

**BEFORE A PANEL OF INDEPENDENT HEARING COMMISSIONERS IN THE
WAIKATO REGION**

I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHEKE WAIKATO

UNDER the Resource Management Act 1991 (RMA)

AND

IN THE MATTER of Proposed Variation 3 to the Waikato Proposed
District Plan (PDP)

**STATEMENT OF REBUTTAL EVIDENCE OF DAVID MEAD FOR WAIKATO
DISTRICT COUNCIL
(PLANNING AND URBAN DESIGN)**

Dated 19 JULY 2023

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INTRODUCTION

1. My full name is David William Arthur Mead. I am currently operating as a sole trader under the banner David Mead Urban Planning. My CV is attached as Attachment One.
2. I have been engaged by the Council to provide rebuttal evidence in relation to appropriate building heights in the Huntly Town centre zone and associated Commercial zone. In particular, I respond to the submissions and evidence of Kāinga Ora on this topic.
3. I also provide comments on the issue of minimum vacant sizes in the residential zone as raised in the evidence of Kāinga Ora, Havelock Village Limited (HVL) and Pokeno West.
4. I have had no previous involvement in Variation 3 and have not provided primary evidence. I did attend the expert conferencing on the topic of minimum vacant lots sizes on 18 July 2023.
5. In preparing this statement, I have read the following evidence:
 - (a) The Council's s42A Report (Version 2) dated 19 June 2023 dealing with the above matters;
 - (b) The submissions by Kāinga Ora, HVL and Pokeno West;
 - (c) The relevant parts of the planning evidence of Mark Tollemache for HVL and James Oakley for Pokeno west;
 - (d) The urban design evidence of Cam Wallace for Kāinga Ora;
 - (e) The planning evidence of Michael Campbell for Kāinga Ora;
 - (f) The primary economic evidence of Susan Fairgray for Council and her draft rebuttal evidence; and
 - (g) The economic evidence for Kāinga Ora.
6. The fact this rebuttal statement does not respond to every matter raised in the evidence of a submitter within my area of expertise should not be taken as acceptance of the matters raised.

CODE OF CONDUCT

7. I confirm that I have read the Code of Conduct for Expert Witnesses set out in the Environment Court Practice Note 2023 and that I agree to comply with it. I confirm that I have considered all the material facts of which I am aware that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

EXEXECUTIVE SUMMARY

Building heights in Huntly

8. I support retention of the Proposed Waikato District Plan – decisions version (PDP) building height standard of 12m for the Huntly Town centre zone. In my opinion building heights in the Huntly Commercial zone could be increased from 12 to 22m.
9. This mix of building heights provides an appropriate response to Policy 3 (d) of the National Policy Statement on Urban Development 2020 (NPS-UD); that is building heights within and adjacent to the Huntly town centre that are commensurate with the level of commercial and community activities.
10. In my opinion, the Town centre zone environment has limited ability to absorb 24.5m high buildings (as sought by Kāinga Ora) while retaining valued aspects like the modest scaled mainstreet. This is due to the narrow width of the zone, riverbank environment and likely incremental nature of redevelopment due to fragmented land holdings.
11. In contrast, the Commercial zone could accommodate taller buildings up to 22m. I note that the land east of the rail line hasn't traditionally been thought of as being part of the Huntly CBD. However, the land is adjacent to the centre in the sense of Policy 3(d) and can be considered to be part of the tailored response to the policy. Redevelopment of the area will

strengthen the immediate catchment of the town centre, while the open space, lake, walkways etc, plus access to public transport, will help to support a sustainable mixed use area.

12. The increase in building heights in the Commercial zone would however need to be accompanied by a package of provisions that address the effects of taller buildings, covering matters such as:
 - (a) Construction of buildings over 12m in height up to 22m in a Huntly Height Control Overlay requiring restricted discretionary consent.
 - (b) Building elements above 12m in height fitting within a height plane of 4m at the boundary plus 60 degrees, for all side and rear boundaries that are not zone boundaries.
 - (c) Residential units must have an outlook area of 6m by 4m from principal living room windows, and 3m by 3m for bedroom windows. This outlook area must be free of buildings and either be contained within the site or extend into a public open space or road.
 - (d) Council's discretion for new buildings be extended to address a wider range of urban design matters, including:
 - (i) the design and appearance of buildings including modulation and articulation of building mass to create visual interest and to break down larger elements;
 - (ii) the contribution that such buildings make to the attractiveness and pleasantness of public spaces;
 - (iii) the maintenance or enhancement of amenity for pedestrians using public spaces or streets;
 - (iv) the provision of convenient and direct access between the street and building for people of all ages and abilities;
 - (v) measures adopted for limiting the adverse visual effects of any blank walls along side and rear frontages;
 - (vi) the effectiveness of screening of car parking and service areas from the view of people using the public space;

- (vii) landscape treatment of yards and frontages, including screening of taller buildings when viewed from adjoining residential zones.
- (viii) Acknowledgement of adjacent heritage buildings in the design of new taller buildings.

