of their submissions, nor held any discussions with them regarding PC5. Beca does undertake projects for these organisations nationally however.
- 1.21 In respect of Fire and Emergency New Zealand, Beca staff were involved in the preparation of the submission on PC5; and provided advice on the purpose and scope of PC5 and amendments proposed by Council. When Beca was engaged to assist with preparation of the summary of decisions requested in November 2021, Council staff summarised the Kāinga Ora, Ministry of Education and Fire and Emergency New Zealand submissions. When Beca was engaged to support Council with analysis of submitter issues, engagement with submitters and preparation for the section 42A hearing report, a joint Beca/Council project team was established with Mark Roberts leading all work in response to Kāinga Ora, the Ministry of Education, and Fire and Emergency New Zealand submissions. The recommendations within this section 42A hearing report in respect of Kāinga Ora, the Ministry of Education, and Fire and Emergency New Zealand have been prepared by Mark

Roberts to ensure a suitable level of separation to avoid any perception of a conflict of interest for Craig Sharman.

- 1.22 **Section 2** of this report below outlines the nature and scope of PC5; **Section 3** provides analysis of the submissions and further submissions received; **Section 4** is an assessment of the statutory context for PC5; **Section 5** discusses the section 32 report contents and discusses how section 32AA analysis will be undertaken; **Section 6** contains a Part 2 RMA assessment; **Section 7** is a detailed analysis of the proposed amendments to the PC5 provisions in response to submissions; and **Section 8** summarises the amendments being recommended to the Hearing Commissioners contained within this report. **Section 9** presents a conclusion.
- 1.23 The analysis within this section 42A hearing report needs to be read in conjunction with the technical reports prepared by the wider Council consultant team attached to the statements of evidence prepared by the technical report authors.
- 1.24 This report is prepared in accordance with section 42A of the RMA. Recommendations have been made to assist the Hearing Commissioners with their decision-making. The Hearing Commissioners will make decisions based on the submissions that have been lodged and all information presented at the time of the hearing. The recommendations made in this report are not the Commissioner's decision.

2 Proposed Plan Change 5: Peacocke Structure Plan

- 2.1 The Peacocke area is one of four significant growth cells in Hamilton and is the only area located in the south of Hamilton. The growth cell is located in an area of strategic importance to Hamilton City and the wider Waikato Region in terms of its proximity to the city centre, as well as the Hamilton Airport, Cambridge and Te Awamutu in the south. Peacocke was officially included within Hamilton's boundary in 1989 and zoned for residential development in 2007 with the creation of the first Peacocke Structure Plan. The Peacocke Structure plan was reviewed in 2012 in a full consultation process, but with limited development occurring mostly due to the funding required to establish the strategic infrastructure required to 'open up' the growth cell to development.
- 2.2 The Hamilton Southern Links Transport Corridor Designation runs through the Peacocke growth cell, providing transport connections to the wider Hamilton and Waikato transport network. The corridor was designated as part of a four-year consultation process that began in 2011 and evaluated a wide range of network options, identified three broad networks, and narrowed these down over time to the preferred option. When the government's Housing Infrastructure Fund (HIF) was announced in 2016, Council secured a \$290.4 million funding package for the development of Peacocke. This gave Council the funding needed to commence infrastructure 'roll out' within Peacocke with strategic transport and three waters networks. PC5 substantially replaces the policy framework, zoning and wider district plan provisions applying to Peacockes, as part of a wider programme to meet Hamilton's growth targets and to satisfy the city's obligations under the HIF. This includes environmental and urban design best practice and will bring the district plan provisions in line with recent government direction through the National Policy Statement for Urban Development and the MDRS standards.

2.3 In parallel the Mangakotukutuku Integrated Catchment Management Plan (the ICMP) has been formulated. The ICMP document available publicly is the 'final draft' ICMP dated December 2020. This document has been presented to Waikato Regional Council for review and feedback during 2021, and that feedback has been received and is being responded to within a more recent draft ICMP document. In terms of PC5, the December 2020 'final draft' was used to inform the PC5 formulation process as forming part of the overall strategic framework to assist in developing objectives and policies to align these with the strategic objectives of the ICMP. The indicative locations of centralised stormwater treatment wetlands (as shown on the Appendix 2 Structure Plan figures) was also developed as part of the technical investigations which supported the ICMP. The ICMP also identifies strategic objectives relating to three waters within the Mangakotukutuku catchment, to determine appropriate stormwater design parameters, and to develop 'means of compliance which demonstrates Council's preferred approach to achieving the adopted design parameters and strategic objectives.

2.4 The key elements of PC5 are as follows:

- The rezoning of approximately 690 hectares from General Residential Zone and Peacocke Special Character Zone to Peacocke Medium Residential Zone. This will enable up to 7800 residential units comprising a mixture of single dwellings, duplex dwellings, terraced houses and apartments.
- The rezoning of approximately 7.8 hectares from Peacocke Special Character Zone to Local Centre Zone to establish the main commercial centre within Peacocke.
- The rezoning of approximately 3 hectares from Peacocke Special Character Zone to Neighbourhood Centre Zone to establish neighbourhood centres across Peacocke.
- Increase the Natural Open Space Zone from 16 hectares to 143 hectares which include Significant Bat Habitat Areas (SBHAs).
- Rezoning of approximately 14 hectares of Peacocke Special Character Zone to Peacocke Sports and Active Recreation Zone for the purpose of establishing a sports park.
- Increase the area of Significant Natural Areas (SNAs) to 58.2 hectares.
- Several additional archaeological sites have been identified and included on the Features Maps.
- The Waikato River and Gully Hazard Area overlay has been amended and a new Seismic Setback area has been introduced to reflect the work undertaken to identify hazards.
- New provisions are proposed to protect areas of significant bat habitat from future urban development, including controls over fixed lighting associated with urban development as well as a building setback from the boundary of SBHAs.
- A high density overlay area and identification of the indicative transport corridors, including proposed public transport routes.
- Identification of the indicative location of stormwater wetlands and areas of future open space.
- Introduce a new infrastructure and staging plan for the Peacocke Structure Plan Area.

2.5 Amendments to the following chapters and appendices of the district plan are proposed through PC5 as follows:

- Chapter 3 – Structure Plans and Chapter 3A Peacocke Structure Plan

- Chapter 4A – Medium Density Residential Zone: Peacocke Precinct and Chapter 5 Special Character Zones
- Chapter 6A: Peacocke Neighbourhood Centre Zone
- Chapter 6B: Peacocke Local Centre Zone
- Chapter 15A: Natural Open Space Zone: Peacocke Precinct
- Chapter 15B: Sport and Active Recreation Zone: Peacocke Precinct
- Chapter 23: Subdivision and Chapter 23A Subdivision: Peacocke Precinct
- Chapter 25: City-wide
- Appendix 1: District Plan Administration
- Appendix 2: Structure Plans
- Appendix 8: Historic Heritage
- Appendix 9: Natural Environments
- Appendix 15: Transportation
- Appendix 17: Planning Maps and Appendix 17A Peacocke Zoning and Features Maps.

3 Analysis of Submitter Issues

- 3.1 A total of 58 submissions and 18 further submissions were received on PC5 during the submission and further submission periods. No late submissions or further submissions were received. In excess of 1300 individual submission points and decisions requested were identified when the summary of decisions requested was prepared.
- 3.2 A full summary of decisions requested is attached to this report as **Appendix A** and should be referred to by all parties for the detail of the individual submission points, the provisions each submission point relates to, the further submissions received in support or opposition of primary submission points, and recommendations prepared by the section 42A report authors in support of this report. The summary of decisions requested and recommendations within **Appendix A** provide a set of recommendations to the Hearing Commissioners in response to submission points in accordance with clause 10 of Schedule 1 RMA.
- 3.3 Further submissions were received from the following parties:
- FS001: Mangakotukutuku Stream Care Group
 - FS002: K Barber
 - FS003: Go Eco Waikato Envirocentre Trust
 - FS004: AJ and HC Koppens
 - FS005: Ohaupo Land LP & Golden Valley Farms
 - FS006: Alison Keehan
 - FS007: B and R Inger
 - FS008: Cordyline Holdings Ltd
 - FS009: Waka Kotahi
 - FS010: The Adare Company Limited
 - FS011: Kāinga Ora
 - FS012: MM Shaw
 - FS013: Director General of Conservation
 - FS014: Shortbread Ltd
 - FS015: Metlifecare

- FS016: SA and MG Ross
- FS017: Peacocke South
- FS018: Findlay Family Trust.

3.4 The key matters within the above submissions and further submissions are further discussed in detail within Section 7 of this report.

4 Statutory Context for Plan Change 5

4.1 PC5 is supported by a substantial suite of assessments and technical reports covering a wide variety of topics and providing a robust technical backing to the analysis of the Peacockes Structure Plan Area and the PC5 proposals and provisions. These background reports are available on the Council's website and are the following:

- Appendix A – Peacocke Structure Plan – Assessment of Environmental Effects
- Appendix B – Section 32 Report
- Appendix C – Proposed Amendments to the Operative District Plan
- Appendix D – Assessment of Environmental Management Plans
- Appendix E – Engagement Summary Assessments
- Appendix F – Peacocke Structure Plan Report
- Appendix G – Cultural Values Assessment
- Appendix H – Urban Design Report
- Appendix I – Archaeological Assessment
- Appendices J, K and L – Ecological and Long-Tailed Bat Reports
- Appendix M – Retail Assessment
- Appendix N – Housing Policy Options – Dwelling Demand and Feasibility Assessment
- Appendix O – Landscape Assessment
- Appendix P – Integrated Transport Assessment
- Appendix Q – Lighting Report
- Appendix R – Structure Plan Yield Assessment
- Appendix S – Community Infrastructure Memo
- Appendix T – Inclusive Access
- Appendix U – Public Transport Review
- Appendix V – Peacocke Transit Plan Report
- Appendix W – Esplanade Report
- Appendices X and Y – Geotechnical and Hydrogeological
- Appendix Z – Watercourse Assessment
- Appendix AA – Plans and Maps

4.2 The above suite of assessment and reports demonstrates a thorough and robust level of assessment to inform the plan change. Collectively these reports form the technical basis for the plan change, except where updated through the supporting reports attached to statements of evidence. These attached reports in some instances are updates to the original suite of reports where that was considered necessary, whilst also being a set of responses to matters identified in submissions received on PC5.

- 4.3 The sections below are an evaluation of PC5 and background reports in respect of the wider statutory context that exists. The key background reports that relate to the wider statutory context are Appendices B, D, E, F and G as listed above. These are referred to below where they relate directly to the statutory document being discussed.

Te Ture Whaimana o Te Awa o Waikato

- 4.4 The 'Plan Change 5 – Assessment of Environmental Effects Report' (Attachment A to Plan Change 5) sets out an evaluation of the proposals to give effect to Te Ture Whaimana. The report states the proposed plan change and update of the Peacocke Structure Plan will be embedded in the wider Operative District Plan framework, will therefore be subject to the same objectives, policies and methods as the rest of the city, and that the wider framework responds suitable to Te Ture Whaimana. Further that PC5 places a large emphasis on the Mangakotukutuku gully network and identifies additional ecological corridors to be created to mitigate the effects of the urbanisation of Peacocke.
- 4.5 The resulting connected green network throughout the structure plan area will provide significant protection of habitat for long-tail bats, aquatic species and other fauna within the ecological network and assist in improving the habitat and other values within the Mangakotukutuku gully network. The protection of the gullies and the river corridor will provide and improve public access to these areas.
- 4.6 The Mangakotukutuku ICMP is also a significant response to enhancement of water quality entering the Waikato River. The ICMP is proceeding through its certification process with Waikato Regional Council and will be implemented on a development by development basis to achieve the objectives set within that document. The ICMP has been assessed and is considered to give effect to the Vision and Strategy of the Waikato River.
- 4.7 We concur that the Peacocke Structure Plan and PC5 provisions will provide a suitable response to Te Ture Whaimana and will assist in improving the health and well-being of the Waikato River for future generations.

National Policy Statements

- 4.8 The national policy statements in force at the time of the writing of this report are:
- National Policy Statement on Urban Development 2020
 - National Policy Statement for Freshwater Management 2020
 - National Policy Statement for Renewable Electricity Generation 2011
 - National Policy Statement on Electricity Transmission 2008
 - New Zealand Coastal Policy Statement 2010

There are also two proposed national policy statements that may come into force by the end of 2022:

- Proposed National Policy Statement for Indigenous Biodiversity
- Proposed National Policy Statement for Highly Productive Land

- 4.9 The Ministry for the Environment is also currently consulting on proposed amendments to National Policy Statement for Freshwater Management 2020 and the related National Environmental Standards for Freshwater 2020.

National Policy Statement on Urban Development 2020

- 4.10 The 'Plan Change 5 – Assessment of Environmental Effects Report' (Attachment A to Plan Change 5) sets out an evaluation of the proposals to give effect to the National Policy Statement on Urban Development (NPSUD), including an evaluation against the objectives and policies of the NPSUD. That evaluation concluded that the revised Peacocke Structure Plan proposals will deliver medium to high density housing in growth cell identified for residential development, that it will be well serviced by public transport, will encourage mode shift through providing a walkable/cyclable environment, with a built form of up to 3-5 storeys enabled throughout the structure plan area, and with an extent of business land in the form of identified commercial centres.
- 4.11 The evaluation within that report is concurred with, that the revised Peacocke Structure Plan and PC5 provisions are an effective response to the NPSUD and will give effect to government direction as articulated within that document.

National Policy Statement on Freshwater Management 2020

- 4.12 The 'Plan Change 5 – Assessment of Environmental Effects Report' (Attachment A to Plan Change 5) sets out an evaluation of the proposals to give effect to the National Policy Statement for Freshwater Management 2020 (NPSFW). This evaluation focuses on the Operative District Plan provisions that manage the effects of development on water on a city-wide basis using Integrated Catchment Management Plans (ICMPs) for the various city catchments. The city-wide Chapter 25.13 Three Waters establishes objectives that promote the management of the effects of development on water and where possible enhance riparian margins, water quality, water resources and aquatic habitats. The provisions also enable the implementation of the ICMPs.
- 4.13 For Peacocke the Mangakotukutuku ICMP provides direction for the management of three waters within the catchment. This document was formulated with involvement from Te Haa o te Whenua o Kirikiriroa and Waikato-Tainui, and the final document is intended to reflect those identified values and interests in the catchment. This report also notes that the plan change identifies a distribution of indicative wetlands, SNAs and establishes a planning framework that seeks to protect and enhance these areas. The zoning of SNAs and SBHAs as Natural Open Space Zone is also identified as a key response.
- 4.14 Whilst acknowledging that the Mangakotukutuku ICMP is still proceeding through the certification process in accordance with Council's comprehensive stormwater discharge consent (issued by Waikato Regional Council as the consenting authority) and remains subject to minor change, the document has been through a substantial formulation process involving scientific investigation and stakeholder engagement throughout. It is anticipated that the ICMP will be certified during the latter part of 2022 and operate as the key response to the NPSFW.
- 4.15 We concur that the NPSFW is being given effect to through the revised Peacocke Structure Plan and associated PC5 district plan provisions.

Other National Policy Statements

- 4.16 It is acknowledged that the other national policy statements are the National Policy Statement for Renewable Electricity Generation 2011, the National Policy Statement on

Electricity Transmission 2008, and the New Zealand Coastal Policy Statement 2010. However none of these are considered particularly relevant to consideration of P5.

National Environmental Standards

4.17 The national environmental standards in force at the time of the writing of this report are:

- National Environmental Standards for Air Quality 2004
- National Environmental Standards for Sources of Drinking Water 2007
- National Environmental Standards for Telecommunication Facilities 2016
- National Environmental Standards for Electricity Transmission Activities 2009
- National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
- National Environmental Standards for Plantation Forestry 2018
- National Environmental Standards for Freshwater 2020
- National Environmental Standards for Marine Aquaculture 2020
- National Environmental Standard for Storing Tyres Outdoors 2021
- National Environmental Standards for Plantation Forestry 2017

4.18 Whilst acknowledging that the National Environmental Standards for Electricity Transmission Activities 2009 has some relevance to the Transpower New Zealand Limited property on Hall Road (the National Communications Centre), in all other respects these national environmental standards are not particularly relevant to the consideration of PC5 given their subject matter.

