BEFORE THE INDEPENDENT HEARING PANEL
APPOINTED BY HAMILTON CITY COUNCIL

IN THE MATTER	the Resource Management Act 1991 (RMA)
AND	
IN THE MATTER	of hearing submissions on Plan Change 12 to the Hamilton City District Plan
BETWEEN	**THE ADARE COMPANY LIMITED**
	Submitter #243
AND	**HAMILTON CITY COUNCIL**
	Local authority

EVIDENCE IN CHIEF OF BEN MAXWELL INGER FOR THE ADARE COMPANY LIMITED

PLANNING

24 JULY 2024

PO Box 2401 AUCKLAND 1140
Tel +64 9 300 2600
Fax +64 9 300 2609

Solicitor: Mike Doesburg
(mike.doesburg@wynnwilliams.co.nz)

WYNN WILLIAMS

SUMMARY OF EVIDENCE

1 My name is Ben Inger and I am a Senior Planner and Director at Monocle. I am providing planning evidence on matters raised in Adare's submission and further submission on PC12.

2 I summarise my evidence, according to the key headings in this statement, as follows:

Financial Contributions

(a) PC12 proposes amendments to the financial contribution provisions in Chapter 24 and Appendix 18 of the District Plan. The amendments would apply city-wide and are targeted at three waters/transport network infrastructure, residential amenity and Te Ture Whaimana.

(b) The purpose of the financial contributions is to offset the adverse effects of the scale of intensification enabled by PC12. However, offsetting the effects of intensification that will be enabled by PC12 in existing urban areas should not be conflated with the very different circumstances for greenfield development areas, especially for the Peacocke Precinct where PC12 does not enable any additional density beyond PC5. For greenfield development areas, infrastructure and open space is required to be designed to accommodate anticipated densities in accordance with best practice requirements.

(c) It is inappropriate to require financial contributions to be paid for greenfield development, which has not contributed to the adverse effects that the financial contribution regime seeks to manage. Doing so would be unfair and inequitable, and it would not be the most efficient, effective or appropriate approach in terms of section 32 of the RMA.

(d) Excluding activities that do not contribute to the issue at the heart of the proposed financial contribution regime is a more efficient and effective approach than imposing a blanket obligation and requiring remissions on a case-by-case basis.

Roading and Access Standards

(e) I have recommended several changes to the roading and access standards in PC12 to improve their consistency with the roading access standards that were introduced for the Peacocke Precinct through PC5.

(f) The changes relate to vehicle crossing standards for the Peacocke Medium Density Residential Zone (Rule 25.14.4.1(h)(i)), references in Rule 25.14.4.1(h)(iii) to the tables in Appendix 15 that contain criteria for internal access and transport corridors, and correction of a cross-referencing error in Rule 25.14.4.1(j) which relates to rear lanes.

Assessment Criteria

(g) There are problems, in my opinion, with HCC's proposed PC12 amendments to the assessment criteria in Appendix 1.3. One problem is the longer list of assessment criteria, which will reduce their effectiveness and result in additional (and potentially significant) administrative costs to prepare and process resource consent applications. Another problem is duplication and inconsistency between the amended assessment criteria under PC12 and the assessment criteria that were introduced for the Peacocke Precinct under PC5. Many of the proposed assessment criteria also read like design guides or rules, rather than assessment criteria, including references to *"rule of thumb"* that make some of the criteria read as de facto rules.

(h) In my opinion, the assessment criteria should be reviewed and redrafted by HCC. I have set out principles in my evidence that I consider should be followed for the review and redrafting. One of the ways that the assessment criteria could be improved is by inserting a clause to explain that where there are specific criteria for the Peacocke Precinct then they are to be considered rather than any general criteria which relate to the same or a similar matter.

INTRODUCTION

3 My name is Ben Maxwell Inger.

4 I am a Senior Planner and Director at Monocle, in Hamilton. I hold the qualifications of Bachelor of Planning (Honours) from the University of Auckland. I am a Full Member of the New Zealand Planning Institute.