Minimum vacant lot sizes

13. With regard to minimum vacant lot sizes, any vacant lot created should be reasonably able to accommodate a dwelling that complies with the Medium Density Residential Standards (MDRS), including building height of 11m. A shape factor only approach to setting minimum vacant lot sizes may be appropriate to facilitate incremental type intensification in the areas close to town centres. However, any shape factor needs to be clear of environmental constraints (such as flood plains and riparian areas). A shape factor larger than that proposed by Kāinga Ora (8m by 15m) is likely to be needed to accommodate 3 storey dwellings.
14. I support a 300m² minimum vacant lot size in the Minimum Lot Size Restriction Area (MLSR Area), being the former General residential zone. The MLSR Area covers a range of urban environments where proximity to a town centre is not the main feasibility driver, rather it will be consumer choice. A 300m² lot size will accommodate a stand-alone house on a separate title. More intensive options remain for larger vacant lots. For example, a 600m² lot could accommodate a large stand-alone dwelling, or two smaller town houses, or a duplex or triplex terrace house type configuration with around 150m² to 200m² land area per unit. These more intensive typologies (and resulting built environment) will benefit from a comprehensive approach to their design and layout based on development of the 'parent lot', rather than creating small lots and then seeking to fit a house design onto that lot.
15. For a 300m² vacant lot in the MLSR Area, a minimum shape factor would also be prudent to ensure a usable shape. I note in the PDP Subdivision

Chapter Rule SUB-18 ensures lots are a useable shape. There should also be a requirement for building platforms to be clear of flood plains, riparian / esplanade areas, significant natural areas and similar constraints.

HUNTLY TOWN CENTRE BUILDING HEIGHTS

16. This section of my evidence responds to Kāinga Ora's submissions that sought building heights of 24.5m in both the Huntly Town centre and Commercial zones. Through evidence they have revised their position with a proposed 22m in the Huntly Commercial zone while retaining 24.5m in the Town centre zone, as shown in Figure 1 below.

Figure 1: Kāinga Ora proposed building heights – Huntly Town Centre and Commercial Zones



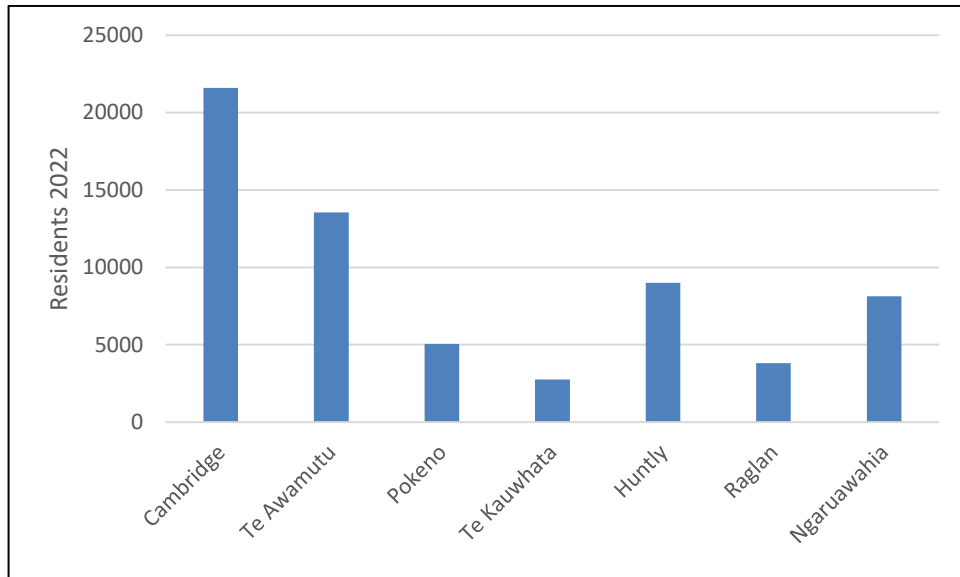
17. I have read of the evidence of Cam Wallace, Phil Osbourne and Michael Campbell for Kāinga Ora and the Council's section 42A report.
18. In the PDP:
- (a) The Huntly Town centre zone provides for a maximum built height of 12m.

- (b) The Huntly Commercial zone provides for a maximum built height of 12m.
19. My understanding is that in response to submissions on the notified PDP, the height standard for buildings in the Town centre zone and the Commercial zone was increased from 10m to 12m. The additional height more readily provides for a three-storey commercial building. These zones provide for residential activities above the ground floors as a permitted activity.
20. The purpose of the Commercial zone is predominantly to provide for a range of commercial and community activities, whereas the purpose of the Town centre zone is to provide for a range of commercial, community, recreational and residential activities.
21. The evidence of Mr Wallace (para 5.9) concludes that the heights sought by Kāinga Ora remain modest, in his opinion, for a town centre environment - even in the Waikato District - and are commensurate with the level of existing services available within these areas as well as their potential future uses in response to population growth including improvements to the Te Huia rail service from Hamilton to Auckland.
22. Mr Campbell in para 5.9 suggests that the Council has not taken a sufficiently longer-term view of development within and around the Huntly town centre. He states there is a focus throughout supporting documentation on the 'existing' levels of commercial and community services, rather than being forward looking.
23. It is agreed that Policy 3(d) of the NPS-UD (as modified by the RMA) is the appropriate policy to consider building heights in and adjacent to the Huntly town centre. Policy 3(d) reads:
- within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and*

density of urban form commensurate with the level of commercial activities and community services.