Waikato Regional Policy Statement

4.19 The 'Plan Change 5 – Assessment of Environmental Effects Report' (Attachment A to Plan Change 5) sets out an evaluation of the proposals to give effect to the Waikato Regional Policy Statement (WRPS). The report identifies the key objectives within the WRPS as being:

- 3.1 Integrated management
- 3.3 Decision making
- 3.4 Health and wellbeing of the Waikato River
- 3.6 Climate Change
- 3.8 Ecosystem services Section 4 Integrated Management
- 3.9 Relationship with Tangata Whenua and the Environment
- 3.10 Sustainable and efficient use of resources
- 3.12 Built Environment
- 3.16 Riparian areas and wetlands
- 3.18 Historic and cultural heritage
- 3.19 Ecological integrity and indigenous biodiversity
- 3.21 Amenity
- 3.22 Natural Character
- 3.23 Public Access
- 3.24 Natural Hazards
- 3.27 Minimum Housing Targets for the Future Proof area.

4.20 Further the abovementioned report evaluates against the following key sections of the WRPS:

- Section 4 – Integrated Management

- Section 6 – Built Environment and Section 6A, including Policy 6.3 Co-ordinating Growth and Infrastructure, Policy 6.6 Significant Infrastructure and Energy Resources, Policy 6.15 Density Targets for the Future Proof Area, Policy 6.16 Commercial density in the Future Proof Area
- Section 10 – Heritage
- Section 11 – Indigenous Biodiversity
- Section 12 – Landscape
- Section 13 – Natural Hazards

4.21 The abovementioned report concludes the evaluation stating:

“taking account of the above, it is considered that proposed Plan Change 5 gives effect to the Regional Policy Statement. The plan change allows for the urbanisation of the Peacocke area which has been identified for residential growth and development for 30 years. It does so in a way that delivers a compact urban form, enabling efficient development to occur. New centres are proposed that support the existing centres hierarchy while providing for the economic and social well-being of the new community that will be established in this area.

The proposed plan change seeks to establish a permeable and legible transport network with a focus on providing a high quality walking and cycling network that will encourage mode shift and allow for ease of movement by people walking, on bikes and other micro modes of transport.

The proposed provisions recognise and protect the significant habitat of indigenous fauna, and significant natural areas, establishing buffers and ecological corridors that will support the functionality of these spaces.”

4.22 We concur with the evaluations within the abovementioned report that the revised Peacocke Structure Plan and the associated PC5 provisions are consistent with and give effect to the WRPS.

Waikato Regional Plan

4.23 The operative Waikato Regional Plan (WRP) implements the WRPS and contains policy and methods to manage the natural and physical resources of the Waikato region. The ‘Plan Change 5 – Assessment of Environmental Effects Report’ (Attachment A to Plan Change 5) sets out an evaluation of the proposals pursuant to the WRP. The report notes that future development within the Peacockes Structure Plan area will still be required to address any consenting matters under the WRP, but that the revised Peacocke Structure Plan and the associated PC5 provisions are not inconsistent with the Waikato Regional Plan. We concur with this assessment.

Other Management Plans and Strategies

4.24 The ‘Plan Change 5 – Assessment of Environmental Effects Report’ (Attachment A to Plan Change 5) sets out an evaluation of the proposals against a set of wider strategic planning documents. These are listed in that report as being:

- Future Proof Sub-Regional Growth Strategy
- Hamilton-Waikato Metro Spatial Plan
- Hamilton Urban Growth Strategy

- Draft Waikato Regional Land Transport Plan 2021-2051
- Keeping Cities Moving
- Waikato Regional Public Transport Plan
- Regional Mode Shift Plan – Hamilton-Waikato Metro Area
- Access Hamilton

4.25 Whilst not wishing to repeat the evaluations contained within the ‘Plan Change 5 – Assessment of Environmental Effects Report’ (Attachment A to Plan Change 5), in response the key conclusions reached were:

- That the proposed structure plan amendments are consistent with the Future Proof Strategy
- That the Peacocke Structure Plan is consistent with the direction of the Hamilton - Waikato Metro Spatial Plan
- That the proposed structure plan and plan change is consistent with HUGs as it enables growth of the city to the south in a manner consistent with the strategy. It also seeks to effectively and efficiently integrate with the provision of infrastructure and maximising the HIF funding made available to Council.
- That the Peacocke Structure Plan and proposed planning provisions are generally consistent with the objectives and policies of the Draft Waikato Regional Land Transport Plan 2021-2051.
- That in respect of ‘Keeping Cities Moving’ that Plan Change 5 can utilise two of the levers identified to encourage mode shift, shaping urban form and making shared and active modes more attractive. It does this by directing the creation of a compact urban environment, focusing density on the local centre, identified public transport corridors and areas of higher natural amenity. It also directs the creation of a high-quality walking and cycling network, that is direct, legible and safe, providing the infrastructure network to support mode shift aspirations.
- That it is expected that as the public transport services outlined in the structure plan are implemented, the proposed development is considered to align well with the objectives of the Regional Public Transport Plan.
- That the proposed Peacocke Structure Plan and Plan Change 5 are consistent with the strategic direction of the Hamilton-Waikato Regional Mode Shift Plan.
- The Peacocke Plan change is consistent with the policy and seeks to establish a safe environment with a focus on slow speeds for areas with more walking and cycling.

4.26 The above conclusions are supported by the substantial extent of background reports in respect of urban design (Appendix H to Plan Change 5), retail provision (Appendix M to Plan Change 5), housing policy options (Appendix N to Plan Change 5), transportation (Appendix P to Plan Change 5), residential yield assessment (Appendix R to Plan Change 5), community infrastructure (Appendix S to Plan Change 5), inclusive access (Appendix T to Plan Change 5) and public transport provision and rapid transit (Appendices U and V to Plan Change 5). Based on the evidence provided we concur with the above evaluations.

4.27 In addition to the above, two iwi environmental management plans have been evaluated. These are Tai Tumu Tai Pari Tai Ao (the Waikato-Tainui Environment Plan), and Te Raukai Tamata Ao Turoa O Haua (the Ngati Haua Environmental Management Plan). Appendix D to Plan Change 5 sets out a detailed analysis of how the proposed revisions to the Peacocke Structure Plan and the PC5 provisions interact with these documents, and the outcomes,

aspirations and objectives articulated. The report concludes that the proposals have “*strong alignment with the principles and objectives set out*” in these documents. Based on the evidence provided within this Appendix D report, this is concurred with.

- 4.28 Based on the above evaluations, we consider that the proposed revisions to the Peacocke Structure Plan and the PC5 provisions are consistent with the above suite of wider strategic planning documents.

Summary

- 4.29 The above evaluations of the wider strategic planning framework are underpinned with substantial reports and analysis that provides confidence that the evaluations are thorough and robust. We concur that the plan change is consistent with the policy intent of the wider strategic planning framework as outlined in the above documents. Where submitters have challenged aspects of the PC5 responses to this wider strategic planning framework in submission points lodged on PC5, these have been responded to within the recommendations provided to the Hearing Commissioners.

5 Section 32 / 32AA RMA Considerations

- 5.1 PC5 was supported by a section 32 assessment report titled ‘Plan Change 5: Section 32 Assessment – Notification Version – Peacocke Structure Plan’, dated July 2021 (the Section 32 Report). This document was published on Council’s website as Appendix B to the plan change document, alongside an ‘Assessment of Environmental Effects Report’ (Appendix A) and a set of ‘Proposed Amendments to Operative District Plan Provisions’ (Appendix C) to that plan change document. Attachment 1 to the Section 32 Report was a document titled ‘Peacocke Bat Corridor Assessment Report, Plan Change 5 – Peacocke Structure Plan’, dated 14 April 2021.
- 5.2 The Section 32 Assessment Report has been evaluated and is considered generally robust and thorough and suitable for supporting the plan change request.
- 5.3 A further evaluation report will be prepared pursuant to section 32AA of the RMA will be prepared to support the Hearing Commissioner decisions, in respect of providing further evaluation of any changes that have been made to the proposal and PC5 provisions since the initial section 32 evaluation was completed. Such further evaluations are to be undertaken at a level of detail that corresponds to the scale and significance of the changes.
- 5.4 It is anticipated that a Section 32AA Report will be prepared in support of the Hearing Commissioner’s decision-making pursuant to the process set out in section 32AA of the RMA. This report has not been prepared at the time of writing this report however but will be made available prior to decisions being released.

6 Part 2 RMA

- 6.1 The Plan Change 5 – Assessment of Environmental Effects Report (Attachment A to Plan Change 5) sets out an evaluation of the proposed plan change pursuant to sections 5, 6, 7 and 8 of the RMA (pages 78-80 of that report).
- 6.2 In respect of section 8 RMA, Council engaged with Waikato-Tainui and Te Haa O Te Whenua O Kirikiriroa throughout the PC5 formulation process over several years, as recorded within the Cultural Values Assessment Report (Appendix G to the plan change). The documentary evidence demonstrates that the level of engagement with mana whenua to give effect to the Treaty of Waitangi has been robust and suitable.
- 6.3 The Assessment of Environmental Effects Report addresses section 7 RMA ‘other matters’ and identifies the various sub-sections most relevant to the Peacocke Structure Plan Area. It is apparent from the wide-ranging background reports prepared that the responses to the section 7 ‘other matters’ has been thorough and robust.
- 6.4 The above report also addresses the ‘matters of national importance’ within section 6 RMA as they relate to the structure plan area. As above it is apparent from the wide-ranging background reports prepared that the responses to the section 6 ‘matters of national importance’ have been considered and responded to through the plan change and in particular the various mapped overlays and features within Appendix 2 and 17A of the district plan.
- 6.5 Section 5 ‘purpose’ of the RMA is also addressed in the abovementioned report, and in particular the community wellbeing and enabling of housing within the structure plan area through the zoned release of land as a response to the population growth projects and the Future Proof Sub-Regional Growth Strategy land release responses, whilst seeking to protect the significant and important environmental features throughout Peacockes. The section 5 assessment supported by the background reports is concurred with, that the Peacocke Structure Plan and PC5 are consistent with the purpose of the RMA.
- 6.6 PC5 is considered to be consistent with Part 2 of the RMA for the reasons given above.
- 6.7 To address more fully the matter of the extent of the necessary response to protection of long-tailed bats and habitat areas in Peacockes, the threat status of long-tailed bats of ‘Threatened – Nationally Critical’ and therefore this matter intersects directly with section 6 RMA ‘matters of national importance’. Section 6(c) RMA states that ‘the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna’ is a matter of national importance. The Significant Bat Habitat Areas identified represent identification and protection of habitat of significant fauna given the threat status of the long-tailed bat, and therefore their habitat is considered ‘significant habitat of indigenous fauna’. This is distinct from Significant Natural Areas which are ‘areas of significant indigenous vegetation’.
- 6.8 This section 6(c) RMA wording is further reinforced through the WRPS Policy 11.2 ‘Protect significant indigenous vegetation and significant habitats of indigenous fauna’ which requires that “*significant indigenous vegetation and the significant habitats of indigenous fauna shall be protected by ensuring the characteristics that contribute to its significance are not adversely affected to the extent that the significance of the vegetation or habitat is*

reduced.” The latter part of this policy that Hamilton City Council ‘must give effect to’ provides a statement of how the first part of the policy is to be achieved.

- 6.9 This also has to be considered in the context of the NPSUD which Council as a tier 1 territorial authority must also ‘give effect to’. In particular the objectives and policies, and Objectives 1, 2, 3, 4 and 6 which collectively set out the government’s priorities for enabling urban development. It is also noted that a plan change to the Waikato Regional Policy Statement is currently being formulated by Waikato Regional Council for public notification shortly, which responds to the NPSUD and the revision of the Future Proof Sub-Regional Growth Strategy density targets and seeks to ‘give effect’ to the objectives, policies and implementation measures through the Waikato Regional Policy Statement.
- 6.10 It is acknowledged within the ecology report appended as Attachment 1 to the ecological statement of evidence that the concepts of ‘no net loss’ and ‘net gain’ outcomes are promoted as the effects threshold to be pursued by PC5. It is also understood that these concepts exist in the draft National Policy Statement on Indigenous Biodiversity. Whilst it is likely those concepts will be introduced into the planning system once the national policy statement has been gazetted, the final contents remain unknown, as does the timing of gazettal. Further that this future national policy statement will be placed alongside the NPSUD, with neither having prevalence over the other. This creates some challenging interpretation issues around the effects threshold to be met. The section 6(c) RMA and WRPS Policy 11.2 wording of ‘protection’ sets a different effects threshold to maintain existing values firstly, and secondly to enhance those values where possible, and has been traversed in detail by the Environment Court and higher jurisdictions. This threshold is distinctly different to the concepts of ‘no net loss’ and ‘net gain’ which is framed within an ecology terminology.
- 6.11 In terms of the PC5 response as amended through recommendations within this report, identified ‘high value’ long-tailed bat habitat is being protected within the Significant Natural Area and Significant Bat Habitat Area overlays, and with the inclusion of these areas within the Natural Open Space Zone. Accordingly, the presumption is that these locations will not be developed and are protected. The ‘low’ and ‘moderate’ value habitat areas are outside of the above overlays and are zoned within the Medium Density Residential Zone within areas where urbanisation will occur. The core response mechanisms are requirements around ecological evaluation prior to any removal of vegetation, and compensation approaches to restore/enhance habitat values elsewhere (either within the site or off-site). This is also considered to constitute ‘protection’ given the long-tailed bats are a highly mobile fauna species, and the habitat values are being restored/enhanced, although not necessarily in the same location.
- 6.12 The abovementioned ecology report sets out the estimated quantum of land where restoration and enhancement of habitat values are required. Given the quantum of these areas this will have to occur partially and possibly substantially outside of the Peacocke Structure Plan area. There is substantial technical complexity with quantifying effects on habitat values and quantifying the habitat restoration / enhancement measures in response, particularly where the latter is occurring on a site different to where the existing habitat values are located. There is also a time lag before the habitat restoration / enhancement measures are in place.

- 6.13 The amendments to PC5 recommended within this report are considered to represent a suitable set of protection mechanism responses to achieve the 'protect' section 6(c) RMA response. The concepts described above will also be addressed in planning evidence presented at the hearing given the importance of this issue.

