

**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)

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

**Dated 25 AUGUST 2023**

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## **INTRODUCTION**

1. My full name is David William Arthur Mead. I prepared a rebuttal statement of evidence dated 19 July 2023 addressing building heights in Huntly and minimum vacant residential lot sizes (“rebuttal statement”).
2. I have the qualifications and experience set out in my rebuttal statement. I repeat the confirmation given in that statement that I have read and agree to comply with the Code of Conduct for Expert Witnesses.
3. In this second rebuttal statement I:
  - (a) Respond to the evidence given by Mr Wallace and Mr Osborne for Kāinga Ora at the hearing on 27 July 2023 on the issue of appropriate building heights in the Huntly town centre zone (TCZ), from an urban planning perspective;
  - (b) Briefly comment on the proposed amended PDP provisions for the Huntly Commercial zone that will be attached to Ms Hill’s reply planning statement; and
  - (c) Address the suggested residential vacant lot standard proposed by Mr Tollemache in the Memorandum on behalf of Havelock Village Limited dated 1 August 2023 (“the HVL Memorandum”).

## **HEIGHT LIMITS IN HUNTLY**

4. In my first rebuttal statement I supported a 22m height limit in the Huntly Commercial zone (“COMZ”) while retaining the PDP 12m height limit in the TCZ. I maintain that position having heard the evidence of Mr Wallace and Mr Osborne.
5. Mr Osborne is concerned that additional height in the Huntly COMZ, but not in the Huntly TCZ, may undermine the viability of redevelopment in the town centre and perhaps siphon off activity from the town centre to the COMZ. In his view, building heights should be enabled to the highest

degree in the TCZ for the centre to have a competitive advantage over other areas. If not, activity would go out to the COMZ instead of staying or locating in the TCZ and this would be detrimental to the TCZ.

6. Mr Wallace appears to hold similar concerns – that additional height in the town centre is beneficial if it can trigger new development that improves the amenity of the area.
7. To begin with, I reiterate that Policy 3 (d) of the National Policy Statement for Urban Development 2020 (NPS-UD) requires building heights in and adjacent to town centres to be commensurate with the level of existing and anticipated commercial and community activities. In my view, building heights do not have to be set at a level where they may promote redevelopment or give a centre a competitive advantage, although this is a possible outcome, should Council see fit to do so.
8. I maintain that a 12m / 3 storey building height for the Huntly TCZ is commensurate with the range of commercial and community activities, present and future, in the context of other centres in the wider Hamilton area.
9. To clarify the position set out in my first rebuttal statement, in my opinion, the additional height proposed by Council for the Huntly COMZ area of a 22m / 6 storey height limit - is appropriate on the basis of Policy 3(d) and Objective 1 of the NPS-UD. That is, additional height is possible in a way that will support additional housing choice and supply.
10. I note that the purpose of the additional height in the COMZ is to accommodate more residential development in the immediate catchment of the town centre in a way that may be 'feasible' (or at least more feasible than if the height was concentrated just in the town centre zone).

11. Given the economic evidence of limited demand in the short to medium term for multi-storey development, it is my opinion that a 6 storey height limit in the Huntly TCZ will not generate any feasible redevelopment due to limited /nil demand. On the other hand, the Huntly COMZ provides more opportunity for redevelopment that may be taken up earlier than development options in the TCZ. This is because of larger sites, lower building coverage, proximity to recreational amenities and the like.
12. Huntly as a township will most likely grow horizontally, even if greater capacity is enabled close to the centre. A stronger catchment will likely see improved vibrancy in the town centre and may prompt some redevelopment. In other words, in my understanding, redevelopment of the town centre will be a flow on effect of more people living in the wider township, rather than extra height being enabled in the TCZ.
13. As set out in my rebuttal statement, any redevelopment in the main street area needs to be carefully managed. While there is discretion for the Council to consider an application for development in the TCZ over the the 12m/3 storey height limit, this discretion rests upon consideration of a range of urban planning matters.
14. The main issue raised during the hearing is whether the 'extra' height in the COMZ may in some way undermine the TCZ. This is not a Policy 3(d) matter. It is a wider urban planning matter. In this regard the following points are relevant:
  - (a) Under Council's proposed approach, single storey sites in the town centre can redevelop up to 12m. Height above this is a restricted discretionary activity and so specific development proposals can be tested against outcomes relating to amenity of the main street, relationship to the river corridor and the like.
  - (b) Other towns in the wider area – such as Cambridge and Te Awamutu – demonstrate the value to the wider community of

a busy, human scaled main street environment. In my opinion, these town centres are important resources that strongly support the wider development and expansion of these settlements.