24. Under the policy, Council has discretion as to what building heights and urban form controls it considers to be commensurate. I note that the policy refers to both building heights and density of urban form. I take this to mean that one response to the policy could be development of modest height but of high building coverage.
25. There is no discussion or guidance in the NPS-UD as to what is 'commensurate'. Generally, it appears most councils take a relative approach to setting building heights and density in and around town and local centres – in short “the-bigger-the-centre-the- taller-the-buildings”.
26. Two points are relevant:
 - (a) In terms of the NPS-UD, town, local and neighbourhood centres are a step below the 6 storey minimum required by Policy 3(b) and 3 (c). Policy 3 (a), (b) and (c) areas could be said to be the primary focus for intensification.
 - (b) In contrast, town, local and neighbourhood centre zones cover a wide range of urban environments. When considering appropriate building heights and urban form controls in and around these centres, a range of contextual factors should be taken into account, including the surrounding urban environment, presence of environmental features and proximity to infrastructure and amenities.
27. In terms of relative scale, the Huntly urban area (as defined by Statistics New Zealand) has an estimated resident population of 9,000 people as of June 2022. In terms of the wider Hamilton area, the settlement could be said to be a third-tier urban area, sitting below Hamilton and Cambridge / Te Awamutu. See Figure 2.

Figure 2: 2022 Estimated Resident Population – urban areas



28. The Huntly Town centre zone occupies a narrow strip of land between the river to the west and the north island main trunk rail line to the east. The centre is one block deep either side of the mainstreet. Along the river edge, Venna Fry Lane acts as a service lane. Attempts have been made to open up the centre to the river environment. Along the mainstreet buildings are generally single storey. Land holdings are small and ownership is likely to be fragmented.
29. The north-south axis of the mainstreet ensures sunlight access to the street in the midday period, with sunlight reaching the western footpath in the morning and the eastern side in the afternoon. The low building heights help with achieving sunlight access mid-morning to mid-afternoon.
30. The mainstreet environment is important in attracting and retaining visitors and shoppers. Given the scale of Huntly, my expectation would be that the community values the 'low key', modest scaled environment present. Moves to improve the centres vitality by increasing building heights within the centre could easily backfire if valued features are lost. While I agree that the Council must be forward looking in terms of accommodating population growth, it must also be forward looking as to

what features and values help create a sense of identity and character to a place.

Figure 3: Aerial of town centre.



31. Google earth street view shows the modest scale of the existing urban form in the town centre. See Figures 4 and 5 below.

Figure 4: Mainstreet



Figure 5: Link to riverbank.



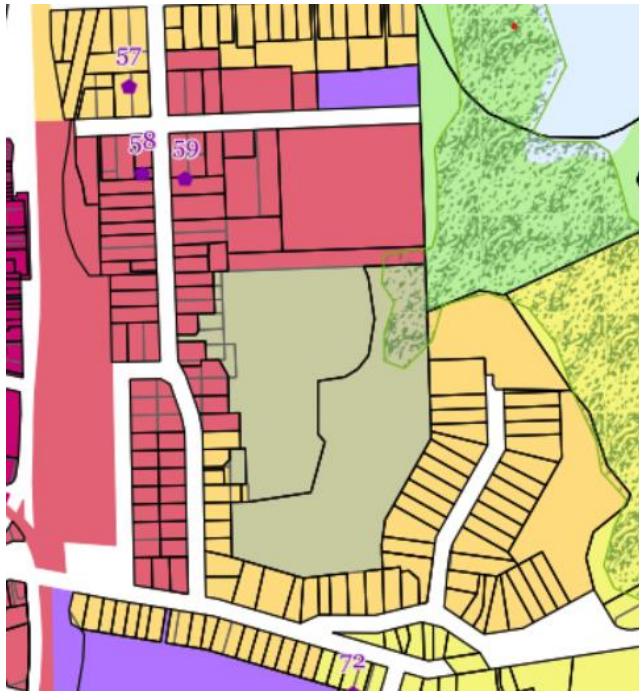
32. East-west connectivity (over the rail line) between the town centre and residential areas to the east is limited.
33. Town centre zone Policy P6 (town centre zone built form) seeks that the scale and form of new development in the zone (e) Maintain a low rise built form and small scale, pedestrian focussed retail activities.
34. Town centre zone Policy P7 notes the following characteristics of Huntly town centre:
 - (1) *Development maintains and enhances the role of the Huntly town centre by:*
 - (a) *Maintaining wide footpaths and high quality public space, prioritising and providing for pedestrian movement and safety;*
 - (b) *Maintaining a pedestrian focus by discouraging vehicle access across footpaths; and*
 - (c) *Providing for a building scale appropriate to the town centre.*
35. The PDP planning plan maps show the river and its banks as an Outstanding Natural Landscape. Five heritage items are identified within the Huntly Town centre zone. A veranda control applies along either side of the mainstreet (See Figure 6).