5 I have 18 years' planning experience. Over this time, I have been employed in private consultancies working for both private and public sector clients, including developers and local authorities in the Waikato region. In my previous role at Harrison Grierson, which I held until November 2020, I was responsible for managing the company's operations in the Waikato region.

6 My experience includes preparing plan changes, submissions and planning evidence relating to proposed district plans, as well as preparing and processing resource consent applications for residential, commercial and infrastructure projects. I am a current member of Hamilton City Council's Urban Design Panel.

7 My recent experience relevant to this plan change and evidence includes:

(a) Co-author of the Assessment of Environmental Effects for the Amberfield subdivision in Peacocke, preparation of planning evidence and involvement in expert conferencing and mediation for Weston Lea Limited (2017-2021). The subdivision relates to a 105 hectare site adjacent to the Waikato River in southern Hamilton;

(b) Author of the Assessment of Environmental Effects for changes to the conditions of the Amberfield subdivision in Peacocke for Weston Lea Limited (2022);

(c) Close liaison with Hamilton City Council (**HCC**) on behalf of The Adare Company Limited (**Adare**) as a contributor to the draft provisions for Plan Change 5 – Peacocke (**PC5**) to the Hamilton City District Plan (**District Plan**), as well as preparation of submissions and further submissions and involvement in expert conferencing (2021-2022);

(d) Preparation of submissions and planning evidence on behalf of Adare for Plan Change 9 – Historic Heritage and Natural Environment to the Hamilton City District Plan (2022-2023); and

(e) Master planning inputs, consultation, planning evidence and involvement in Environment Court mediation for private Plan Change 20 to the Waipa District Plan involving a 130 hectare extension of the business park surrounding Hamilton Airport on behalf of Titanium Park Limited and Rukuhia Properties Limited (2019-2024); and

(f) Preparation of a plan change request and planning evidence for private Plan Change 58 to the Matamata-Piako District Plan involving an industrial rezoning for a 13.5 hectare extension of the Avenue Business Park in Morrinsville on behalf of Warwick and Marion Steffert (2021-2024).

8 I assisted with the preparation of Adare's submission and further submission on Plan Change 12 (**PC12**).

CODE OF CONDUCT

9 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and agree to comply with it.

10 I confirm that the topics and opinions addressed in this statement are within my area of expertise except where I state that I have relied on the evidence of other persons. I have not omitted to consider materials or facts known to me that might alter or detract from the opinions I have expressed.

SCOPE OF EVIDENCE

11 I have been engaged by Adare to provide independent expert planning evidence on matters raised in Adare's submission and further submission on PC12. Adare has chosen to address some, but not all, of the issues raised in their submission and further submission in evidence. As such, my evidence focuses on the following key issues:

(a) Financial contributions and their applicability to the Peacocke Precinct and other greenfield development areas;

(b) Ensuring that the roading and access standards in PC12 are not inconsistent with the provisions that were introduced into the District Plan for the Peacocke Precinct through PC5; and

(c) Assessment criteria.

FINANCIAL CONTRIBUTIONS

Summary of proposed financial contribution regime

12 PC12 proposes amendments to the financial contribution provisions in Chapter 24 and Appendix 18 of the District Plan. The amendments under PC12 as notified are targeted at:

(a) managing effects from intensification in urban areas on three waters/transport network infrastructure (costs of connecting to and renewal of existing infrastructure);

(b) residential amenity (acquisition and improvement of open space and enhancement of streetscape amenity); and

(c) Te Ture Whaimana (environmental improvements such as riparian and wetland enhancement, public access to the Waikato River and education).

13 The reason for the proposed financial contributions is described in HCC's s32 evaluation for PC12 as being to offset the adverse effects of the scale of intensification enabled by the plan change by funding 'soft infrastructure' necessary for growing communities and by assisting HCC to give effect to Te Ture Whaimana.[1]

14 The proposed new financial contribution regime will be collected for permitted activities as well as activities that require a resource consent, applies city-wide and does not distinguish between existing urban areas (i.e. brownfield) and greenfield development areas. The notified PC12 provisions require financial contributions for residential and non-residential activities, with the main difference being that the proposed financial contribution for residential amenity would not apply to non-residential activities.