7 Evaluation of Submitter Issues

- 7.1 This section of the report provides commentary and analysis on the wide ranging submitter issues and topics, and how they have been addressed in response. The evaluations below draw on the material within the supporting specialist technical reports attached to statements of evidence, the Council response to the Medium Density Residential Standards and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 shown within **Appendix C** as a consolidated set of provision amendments to PC5 (as presented to expert conferencing on 25 August) with further amendments in response; as well as the amended Long-Tailed Bat Protection Provisions within **Appendix D** as a consolidated set of provision amendments to PC5 (as presented to expert conferencing on 24 August) with further amendments in response.
- 7.2 In parallel the Summary of Decisions Requested and Recommendations spreadsheet is attached as **Appendix A** with comprehensive responses to all submission points and related further submissions. **Appendix B** then consists of a series of district plan chapters showing the PC5 as notified district plan amendments (in red text), and further amendments to provisions as recommended in this section 42A hearing report (in blue text), and reflective of recommendations as shown within the **Appendix A** spreadsheet.
- 7.3 The evaluations below are structured based on a series of topic headings. The Summary of Decisions Requested and Recommendations (**Appendix A**) should be referred to for responses to individual submission and further submission points. The topic headings are:
- Plan Change 5 response to central government direction on Medium Density Residential Standards (MDRS)
 - Density in the Peacocke Structure Plan Area
 - Residential Development Standards
 - Local Centre
 - Neighbourhood Centres
 - Long-tailed Bat Habitat Protection Responses
 - Wider Long-Tailed Bat Protection Responses
 - Significant Natural Areas
 - Wider Ecological Issues
 - Cultural and Heritage
 - Landscape Matters
 - Subdivision Processes and Vesting of Reserves
 - Neighbourhood Parks
 - Transport, Infrastructure and Staging
 - Water and Wastewater
 - Rear Lanes and Culs-de-Sac
 - Proposed Stormwater Wetlands
 - Proposed Esplanade Reserves

- Earthworks
- Retirement Villages and Childcare
- Wider property-based topics and mapping changes

Response to central government direction on Medium Density Residential Standards

- 7.4 The section 42A lead authors for this topic is Mark Roberts, with technical support provided by Sam Foster. The PC5 response to central government direction on Medium Density Residential Standards (MDRS) and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the Amendment Act) as attached to this report as **Appendix C**.
- 7.5 The key submitters on this topic are **Hamilton City Council (11.1, 11.2 & 11.3); Kainga Ora (55.181, 55.182, 55.185, 55.186; Golden Valley Farms (43.2); Pragma Homes (47.2, 47.4,); Jones Land (13.10, 13.11); Northview Capital Limited (Aurora development) 14.1; and Ohaupo Land LP (42.2.)**. Further submissions have been provided by: **Cordyline FS008; Waka Kotahi FS009; The Adare Company FS010; Metlifecare FS015; and Peacocke South FS017**. There are a wide variety of submitters who have sought various related amendments to PC5 provision wording that do not directly relate to this topic, which are addressed separately in this report.
- 7.6 The introduction of the Amendment Act, and subsequent changes to the RMA establishes a number of compulsory requirements to district plans for Specified Authorities. These changes are more enabling of residential development and are described in detail below. Section 77G of the RMA introduces a number of compulsory changes to district plans for specified territorial authorities to give effect to Policy 3 and Policy 5 of the NPSUD. Hamilton City as a Tier One territorial authority meets the definition of a specified authority and therefore is required to make these changes. Anticipating these legislative changes, Council made its own submission to PC5 seeking amendments which align with the new legislation.
- 7.7 Amendments to MDRS provisions are provided for under s77H, “Requirements in Schedule 3A may be modified to enable greater development” and s77I, “Qualifying matters in applying medium density residential standards and policy 3 to relevant residential zones” which allows for provisions to be less enabling of development where a listed Qualifying Matter is present. Key changes of MDRS can be summarised as:
- Introducing compulsory objectives and policies that are to be incorporated into the District Plan.*
 - Requiring the activity status of subdivision to be Controlled, where it relates to a residential unit and does not create vacant sections.*
 - Introduction of compulsory development standards to be more enabling of development.*
- 7.8 Clause 6 of Schedule 3A includes objectives and policies that must be included in the District Plan. On the basis of the Hamilton City submission point 11.3, it is recommended to include these into Chapter 4A: Medium Residential Zone – Peacocke Precinct with minor modification to align with the intent of the zone, and the direction of the MDRS.
- 7.9 Under the RMA, Part 2 of Schedule 3A includes Density Standards that must be incorporated into the district plan. Without repeating these in full, they relate to:

- a) *Number of units per site*
- b) *Building Height*
- c) *Height in Relation to Boundary*
- d) *Setbacks*
- e) *Building Coverage*
- f) *Outdoor Living Space (per unit)*
- g) *Outlook Space (per unit)*
- h) *Windows to Street*
- i) *Landscaped Area.*

7.10 Under the RMA, Clause 3 of Schedule 3A requires subdivision to be provided as a Controlled Activity for the purpose of the construction and use of residential units that are Permitted Activities identified in Clause 2, or Restricted Discretionary activities identified in Clause 4. Amendments are therefore recommended to provide for subdivision in relation to an existing residential unit or concurrent with a land use consent for residential units that does not create vacant allotments as Controlled Activity.

7.11 Amendments to PC5 are recommended to accommodate these provisions, except where they are modified in relation to s77H and s77I. Changes proposed, including modifications are included in Appendix D. Generally, they are:

- a. *Introduce compulsory objectives and policies from Schedule 3A of the Enabling Act to Chapter 4A.*
- b. *Amend Chapter 4A Activity Status to remove reference to residential typologies and instead provide for 1-3 Residential Units on a site as a Permitted Activity, and 4 or more residential units as a Restricted Discretionary Activity.*
- c. *Amend Chapter 4A development standards to align with MDRS requirements relating to building size, scale and intensity with amendments to provide for more enabling provisions where appropriate, and identified Qualifying Matters.*
- d. *Amend Chapter 23A Activity Status to provide for subdivision in relation to an existing residential unit or concurrent with a land use consent for residential units that does not create vacant allotments as Controlled Activity.*
- e. *Amend Appendix 1 to include matters of Control for subdivision.*
- f. *Consequential numbering amendments to provisions for plan clarity.*

7.12 **Appendix C** provides more detail of the recommended changes. On the basis of the above, it is recommended that submissions made in relation to the Enabling Act are **accepted in part**, and relevant further submissions are also **accepted in part**.

Density in the Peacocke Structure Plan Area

7.13 **Kāinga Ora** in their submission point **55.001** consider that residential intensification in and around centres and along rapid transit corridors should be further enabled in accordance with the NPSUD, Kāinga Ora are seeking that the High Density Overlay, be replaced by a High Density Residential Zone with a clear purpose and suite of objectives and policies that will drive high quality, high density outcomes and importantly, avoid undesirable low density development that would compromise the vision of the Peacocke Precinct. While **The Adare Company Limited FS010** oppose the proposed changes to the overlay stating that the High Density Area Overlay is a suitable tool because it reflects that there are matters of both commonality and distinctiveness between these areas and other parts of the Medium

Density Residential Zone. **Metlifecare FS015** opposes in part the changes stating that the inclusion of a zone rather than an overlay would be more consistent with the approach to other zones in the plan and would be good resource management practice. However, the zone provisions should reflect the overlay provisions in PC5 and subject to submissions, rather than the provisions this submitter has drafted. **The Findlay Family Trust FS018** supports the change sought stating that the proposed changes sought are consistent with their primary submission.

- 7.14 A High-Density Zoning within Peacocke is not consistent with the approach take for the rest of the city to comply with the NPSUD. The approach for the rest of the city is high density focused within a central city walkable catchment and medium density around the city's suburban centres. Based on this approach the submission seeking a higher density zone within Peacocke is recommended to be rejected and that the Medium Density Residential Zone be retained, being the most appropriate zoning to achieve the outcomes of the NPSUD. For clarification purposes it is recommended that the High Density Overlay be renamed to "Increase Height Overlay" to better align with the intended purpose of the overlay which is to identify areas within the Medium Density Residential Zone where increased heights have been allowed to support higher density development around the local centre and the public transport network.
- 7.15 Along with the proposed replacement of the High Density Overlay with a new High Density Zone **Kāinga Ora** seek in submission **55.001** the increase in the area of the proposed High-Density Zone located around the local centre. The extent of this area is reflected in Attachment 3 to their submission. **The Adare Company Limited FS010** oppose the 'Additional High Density Zone' stating that it is not suitable for high density residential development. **Nathen Cox (Submission 19)** also seeks the expansion of the High Density Overlay (Increase Height Overlay) to cover their properties at 474, 476 and 490 stating that the properties adjoin the High Density Overlay to the North, East and West; they adjoin a proposed minor arterial road; and are located within walking distance to the proposed Local Centre Zone and public transport facilities. The submitter suggests that these characteristics make the land appropriate for high density residential development. This, in combination with the surrounding High Density Overlay Area, would be consistent with the proposed objective MRZ – PREC1 – PSP: O4 and National Policy Statement for Urban Development 2020. In considering the relief sought by Kainga Ora the intent of the High Density Overlay as well as the location proposed for the increased area, I would have to concur with The Adare Company that no consideration has been made by Kainga Ora with regards to the topography of the area when selecting the area to be included. The majority of the area identified is proposed to be zoned as Natural Open Space. This zone covers a steeply incised gully network and the banks of the Waikato River. This proposed zoning also aligns with the approved consent for the Amberfield development. The area proposed for inclusion on the western side of Peacocke Road is some of the steepest topography in Peacocke and was the reasoning behind why it was not included in the notified version of the High Density Overlay (Increase Height Overlay). In considering the relief sought by Nathen Cox Mr Akehurst consider that it is important to apply any provisions for higher density residential development within appropriate locations within the Peacocke growth area. These should occur around areas of higher amenity and accessibility and take into account the overall market size for this type of development. If the provision for this type of development is applied too widely, then it may dilute the contribution of higher density residential development to sustaining areas of higher amenity (e.g. centres, key areas of public space)

that would otherwise occur through the concentration of this type of development into these areas. Presently the High Density Overlay (Increase Height Overlay) extent is large and any increase in the area covered by the overlay would undermine its purpose. On this basis it is recommended that both submission **55.001** and submission **19.001** be rejected.

- 7.16 **Kāinga Ora** in their submission **55.46** also seek an amendment to DEV01-PSP: P14 which sets out the minimum density for development within Peacocke. The submitter is of the opinion that given the intensification requirements for the Council as a Tier 1 Council (NPSUD) and in order to achieve the vision for the Peacocke Precinct for a medium to high density residential community, this policy needs to set suitable targets and have proposed to increase these density targets. Both **The Adare Company Limited FS010** and **The Findlay Family Trust FS018** seeking the retention of the density targets in the notified version of the Policy. While **Cordyline FS008** support the changes to the policy with the further submitter stating the amendments sought to the minimum net residential density targets are the most appropriate way to achieve the purpose of the RMA. Furthermore, the amendments are better aligned with the revised Future Proof Strategy. The **Waikato Regional Council 36.14** seek that the densities for Peacocke be consistent with the revised Future Proof Strategy which sets a net target density of 30-45 dwellings per hectare to be achieved over time in Peacocke. As a Future Proof partner, it is considered that Council should ensure that policies in the District Plan align with Future Proof intentions. **Peacocke South FS017** supports in part stating that the support for increasing the density targets but oppose minimum densities as this will have unintended negative consequences due to construction economies and a market audience that has not yet matured to density. PC5 should support high density outcomes but should not mandate minimum densities.
- 7.17 In rejecting the submission point **Kāinga Ora 55.001**, the submission point **55.46** seeking an increase in the density for Peacocke is rejected in part with amendments to the density targets set out in DEV01-PSP: P14 to better reflect the relief sought by the **Waikato Regional Council 36.14** who seek that the densities for Peacocke be consistent with the updated Future Proof Strategy which sets a net target density of 30-45 dwellings per hectare to be achieved over time in Peacocke.

Residential Development Standards

- 7.18 In addition to the submissions made relating to the MDRS, submissions have been made to the objectives, policies and provisions of Chapter 4A. Some of these submission points relate to matters that are addressed by the compulsory changes introduced by the Enabling Act. Accepting in part the submissions relating to the introduction of MDRS directly affects the response to a range of other submissions made to Chapter 4A and matters raised by submissions on these topics are therefore superseded by the introduction of compulsory amendments. These are responded to for each submission point within **Appendix A** with commentary provided below on the key themes.
- 7.19 A number of submitters have raised matters relating to the appropriateness of various residential typologies in the Peacocke Structure Plan area. With the introduction to MDRS residential typologies are no longer referred to in the Activity Status Table, instead activity status is determined on the basis of the number of residential units proposed on a site, with one to three residential units being permitted, and four or more residential units being restricted discretionary activity status.

- 7.20 Some of the development standards have been amended in response to the MDRS as identified above, and in response to submissions made.
- 1) Permeable surface requirements are recommended to be retained as they are an important aspect of meeting the requirements of the Mangakootukutuku ICMP which is one way for Council to give effect to Te Ture Whaimana, a Qualifying Matter under s771. This requirement is able to be provided across the site and is consistent with the landscaping requirement and is not considered to unduly reduce the developability of a site.
 - 2) Landscaping requirements are proposed to be amended to align with MDRS requirements. Changes are recommended to the requirement to plant trees in association with development. These changes provide more flexibility to locate trees on the site recognising the direction that under MDRS the landscaped area may be located on any part of the development and the amendments to the front setback requirements to 1.5m which provides insufficient space between the building and the front boundary to grow a tree. Front yard landscaping requirements are recommended to be retained with modification where four or more dwellings are proposed. This recognises the contribution landscaping can make to a high amenity streetscape for larger developments. In recognition of the reduced setback as a result of the MDRS requirements, management of landscaping has been amended to enable the delivery of vehicle access, pedestrian access and parking.
 - 3) Building height is to be retained as notified as this provides for the level of development anticipated in the structure plan for medium density zoning. It is noted that this is more enabling than the MDRS provisions.
 - 4) Setbacks are to be changed to align with the MDRS. The retention of the zero-yard setback option is recommended as it provides development flexibility. It is also recommended to modify the front yard setback in relation to garage doors and carports to require sufficient space to be provided to accommodate a vehicle between the transport corridor boundary and any building. Setbacks relating to the management of risk associated with natural hazards and bat habitat are recommended to be retained in response to Qualifying Matters under section 6 of the RMA.
 - 5) Height in Relation to boundary provisions are to be amended to reflect MDRS requirements. Amendments are recommended to managing the setback of the top level of buildings to where they are over the 12m height permitted by MDRS.
 - 6) Public interface requirements for one to three residential units on a site are to be amended to reflect the MDRS standard requiring 20% glazing. Notified PC5 provisions which have submissions in support are to be retained for 4 or more residential units on a site, with amendment to include retirement village buildings.
 - 7) Outlook space requirements are to be amended to reflect the MDRS requirements.
 - 8) Outdoor living requirements have been amended to reflect the requirements of MDRS.
 - 9) Service area requirements are proposed to be reduced from 10m² to 5m² in response to amendments sought by Hamilton City Council. While service areas are not included in MDRS standards, they are able to be accommodated in setbacks or internally and will therefore not impact on the developability of a site.

- 10) Fencing standards are not included in the MDRS standards and are recommended to be amended in response to submission by Kāinga Ora to simplify the interpretation of the rule.
- 11) Separation and privacy requirements are recommended to be amended to better align with the requirements of MDRS reducing the distance between dwellings from 3m to 2m, which is consistent with a 1m side yard.
- 12) Minimum unit size requirements are recommended to be amended to only apply in developments of four or more residential units. Changes are also recommended so that these minimum sizes do not apply to retirement villages or rest homes due to those activities providing a range of living options, where large units may not be required.
- 13) Accessory building and interface standards are recommended to be amended to only apply in developments of four or more residential units to align with the requirements of MDRS.

Local Centre

- 7.21 The section 42A lead author for this topic is Mark Roberts, with technical support provided primarily by Ian Munro (urban design) and Greg Akehurst (retail economics). These supporting technical reports are attached to the statements of evidence. The key submitters on this topic are considered to be **Hamilton City Council (Submission 11), Fire and Emergency New Zealand (Submission 18), Ngaati Ngamurikaitaua (Submission 32), Director-General of Conservation (Submission 38), The Adare Company Ltd (Submission 53), Bike Waikato (Submission 54) and Kāinga Ora (Submission 55)**, further submitters **FS010, FS015**. There are a wide variety of submitters who sought various amendments to provision wording within PC5 relating to the Local Centre. These are responded to for each submission point within **Appendix A** with commentary provided below on the key themes.
- 7.22 In their submission **55.002 Kāinga Ora** considers that Council has inappropriately set the density targets for the precinct, and as such has incorrectly determined the size and / or type of centre needed to support the Peacocke Precinct. As part of conferencing, Susannah Tait on behalf of Kāinga Ora confirmed that they are withdrawing their submission on this matter and consider that the status of the Local Centre is appropriate. The size and extent of the centre is addressed below.
- 7.23 It is noted that Mr Akehurst considers that it is important that the proposed Local Centre is appropriately scaled to serve demand from within its intended catchment area. His analysis is that the area of land zoned for the centre exceeds what is required for the sustainable GFA of the centre. On this basis, he recommends that a cap is imposed on the Local Centre, restricting the GFA to 20,000m² of retail and commercial activity so that the centre does not grow to exceed the role it is designed to play within the existing Hamilton Centre structure. Further, Mr Akehurst recommends capping the size of supermarkets to 4,500m² per tenancy to restrict the development of a Large Format type supermarket establishing and adversely impacting surrounding centres. It is important to note that this does not restrict the number of supermarkets able to establish in the centre, just the size of the individual supermarkets.
- 7.24 It is my recommendation that the submissions seeking for a change in the classification centre needed for Peacocke be accepted in part, with the Local Centre Zone classification retained subject to amendments to restrict retail and commercial development within the local centre, including supermarkets being undertaken in a manner that would elevate the

centre above the role that it has been designed to play within the existing Hamilton centre structure.