Figure 6: District Plan Maps: Town Centre



36. The commercial zoned area to the east of the rail line has a mix of activities. There are some larger sites. The zone has a number of interfaces with open spaces, Lake Hakanoa and associated significant natural areas and existing residential development. Two heritage items are identified. See figure 7 below.

Figure 7: District Plan map – Commercial Zone



37. In terms of longer-term vision, Waikato 2070 indicates four storey buildings that support mixed use activities within the Huntly Town Centre growth cell. The 2070 strategy seeks greater integration between the centre and the river, as well as better east-west integration. The commercial land to the east of the rail line is identified as a possible mixed use development area (see Figure 8).

Figure 8: 2070 Strategy Map



38. The evidence in chief of Susan Fairgray notes that she considers it important to enable and encourage intensification to occur around inner areas surrounding commercial centres and reduce the potential for it to be diluted across wider outer urban areas. Ms Fairgray considers that Huntly is likely to form the most appropriate location for higher density residential development among the Waikato urban towns due to the current and potential future level of amenity provided by its commercial centre. However, there is only a limited market size for higher density development, combined with low commercial feasibility¹.

¹ Susan Fairgray, EIC, paragraph 21.

39. I agree that intensification in and around the centre will be beneficial to a range of outcomes. The question is what level of intensification is appropriate?
40. I note that any redevelopment of sites in the Town centre zone is likely to have to be in a mixed use format, with ground floor retail / commercial space and business/residential on upper floors. This type of vertical mixed use will likely face feasibility challenges due to uncertain demand for both new retail space, as well as the uncertainties relating to demand for 'shop top living'. Noise and vibration from the nearby rail line will also likely be a factor in the degree of market attractiveness. Refurbishment of the existing stock is more likely in the short term than multi-storey redevelopment.
41. In contrast, the commercial land to the east of the rail line is likely to be more attractive to redevelopment. However, a degree of certainty over built form will be necessary to foster initial investment. Council-led actions to improve connectivity and amenity will be necessary and I understand that this work is programmed to occur. Overtime, existing businesses may get displaced if demand for residential redevelopment grows.
42. Taking into account the above, I consider relevant points in relation to building heights and density of urban form in and around the Huntly town centre to be:
- (a) Modest scaled, mainstreet environment;
 - (b) Redevelopment of sites within the mainstreet may be positive in terms of vitality;
 - (c) But any redevelopment likely to be incremental (site by site) and occur over a long period of time;

- (d) Infilling and redevelopment of the commercial zone is more likely due to the proximity to open spaces and associated amenities to the east, as well as proximity to the mainstreet to the west.

Comparable Centres and building heights

- 43. In terms of comparable centres and associated building heights, Hamilton City has a number of Suburban (Business 5) and Neighbourhood centres (Business 6). Height standards are:
 - (a) Business 5 (outside of the height overlay) - 15 metres
 - (b) Business 6 (outside of the height overlay) - 11 metres.
- 44. Where located in the height overlay, building heights are increased to 21m. The height overlay identifies a number of centres close to the city centre.
- 45. In addition to height, a building intensity control applies. A floor area to site area ratio of 2 to 1 applies in the Business 5 zone and a ratio of 1 to 1 in the Business 6 zone.
- 46. Waipa District has Commercial zones located in Te Awamutu and Cambridge and also in Pirongia, Kihikihi and Ōhaupo. Rule 6.4.2.3 of the Waipa District Plan states buildings must not exceed 14m in height and must be no more than three floors in these zones. In addition, the maximum height within the Cambridge North Neighbourhood Centre shall be 13m.
- 47. I understand that Hamilton does not intend to modify its building heights. In Waipa District, through rebuttal evidence on Plan Change 27, Mr Quickfall has indicated that the Waipa Council considers that providing for up to 18m high buildings (5 storeys) in Cambridge and Te Awamutu CBDs and also the Leamington town centre would be a commensurate level of development in terms of NPS-UD Policy 3(d).

48. In summary, comparable small scale retail centres to Huntly have building height standards in the range of 11 to 15m range. The proposed height increase to 18m in some areas in Waipa District reflect the second tier nature of these areas.
49. For commercial / mixed use areas, greater heights are often enabled. For example, the Auckland Unitary Plan's Business Mixed Use zone has an 18m height limit, with proposals to lift this to 21m in response to NPS-UD.

Setting Building Heights

50. As noted, in planning terms, setting appropriate building heights is not a simple matter of just responding to a basic classification of larger or smaller centres. In general, as building heights increase, then a wider range of planning and design factors come into play. For example, as buildings get taller, factors may cover:
 - (a) Massing of buildings, including set backs of upper floors;
 - (b) Daylight and sunlight access to open spaces and public areas;
 - (c) Nature and extent of open space around buildings;
 - (d) Modulation and articulation of facades;
 - (e) Securing outlook from residential units;
 - (f) Managing roof plant, lift over runs;
 - (g) Side and rear interfaces with lower height development;
 - (h) Access and on-site parking arrangements become more complex (i.e. ramps to basements or above ground floor parking areas).
51. In the case of the Huntly Town centre zone, redevelopment is likely to be incremental and the centre will not significantly redevelop in a short period of time. This means that taller buildings (should redevelopment occur) will sit beside lower height buildings in a potentially un-cohesive pattern for a number of years. The western side of the zone (adjacent to the river bank) is likely to be favoured for redevelopment due to views

over the river and separation from the rail line. This may create an uneven street scene as experienced in the mainstreet, with buildings on one side of the street considerably higher than the other. Careful design of buildings fronting the river edge would be required, given the Outstanding Natural Landscape identification. Taller buildings on the western side of the mainstreet may be perceived to 'wall off' the river from the mainstreet.