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[1] HCC s32 Evaluation, Appendix 3.2 Financial Contributions, pg 3.

15 The proposed financial contributions in the notified PC12 provisions are:

(a) Three waters/transport infrastructure network – $106.34 per Projected Unit of Demand (PUD);

(b) Residential amenity – $2,997.71 per PUD;

(c) Te Ture Whaimana – $1,762.851 per PUD.

16 For residential activities alone within Adare's Amberfield development in Peacocke, the proposed financial contributions would equate to $4,886.90 per lot/dwelling and a total cost of approximately $7.086M across the entire site.[2] This could have a significant impact on development feasibility and housing supply for Amberfield, and potentially for other greenfield developments. Adare also owns other properties in Peacocke that would be affected when they are developed.

Irrelevance of financial contribution regime to Peacocke and other greenfield development areas

17 Despite the purpose of the financial contributions being to offset the adverse effects of the scale of intensification enabled by PC12, the plan change does not enable any additional density in the Peacocke Precinct beyond what was enabled under PC5 (which also implements the Medium Density Residential Standards (**MDRS**)). The financial contributions provisions were unchanged by PC5, which indicates that HCC was satisfied at that time that there were no adverse effects that required offsetting through financial contributions for the three waters/transport infrastructure network, residential amenity or Te Ture Whaimana.

18 This is unsurprising, because development in greenfield areas such as the Peacocke Precinct is required to include infrastructure and open space that is designed to accommodate anticipated densities in accordance with best practice requirements. Best practice requirements are set out in the Peacocke Structure Plan, Integrated Catchment Management Plans, the Waikato Regional Infrastructure Technical Specifications and the Waikato Regional Council's Stormwater Guidelines, for example. Where infrastructure and open space is not

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[2] Based on 1,450 dwellings which is the approximate total number of dwellings that are anticipated for Amberfield.

developer-funded and developer-provided in greenfield development areas, then it is funded by development contributions and often provided by Council.

19 For Amberfield, as well as paying development contributions, Adare is required to construct all roads and three waters infrastructure (including stormwater treatment ponds) within the 105 hectare subdivision to HCC's standards, vest four neighbourhood reserves with associated improvements (playgrounds, park furniture etc), vest one historic heritage reserve and vest approximately 27 hectares of esplanade and ecological reserves with extensive native planting and an extensive public path network.

20 By contrast, intensification in existing urban areas generally relies on connections to existing three waters infrastructure and existing roads which often have not been designed to accommodate increased densities or to current best practice standards. The quality of open space and streetscape amenity is variable and location dependent.

21 In my opinion, HCC's proposed requirement under PC12 for financial contributions to offset the effects of intensification that will be enabled by the plan change in existing urban areas should not be conflated with the very different circumstances for greenfield development areas, especially for the Peacocke Precinct where PC12 does not enable any additional density beyond PC5.

22 It appears that HCC recognises this distinction between existing urban areas and greenfield development areas, because:

(a) Chapter 24 in the notified PC12 provisions defines 'greenfield development' to mean *"subdivision and/or urban development of previously undeveloped rural land"*. Regrettably there is no other reference to greenfield development in either Chapter 24 or Appendix 18 so the definition is rendered meaningless; and

(b) HCC's own submission on PC12 seeks amendments to the financial contributions provisions to clearly articulate the application of the financial contribution rules to greenfield development areas.