- 7.25 **Woolworth New Zealand Limited** in their submission **22.001** seek that the Peacocke Precinct Planning Maps be amended to identify 410 Peacockes Road as Local Centre Zone. The submitter is concerned that the extent and placement of the Local Centre Zone will not result in an optimum outcome for the Local Centre in terms of amenity and efficiency. The submitter considers that the focal point of the Local Centre should be shifted further to the west and straddle the intersection of Peacockes Road and proposed east-west minor arterial road, so that the centre can benefit from the visibility and frontage provided by the intersection of two arterial roads, the activity levels of the proposed school, and the convenience of the proposed public transport hub. This will also allow separation of retail uses so that finer-grained retail, office, and entertainment activities are focused on the eastern side of Peacockes Road and the larger format supermarket can utilise the regular-shaped and flat land at 410 Peacockes Road. This corner site will enable the supermarket to be easily accessible by heavy vehicles (for deliveries of goods) and private motor vehicles (for customers), without compromising the focus on creating a pedestrian-friendly environment with active street frontages within the core area of the Local Centre.
- 7.26 **The Adare Company Limited FS010** oppose the relief sought by Woolworths stating that the most appropriate location for the Local Centre is east of Peacockes Road in the location shown on the notified Planning Maps. The notified size of the Local Centre is appropriate to provide for the required range of convenience, retail, employment and service activities, subject to the changes sought to the northern area of the centre in Adare's submission.
- 7.27 The topic of the location and spatial extent of the Peacocke Local Centre was discussed as part of conferencing. The economic experts agreed that from an economic perspective there is sufficient demand to sustain supermarket floor space locally and up to two small (up to approx 1500m² GFA) to medium (up to approx 4000m² GFA) supermarkets could be sustained within that centre. The key issue from an economic perspective is the location of the supermarkets within the centre. Susan Fairgray, Greg Akehurst and Richard Bowker consider it is important that all of the supermarkets occur on the eastern side of Peacockes Road. This is contested by Mr Heath on behalf of Woolworths.
- 7.28 The urban design experts representing the Adare Company Limited and Hamilton City Council Mr Wade Bredemeijer (The Adare Company) and Mr Ian Munro (Council) agreed that there is ample capacity to accommodate the projected commercial uses on the eastern side of Peacocke Road in a coherent way. Further, Mr Munro considered that from a social focal point and built form amenity perspective, containing the centre on one side of the road is desirable. Both experts also acknowledge their concern with extending the centre westwards includes the design of Peacockes Road and the intersection between the two minor arterial roads. This is based on the understanding that the design of these elements is largely set, and is not in their opinion suitable for extending the zoning. No urban design expert was present on behalf of Woolworths New Zealand Limited at conferencing. Information provided after conferencing has since confirmed that the design of the East-West Arterial is complete and procurement is underway with construction of Peacocke Road set to commence in December 2022.

- 7.29 In summary, no agreement was reached between the differing perspectives on the location and extent of the centre as part of conferencing. I therefore have considered the evidence available, relying on the advice provided by Mr Akehurst in relation to Economics and Mr Ian Munro in relation to Urban Design.
- 7.30 Mr Akehurst (retail economics) in his assessment notes that the proposed additional centre zoned area would be likely to represent a commercially attractive location for a supermarket due to a high level of visibility and accessibility from main arterial roads within the Peacocke area. However he considers it would result in fragmentation of the centre and significant economic effects on the centre overall (and consequently the amenity it provides to its catchment area) and the wider efficiency of land use at that location. Further, as discussed above, he identifies that the centre is already large relative to its role and function, with associated economic costs. He considers that an expansion of the centre would likely exacerbate this situation and potentially damaging the wider centre network.
- 7.31 Mr Ian Munro (urban design) also accepts that if the supermarket was considered as a stand-alone commercial use rather than as a key part of the local centre, the site identified by Woolworths would be desirable for one. However, he considers the relief sought would very adversely fragment the proposed centre. PC5 seeks a consolidated local centre outcome that provides for a supermarket as a fundamental part of the centre and he identifies that supermarkets are important anchors within local centres and generate substantial visitor trips that smaller-scale businesses seek to capitalise on. Mr Munro also considers that the arterial roads adjacent to the centre will be significant barriers to pedestrian movement and create semi-isolated commercial 'islands'. Instead of customers being able to conveniently move through a singular centre crossing only lower-speed local streets, which could involve them moving 'back and forth' between shops, splitting the centre across the arterials will make such movement much more inconvenient. An outcome, he considers that this is not in line with the outcomes sought for the zone.
- 7.32 Relying on the advice provided by Mr Akehurst and Mr Munro, I am of the opinion that the extension of the Local Centre to the western side of Peacocke Road is not appropriate as it will not achieve the outcomes sought in the plan provisions and would potentially affect the role and function of the centre and the amenity it provides to the wider catchment. I therefore recommend that the submission to increase the size of the centre is rejected.
- 7.33 **The Adare Company** in their submission **53.048** seek to enable residential activity at ground floor within the local centre as a Discretionary Activity to provide flexibility for future development of the centre. This was discussed in detail as part of expert conferencing for the Local Centre and agreed that the provision of ground floor residential activity was appropriate subject to having appropriate assessment criteria in place. Assessment criteria are recommended relating to the location of the proposed residential activity on the fringes of the centre and outside the core area and any identified primary and secondary frontages, the provision of evidence that establishes that there is not a need for the location to provide for the future commercial needs of the community, and the residential development being of an appropriate density to support the viability of the local centre. On the basis on discouraging ground floor residential activities within identified primary and secondary frontages, it is recommended that this remains a non-complying activity. Therefore, it is recommended that the submission is accepted in part.

- 7.34 **Kainga Ora** in their submission point **55.312** seek an increase in the building height within the Local Centre Zone from 16m to 24m. Kainga Ora supports more height in the Local Centre Zone both to distinguish it and allow for residential above the commercial. **The Adare Company Limited** in their further submission **FS010.255** oppose the increase in height stating that the maximum height in the Local Centre Zone should be retained at 16m to enable buildings up to five storeys. 16m is consistent with the maximum height of buildings in the Increase Height Overlay and will enable a built form which reflects the suburban location of the Local Centre. The Findlay Family Trust in their further submission FS018 support the relief sought stating the relief sought is consistent with their primary submission.
- 7.35 Mr Munro (Urban design) agrees with the submitter seeking additional height within the Local Centre Zone, stating the local centre will be the principal focal point for Peacocke and building heights, both to maximise density as well as visually reinforce its importance in the wider 'townscape'. The 24m sought by Kainga Ora would notionally accommodate 6 to 7-storey buildings and in consideration of the scale of Peacocke. However, while he has some comfort with 24m tall buildings, especially at the western end of the main street adjoining the arterial road intersection, Mr Munro raises concerns with the increase in height along the eastern edge of the Local Centre given the proximity of the Waikato River as well as the northern and southern Peacocke Medium Density Residential Zone interfaces. Mr Munro was of the view that the area within 30m of these interfaces should retain the existing 16m height limit.
- 7.36 In considering the relief sought and the recommendation by Mr Munro it is recommended that the submission point **55.312** seeking the additional height of 24m within the Local Centre Zone should be accepted in part and that the height limit of 16m be retained within 30m of the Local Centre Zone boundary adjoining the Natural Open Space Zone on the eastern side of the Local Centre and the Peacocke Medium Density Residential Zone on both the Northern and Southern interfaces with the Local Centre. Further Submission points **FS010.255** and **FS018** both be accepted in part.

Neighbourhood Centres

- 7.37 The section 42A lead author for this topic is Mark Roberts, with technical support provided by Ian Munro (urban design) and Greg Akehurst (retail economics). These supporting technical reports are attached to statements of evidence. The submitters on this topic are considered to be **The Adare Company Ltd (Submission 53 and FS010), Johnny Tsai (Submission 27), Kainga Ora (Submission 55), Glenview Club (Submission 1), Waka Kotahi NZ Transport Agency (Submission 10), Jones Lands Limited (Submission 13), Northview Capital Limited (Aurora development) (Submission 14), Fire and Emergency New Zealand (Submission 18), Alan Tsai (Submission 26), Ngaati Ngamurikatau (Submission 32), Shih-An Tseng (Submission 33), Director General of Conservation (Submission 38), Bike Waikato (Submission 54)**. These submitters have sought various amendments to provision wording within Chapter 6A – Neighbourhood Centre Zone within PC5 and the response to each submission point is within **Appendix A** with commentary provided below on the key themes.
- 7.38 The Adare Company Ltd **53.041** are seeking a new rule requiring that commercial activities which exceed 800m² gross floor area total within each Neighbourhood Centre require resource consent as a Non- Complying Activity. The submission point identifies the following

commercial activities Rules R4-R11, R13, R15-R17, R23, R25, R28-R38 and R40 They argue that the purpose of this new rule 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 other Neighbourhood Centres. As part of expert conferencing, the experts agreed that restricting the GFA to a maximum of 800m² per neighbourhood centre would be appropriate to ensure that the commercial size of the neighbourhood centres do not undermine the Local Centre, however agreement was not reached in relation to the specific activities that the 800m² cap should apply to.

- 7.39 In relation to the activities to which the cap should apply, Mr Akehurst recommends that the cap should be applied to the commercial functions of the centre (i.e. retail, household services and hospitality) more specifically Ancillary retail, retail, banks, restaurants, cafes & licensed premises and Food and Beverage outlets. He considers it appropriate to allow for additional activity that are unlikely to undermine the local centres to be outside of the proposed cap to establish with the centre. This will increase the feasibility of developing the zoned land areas while mitigating the potential economic effects on the intended balance of commercial activity across the PSP area. In considering Mr Akehurst view it is my recommendation that a new rule be introduced into Chapter 6A to restrict the commercial function to 800m² GFA while still allowing other activities that do not undermine the core commercial activities to be developed.
- 7.40 The submitters Shih-An Tseng **33.002** and Johnny Tsai **27.002** seeks the ability for apartments at ground floor as discretionary rather than non-complying. In considering the restriction on GFA to 800m² and that a number of the proposed Neighbourhood Centres have larger land areas it would be appropriate to provide for multi-unit residential development (including at ground-floor level outside the core) within the neighbourhood centres with appropriate assessment criteria in place. Kainga Ora in submission **55.227** seek that single dwelling and duplex dwelling be a non-complying activity as they are not consistent with the zone. This topic relating to the restriction of retail GFA and residential activities on the ground floor within the Neighbourhood Centre was discussed as part of expert conferencing. They also agree that it is appropriate to allow for residential activities on the ground floor as a discretionary activity, subject to appropriate assessment criteria being in place. Given that a number of the proposed Neighbourhood Centres have larger land areas and would have a limit on the retail GFA, this is considered appropriate and changes are recommended that provide for multi-unit residential development including terrace dwellings and duplex dwellings as Discretionary activities with assessment criteria in place relating to the location of residential units, their density and not undermining the ability of the centre to service its catchment. Single dwellings are recommended to be Non-Complying.
- 7.41 The submission point **27.002** and **33.002** should be accepted to allow for residential activities as a discretionary activity to occur on the ground floor provided, that do not undermine the core function of the centre, in considering this the submission by Kainga Ora **55.227** seeking residential activities on the ground floor as non-complying should be accepted in part.
- 7.42 Kainga Ora **55.243** also seek the increase in the building height from 12m to 16m to allow for residential development to occur above commercial activities. Both Shih-An Tseng **33.001** and Johnny Tsai **27.001** seeks the increase in the high limits to 15m stating that the

maximum height limit for a neighbourhood centre set to 12m suggesting a 3-4 storey, however the submitter suggests it is more appropriate to have 5 storey walk up apartment within the zone. The Adare Company Limited in their further submission FSFS010.241 supports the increase in the height limit stating that the increase in height is appropriate to align the maximum building height for the Neighbourhood Centre Zone with the maximum building height for the High Density Overlay (Increase Height Overlay).

- 7.43 Mr Munro (Urban design) agrees with the submitters seeking additional height within the Neighbourhood Centre, stating that the additional height would better-differentiate the Neighbourhood Centres from the surrounding residential zones. The increase in the height would provide to opportunity for additional housing choice within the centres and strengthen the centres as a community focal point as well as allow residential activities to take advantage of the centres associated amenities. In considering the submission points and the expertise of Mr Munro it is recommended that submission point **55.243** be accepted and submission point **27.001** and **33.001** be accepted in part and that the building height within the Neighbourhood Centre Zone be increase to 16m.

Long-tailed Bat Habitat Protection Responses

- 7.44 The section 42A lead author for this topic is Craig Sharman. Reliance is placed on the Council team of experts for technical support, being John McKensey (lighting) and the ecology team of Gerry Kessels, Matt Baber and Hannah Mueller. The supporting technical reports for these topics are attached to statements of evidence from these support technical specialists. The key submitters on this topic are considered to be the **Director-General of Conservation (Submission 38)** and **Waikato Regional Council (Submission 36)**, with several landowner and developer submitters also having a strong interest in this topic, in particular **The Adare Company (Submission 53)**, **Kāinga Ora (Submission 55)**, **Inger (Submission 46)**, **Jones Lands Ltd (Submission 13)**, **Northview Capital Ltd (Submission 14)**, **Transpower New Zealand Ltd (Submission 24)**, **Broadwater Village Ltd (Submission 24)**, and others; and other submitters on wider environmental issues being primary **Go Eco (Submission 20)**; **Graves (Submission 30)** and **Waikato Environmental Centre (Submission 58)**.
- 7.45 More specifically arranged by topic, in respect of ‘proposed bat corridors and proposed Significant Bat Habitat Areas’ submissions were received from **Submitters 13, 14, 15, 17, 21, 27, 33, 35, 39, 40, 41, 42, 43, 48, 50, 51 and 52**; in respect of ‘Natural Open Space Zone’ submissions were received from **Submitters 1, 12, 15, 21, 23, 34, 35, 39, 40, 41, 44, 48, 50, 52 and 57**.
- 7.46 The relief sought also falls into several broad categories. The **Director-General of Conservation (Submission 38)** and **Waikato Regional Council (Submission 36)** have presented wide-ranging but largely non-specific relief sought through submission points, including to ‘better align’ with the Environment Court decision *Weston Lea Limited v Hamilton City Council*. Whilst the remaining submitters on this topic have more specific relief that is often site-specific regarding the identification and mapping of Significant Bat Habitat Areas (SBHAs) and the Natural Open Space Zone (NOSZ), and the provisions that should apply to these mapped areas and within the Medium Density Residential Zone.
- 7.47 The PC5 long-tailed bat protection provisions have been reviewed by the section 42A authors and the Council lighting/ecology specialists, both in response to submissions received, and also to identify any enhancements to the provisions needed. Attached to this

report as Appendix D are a set of recommended amendments to PC5 as notified on this topic, that seek to enhance the effectiveness of the long-tailed bat protection response. The mapping of SBHAs on Figure 2-3 – Natural Environment and Heritage and on the Appendix 17A Planning Maps (being zoned as NOSZ and shown on the Features Maps) has been reviewed for consistency of approach and in response to specific submitter requests (as reported on in a following section under the heading ‘Wider Property-Based Topics and Mapping Changes’. This has included the removal of SBHAs and other notations outside of the city boundary (Figures 2-1, 2-2 and 2-3) given the lack of jurisdiction.

7.48 Given the broad relief sought by the **Director-General of Conservation (Submission 38)** and **Waikato Regional Council (Submission 36)** in particular, a broad platform of available scope exists to amend the PC5 provisions to strengthen the statutory effectiveness. The areas of enhancement are as follows:

- Chapter 3A Peacocke Structure Plan - DEV01-PSP: Components of the Peacocke Structure Plan - Natural Environment and Open Space Network has been revised to better reflect the intended approach to management of long-tailed bat habitat areas
- The addition of a new permitted activity vegetation clearance Rule 25.2.5.2 Vegetation Clearance in the Peacocke Structure Plan Area, and an amendment to Rule 25.2.3 Activity Status Table for any activity not complying with Rule 25.2.5.2 being a restricted discretionary activity
- Amendments to the lighting provisions within 25.6.2.2 policies (a) and (b), and the related rule provision Rule 25.6.4.4 Peacocke Medium Density Zone: Peacocke Precinct
- Amendments to objectives and policies for clarity within Chapter 15A Peacocke Natural Open Space Zone, and Chapter 23A Peacocke Subdivision, primarily to remove use of the phrases ‘ecological corridors’ and ‘bat corridors’ with instead consistent use of the phrase ‘Significant Bat Habitat Areas’ being the notation label within the mapping contained within Appendix 2 and Appendix 17A
- Amendments to 1.2.2.25 Ecological Rehabilitation and Management Plan information requirements to support subdivision resource consent applications
- Amendments to 1.2.2.27 Bat Management Plan information requirements to support subdivision and land use resource consent applications
- Amendments to 1.3.3 Restricted Discretionary, Discretionary and Non-Complying Assessment Criteria P3 Development in the Peacocke Precinct and P5 Subdivision in the Peacocke Structure Plan.