52. More fundamentally, the physical arrangement of the Town centre zone limits redevelopment potential. The small footprint of the Town centre zone, the small lot sizes and single block depth of the zone either side of the mainstreet limit redevelopment options and it appears likely that 6 storey heights could only be achieved by way of site amalgamation.
53. Mr Campbell (para 5.27) states that he considers that the existing provisions under the Town Centre and Commercial zones will effectively manage and moderate the scale of buildings that could be enabled as a result of the 6 storey heights requested by Kāinga Ora (i.e. due to requirements in relation to pedestrian frontages, daylight, height in relation to boundary to residential zones, yards etc).
54. Mr Campbell (para 5.28) also considers it appropriate to ensure that greater intensification of residential development within the Town centre and Commercial zones in Huntly are supported by an appropriate level of onsite residential amenity. In that regard he notes that the existing provisions under the PDP already ensure that residential units are located above the ground floor, have minimum areas of outdoor living space per unit and a minimum internal floor area, as well as requirement for internal noise levels.
55. My review of the PDP provisions is that if 6 storeys were to be enabled then a package of standards and assessment matters would need to be introduced. It is not a simple matter of just adjusting the height standard. For example, under Town centre zone Rule 13, construction of any new

building has a restricted discretionary activity status. Council's discretion is restricted to the following matters:

- (a) A site and contextual analysis;
- (b) A connectivity and movement network analysis;
- (c) A neighbourhood character assessment; and
- (d) Design illustrating how the building will promote character elements.

56. While the discretion is fairly wide, there is little specificity related to how taller buildings may integrate with adjacent lower height buildings, heritage items and public spaces. This lack of specificity arises from the limited building height currently enabled by the Town centre and Commercial zones.
57. Also missing are key controls on liveability such as secure outlook areas from upper floor residential units (i.e. outlook from main living room windows that does not rely upon adjacent buildings remaining single level).
58. Furthermore, in the Commercial zone, new buildings are a permitted activity (COMZ-R16), with buildings over 12m in height a restricted discretionary activity (COMZ-S4). In my opinion, a specific restricted discretionary activity classification would need to be introduced to enable assessment of the urban design issues of buildings over 12m and up to 22m in height in the Huntly commercial zone.

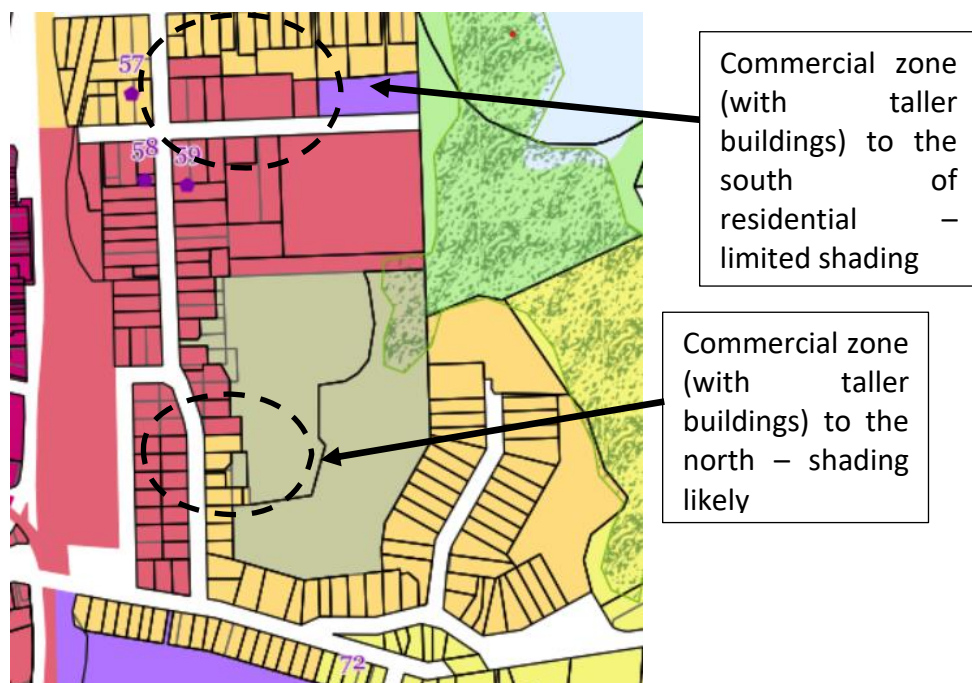
Proposed response to Huntly building heights

59. In my opinion, the Town centre zone environment has limited ability to absorb 24.5m high buildings while retaining valued aspects like the modest scaled mainstreet. This is due to the narrow block depths, riverbank environment and likely incremental nature of redevelopment.