Relevant sections of the RMA

23 Section 77E of the RMA enables local authorities to make rules about financial contributions for any class of activity other than a prohibited activity. The requirements that must be specified in a rule requiring a financial contribution are set out in section 77E(2) and are as follows:

> *(2) A rule requiring a financial contribution must specify in the relevant plan or proposed plan—*
>
> (a) *the purpose for which the financial contribution is required (which may include the purpose of ensuring positive effects on the environment to offset any adverse effect); and*
> (b) *how the level of the financial contribution will be determined; and*
> (c) *when the financial contribution will be required.*

24 What the plan specifies about financial contributions is important because if a plan enables financial contributions to be levied, conditions can be imposed on resource consents under section 108 requiring financial contributions:

> ***108 Conditions of resource consents***
>
> *…*
>
> *(2) A resource consent may include any 1 or more of the following conditions:*
>
> *(a) subject to subsection (10), a condition requiring that a financial contribution be made:*
>
> *…*
>
> *(9) In this section, financial contribution means a contribution of—*
>
> *(a) money; or*
>
> *(b) land, including an esplanade reserve or esplanade strip (other than in relation to a subdivision consent), but excluding Maori land within the meaning of Te Ture Whenua Maori Act 1993 unless that Act provides otherwise; or*
>
> *(c) a combination of money and land.*

(10) A consent authority must not include a condition in a resource consent requiring a financial contribution unless—

(a) the condition is imposed in accordance with the purposes specified in the plan or proposed plan (including the purpose of ensuring positive effects on the environment to offset any adverse effect); and

(b) the level of contribution is determined in the manner described in the plan or proposed plan.

25 Like any plan provision, financial contribution rules must be evaluated in terms of their efficiency, effectiveness and appropriateness under section 32 of the RMA.

26 I have reviewed relevant parts of HCC's section 32 evaluation for PC12 and consider it to be notably deficient in its assessment of the applicability of the proposed financial contribution regime to greenfield development areas. The section 32 evaluation included:

(a) One page of text in the "Overview Report" on the proposed financial contributions regime, which generally describes what HCC is trying to achieve;

(b) Brief analysis in Appendices 2.1, 2.2 and 2.3. While the analysis considers costs, benefits, efficiency, effectiveness and the risk of acting or not acting, the assessment is in a very short form. For example, it does not consider the particular costs that would be faced by greenfield developers (from both funding infrastructure and paying a financial contribution), or the inefficiency of greenfield developers having to contest financial contributions on a case-by-case basis. The lack of rigour in assessment is highlighted by the fact that the assessment of acting or not acting weighs the economic cost to HCC against the risk of reputational harm to HCC; and

(c) A thirteen page appendix (Appendix 3.2) that describes the purpose of the proposed financial contributions and outlines how HCC came up with the proposed financial contributions values.

27 What is noticeably lacking in the section 32 evaluation is an assessment of the obvious "reasonably practicable option" of taking a more nuanced

approach to requiring financial contributions only from the types of activity that cause the issues that HCC seeks to address.

28 In my opinion, it is inappropriate to require financial contributions to be paid for greenfield development, which has not contributed to the adverse effects that the financial contribution regime seeks to manage. Doing so would be unfair and inequitable, and it would not be the most efficient, effective or appropriate approach in terms of section 32.

Response to HCC's evidence on financial contributions

29 I have read the planning evidence of Ms Clare Douglas for HCC on financial contributions. Changes that Ms Douglas has recommended to the financial contribution provisions include (but are not limited to):

(a) Removing financial contributions for non-residential developments because they are out of scope for PC12 (given the plan change relates to residential intensification);

(b) Removing financial contributions for three waters/transport infrastructure network renewals, whilst retaining the ability to ensure 100% recovery of costs incurred by HCC for network connections;

(c) Enabling HCC to provide a discount where mitigation measures undertaken as part of the development have contributed to the purposes of the financial contributions; and

(d) Capped rates of $3,400 per PUD for residential amenity and $2,000 per PUD for Te Ture Whaimana with adjustments for inflation based on the Producers Price Index.[3] However, cost figures are not included in HCC's latest financial contributions provisions dated 27 May 2024.

30 Ms Douglas has identified the distinction between greenfield and brownfield development as a common concern raised by submitters on PC12.[4] In response, Ms Douglas has recommended a rule in Chapter 24 which enables HCC to use its discretion to apply a discount when

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[3] These revised figures would equate to a total of $7.83M for Amberfield based on 1,450 dwellings if the full capped amount was charged (without any adjustment for PPI).