7.49 **Appendix D** Amendments in Response to the Long-Tailed Bat Protection Topic sets out these recommended amendments in a consolidated document, and these recommendations are then reflected within the **Appendix B** Recommended Revisions to District Plan Chapters to place them in their proper context.

7.50 In respect of the above sets of amendments the rationale is to ensure the terminology of SBHAs is used consistently throughout; that the Chapter 3A ‘natural environment and open space network’ explanatory text better reflects the approach proposed; that the objectives and policies regarding protection of long-tailed bat habitat areas consistently uses the SBHA terminology; to strengthen the regulatory response to management of vegetation within the low to moderate habitat areas (being the portions of Peacockes within the Medium Density Residential Zone) given the absence of any protection mechanism within PC5 as notified; revisions to the lighting provisions in response to technical assessment; a strengthening of the information requirements 1.2.2.25 Ecological Rehabilitation and Management Plan and

1.2.2.27 Bat Management Plan; and a strengthening of the assessment criteria P3 and P5 within 1.3.3.

- 7.51 A key recommendation is the introduction of a new **Rule 25.2.5.2** Vegetation Clearance in the Peacocke Structure Plan Area. This provision is modelled on a similar provision applying to SNAs city-wide within Proposed Plan Change 9 - Historic Heritage and Natural Environment (Rule 20.5.6) in respect of the vegetation size threshold and the means of assessing compliance. The rationale is to address an identified enhancement required to PC5 as notified that provides a regulatory mechanism for assessment of vegetation within the low to moderate habitat areas within the Medium Density Residential Zone. The provision has been drafted as a permitted activity rule that provides for vegetation clearance already authorised through other subdivision or land use consents, and that provides for a reporting mechanism from a suitably qualified ecologist that demonstrates a particular 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. Any non-compliance with this provision will be a restricted discretionary activity, with the matters of discretion being 1.3.3 P3 Development in the Peacocke Precinct. 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, 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 off-site and potentially outside of the Peacocke Structure Plan Area.
- 7.52 Amendments to the **lighting provisions** are recommended within 25.6.2.2 policies (a) and (b), and the related rule provision Rule 25.6.4.4 Peacocke Medium Density Zone: Peacocke Precinct as detailed within the Lighting Assessment attached to the statement of evidence by Mr John McKensey, and for the reasons given within that report and statement of evidence. These include providing greater clarity on the meaning of the phrase 'added illuminance' and that 'artificial outdoor lighting' means fixed and that lighting attached to a vehicle is not included. Broadly these amendments seek to better align with the Environment Court decision *Weston Lea Limited v Hamilton City Council* and are recommended to the Hearing Commissioners as enhancements to the PC5 as notified provisions.
- 7.53 Amendments recommended to **1.2.2.25 Ecological Rehabilitation and Management Plan** (ERMP) information requirements are in respect of the 'trigger' for when an ERMP is required, and also the range of matters to be covered has been broadened. An ERMP is an information requirement to support '*all subdivision applications within the Peacocke Structure Plan adjoining or including any open space zone or involving more than 5,000m² of land*'. The recommended change to this 'trigger' is regarding the scale of land threshold, as PC5 as notified had a two hectare scale of land threshold. The purpose of this recommended amendment is that in situations where a property being subdivided is not 'adjoining or including any open space zone' that a property would be able to be subdivided up to two hectares in size, involving potentially large-scale vegetation clearance with an associated impact on habitat values, without any requirement to produce an ERMP. This was not considered an adequate level of response given the importance of these habitat values to the long-tailed bat in particular, and the amendment is recommended to enhance the operation of this provision.

- 7.54 Similarly the matters to be covered within an ERMP have been broadened, to enhance effectiveness in identification of habitat values and responses. The amendments include more explicit reference to the range of ecological flora and fauna values to be assessed, fish passage, an explicit statement regarding the offset or compensation for any significant effects on habitats of indigenous fauna including birds, lizards and long-tailed bats and their habitats, consideration of herpetofauna and avifauna and related habitat, measures to minimise harm on indigenous fauna species during any habitat removal or modification, and removal of two statements regarding restoration planting given the context will often be off-site. Collectively these amendments apply a more rigorous basis for environmental rehabilitation and management on sites being subdivided within Peacockes and are recommended to the Hearing Commissioners.
- 7.55 Amendments recommended to **1.2.2.27 Bat Management Plan (BMP)** information requirements are similar to the above, with amendments to both the ‘trigger’ for when BMP requirements must be fulfilled, and the range of matters to be covered within a BMP. The amendments are that for any land use and subdivision application that involves removal of any trees or vegetation with a diameter at breast height greater than 15cm within the Peacocke Structure Plan Area, rather than only within the Significant Bat Habitat Area, will require preparation of a BMP. This reflects the ecology recommendations that loss of low to moderate long-tailed bat habitat outside of the SBHAs and within the Medium Density Residential Zone should be evaluated for the extent of the effects on bat habitat, the management of the tree removal, and compensation measures to provide for habitat restoration or enhancement either on-site or off-site, none of which can be controlled otherwise.
- 7.56 The recommended amendments to the range of matters to be included within a BMP then requires more information on the habitat proposed to be lost, methodology statements and obligations for monitoring, identification of known bat roost trees, habitat compensation approaches including offsite and financial contributions or similar, pest control measures, proposals regarding artificial bat roost boxes, proposals for any off-site compensation or biodiversity off-setting to address residual adverse effects, and the use of consent notices or land covenants to achieve outcomes. As with the ERMP provision above, the intention is to apply a more rigorous basis for management of bat habitat areas, including to establish a framework for off-site compensation works and financial contributions to be applied in a coordinated manner, to require consent applicants to address a wider range of matters to avoid, manage and remedy any loss of long-tailed bat habitat values arising from the development or subdivision of a site. The amendments are recommended to the Hearing Commissioners as a set of enhancements to the provisions.
- 7.57 Amendments to **1.3.3 P3 Development in the Peacocke Precinct and P5 Subdivision in the Peacocke Structure Plan** have the same broad intent as above, to establish a more robust and comprehensive framework of provisions to manage potential effects on the habitat of long-tailed bats in Peacockes. P3 relates to ‘development’ (i.e. land use consent applications) and P5 relates to subdivision, but the provision amendments are broadly similar to ensure a similar regime of matters of discretion apply regardless of whether the application is land use or subdivision. The range of matters of discretion as recommended include offset / compensation habitat restoration works including in response to low to moderate habitat values, references to applying the Department of Conservation protocols

for removal of roost trees, bat-sensitive transport corridor street lighting and corridor design where crossing a Significant Bat Habitat Area, pest control measures incorporated into consent applications, management measures for residual habitat values loss, and financial contributions. The amendments are recommended to the Hearing Commissioners as a set of enhancements to the provisions.

Wider Long-Tailed Bat Protection Responses

7.58 It is acknowledged that the ecology report appended as Attachment 1 to the ecological statement of evidence sets out further recommendations for wider consideration to further enhance the PC5 long-tailed bat response. In particular that to 'give effect' to the ecology recommendation regarding pursuit of no net loss/net gain outcomes for low and moderate value bat habitat, to address residual effects of urbanisation, and cumulative effects on long-tailed bats and habitat values, that several additional mechanisms and enhancements are necessary. These are detailed within the ecology report, but in summary are:

- Where vegetation clearance cannot be avoided, that uniformly applied and transparent offset or compensation approaches should be used to determine the quantum of habitat restoration or enhancement required to address this residual adverse effect.
- Where compensation sites are required to enable pest control and/or restoration planting to address residual ecological effects, that these are likely to be located at least partially outside the Peacockes area and likely outside of Council's territorial boundaries.
- That financial mechanisms are in place to fund the required habitat restoration and enhancement activities.
- That whilst a landscape-scale approach to management is reflected in some of the PC5 objectives and policies, that the subdivision and development rule provisions take an 'individualised (property-based) approach' which does not link back to the stated approach in the objectives.
- That investigation of a Peacocke-wide animal pest control programme, in collaboration with other key stakeholders that have statutory obligations to protect bats (the Department of Conservation and Waikato Regional Council), targeting the key animal pests of long-tailed bats in urban areas, and including measures to control the widespread introduction of domestic cats as urbanisation occurs.
- Fostering and contributing towards further research on the effects of urbanisation on long-bat populations and their habitats, including monitoring the effectiveness of avoidance and mitigation measures.
- The centralisation of bat monitoring and the adoption in the updated PC5 provisions of monitoring guidelines to standardise all bat monitoring.

7.59 The common theme with all of the above mechanisms is that they primarily lie outside of the district plan and require 'corporate' responses from Hamilton City Council, including Long Term Plan budgetary provisions to establish and operate a programme of works to address the above. To some extent this wider 'corporate' response will be detailed within the statement of evidence of Mr Jamie Sirl, but this wider response outside of the district plan is in an establishment phase at this time, and with a lack of clarity as to the scope and shape of the wider programme.

- 7.60 Council has 'Nature in the City' Strategy which is a broad-based ecological enhancement programme city-wide with a focus around the wider gully network and Waikato River margins. There is also a cross-agency Waikato Bat Alliance, and Project Echo which is a collaborative project supported by the Department of Conservation, Waikato Regional Council, Waikato Museum, Riverlea Environment Society Incorporated and Go Eco. A body of expertise is also being progressively developed as subdivision and development occurs in Peacockes, with Amberfield and several other projects establishing monitoring activity, the collection and use of financial contributions, inception of pest control programmes and similar. Council has established a fund where those financial contributions are being collected and then utilised, and increasing knowledge of optimal locations to undertake habitat restoration/enhancement activities.
- 7.61 All of the above could be described as fledgling initiatives, but progressively the various parties with an interest in long-tailed bats within Peacockes and the landowner/developer community are developing knowledge and programmes that can be applied more widely. The above ecology recommendations regarding formulating and applying transparent offset or compensation approaches, coordinated pest control and/or restoration planting approaches, establishing a Peacocke-wide animal pest control programme, establishing a regime for financial mechanisms to be in place, fostering and contributing towards further research, and achieving a centralised bat monitoring regime, are all worthy outcomes that need to be achieved to ensure a positive outcome for long-tailed bats in Peacockes, but cannot be achieved solely through district plan provisions. Whilst recommended amendments are contained within **Appendix D** and incorporated within the recommended revisions to the district plan chapters within **Appendix B**, Plan Change 5 cannot mandate that outcomes are achieved through methods. Effective implementation of these aspirations will be achieved primarily through strong inter-agency collaboration, suitable levels of funding being allocated, and the establishment of coordinated programmes of action that implement initiatives both within and outside of the Peacockes Structure Plan Area.
- 7.62 The final point to be addressed here regarding this topic is the assertion that a 'landscape-scale approach to management' is reflected within the PC5 objectives and policies, yet an 'individualised' or property-based approach is then implemented through the subdivision and development framework of rule provisions. This observation is valid, but I do consider that this reflects the limitations of the resource consent process to achieve ecological outcomes in relation to a mobile fauna species. The PC5 rule provisions represent a series of 'consent triggers' that require resource consent processes that are then evaluated based on the matters of discretion identified and the wider suite of objectives and policies. Resource consent conditions will focus on management of site-specific environmental effects as that is the specified purpose pursuant to section 108 of the RMA. Council in its role as consent authority has to operate within the limitations of section 108 and the wider RMA consenting framework.
- 7.63 As per the above discussion, Council as a territorial authority with wide-ranging powers and responsibilities pursuant to the Local Government Act 2002 and other legislation, will need to implement an effective and coordinated programme of work to manage the long-tailed bat population and habitat within the city. This programme will be a non-district plan method and will require cross-agency collaboration and funding sources to be successful.

Significant Natural Areas

7.64 The submitters **Glenview Club Submission 1, Northview Capital Ltd Submission 14, Tilehurst Living Trust Submission 15, Transpower New Zealand Ltd Submission 21, Koppens Submission 40, and Knight Submission 48** challenged the identification of SNAs within their properties as inserted by PC5 within Appendix 9 – Natural Environments and displayed spatially within Figure 2-3 (Appendix 2 Structure Plans) and Appendix 17A Planning Maps. On request the ecology team undertook additional fieldwork to identify any mapping enhancements from the earlier background SNA identification work (see the Appendix J, K and L reports appended to PC5). The PC5 SNA additional areas was largely based on the identification of known bat roost trees given the threat status of long-tailed bats of 'Threatened – Nationally Critical'. Many of these are reported on individually within the topic heading below 'Wider Property-Based Topics and Mapping Changes', and if not are responded to within the **Appendix A** Summary of Decisions Requested and Recommendations.

Wider Ecological Issues

7.65 **Mangakootukutuku Stream Care Group (Submission 3) and Waikato Regional Council (Submission 36)** have lodged submission points regarding various ecological aspects of objectives, policies and rules as detailed within **Appendix A** Summary of Decisions Requested and Recommendations. Broadly these points are about recognition of the values present within the Mangakootukutuku Stream and gully network and the margins of the Waikato River beyond the long-tailed bat habitat values. The submission points have correctly identified the various aquatic ecological values that also exist, and that other fauna and flora exist within the gully network. Subject to readability and avoiding objectives, policies and other provisions becoming confused in their wording and clarity, these submission points have been accepted or accepted in part on the whole with amendments recommended to Hearing Commissioners in response, as shown within **Appendix A**.

Cultural and Heritage

7.66 The section 42A lead author for this topic is Mark Roberts, with technical support provided primarily by Warren Gumbley (archaeology). Mr Gumbley's supporting technical report is attached with his statement of evidence.

7.67 The following submitters raised changes in relation to cultural matters. **Tainui Waka Tourism Incorporated (Submission 31)** sought greater provision be made within the Peacocke Structure Plan area for mana whenua to determine their own mitigation measures and the scope and scale of development on clearly identified and recognised Māori cultural heritage sites such as paa, waahi tapu, maara kai and taunga waka. Secondly the submitter seeks that a new 'Mana Whenua Heritage Zone' be created within the Peacocke Structure Plan area to provide greater acknowledgment of the history of ownership and settlement of significant Maaori cultural sites and provide greater flexibility for mana whenua to determine the actual scope and scale of development on such sites in support of their cultural, social, educational, environmental and economic aspirations.

7.68 The provisions proposed within PC5 are considered appropriate to manage development within Peacocke, and any ability for mana whenua to determine the level of development outside of the proposed planning framework has the potential to undermine the approach to manage development. For this reason, the relief sought by the submitter is rejected and

instead the submitter is encouraged to pursue their development ambitions through a resource consenting pathway.