60. In contrast, the Commercial zone could accommodate taller buildings, subject of specific assessment of developments. I note that the land east of the rail line hasn't traditionally been thought of as being part of the Huntly CBD. However, the land is adjacent to the centre in the sense of Policy 3 (d) and can be considered to be part of the tailored response to the policy. Redevelopment of the area will strengthen the immediate catchment of the town centre, while the open space, lake, walkways plus access to public transport, will help to support a sustainable mixed-use area.
61. In response to the matters raised in submissions, evidence and Council's s42A reporting, my opinion is that the building heights should be retained at 12m in the Town centre zone, while in the Commercial zone, a 22m height limit is appropriate.
62. The Town centre zone has a collection of values and resources that support a low rise approach to its future development. Demand is not understood to be strong while the small footprint of the centre suggest limited redevelopment options.
63. A three storey format allows for walk up apartments (with four storeys requiring lifts which increase costs and can lead to calls for additional height to off-set these costs). Three storey buildings will visually 'fit' with existing single and double storey buildings.
64. The greater height in the Commercial zone recognises the greater potential in this area for redevelopment. However, setbacks from open spaces and residential zone boundaries would need to be reviewed. In addition, providing for increased height means increased demand on servicing which may or not be able to be met, given timing of development and any upgrade works. Early consultation with Council on any redevelopment would be appropriate.

65. A strategy of lower height in the 'centre' with greater height on the edge of the centre is not an uncommon response where the centre is physically constrained and/or subject to specific values and identified resources.
66. In terms of managing the effects of extra height in the Commercial zone, the PDP requires that within the Commercial zone, buildings must fit within a height control plane of 45 degrees commencing at an elevation of 2.5m above ground level at the site boundary where it adjoins a residential and open space zone. A 3m side or rear yard also applies to these zone boundaries. No yard or height in relation to boundary applies to common site boundaries within the zone.
67. A 2.5m plus 45 degree recession plane is not uncommon when a commercial zone abuts a residential zone. The recession plane pushes back taller buildings from boundaries and assists with managing visual dominance and overlooking. In terms of shading, I note that interfaces between commercial zones and adjoining residential areas are most problematical where the commercial zone lies to the north of the residential zone.

Figure 8: Residential and commercial zone interfaces



68. It would appear that in the case of the Huntly Commercial area only one lot would be directly affected, as identified in Figure 8 above. In this case, the Commercially zoned site to the north is relatively small and is only likely to get to 22m high if amalgamated with land to the north. The height in relation to boundary control would mean that any 22m high building would be at least 9m back from the common boundary,
69. It would be appropriate to require taller buildings to be set back from side and rear boundaries within the zone (i.e. not just external zone boundaries) to provide for light and air between buildings and allow for landscape treatment.
70. Taller buildings should also be subject to urban design assessment. In my experience, the effects of taller buildings cannot all be addressed through standards. To maintain flexibility for business activities in the Commercial zone, buildings under 12m in height could remain a permitted activity.
71. I would recommend that any move to a 22m high building standard in the Huntly Commercial zone be accompanied by the following:
 - (a) Construction of buildings over 12m in height up to 22m in the Height Control Overlay require restricted discretionary consent.
 - (b) Building elements above 12m in height must fit within a height plane of 4m at the boundary plus 60 degrees, for all side and rear boundaries that are not zone boundaries.
 - (c) Residential units must have an outlook area of 6m by 4m from principal living room windows, and 3m by 3m for bedroom windows. This outlook area must be free of buildings and either be contained within the site or extend into a public open space or road.
 - (d) Council's discretion for new buildings be extended to address a wider range of urban design matters, including:

- (i) the design and appearance of buildings including modulation and articulation of building mass to create visual interest and to break down larger elements
 - (ii) the contribution that such buildings make to the attractiveness pleasantness of public spaces;
 - (iii) the maintenance or enhancement of amenity for pedestrians using public spaces or streets;
 - (iv) the provision of convenient and direct access between the street and building for people of all ages and abilities;
 - (v) measures adopted for limiting the adverse visual effects of any blank walls along side and rear frontages;
 - (vi) the effectiveness of screening of car parking and service areas from the view of people using the public space;
 - (vii) landscape treatment of yards and frontages, including screening of taller buildings when viewed from adjoining residential zones.
72. The Commercial zone contains two heritage items: Item 58 - Masonic Lodge Taupiri No.118 (1930) and Item 59 - Former Smith Residence (c.1905). The presence of these two items would need to be acknowledged in the design of the redevelopment of adjoining sites. This would not necessarily require a reduction in the height of redevelopment, but may require specific massing and articulation of buildings.
73. Section 32AA of the RMA requires a further evaluation of any changes that are proposed since the evaluation report for the notified proposal was completed. I agree with the assessment provided by Mr Campbell in his evidence as it relates to additional height in the Commercial zone (but not the town centre zone). As such I attach a section 32 assessment as Appendix Two that focuses on the additional provisions outlined above.