[4] This issue is referred to as Theme 2 in the report which is provided in Appendix B of Ms Douglas' evidence.

calculating the level of financial contribution required (Rule 24.4.2(e)). She considers that it would be impractical to have a definition for greenfield development which clearly identifies greenfield development areas that would not be subject to financial contributions because those areas will no longer be greenfield when they are developed.[5] The definition for 'greenfield development' has been deleted altogether in HCC's version of Chapter 24 dated 27 May 2024.

31 I disagree with Ms Douglas' evidence on financial contributions for greenfield development areas for the following reasons:

(a) A rule which gives HCC discretion to discount financial contributions does not address the primary issue, which is that there are no adverse effects that require offsetting for the Peacocke Precinct and other greenfield development areas with respect to residential amenity, Te Ture Whaimana and three waters/transport infrastructure network connections. It also fails to recognise that PC12 does not enable any additional density in the Peacocke Precinct beyond what was enabled under PC5;

(b) Relying on a rule that gives HCC discretion to discount financial contributions creates a high level of uncertainty for people developing and building houses in greenfield development areas. Without making an enquiry, and presumably an assessment being carried out by HCC, it will be unclear on the face of the plan whether HCC will choose to exercise its discretion. It fails to address the need for cost certainty that Ms Douglas says she has considered[6]; and

(c) There would be no impracticalities with retaining the definition for 'greenfield development' in Chapter 24 and amending it to refer to specific greenfield areas, including the Peacocke Precinct, to improve its clarity. If it is accepted that greenfield development should not be subject to financial contributions for residential amenity, Te Ture Whaimana and three waters/transport infrastructure network connections (for the reasons addressed in my evidence) then whether those areas are subsequently

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5 Douglas EIC, Appendix B, pg 5.

6 Douglas EIC para. [11].

developed is irrelevant to the application of the financial contribution provisions.

32 These issues are compounded by the fact that HCC has not identified how the revised financial contributions (which Rule 24.4.2(e) refers to as a "discount factor") will be calculated. It is unclear how the appropriate discount would be calculated by either a plan user or HCC for a financial contribution in a greenfield development area. Section 77E(2)(b) (above) requires that plan rules must specify how a financial contribution will be calculated.

Recommended changes

33 I consider that the following changes should be made to the financial contribution provisions:

(a) Retain a definition for 'Greenfield development' in Chapter 24 and amend it as follows:

*"**Greenfield development** means subdivision and/or urban development in the Peacocke Precinct, Te Awa Lakes Precinct, Rotokauri Precinct, Rotokauri North Precinct, Ruakura Precinct and Rototuna Town Centre Precinct and of any other previously undeveloped rural land".*

(b) Amend the objectives, policies, rules and methods in Chapter 24 and Appendix 18 so that financial contributions for residential amenity, Te Ture Whaimana and three waters/transport infrastructure network connections do not apply to greenfield development.

34 The first amendment provides certainty in the growth cells that the District Plan anticipates will provide for greenfield development. It continues to refer to other previously undeveloped rural land in case there are any other greenfield development areas outside these growth cells.

35 The second amendment is required to exclude the application of the financial contributions chapter and appendix to greenfield development. The simplest way to do this would be through a new rule, such as:

24.4.6 Greenfield development

a, A financial contribution will not be required for Greenfield development.

36 In my opinion, clearly excluding activities that do not contribute to the issue at the heart of the proposed financial contribution regime is a more efficient and effective approach than imposing a blanket obligation and requiring remissions on a case-by-case basis.

ROADING AND ACCESS STANDARDS

37 PC5 introduced specific roading and access standards for the Peacocke Precinct. The PC5 provisions are not included in the PC12 provisions and they will need to be incorporated when decisions on PC12 get added into the District Plan.[7] It would be helpful if HCC staff could confirm that this is what is intended.