- 7.69 The submitter also seeks greater acknowledgement and provision within the Peacocke Structure Plan for a proposed pedestrian bridge linking the Hamilton Gardens to the Korikori Paa reserve (as shown on the Operative District Plan Peacocke Structure Plan) located at 137 Peacocke Road. To better align the Peacocke Structure Plan with the Council's Hamilton Gardens Management Plan it is recommended that the proposed amendment to include reference to a future pedestrian bridge be accepted.
- 7.70 **Ngaati Ngamurikaitaua (Submission 32)** has concerns regarding consultation between Ngaati Ngamurikaitaua and Council, and that the iwi corporate bodies including Te Haa o te Whenua o Kirikiriroa (THaWK), Te Marae Toopu o Kirikiriroa and Waikato-Tainui do not represent the submitter. The submitter seeks that Council consult with tangata whenua Ngaati Ngamurikaitaua to hear and listen to the unresolved issues from the past to today that need to be dealt with in good faith. THaWK is the mana whenua group representing local mana whenua (Maaori with historic ties to the Hamilton/Kirikiriroa area) with whom Council has a partnership and a service agreement for addressing issues relating to the management of Hamilton's natural and physical resources. Council have undertaken extensive consultation with this group as well as Waikato Tainui during the development of PC5. Ngaati Ngamurikaitaua have had the opportunity to be involved in the development of PC5 through the numerous public open days and other engagement tactics as set out in Appendix E to the PC5 report (on Council's website).
- 7.71 The submitter seeks amendments to the provisions set out in PC5 to enable the inclusion of a number of land uses including marae, a meeting house, a community centre shaped like a marae with a medical centre and holistic well-being rongoa maori practices, a place of refuge and possibly tangihanga as well as kaumatua units with their own spaces to maintain rangatiratanga and to have hui to gather to express hobbies and have whanau visits with mokopuna. The PC5 provision enable the development of appropriate land uses broadly within Peacocke and therefore it is not necessary to introduce a new provision. Considering the above it is recommended that the submission points relating to this relief are rejected. The submitter will need to pursue these in conjunction with Council to identify any suitable Council-owned land for a collaborative effort to give effect to the above aspirations.
- 7.72 The submitter also identifies a number of paa sites that should be protected, a number of which are not located within the Peacocke Structure Plan area and are therefore not relevant to any future development within Peacocke. Those that are within the Peacocke Structure Plan Area are S14/46 - Kairokiroki Paa and S14/47 - Whatukorero Paa and are both identified and protected under the PC5 provisions within Chapter 19. The recommendation is that these submission points be rejected based on the above.
- 7.73 The submitter also seeks better access to the Mangakootukutuku stream as it is a culturally significant heritage site for Ngaati Ngamurikaitaua and is a food and water resource for tangata whenua and needs to be shown the cultural values of what it was and what it can still be given the right care and management for restoration. PC5 seeks to ensure both the environmental and cultural importance of both the Mangakootukutuku Stream and Waikato River by zoning these areas Natural Open Space. The Natural Open Space is an important part of providing for the social, economic and cultural wellbeing of a community as well as

seek to ensure community access to both the Waikato River and Mangakootukutuku Stream. For the reasons it is recommended that the relief sought by the submitter on this matter be rejected.

- 7.74 The submitter has also raised through their submission concerns regarding the protection of not only bats but also Ruru and Karearea. While the submitter does not provide specific relief with regards to the protection of Ruru and Karearea the PC5 provisions do identify and protect significant natural areas that are habitat to indigenous fauna. The PC5 provisions do not include any industrial activities and the Southern Links designation was confirmed in 2016 subject to a suite of designation conditions, including to provide for environmental protection. Ecology issues were considered through this designation process and addressed through the hearing and the final set of designation conditions, including via the requirement for detailed environmental management plans.
- 7.75 The heritage matters raised by the above submitters can be grouped into two categories; one being the request to alter/delete identified archaeological sites on their properties, the second being requests to change proposed wording of an objective. Warren Gumbley reviewed all the requests to alter or delete registered archaeological sites. Each site was re-assessed based on the Archaeology Technical Report and comments made by the submitters. In some cases, the 'polygons' or areas that were identified as part of the Group B archaeological site was reduced due to previous damage and this change has been made to the maps. But all other requests for deletion were rejected based on the recommendation by Mr Gumbley to retain these sites due to their archaeological value.
- 7.76 **Heritage New Zealand's (Submission 9)** submission points requesting a change to wording to SUB - PREC1-PSP: P4 to remove the word 'enhance' when referring to scheduled heritage items and scheduled archaeological items was noted and changes to the wording has been proposed. This is to recognise that while the intent for the word 'enhance' was to encourage developers to consider the value in the heritage item or archaeological site on their property and to consider weaving its significance into the development, rather than hiding it away. Through discussion with the wider PC5 team with representatives of Heritage New Zealand, it was acknowledged that the word 'enhance' could be misconstrued to equate to 'alter' the scheduled sites, which is to be avoided.

Landscape Matters

- 7.77 The Mansergh Graham Landscape Architecture Report provided analysis on several submission points, being 36.30, 36.57, 46.7, 53.86, 55.3, 55.5 and 55.400. Collectively these points were around the policy framework for landscape matters, the concept of having an 'earthworks overlay', and the purpose and contents of the Appendix 1 – 1.2.2.24 Landscape Concept Plan mechanism. Some of this landscape analysis was subsequently superseded through the Joint Witness Statement dated 26 August (Attachment 1 to that document) which agreed to the removal of the phrase 'sympathetic to the character of the area' and variations on this phrase within the provision DEV-01-PSP:O11, DEV01-PSP:P24, Objective 25.2.2.2, the deletion of Policy 25.2.2.2e and Appendix 1.3.3 P1 (a). The phrase was not considered to have any clear meaning and clarity was enhanced with its removal.
- 7.78 Several minor amendments to the purpose and contents of the Appendix 1 – 1.2.2.24 Landscape Concept Plan mechanism were recommended within the Landscape Report and have been carried through within the **Appendix B** Revised District Plan Chapters.

Subdivision Processes and Vesting of Reserves

- 7.79 The section 42A lead author for this topic is Craig Sharman. Figure 2-1 and Figure 2-3 (within Appendix 2 Structure Plans) and Appendix 17A planning maps displays a distribution of Significant Bat Habitat Areas (SBHAs) and 'proposed neighbourhood parks' across the Peacocke Structure Plan area based on earlier analysis undertaken by Council. As reported within **Appendix A Summary of Decisions Requested and Recommendations** there are a variety of submission points seeking clarity as to the process for the vesting of these area to Council; and/or the extent of flexibility that exists if through detailed master planning alternative locations are sought.
- 7.80 The Natural Open Space Zone covers substantial areas of the Peacocke Structure Plan area, being the land within the SBHAs overlay, as shown within Figures 2-1 and 2-3 within Appendix 2, and the features maps within Appendix 17A. The SBHAs are a primary response to the protection of long-tailed bat habitat. Most of the identified SBHAs (and that are also Natural Open Space Zone) are privately owned land and several submitters have sought clarity as to the process by which these areas are vested in Council. Following discussions with Council's Parks and Open Spaces Unit Council intends to acquire land identified as SBHAs and Natural Open Space Zone through the subdivision process, with funding set aside to acquire the land from landowners. Funding has been set aside within Council's Long Term Plan 2021-2031 for this reserve acquisition process and landowners will get fair market value based on the value of the land if it was within the Medium Density Residential Zone, to avoid landowners being 'penalised' for land being zoned as Natural Open Space Zone given the uneven distribution of this land across the Peacocke Structure Plan area and equity issues that would arise otherwise.
- 7.81 Council's intent that this land is classified pursuant to the Reserves Act 1977 as Local Purpose (Ecological) Reserve for SBHAs or as Local Purpose (Esplanade) Reserve where the provisions of sections 229 to 237 RMA apply. Whilst Council's intent is that public access be allowed within these areas, they will not be classified as recreation reserves pursuant to the Reserves Act, with their primary purpose being ecological protection for significant and other fauna (including long-tailed bats) and/or esplanade reserves pursuant to the RMA purpose for taking such reserves. Further that these reserves will have maintenance tracks for Council vehicles and public walkways and cycleways but will not be lit with artificial lighting to ensure they are 'dark reserves' to provide enhanced long-tailed bat habitat within integrated corridors within the Peacockes Structure Plan area. Public recreation is not their primary purpose but can be provided as an ancillary function where that does not conflict with long-tailed bat habitat restoration.
- 7.82 A key element of the above is that this is reactive to land use and subdivision applications as they arise and is not a proactive process as sought by some submitters. Submitters propose that such a proactive strategy would enable both early land acquisition and early re-vegetation of such areas and would act as immediate habitat loss compensation across the Peacocke Structure Plan Area for loss of any low to moderate long-tailed bat habitat within the Medium Density Residential Zone (that may or may not be associated with development). The Long Term Plan funding allows for public acquisition of approximately 35 hectares of land within Peacockes in addition to land identified as likely esplanade reserves. This enables individual landowners/developers to undertake a subdivision layout design process and/or a site specific master planning process with the land to be vested for

neighbourhood parks only being indicatively shown on Figures 2-1 and 2-3, and able to be vested in Council in different locations and extends, provided the outcome is achieved.

- 7.83 This is not the case for SBHAs given that they are also zoned as Natural Open Space Zone with intentionally fixed extents to ensure integrated long-tailed bat habitat corridors are vested in Council, with 50 metre minimum widths. The ecological reports attached to PC5 (Appendices J, K and L) provide detailed analysis of the extent and location of these corridors, and as summarised within the ecology report attached to the statement of evidence. The intention with the zoned SBHAs is that subdivision and land use layouts and master planning for individual properties sets aside the SBHAs, with a clear delineation of that land from Medium Density Residential Zone land within the property.
- 7.84 Some submitters have urged Council to undertake designation processes for SBHAs as a means of proactively acquiring these areas, given that Council is a requiring authority pursuant to the RMA. The designation of the SBHAs would enable the Public Works Act 1981 processes to be employed as necessary to acquire the complete Peacockes network of SBHAs. This would avoid a potential piecemeal acquisition process given that property owners may choose not to subdivide their properties, and the sequence of subdivision and development may not follow the staging sequence set out within Chapter 3A and as shown on Figure 2-3A within Appendix 2. Utilising the designation powers available to Council as a requiring authority is not the intention however.
- 7.85 Council is also implementing the 'Nature in the City Strategy' for strategic allocation of proactive ecological enhancement spending, but it is understood that this is city-wide and not targeted at Peacockes or long-tailed bat habitat protection/enhancement specifically.

Neighbourhood Parks

- 7.86 The key submitters on this topic **Ronke (Submission 2), Jones Land LP (Submission 13), Northview Capital Ltd (Submission 14), Tsai (Submission 27), Tseng (Submission 33) and Li/Zheng (Submission 52)** all raised concerns, or opposed, having a neighbourhood park (as shown on Figures 2-1 and 2-3) located on their properties. The reasons made for opposing the neighbourhood parks was that there were other existing or proposed neighbourhood parks or open spaces, in close vicinity and more parks were not needed. Each of these requests were discussed with Council's Parks and Open Space Planner and were individually considered in terms of the following rule:

SUB-PREC1-PSP: R22 Neighbourhood Parks;

(1) ...

(2) *Neighbourhood parks shall be located so that no residential dwelling is more than 500m from a neighbourhood park.*

...

- 7.87 In each of the locations identified in these submissions, it was concluded that a neighbourhood park is required in the approximate locations to meet the targets and requirements set under both the district plan and Council's Open Space Provision Policy (2018). The targets and requirement set under these documents is that all residents should be within a 500 metre walking distance of a neighbourhood park. If a neighbourhood park were not provided in this location, the 500 metre walking distance could not be met for the future residents of the surrounding areas.

- 7.88 Some submitters have argued that there is sufficient open space in the surrounding area to meet the recreational needs of this area. In some cases, the submitters are referring to the Mangakootukutuku Gully area which is shown as proposed Natural Open Space Zone on the proposed Peacocke Structure Plan figures. Natural Open Space Zone and neighbourhood parks provide different functions and therefore one does not offset the need for the other. Natural Open Space Zone areas primarily serve an ecological function in Peacockes with the potential for passive recreation in the form of walking and cycling. Neighbourhood parks provide a specific informal recreation function through the provision of flat grassed areas and play features which natural areas cannot provide. On this basis, the provision of Natural Open Space Zones in proximity to the neighbourhood park does not negate the need.
- 7.89 From a neighbourhood park distribution perspective, the indicative locations shown on the structure plan diagrams meet the 500 metres walkability requirements within the Open Space Provision Policy. Submitters have been advised that the neighbourhood park notations on the structure plan figures are indicative and can be moved within the site that they are shown to provide for optimal design outcomes at the time of subdivision, provided that the design does not compromise the functionality of the neighbourhood park. It should be noted that while there is some flexibility on the exact location of the neighbourhood park, the notation of the structure plan indicates its necessity to be in that general location, and its exact design, size and location can be agreed with Council at the time of resource consent. For these reasons all submissions opposing the location of Neighbourhood Parks have been rejected or accepted in part.
- 7.90 The neighbourhood park provisions were also discussed in expert conferencing. The parties in attendance agreed to the deletion of the above R22 rule provision, and replacement with a new assessment matter (Appendix 1, 1.3.3) that incorporates the various requirements of the rule provision within an assessment matter (with effectively the same statutory effect).

Transport, Infrastructure and Staging

- 7.91 The section 42A lead author for this topic is Craig Sharman, with technical support provided by Ari Craven (stormwater), and Alastair Black (transport). These supporting technical reports are attached to the statements of evidence. The key submitters on this topic are **Waka Kotahi (Submission 10), Jones Lands Ltd (Submission 13), Northview Capital Ltd (Submission 14), Findlay Family Trust (Submitter 17), Transpower New Zealand Ltd (Submission 21), Waikato Regional Council (Submission 36), Ohaupo Land LP (Submission 42), Golden Valley Farms (Submission 43), and Pragma Homes Ltd (Submission 47)**. These are recommended responses for each submission point within **Appendix A** with commentary provided below on the key themes. These topics were considered in expert conferencing also, particularly on 18 and 19 August sessions.
- 7.92 In respect of the **closure of Hall Road and the indicative location of a future collector network connection with Ohaupo Road** (State Highway 3), Figures 2-1 and 2-2 within Appendix 2 Structure Plans displays the intention diagrammatically to in future close the Hall Road/State Highway 3 intersection to address existing safety and visibility issues, the partial road closer pursuant to the Local Government Act 2002 process of portions of Hall Road, a replacement collector and local road network indicatively shown, and a proposed future collector corridor intersection further to the south. All of this detail is subject to future processes, all of it is indicative in terms of the corridors shown and the partial road closures,

and all of it is subject to a sequence of actions. As described within expert conferencing on this topic, the closure of the Hall Road/State Highway 3 intersection can only occur following a replacement collector road alignment being constructed, as otherwise there is no property access to a public road available for existing Hall Road properties. Once a replacement collector corridor and property access arrangement is in place then Council can proceed through the road closure process pursuant to the Local Government Act 2002 process.

- 7.93 **Waka Kotahi (Submission 10)** asserted that any new connection onto State Highway 3 would require an approval and therefore the Figures 2-1 and 2-2 location has to be considered indicative. The future intersection location shown reflects a preliminary level of analysis of safety and visibility, and also reflect the intersection location shown on the Houchens Road Structure Plan (within the Waipa district to the west of State Highway 3). The location of the intersection shown is considered broadly suitable but indicates nothing other than broad suitability. Council sees no merit in undertaking a design process for this intersection or proceeding through a Waka Kotahi state highway approval process for a location at this time, given the absence of any need to do so at this time (acknowledging that several submitters would like the certainty this would provide).
- 7.94 In respect of the **transport networks shown on Figures 2-1 and 2-2**, the parties during transport conferencing discussed the wording 'proposed' versus 'indicative', the ability to graphically display the level of flexibility of transport corridors implied, and the merits of some specific corridor changes sought by the parties. Figure 2-2 – Transport Network (within Appendix 2 Structure Plans) displays a hierarchy of transport corridors with varying degrees of certainty implied, being 'major arterial transport network', 'minor arterial transport network', 'indicative collector transport network' and 'indicative key local transport network'. The former two items are not referred to as 'indicative' as typically Council implements the arterial network within structure plan areas, including in the case of Peacockes there being designated arterial corridors, whereas collector and local corridors are indicative, being typically developer-provided and in locations that may vary from that shown on the structure plan provided the broad transport outcome is achieved. As noted in conferencing this is somewhat complicated by Figure 2-1 – Land Use where a transport network is also shown, but without any hierarchy of corridors and with the entirety of it displayed as 'proposed roading network'.
- 7.95 This was not able to be resolved through conferencing, although the Council's position remains that the structure plan figures are appropriate and that the Chapter 3A commentary is sufficient (with some amendments recommended) to accompany the transport corridors shown on the structure plan figures and to convey the level of flexibility that exists.
- 7.96 A submission was received to include an indicative Local Road on the Structure Plan Maps by **The Adare Company (Submission 53)**. While the need for the road was acknowledged, the exact alignment was not able to be confirmed through expert conferencing. This matter will be conferenced further with the parties involved.
- 7.97 In respect of the topic of **staging**, several submitters being **Jones Lands Ltd (Submission 13)**, **Northview Capital Ltd (Submission 14)**, **Findlay Family Trust (Submitter 17)**, **Waikato Regional Council (Submission 36)**, **Ohaupo Land LP (Submission 42)**, **Golden Valley Farms (Submission 43)**, and **Pragma Homes Ltd (Submission 47)** all submitted on this topic. This topic was traversed during expert conferencing, and while the relief sought in many of these

submissions was to entirely delete the staging shown graphically on Figure 2-3A and in Chapter 3A as text commentary under the heading 'Peacocke Infrastructure and Staging', agreement was largely reached in the Joint Witness Statement for a set of amendments to insert a consenting regime for 'out of sequence' development. The agreed changes consisted of additional text within Chapter 3A under the above heading that stated that *"appropriate infrastructure is provided for and the servicing of this land will maintain the efficiency and sustainability of existing and planned infrastructure"* regardless of whether a subdivision or development is 'out of sequence'. This statement was supported by a new assessment matter (Appendix 1 – 1.3.3 – P5 additional matter) to provide a suitable framework to consider the suitability of out of sequence. This addresses the absence of any such framework or provisions within PC5 as notified. A point of contention remained in expert conferencing in respect of clause 'g) does not rely on interim solutions' and whether the words 'that become redundant' should be added.