VACANT LOT SIZE

74. I have also been asked to comment on minimum vacant lot sizes in the Medium density residential zone 2 (MRZ2) introduced by Variation 3 and the area currently subject to the Urban Fringe qualifying matter which is now recommended to be upzoned to MRZ2. (as a result of the intended removal of that qualifying matter).
75. Through the PDP, the Council introduced a Medium density zone (MRZ) which applies to 6 towns in the district. This zone has a minimum vacant lot size of 200m². This size was carried through to the MRZ2 which applies to the 4 towns subject to Variation 3. The area covered by the Urban Fringe qualifying matter has a minimum vacant lot size of 450m².
76. The s42A report recommends the vacant minimum lot size in the notified MRZ2 be retained at 200m² and that a Minimum Lot Size Restriction Area (MLSR Area) be introduced to land that was previously subject to the Urban Fringe qualifying matter. The vacant minimum lot size in the MLSR Area is proposed to be 450m² on the basis this will help create well-functioning urban environments.
77. The minimum vacant lot sizes in both areas is opposed by Kāinga Ora, and HVL. Kāinga Ora seek to remove the minimum site size in both areas and apply a shape factor control (8m by 15m). Mark Tollemache for HVL suggests a 240m² to 260m² minimum lot size is more suitable. Mr Oakley for Pokeno West opposes the 450m² restriction and seeks the removal of the MLSR Area.
78. I note that Schedule 3A of the RMA does not set a minimum vacant lot size for relevant residential zones. Council may determine size-related requirements for vacant lot subdivision that are suitable to their area. Clause 7 of Schedule 3A states that any subdivision provisions (including rules and standards) must be consistent with the level of development permitted under the other clauses of the schedule.

79. Schedule 3A is clear that there can be no minimum lot size, shape size or other size-related subdivision requirements for subdivision around an existing dwelling - if the subdivision does not increase the degree of any non-compliance with the MDRS density standards (or land use consent has been granted). Neither can there be minimum lot size where a subdivision application is accompanied by a land use application that will be determined concurrently, and it is demonstrated that it is practicable to construct the residential units.
80. My reading of the MDRS and Schedule 3A is that it promotes an integrated approach to the development of attached dwellings (e.g. duplexes, terrace housing etc). The basic rationale is that where concurrent land use/subdivision applications are lodged, then potential built form outcomes and associated quality/amenity effects between the new lots to be created can be considered comprehensively through the consent process. In the absence of a land use proposal, then a vacant lot needs to be of sufficient size and shape to be able to accommodate expected development without the new development triggering significant non-compliances.
81. I agree (in conceptual terms) that a shape factor only approach to vacant lot sizes could be appropriate in the PDP MRZ, and there is less need/justification for a minimum lot size in this part of the new medium density residential zone, given its intention to enable more intensive development close to centres. Any shape factor needs to be clear of natural hazards (e.g. flooding), riparian areas and the like and be able to be accessed from a public road.
82. A shape factor only approach (no minimum area) should provide for flexibility over small vacant lot creation, with the associated MDRS enabling effective use of small sites (such as 11m height limit and generous height in relation to boundary controls). In this regard, I consider that the 8m by 15m shape factor proposed by Mr Wallace is too

small for a vacant lot. As acknowledged by him (in para 4.22) an 8m x 15m shape factor results in a minimum site area of 120m² enabling building coverage of 60m² (in a building measuring 6m x 10m). However, application of daylight envelope standard controls would limit development to two-storeys, thus limiting overall building floor area to 120m². In my view, it would be counterproductive for Council to authorise a vacant lot that could not meet all of the associated MDRS, particularly so in an area where Council seeks to promote intensification. I have not been able to determine an appropriate shape factor but suggest that it may be more in the order of 15m by 20m to accommodate an 11m tall building. Having said that, I understand that there may be legal / scope issues involved in removing the existing 200m² minimum in the MRZ and replacing it with a shape only factor approach.

83. In contrast, for the area covered by the former General residential zone (now the MLSR Area), I support a set vacant lot size approach in addition to a shape factor. The MLSR area covers a range of environments, including established housing, new suburbs as well as greenfield areas. A minimum area will assist in managing infill and redevelopment across these areas.
84. My understanding of the main planning issues involved in setting a vacant lot size is what minimum vacant parcel size best enables the type of intensification provided for by the MDRS. The minimum vacant lot size is not there to disable intensification in-line with the MDRS, but rather to facilitate a variety of outcomes in accordance with the MDRS. The rebuttal evidence of Ms Fairgray notes a range of economic factors are involved in different lot sizes.
85. In general, there are three options to enable MDRS type intensification:
 - (i) Creation of a large super lot that can be subsequently developed in a comprehensive way into terrace and apartment type housing.