38 The PC5 specific roading and access standards include a standard for combined vehicle crossings that serve two units in the Peacocke Precinct in the first table under Rule 25.14.4.1(h), Rule 25.14.4.1(h)(vi) which refers to the access standards in SUB-PREC1-PSP:R23 Roading and Pedestrian and Cycle Access applying in the Peacocke Precinct and Table 15-6b in Appendix 15 which sets out access criteria for the Peacocke Structure Plan.

39 HCC's revised provisions dated 27 May 2024 include several recommended changes to Rule 25.14.4.1(h). The changes to the first table create problems for the Peacocke Precinct because the vehicle crossing standards only apply to specific rules for the General Residential Zone, Medium Density Residential Zone and High Density Residential Zone, none of which relate to the Peacocke Precinct.

40 With HCC's proposed changes to Rule 25.14.4.1(h), it is unclear what the vehicle crossing standards for the Peacocke Medium Density Residential Zone would be. Other than the specific standard for combined vehicle crossings that serve two units (as discussed above), vehicle crossing standards of 3.0m minimum and 5.5m maximum were determined to be appropriate for the Peacocke Medium Density

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[7] This is because of the timing of PC5 and PC12. However, the PC5 roading and access standards are operative and PC12 does not propose to amend them.

Residential Zone through PC5. The existing vehicle crossing standards under the District Plan should be retained for Peacocke.

41 My recommended amendments to HCC's proposed wording for the first table under Rule 25.14.4.1(h)(i) are:

Vehicle crossing widths

Zone or Activity		*Width (m)[1]*	
		Minimum	*Maximum*
Residential Zones, except as provided below	*Single residential unit (including ancillary residential unit) where Rules 4.2.5.13 c, 4.3.4.14 c, or 4.4.5.14 c apply.*	*3.0*	*3.5*
	Single residential unit (including ancillary residential unit) where Rules 4.2.5.13 b, 4.3.4.14 b, or 4.4.5.14 b apply.	*5.5*	*6.0*
	Duplex housing where Rules 4.2.5.13 e or 4.3.4.14 e apply – a combined vehicle crossing to serve two units.	*5.5*	*6.0*
	Terrace housing where Rules 4.2.5.13 e, 4.3.4.14 e, or 4.4.5.14 d apply.	*3.5*	*6.0*
<u>Peacocke Medium Density Residential Zone, except as provided below</u>		*<u>3.0</u>*	*<u>5.5</u>*
Rotokauri North <u>and Peacocke</u> Medium-Density Residential Zone – a combined vehicle crossing to serve two units (including a duplex dwelling)		*5.5*	*6*
All other Zones		*5.0*	*7.5*
Note *1. Measured along the front boundary where it adjoins the Transport Corridor*			

42 Rule 25.14.4.1(h)(iii) requires access to be designed and configured to meet the relevant requirements of Table 15-5a in Appendix 15. However, the access standards for the Peacocke Precinct are contained in Table 15-6b. An additional reference to Table 15-6b should be included to improve the clarity and administration of the rule. With that change made, the wording *"Except for rear lanes in Peacocke"* can be deleted because Table 15-6b includes standards for rear lanes.

43 My recommended amendments to HCC's proposed wording for Rule 25.14.4.1(h)(iii) are:

"iii. ~~Except for rear lanes in Peacocke, b~~<u>B</u>e designed and configured to meet the relevant requirements of Table 15-5a <u>and Table 15-6b</u> in Appendix 15."

44 I agree with HCC's proposed change to Rule 25.14.4.1(j) which refers to SUB-PREC1-PSP:R22 applying to rear lanes in Peacocke, except that it should instead refer to SUB-PREC1-PSP:R23, which is the correct rule.

45 My recommended changes to the final part of Rule 25.14.4.1(j) are:

"This rule does not apply to rear lanes in the Peacocke Structure Plan where ~~SUB-PREC1-PSP:R22~~ SUB-PREC1-PSP:R23 applies."