Water and Wastewater

- 7.98 Several submitters (**Findlay Family Trust Submission 17, Ohaupo Land LP Submission 42 and Golden Valley Farms Submission 43**) have sought relief in respect of the enablement of the second water reservoir as shown on Figure 2-3A Staging and Infrastructure, and to cater for strategic growth over the medium term and long term, particularly in relation to proposals that would supply significant development capacity. Some of this topic also relates to staging as the staging provisions effectively allocate water and wastewater network capacity and network extensions to particular stages on the Figure 2-3A staging plan.
- 7.99 Several submitters sought clarity regarding the second water reservoir (near State Highway 3 as shown on Figure 2-3A), the future design and location of it, and the allocation of the water capacity that it represents. Council has a designation in place for the existing water reservoir near State Highway 3 as it is located within the Waipa district and is necessary infrastructure. It is envisaged that Council as a requiring authority will also seek a designation of land for a second water reservoir. The timing for that, and the design/location aspects of the future water reservoir, are all unknown at this time and need not be specified within Chapter 3A. The manner in which Figure 2-3A displays the water reservoir does not require any change given it is clearly indicative.
- 7.100 The Mangakootukutuku ICMP contains information about the future roll-out of the water and wastewater network and is a publicly available document.

Rear Lanes and Culs-de-Sac

- 7.101 In respect of **rear lanes**, several submitters (**Submissions 6, 8, 10, 12, 13, 14 and 19**) challenged the PC5 rear lane provisions as notified and sought various amendments. Council has proposed various amendments reflecting that rear lane layouts have become a more common feature within Hamilton developments, that a variety of legal mechanisms (not just unit title subdivision) have been employed to manage ownership/maintenance arrangements in a satisfactory manner, that larger vehicles such as rubbish trucks, emergency service vehicles and furniture removal vehicles can be provided for, and that the provisions can be simplified generally. An agreed set of amendments to the rear lane provisions (Appendix 1 – 1.3.3 – P5) were agreed in expert caucusing in this respect and are recommended for acceptance by the Hearing Commissioner.

- 7.102 In regard to **culs-de-sac**, a number of submitters (**Submissions 6, 8, 10, 12, 13, 14 and 19**) opposed SUB-PREC1-PSP: R19 Culs de sac which places a maximum length of 150 metres. The submitters requested that this requirement be deleted, stating that a cul-de-sac can function at lengths longer than 150 metres, they should be encouraged and can be positive places to live. While all of these points are acknowledged as being valid, the reason for rejecting these points is two-fold; a) that this rule is consistent with the rest of the Hamilton District Plan with no special reasoning within Peacocke to be different, and b) that allowing longer culs-de-sac can be detrimental to connectivity. This second point is elaborated on below.
- 7.103 Culs-de-sac can decrease pedestrian connectivity unless pedestrian connectors through culs-de-sac are mandated and are direct, which is not a method the district plan currently relies on and some developers are adverse to as it reduces some lots sizes. These pedestrian connectors provide safer walks, potentially increase mass transit use, and bring financial benefit to neighbourhoods. Without these connections, some trips will be too long for comfort or dangerous and the pedestrian will travel by automobile instead of walking. Studies also show that areas that are designed in a more grid pattern, with fewer or shorter culs-de-sac, are more well connected, walkable and have fewer use of cars for shorter trips. Furthermore, the topography in Peacocke must be considered and will result in creative approaches to some development areas due to quite undulating topography with many intricate gully systems.

Public Transport Infrastructure

- 7.104 The location of public transport hubs and stops and the references within PC5 provisions to 'provide for' public infrastructure provision within subdivision applications was a topic traversed in expert conferencing with a series of amendments agreed between the parties in attendance. These amendments are included within the **Appendix B** 'Recommended Revisions to District Plan Chapters' and recommended for acceptance by Hearing Commissioners. These recommended amendments are the deletion of a subdivision standard (Chapter 23A - R25), addition of wording within assessment matters (Appendix 1, 1.3.3), amendments to Figure 2-2 Transport Network to show amended locations for public transport facilities shown and changes to notations within the legend.

Proposed Stormwater Wetlands

- 7.105 The key submitters on this topic are considered to be **Jones Land Ltd (Submissions 13)**, **Northview Capital Ltd (Submission 14)**, **Pragma Homes Ltd (Submission 47)** and several other property-based submitters in respect of 'proposed stormwater wetlands' within their properties. The section 42A lead author for this topic are Craig Sharman, with technical support provided by Ari Craven (stormwater). Mr Craven's supporting technical report is attached to his statement of evidence.
- 7.106 Submissions on stormwater wetlands can be divided into two categories, being minor wording changes to polices or objectives; and requests to move or remove entirely indicated proposed wetland locations. The intent of the first category has generally been supported as submissions have generally sought to strengthen biodiversity and stream restoration outcomes which aligns with the objectives being sought in the Mangakootukutuku ICMP. Some submissions were deemed to add ambiguity and the specific wording has not been supported (as shown within **Appendix A**).

- 7.107 The bulk of the second category of submissions were in opposition to the location and size of proposed stormwater wetlands identified on their properties. In some cases, submitters oppose the locational need of a stormwater wetland, while other submitters agreed to the need for one, but opposed the exact location and size as shown on Peacocke Structure Plan Figures 2-1 and 2-3.
- 7.108 The locations identified on the structure plan maps of the position and size of proposed stormwater wetlands are considered to be indicative only. The purpose behind including these stormwater wetlands on the structure plan maps is to clearly indicate to the plan user that a stormwater wetland would be required in this area, to manage stormwater within an ICMP sub-catchment. This is to manage expectations on the developability of land and avoid ambiguity at the time of development on the need for stormwater management in this area, including the likely extent of land required (although the extent of land will be subject to a future detailed design process). The intended process is that at the time of resource consent, the applicant can, if desired, propose an alternative location within their property that would be better suited to the site as a result of proposed earthworks and changing topography from development, or from their design aspirations for their site. The size of the proposed wetland can also be re-sized as long as the applicant can provide stormwater treatment and attenuation requirements in accordance with the ICMP.
- 7.109 It was questioned whether these stormwater wetlands should be removed from the maps, and simply raised at the time of resource consent. This option was discarded as it is considered that the inclusion of these stormwater wetlands is more usefully informative to set expectations for the plan user and landowner. The structure plan diagrams do not seek to detail the exact parameters of a stormwater wetland, but rather provides high level information to better inform the plan user. The stormwater wetlands identified on the planning maps achieves this.
- 7.110 Following expert conferencing on this topic and completion of analysis in response to the various stormwater-related submission points, various changes have been recommended to a number of objectives, policies and rule provision that further clarify the indicative nature of the features maps, adding the word 'generally' when seeking plans and development to be consistent with the Peacocke Structure Plan, and using 'indicative' rather than 'proposed' within the legend for Figures 2-1 and 2-3 (within Appendix 2). These changes are identified below.
- *Chapter 4A – MRZ-PREC1 – PSP-P5 Ensure the efficient development of land by requiring development to demonstrate it is generally consistent with the Peacocke Structure Plan.*
 - *Chapter 4A MRZ-PREC1 – PSP-P24 clause 3: Otherwise ~~complying with~~ being generally consistent with the Peacocke Structure Plan*
 - *Chapter 23A SUB – PREC1 – PSP: O6 Subdivision contributes to a well-designed urban environmental that is generally consistent with the Peacocke Structure Plan.*
 - *Appendix 1 District Plan Administration – 1.3 Assessment Criteria P5 Subdivision in the Peacocke Structure Plan, clause (v): (v) Whether the proposal is generally in accordance with the identified staging in the Peacocke Structure Plan.*

- *Legend for Figures 2-1 and 2-3 be amended to state 'indicative' rather than 'proposed' and use a symbol rather than an extent.*
- *Text amended/added within Chapter 3A to clarify that the stormwater devices will be confirmed at the time of subdivision and that the location on the figures are indicative.*

- 7.111 These changes provide the landowners some flexibility in exact positioning and sizing of the stormwater wetlands identified on their sites, while still communicating the general locational need for these devices.
- 7.112 On the broader stormwater topic of the PC5 provisions ensuring Mangakootukutuku ICMP outcomes, on behalf of Council as the plan change proponent Ari Craven of CES Catchment Engineering Solutions has substantially revised the stormwater catchment requirements in accordance with the objectives of the ICMP, and assessed these in Appendix A, B and C of his technical report. The stormwater effects of the plan change are considered to be effectively managed through the inclusion of identified stormwater wetlands in the structure plan diagrams and I consider these effects will be effectively managed given the proposed approaches and implementation mechanisms. Whilst submitters may consider that these stormwater wetlands represent a large portion of valuable developable land, the inclusion of these wetland areas is considered critical infrastructure.

Proposed Esplanade Reserves

- 7.113 'Proposed Esplanade Reserves' have been identified on the Peacocke Structure Plan Figure 2-3 diagram to indicate potential future requirements of the land pursuant to the esplanade reserves provisions within sections 229 to 237 RMA. This mapping reflects an earlier piece of assessment work summarised within Appendix Y to Plan Change 5 in a report titled '*Estimation of Potential Esplanade Reserve Extent Mangakootukutuku Stream*', and associated mapping to determine potential suitable locations for future esplanade reserves.
- 7.114 Pursuant to section 229 of the RMA an esplanade reserve or strip is created to contribute to the protection of conservation values by protecting the natural values associated with the esplanade reserve, or to enable public access or recreational use of the esplanade reserve. As with all esplanade reserves created, the RMA provisions within sections 229 to 237 are only applicable for vesting at the time of subdivision consent where the 'triggers' within those sections are met
- 7.115 A number of submitters (**Submissions 15, 23, 35, 41, 44, 48, 50, 51, 52 and 53**) have requested that the esplanade reserve notation be removed from their properties, on the basis that the RMA esplanade provisions will apply anyway, and that the mapping showing appears questionable in some locations given the lack of proximity to a watercourse (i.e. that the RMA esplanade provisions would not apply in those locations given the absence of waterways). Council's Senior Parks Planner was consulted and it was agreed that other mechanisms are in place, and that at the time of subdivision appropriate discussion can be had in regards to the need of vesting additional land for public access or otherwise in accordance with sections 299 to 237 of the RMA where applicable.
- 7.116 Accordingly the notation 'proposed esplanade reserves' have been removed from Figure 2-3 within Appendix 2 Structure Plans.

Earthworks

- 7.117 **Kāinga Ora (Submission 55)** assert that the notified earthworks provisions signal that there are landforms within the Peacocke Precinct that need to be respected during the development of the area. Kāinga Ora in their submission **55.003** considers it is appropriate that the Council establish an “Earthworks Overlay” to clearly signal to developers and landowners where earthworks may be restricted to protect landform. In the submitter’s view this will assist in determining the feasibility of projects, as significant restrictions on earthworks are a barrier to effectively and efficiently developing high density living opportunities. **The Findlay Family Trust FS018** supports the introduction of the earthworks overlay while **The Adare Company Limited FS010** opposes the introduction of an ‘Earthworks Overlay’ where more sympathetic earthworks are required would be unduly restrictive and inconsistent with enabling medium and high density outcomes within the areas that are subject to the overlay and also state that the submission is unclear from the submission where the suggested ‘Earthworks Overlay’ would apply.
- 7.118 The earthworks provisions were addressed in expert conferencing and an agreed set of provision amendments was arrived at to the satisfaction of the parties that were present. These amendments have been incorporated into the recommendations within **Appendix A** and **Appendix B** to this report.

Retirement Villages and Childcare Centres

- 7.119 Several submissions were received (**Jones Lands Ltd Submission 13, Northview Capital Ltd Submission 14, Broadwater Village Ltd Submission 23, Metlifecare Submission 49**) directly on the PC5 provisions in respect of ‘retirement villages’. These submissions predominantly sought an introduction of ‘retirement villages’ in the proposed development standards in the Medium Density Residential Zone. ‘Retirement villages’ are provided for as a Restricted Discretionary Activity in MRZ - PREC1-PSP: R24, with matters of discretion restricted to B – Design and Layout, C – Character and Amenity and P – Peacocke Structure Plan. The submitters have asserted that compliance with PREC1-P R34 – R47 is difficult to achieve when the rules relate specifically to housing typologies, given that retirement villages usually have a mix of different housing typologies and it is unclear how these compliances or failures can be assessed.
- 7.120 Several recommendations have been made in response to add clarity as to the development standards in relation to the land use category of ‘retirement villages’ relating to building coverage, landscaping requirements and residential unit size. This recommendation addresses submitter concerns of how the applicable development standards are intended to apply to retirement villages. Excluding retirement villages from the minimum standards for residential unit sizes recognizes the diversity of housing typologies within retirement villages such as communal living areas, communal outdoor areas, and that some housing would need to be smaller, such as dementia care rooms. Another change has been to accept the addition of ‘typically’ in MRZ-PREC1-PSP-05 to indicate that other housing typologies are also expected in this area.
- 7.121 Some submitters also sought an exclusion for outdoor living areas and outlook spaces for retirement villages. These points have been recommended to be rejected, as it is considered that these spaces are important for quality design and wellbeing of residents, and if the exclusions were introduced it would not be consistent with the intent of the zone, the NPSUD outcomes and compatibility with other residential activities in the area.

- 7.122 **Broadwater Village Ltd (Submission 23)** are also in the process of resource consent for a retirement village and sought consistencies with their resource consent application. Since submitting they have updated their consent application through the section 92 further information process with Council's Planning Guidance Unit and have brought their designs in line with the proposed Planning Maps in Appendix 17A, particularly in terms of setbacks from the SBHAs and the location of SNA's.
- 7.123 Two submitters (**Jones Lands Ltd Submission 13, Northview Capital Ltd Submission 14**) sought larger gross floor areas for childcare centres, as within PC5 as notified the maximum gross floor area is 250m², and failure to meet this standard will result in a Restricted Discretionary activity (MRZ - PREC1- PSP: R21). This is in line with the city-wide provisions and there are not considered to be any particular drivers for Peacocke to have a more permissive scale threshold than the remainder of the city. Furthermore, this rule framework enables the consenting process to consider larger scale centres whilst providing for a site-specific assessment of any adverse effects that accompany a larger centre such as design and layout, character and amenity, and vehicle movements.