- (ii) A vacant lot size that can accommodate a stand-alone house on a smaller lot.
 - (iii) A vacant or existing lot of a size that can be (re)developed and subsequently re-subdivided for duplexes or triplex type units (either through construction of the dwellings first or consent being granted to the dwellings, followed by subdivision).
86. The super lot option does not trigger the minimum vacant lot size control, with subdivision following consented development. This technique is most appropriate in greenfield situations.
87. In terms of the third option, a 400m² to 600m² sized vacant lot should be able to accommodate a variety of housing typologies, such as a large stand-alone house or two or three units under the MDRS. As Mr Wallace notes, the typical terraced housing site sizes seen across New Zealand range from 100-180m² in area.
88. I acknowledge that the 450m² minimum lot size approach proposed in Variation 3 means that more intensive development would need to proceed by way of a builder/developer having to construct dwellings on the lot first and/or obtain resource consent for the dwellings, with subdivision to follow. In contrast, a smaller minimum lot size of, say, 300m² would enable smaller individual stand-alone dwelling units to be built 'one-by-one' (option B above).
89. Having considered the matter and attended the expert conferencing on this topic on 18 July 2023, my assessment is that a 300m² minimum vacant lot size is appropriate in the MLSR Area and supports implementation of the MDRS. The super lot option, and the option of a larger lot that could be developed for 2 or 3 units remain and would be subject to land use consent processes. The minimum area of 300m² needs to provide a building platform clear of floodplains and other environmental constraints. A minimum shape factor would also be prudent to ensure a usable shape. In this regard I note that PDP

Subdivision Rule SUB-R18 currently requires that lots in the General residential zone can accommodate:

- (i) A circle with a diameter of at least 18m exclusive of yards; or
- (ii) A rectangle of at least 200m² with a minimum dimension of 12m exclusive of yards.

CONCLUSION

90. In this evidence I have considered appropriate building heights in the Huntly Town centre and Commercial zones, as well as vacant lot sizes in the residential areas subject to Variation 3.
91. In my assessment, the physical layout and resources present in Huntly lend themselves to a strategy of primarily enabling intensification adjacent to the centre, rather than in the centre. The Huntly Commercial zone provides a significant opportunity to develop a new residential neighbourhood that can benefit from proximity to both the mainstreet environment to the west (facilitated by improved connectivity) and the open spaces present to the east of the town centre. A benefit of this approach is that the wider community can continue to enjoy the modest scaled mainstreet environment, while the township can accommodate more housing, and with this, better support the economic vitality of the centre.

92. With regards to vacant lot sizes, I support a 'twin-standard' strategy approach of a small lot size in the areas close to town centres that can incentivise small scale intensification (200m² lot size) and a 300m² vacant lot size in the remaining residential area, with that lot size able to accommodate a smaller stand-alone house, with more intensive typologies possible through an integrated approach to building design and subdivision of larger vacant lots.



David Mead
19 July 2023

Attachment One

David Mead CV

My full name is David William Arthur Mead. I am currently operating as a sole trader under the banner David Mead Urban Planning. Prior to July 2022, I was a Director at Hill Young Cooper Ltd, having been employed at Hill Young Cooper Ltd since 1998. Prior to joining Hill Young Cooper, I was a member of the strategic projects team at Waitakere City Council which was responsible for developing and implementing a range of integrated sustainable development projects, including urban growth strategies. I was also a member of the core team that prepared the inaugural Waitakere City District Plan.

I hold the qualifications of a Bachelor of Town Planning from Auckland University and am a full member of the New Zealand Planning Institute. In 2017, I received a Distinguished Service Award from the New Zealand Planning Institute. I am also an Independent Hearing Commissioner and have considered and made decisions on plan changes, resource consents and notices of requirement.

I have been employed in planning roles in private consultancy and local government for over 30 years. Recent experience relevant to this hearing includes being the section 42A reporting planner on plan changes in the Drury area of Auckland, as well as around Pokeno in Waikato District. I have also provided expert planning evidence on urban growth issues for several proposed Plan and Plan Change appeals to the Environment Court including Okura, Frankton Flats, Bayswater Marina, Omaha and Long Bay.

I have helped to prepare numerous plan changes relating to new urban developments, affordable housing, stormwater management and urban design. This has involved preparation of strategies and action plans, developing structure and precinct plans, development of RMA plan provisions, consideration of alternatives, submission analysis, section 42A reporting and negotiation and mediation post council-level hearings. I am currently assisting Auckland and Hamilton City Councils with their respective Intensification Planning Instruments.

Attachment Two

Section 32AA Analysis Additional provisions for Huntly Commercial Zone

Option to manage effects of taller buildings	Reliance on existing activity classification and standards for new, taller buildings in the Commercial zone	New buildings over 12m in the Commercial zone are a restricted discretionary activity
Costs – environmental, economic, social, cultural	Taller buildings can generate a range of adverse effects on streetscapes, public places and neighbouring sites that cannot all be managed through standards (urban design outcomes).	Will trigger resource consent processes that add time and cost. May dissuade some businesses from investing in sites, with this risk mitigated if 12m high buildings remain permitted.
Benefits – environmental, economic, social, cultural	Basic standards for building bulk and placement are simple to administer and may reduce development costs.	Well deigned taller buildings will help generate on-going demand for redevelopment, assisting with wider compact growth outcomes.
Effectiveness in achieving well-functioning urban environment	May be effective in stimulating redevelopment in the short term that adds to housing choices and options (quantity of development).	More likely to be effective in supporting both quantity and quality of new development over the longer term.
Efficiency in achieving well-functioning urban environments	Reliance on standards may assist in short term with economics of redevelopment (fewer consenting costs).	Redevelopment of the Huntly commercial area may be undermined by poorly designed, taller buildings.