ASSESSMENT CRITERIA

46 PC5 introduced new assessment criteria under Appendix 1.3.3 consisting of P Peacocke Structure Plan, including P1 Earthworks in the Peacocke Structure Plan, P2 Development in the Peacocke Precinct, P3 Development in the Peacocke Business Centres and P4 Subdivision in the Peacocke Structure Plan. Many of the rules for the Peacocke Precinct identify P – Peacocke Structure Plan as the relevant matters of discretion. Those assessment criteria are comprehensive and run to 11 pages in the District Plan.[8]

47 Other assessment criteria which are also commonly referred to in the Peacocke Precinct rules include B – Design and Layout, C – Character and Amenity and G – Transportation, which are all proposed to be amended by PC12. Assessment criterion B1 requires an assessment of consistency with any relevant design guide. Design guides are contained in Appendix 1.4 and include a Subdivision Design Guide, a Residential Design Guide and a Peacocke Local Centre Design Guide (amongst others).

48 For Discretionary and Non-Complying Activities, any relevant criteria in Appendix 1.3.3 must be considered, as well as any relevant policy and any relevant design guides.

49 There are problems, in my opinion, with HCC's proposed PC12 amendments to the assessment criteria in Appendix 1.3, which include:

(a) The amendments proposed by PC12 result in a longer list of assessment criteria that would be relevant to the Peacocke Precinct which, in combination with the Peacocke specific criteria

[8] Because of the timing of PC5 and PC12, the PC5 assessment criteria are not shown in the PC12 provisions. However, the PC5 assessment criteria are operative.

and the significant number of additional objectives and policies that are proposed, will result in additional (and potentially significant) administrative costs to prepare and process resource consent applications;

(b) Some of the proposed amendments to the assessment criteria in B – Design and Layout, C – Character and Amenity and G – Transportation result in duplication and/or inconsistency with the assessment criteria under P Peacocke Structure Plan;

There are numerous examples of this. One is that a new assessment criterion G34 is now proposed under PC12 for rear lanes. There is already an assessment criterion for rear lanes in the Peacocke Precinct under P4(g). The criteria differ but both would be applicable to rear lanes in Peacocke; and

(c) Many of the proposed assessment criteria read like design guides or rules, rather than assessment criteria, despite there being Design Guides in Appendix 1.4 and rules in the relevant chapters of the District Plan.

There are numerous examples of this. One is criterion B2(c) which is *"Whether the proposal … configures buildings to limit visual dominance and building length effects such that, as a rule of thumb, buildings should be no more than 70% of the length of a side or rear boundary, if 1-storey height, and 60% of a boundary, if 2 or more storeys in height"*. Another example is criterion B(6) which is *"Whether the proposal … Roof forms for residential buildings (including where they are proposed to have habitable floor space within them) should comprise at least 10% (rule of thumb) of a building's total height so as to ensure the roof can act as a means of providing a visually unique and distinctive overall building form"*.

References to *"rule of thumb"* (which appears in six places in the proposed assessment criteria) suggests these are de facto rules, which is unclear and inappropriate. On the basis that they appear to impose more restrictive rules, it is also contrary to the MDRS.

50 In my opinion, the assessment criteria should be reviewed and redrafted by HCC. The principles for the review and redrafting should be to:

(a) Simplify and shorten the assessment criteria to make them more effective and administratively efficient to implement, including through the changes recommended under (b)-(d) below;

(b) Remove duplication and inconsistency between the proposed PC12 assessment criteria and the assessment criteria for the Peacocke Precinct. This could be achieved by inserting a clause to explain that where there are specific criteria for the Peacocke Precinct then they are to be considered rather than any general criteria which relate to the same or a similar matter;

(c) Remove design guidance from the assessment criteria and include it in relevant Design Guides in Appendix 1.4, where it is required and not already proposed to be addressed in a Design Guide. Assessment criteria A1 and B1 already require an assessment of consistency with any relevant design guide; and

(d) Delete assessment criteria that read as de facto rules, including all references to *"rule of thumb"*.

Dated this 24th day of July 2024

Ben Inger