Wider Property-Based Topics and Mapping Changes

- 7.124 Several submissions were received requesting changes to the Structure Plan maps, in particular Figure 2-1 and 2-3. Various requests from submitters for minor mapping changes have been sought through submissions and through expert conferencing. Some of these (in particular those requesting a removal or change to boundary of SNAs on their properties) are still being considered and will likely be addressed in planning evidence at the hearing, potentially with additional recommendations to the Hearing Commissioners, otherwise they have been addressed below.
- 7.125 Two map change requests (**Cordylone Holdings Ltd Submission 44**) requested to change the structure plan maps to correct slight errors in the exact locations of features shown, such as the extent of an education facility and neighbourhood park that differed between maps. The second (**Findlay Family Trust Submission 17**) sought the removal of the Natural Open Space Zone and Significant Bat Habitat Areas mapped outside of the Hamilton City boundaries. Both of these have been actioned.
- 7.126 A request to change the exact location of a **neighbourhood centre** and its underlying zoning was accepted (**Glenview Club Submission 1**) as it better suited the submitter, and the wider effects of the change were negligible. A submitter (**Letford Submission 7**) sought the removal of registered Significant Trees on the Feature Map 63B. It was stated that ten Significant Trees were identified on this map, but since development in the area had advanced significantly through a previous subdivision consent and a new roading layout, five of these trees had already been removed. It was determined through Council's Planning Guidance Unit that these trees were in fact lawfully removed and so five Significant Trees were removed from the Feature Map 63B. Another submitter (**Tainui Waka Tourism Incorporated Submission 31**) sought an inclusion of the indicative location of a possible future pedestrian bridge joining Hamilton Gardens to the Peacocke area to be shown in the Peacocke Structure Plan maps, and this has also been actioned.
- 7.127 Five submitters (**Submissions 41, 45, 48 and 51**) requested a change in how the maps delineated **Significant Bat Habitat Areas**. The submitters opposed DEVO1-PSP components

(a) and (c) of the Peacocke Structure Plan. They questioned a nominal 20m buffer/corridor from the top of the bank be reserved for bats and that a change should be applied to how it is mapped, limiting it to the top of the bank, to allow further residential development abutting the banks. These mapping changes were not supported by the technical advice from the ecology team and supporting technical reports, would be inconsistent with how the Significant Bat Habitat Areas have been mapped elsewhere, and would weaken the effectiveness of the Significant Bat Habitat Areas if the extents are reduced.

- 7.128 A number of submitters (**Submissions 41, 44, 45, 48, 52 and 53**) sought either a deletion or a change to how **Seismic Setback Lines** were mapped in the structure plan maps. The Seismic Setback Lines were identified as an area where further geotechnical investigation would be required due to the sites' proximity to a waterbody or gully, particularly in regard to assessments for foundations of buildings. It is required as an identification of risk both for Council and the landowner. Following a submission point from the Adare Company (**Submission 53**), the notation on the maps has changed from "Seismic Setback Line" to "Seismic Investigation Area". This has been reflected on the structure plan maps and relevant chapters, mainly the information requirements in Appendix 1.2.2.2. This change also triggers a need for a definition of 'Seismic Investigation Area', as this term is not previously used in the Plan and an addition has been proposed into the Appendix 1.1 Definitions Section of the district plan as a consequential amendment.
- 7.129 **Transpower New Zealand Ltd (Submission 21)** operate the National Communications Centre on a site at Hall Road, which has a notation on Figures 2-1, 2-2 and 2-3 within Appendix 2 of the district plan. This site contains a significant natural area (a known bat roost site) and a Significant Bat Habitat Area, which has also resulted in a split zoning where part of the site is Medium Density Residential Zone whilst the remainder is Natural Open Space Zone. The site has an accessway and car parking area within the area identified as the SNA and the SBHA (and therefore within the proposed Natural Open Space Zone), which the submitter asserts will generate significant ongoing challenges to operate this site.
- 7.130 Through discussions with the submitter it is apparent that the site was established in the early 1990s within the then rural location of Hall Road, is one of two national communication centres within New Zealand that remotely operates key aspects of the national grid that the submitter operates, that the vegetation in question is planted landscaping from when the site was established, and that the site's operation is covered by the National Policy Statement on Electricity Transmission. Ecology fieldwork has been undertaken which confirmed the presence of bat roosts within the site and necessity to retain the SNA and SBHA within the site.
- 7.131 The relief sought by the submitter was to rezone the entirety of the site to a commercial zoning. This is not recommended as Council does not wish the site to in future become a de facto neighbourhood centre. The recommendations are to retain the existing Medium Density Residential Zone and to extend it across the entirety of the site to remove the split zoning. In addition, based on the ecology fieldwork the extents of the SNA and SBHA have been amended to appropriate smaller extents which also has the effect of avoiding more of the existing accessway and the existing car parking area (given the purpose of the SNA and SBHA notation is to protect the vegetation and habitat values for the long-tailed bats). In addition, a permitted activity rule has been recommended to apply specifically to the national communications centre site (as shown with a notation on Figures 2-1, 2-2 and 2-3)

to provide for 'alterations and additions to existing buildings, and new buildings for the purpose of operating the National Communications Centre', subject to compliance with several standards, being R36 – Maximum Building Coverage, R37 – Permeable Surfaces, R38 – Building Heights, R39 – Setbacks and R40 – Height in Relation to Boundary (with the activity being a restricted discretionary activity if non-compliance with a standard).

- 7.132 **The Adare Company** in their submission points 53.092 53.102 and 53.103 sought the deletion of the Natural Open Space within Lot 2 DP 23381 and Part Lot 1 DP 23381 along with the removal of the Significant Bat Habitat Area from the same parcels of land. The deletion of the Natural Open Space and Significant Bat Habitat is rejected however The Adare Company have undertaken a comprehensive master planning exercise to demonstrate the future development of Lot 2 DP 23381 and Part Lot 1 DP 23381. As result it is recommended that amendments be made to the Natural Open Space Zone and Significant Bat Habitat Area to better align with the master plan while still retaining the 50 metre width for the Significant Bat Habitat Area to function as intended, albeit in a slightly different alignment. The Adare Company in their submission point 53.99 also sought the amendment to the Gully Hazard and Waikato River Overlay that is located on their land. The Gully Hazard and Waikato River Overlay on the Features Maps have been amended to better reflect the detailed assessment undertaken by the submitter including work done as part of the Amberfield consent process.
- 7.133 **Northview Capital Ltd (Submission 13)** In their submission point **14.7** opposed the proposed Significant Bat Habitat Area's location and extent. The submitter is seeking that ground truthing, further assessment and consultation occur prior to the corridors being fixed, and in this regard the submitter has provided information regarding a proposed change to a Significant Natural Area on Part Lot 2 DPS 13750. Ground truthing was undertaken on this site which confirmed that the trees were no longer on the site and therefore the SNA could be amended to reflect this. Consequential changes were also made to the and Significant Bat Habitat Area and the Natural Open Space Zone in this location to better align with the wider corridor.
- 7.134 **Submitter 35 Sanders** also opposed the '**future reserve**' notation as shown on Figure 2-1 Land Use on the basis that this green cross-hatch notation was not included in the legend, nor anything shown on Figure 2-3. On investigation, the submitter is correct that the notation is not shown in the legend but was intended as 'future reserves'. This notation is not considered necessary as potential reserves can be discussed during subdivision consenting processes, neighbourhood parks are still identified, and the 'future reserve' notation was not based on any ecological assessment of existing values. Rather these 'future reserves' were displayed on Figure 2-1 in logical locations to create reserve linkages and/or link with the neighbourhood parks as shown on the figure. Further, that reserve areas will still be vested in Council via negotiation during consent processes and a similar quantum of reserve land will be vested in time as development progresses, and this remains unchanged regardless of whether the notation is removed or not.
- 7.135 Accordingly the notation is recommended for removal from Figure 2-1 Land Use in response to the Sanders submission.

8 Recommended Amendments to Plan Change 5

8.1 The recommendations within the revised district plan chapters attached to this report as **Appendix B** are reflective of the above, and of the individual recommendations for each submission point contained within the summary of decisions requested and recommendations attached as **Appendix A**. The purpose of these appendices is to provide the Hearing Commissioners with a comprehensive set of recommendations in response to submission points, and on plan amendments.

8.2 The amendments within the revised district plan chapters in **Appendix B** are shown with colour coding, being red text for PC5 as notified, green text for amendments in response to submission points, blue text incorporating amendments to give effect to MDRS provisions (as shown within **Appendix C**), and brown text incorporating the long-tailed bat protection amendments (as shown within **Appendix D**), and with the convention as follows:

- Additions from PC5 as notified: *underlined*; and
- Deletions from PC5 as notified: *strikethrough*.

Recommendations

8.3 A summary of the district plan amendments as recommended within the various district plan chapters and appendices as above, inclusive of amendments to district plan provisions in response to MDRS and additional provisions to enhance the long-tailed bat protection mechanisms, are as follows:

Chapter 3 – Structure Plans and Chapter 3A Peacocks

8.4 PC5 as notified proposed the deletion of the Peacocks provisions from Chapter 3 - Structure Plans and inserted a substantially revised set of Peacocks provisions in replacement within Chapter 3A drafted as a National Planning Standards chapter. The recommendations then include a series of changes in response to a wide variety of topics.

Chapter 4A – Medium Density Residential Zone: Peacocke Precinct, Chapter 5 Special Character Zones

8.5 PC5 as notified proposed the deletion of the Peacocks residential provisions from Chapter 5 - Special Character Zones and inserted a substantially revised set of Peacocks residential provisions in replacement within Chapter 4A drafted as a National Planning Standards chapter. The recommendations then include a series of changes to the Medium Density Residential Zone provisions in response to submissions.

Chapter 6A: Peacocke Neighbourhood Centre Zone

8.6 PC5 as notified proposed the insertion of a new Chapter 6A drafted as a National Planning Standards chapter, to provide a Peacocks-specific chapter. The recommendations then include a series of changes to the Peacocke Neighbourhood Centre Zone provisions in response to submissions.

Chapter 6B: Peacocke Local Centre Zone

8.7 PC5 as notified proposed the insertion of a new Chapter 6B drafted as a National Planning Standards chapter, to provide a Peacocks-specific chapter. The recommendations then include a series of changes to the Peacocke Local Centre Zone provisions in response to submissions.

Chapter 15A: Natural Open Space Zone: Peacocke Precinct

- 8.8 PC5 as notified proposed the insertion of a new Chapter 15A drafted as a National Planning Standards chapter, to provide a Peacockes-specific chapter. The recommendations then include a series of changes to the Natural Open Space Zone: Peacocke Precinct provisions in response to submissions.

Chapter 15B: Sport and Active Recreation Zone: Peacocke Precinct

- 8.9 PC5 as notified proposed the insertion of a new Chapter 15B drafted as a National Planning Standards chapter, to provide a Peacockes-specific chapter. The recommendations then include a series of changes to the Sport and Active Recreation Zone: Peacocke Precinct provisions in response to submissions.

Chapter 23 – Subdivision and Chapter 23A Subdivision: Peacocke Precinct

- 8.10 PC5 as notified proposed the deletion of the Peacockes subdivision provisions from Chapter 23 - Subdivision and inserted a revised set of Peacockes subdivision provisions in replacement within Chapter 23A drafted as a National Planning Standards chapter. The recommendations then include a series of changes to the Subdivision: Peacocke Precinct provisions in response to submissions.

Chapter 20 – Natural Environments and Chapter 25 – City-wide - 20.3 Significant Natural Areas; 25.2 Earthworks and Vegetation Removal; 25.6 Lighting and Glare; 25.14 Transportation

- 8.11 PC5 as notified proposed revisions to provisions relating to Peacockes within Rule 25.2 Earthworks and Vegetation Removal, within Rule 25.6 Lighting and Glare, and within Rule 25.14 Transportation. In response to submissions an amendment is also recommended to Rule 20.3 Significant Natural Areas regarding works within SNAs within the Peacockes Structure Plan Area, and additional rule provision for vegetation clearance within Rule 25.2 and associated rule regarding the activity status for non-compliance, recommended revisions to Rule 25.6 lighting provisions within Peacockes, and revisions to transport related provisions as they apply to Peacockes within Rule 25.14.

Appendix 1 – District Plan Administration

- 8.12 PC5 as notified proposed to amend Appendix 1 - 1.1 Definitions and Terms; 1.2 Information Requirements (1.2.2.2 c), 1.2.2.2.1, 1.2.2.24, 1.2.2.25, 1.2.2.26, 1.2.2.27); 1.3 Assessment Criteria (E17-E24, P1 to P5), and 1.4 Design Guides (1.4.10 Peacocke Local Centre Design Guide). Various amendments to these provisions have been recommended in response to submissions, including amendments to enhance the long-tailed bat protection mechanisms.

Appendix 2 – Structure Plans - Figures 2-1, Figure 2-2, Figure 2-3, Figure 2-3a, Figure 2-3b

- 8.13 PC5 as notified proposed to delete a series of Peacockes Structure Plan diagrams and replace them with entirely new Figures 2-1, Figure 2-2, Figure 2-3, Figure 2-3a, Figure 2-3b. These figures are now recommended for further amendment in response to submissions.

Appendix 8 – Historic Heritage Natural Environments

- 8.14 PC5 as notified proposed several additional archaeological sites identified in the schedule and included on the Features Maps within Appendix 17A. No change is recommended to Appendix 8 as a result of submissions.

Appendix 9 – Natural Environments

- 8.15 PC5 as notified proposed several additional SNAs identified in the schedule and included on the Features Maps within Appendix 17A. Whilst there are some mapping recommendations impacting on Appendix 17A there are no changes affecting the schedule in Appendix 9.

Appendix 15 – Transportation

- 8.16 PC5 as notified proposed several amendments to the transportation provisions as they related to Peacockes. Various amendments to these provisions have been recommended in response to submissions, including as a result of transport expert conferencing between the parties.

Appendix 17 Planning Maps and Appendix 17A Peacocke Zoning and Features Maps

- 8.17 PC5 as notified proposed deletion of the planning maps related to Peacockes within Appendix 17 – Planning Maps and proposed a new set of Peacockes-specific zoning and features maps withing the National Planning Standards format. As a result of submissions various amendments to these planning maps have been recommended.

9 Conclusion

- 9.1 Proposed Plan Change 5: Peacocke Structure Plan was publicly notified with 58 submissions and over 1300 individual submission points received in response, with eighteen further submissions received. Collectively the relief sought within these submissions has sought substantial revisions to Plan Change 5 at both a broad and property-specific level.
- 9.2 In parallel to the submission and further submission process, the government promulgated the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 and the Medium Density Residential Standards. Whilst Council and submitters broadly understood the extent of change proposed within the legislation and the Medium Density Residential Standards, Plan Change 5 had already been formulated and notified prior to enactment of the Amendment Act. Rather than leave implementation of the Amendment Act to a variation, through submissions which anticipate the changes, the Panel has scope to implement the MDRS.
- 9.3 The submissions and further submissions received on the matter of the effectiveness of the protection mechanisms for long-tailed bats within the Peacocke Structure Plan area also prompted a review of the habitat protection provisions. Following an ecology, lighting and planning review of the Plan Change 5 as notified provisions a set of amendments have been proposed in response to the wide scope available arising from the submissions received and relief sought on this matter.
- 9.4 The purpose of this report is to provide a set of clear and reasoned recommendations to the Hearing Commissioners to then make decisions on all matters. Appended to this report are a Summary of Decisions Requested and Recommendations (**Appendix A**), a set of district plan changes with recommended revisions displayed within them (**Appendix B**), a consolidated set of proposed amendments to provisions in response to Medium Density Residential Standards (**Appendix C**) and a consolidated set of proposed amendments to provisions in response to the long-tailed bat protection topic (**Appendix D**).

- 9.5 Plan Change 5 has been analysed against the various higher order statutory planning documents and found to be consistent with those statutory documents. Plan Change 5 represents a robust response to Te Ture Whaimana o Te Awa o Waikato through the wide ranging identification and protection of the Mangakootukutuku gully and stream network, and the implementation of the Mangakootukutuku Integrated Catchment Management Plan. Plan Change 5 also provides robust responses to national policy statements and national environmental standards, and particularly to the National Policy Statement on Urban Development 2020 given the broad purpose of the plan change is the release of an urban growth cell in a suitable manner. Plan Change 5 has also been evaluated against the regional policy statement and regional plan, and local plans and strategies, and found to be consistent with the intent of these documents.
- 9.6 Plan Change 5 has also been considered against the purpose and principles of Part 2 of the Resource Management Act 1991. This has particular relevance given the competing Part 2 matters and in particular in respect of protection of long-tailed bats with a risk status as a 'Threatened – Nationally Critical' fauna species that is wide-spread across the Peacockes Structure Plan Area. Plan Change 5 represents a rigorous response to protection of long-tailed bat habitat with substantial Significant Bat Habitat Areas, Significant Natural Areas, setback buffers and lighting controls. Plan Change 5 represents a unique set of district plan provisions for an urban area where long-tailed bats are present in relatively high numbers and seek to manage the competing interests of urbanisation of what is currently a primarily rural locality, with protection of habitat of a 'Threatened – Nationally Critical' fauna species and wider ecological and other values.
- 9.7 For the above reasons, it is recommended pursuant to clause 10 of Schedule 1 to the Resource Management Act 1991 that Plan Change 5: Peacockes Structure Plan be approved, subject to decisions on submissions and further submissions that the Hearing Commissioners make.