- (c) The Huntly COMZ (Rule COMZ-R1) limits retail of any individual tenancy to a gross floor area of greater than 350m<sup>2</sup>. As such there is a specific control that limits the likelihood of small-scale retail being siphoned off from the TCZ to the COMZ if apartment development takes off in the COMZ.
- (d) In any event, in my view the town centre/ main street area will always be a more attractive location for retail due to the main north-south roading pattern running through the centre. The main street area sits in the middle of its catchment (west and east of the river). By contrast the COMZ area east of the rail line is essentially a “cul de sac” – good for a residential neighbourhood as there are no big through roads to disrupt amenity – but bad for retail that wants/needs exposure to passing traffic.
- (e) Pedestrian / cycle connectivity from the commercial area to the main street is important and the existing foot bridge over the rail line looks old and may be perceived as having safety (crime) issues. Given the longer-term horizon for redevelopment, Council has time to look at how to build/fund a replacement bridge. The foot bridge serves a wider area than just the COMZ. If the foot bridge is unattractive to use, then the dog leg down to Rayner Street to get across the rail line then up to the middle of the town centre is about 1.2 km – not impossible to walk / cycle.
- (f) In built form terms, having an area of taller buildings beside/near a lower height main street area is not an uncommon outcome. I do not agree that this creates some sort of doughnut effect. At a metropolitan scale, having dense development on the edge of the city distant from workplaces, shops and amenities creating a

doughnut pattern is a significant issue. However, in the case of Huntly, the COMZ is adjacent to the town centre, not distant from it.

### **Building Heights in the Town Centre**

15. In response to questions from the Commissioners, Mr Wallace made the point that all of the matters which I identified in my rebuttal statement that constrained options for additional height in the town centre, in his mind lend themselves towards more height. This includes the riverbank location, the separation from sensitive land uses and impacts of height like shading and dominance being absorbed by the road corridors.
16. In general, I agree with Mr Wallace that these features can attract and support taller development. However, these features also support the community-based function of the town centre. Setting building heights in town centres can be a complex process due the overlapping public and private interests at play (for example, calls for human scaled main streets, sunlight and daylight access to public spaces, 'open' interfaces with natural resources compared to demands for views from private development, shading of public reserves and restricted access through sites and the like).
17. It is not uncommon for bespoke height limits to be developed following relevant investigations and consultation. Heights may vary across the town centre in response to particular values.
18. Mr Wallace appears to approach the consideration of what a commensurate level of development is appropriate in the town centre on the basis of how much residential development can be attracted to the town centre. As discussed above, NPS-UD Policy 3(d) does not require maximisation of residential capacity. Rather Policy 3(d) requires consideration of building height and density of urban form commensurate with the range of commercial and community services.

19. As noted, Huntly is a small centre in the context of the wider Hamilton urban area. The centre helps support a range of community outcomes. In my view, a 3 storey height limit is commensurate with the current and future role and function of the Huntly town centre.
20. While there is discretion for council to 'go higher' than 3 storeys, in my opinion any discretion needs to be considered carefully, given the role of the main street and riverbank in helping to provide a sense of identity to the township.
21. On the issue of whether the more limited capacity in the TCZ due to the 12m height limit may in some way hold back redevelopment as the Huntly township grows, compared to if capacity was greater (and therefore redevelopment possibly more responsive to growth pressures); this depends upon the extent of demand for the capacity available. In this regard I understand that no landowner or occupier in the TCZ sought additional height through the Variation 3 submission process. This suggests limited/no demand for redevelopment.
22. On the one hand, as mentioned, the main street and riverbank has a number of community values associated with it. Taller development (above what may be considered commensurate) has the potential to diminish these values. On the other hand, the housing capacity enabled by the extra height may not eventuate, while there are other options such as the COMZ where more housing can be accommodated with fewer risks to community outcomes. Improved amenity levels in the town centre can come from refurbishment of existing building stock in the town centre alongside modest redevelopment.

#### **Amended Provisions for Huntly Commercial Area**

23. The shift to a 22m height limit for the Huntly COMZ has necessitated additional provisions be prepared for the PDP. A draft set of amended

provisions were attached to Ms Hill's rebuttal statement prior to the hearing. In response to matters raised during the hearing, I have participated in updating these provisions which will be attached to the section 42A closing statement. Key points are:

- (a) The additional height (12m to 22m) is to be available to only multi-unit residential development. This reflects the role of the increased capacity in assisting with housing supply and choice.
  - (b) Multi-unit residential developments up to 22m in height are a restricted discretionary activity subject to additional standards and various urban design issues.
  - (c) Other activities (such as commercial activities) can still seek resource consent to exceed the 12m height limit.
  - (d) For multi-unit residential developments, the proposed height in relation to boundary control has been amended to provide for 12m high buildings on boundaries (as is the current position in the PDP). Above 12m, a 60 degree recession plane applies. The proposed outlook provision has been amended to clarify the outlook required from secondary rooms (e.g. bedrooms) – being a minimum outlook area of 1m by 1m.
24. I support the changes outlined above. Enabling additional height for multi-unit residential development in the Huntly COMZ area will assist with wider growth management goals associated with more compact forms of growth and supporting the role and function of the town centre as place of activity. The additional height provided for multi-unit residential development needs to be supported by additional provisions that address relevant urban design issues.



## MINIMUM VACANT LOT SIZE

25. In the HVL Memorandum, Mr Tollemache has proposed some options for minimum vacant lot sizes in residential areas. Whilst I understand the section 42A closing statement is recommending an alternative mechanism for minimum vacant lot sizes, to assist the Panel I have assessed the dimensions under Mr Tollemache's Option 2 to see if they are sufficient, in my opinion, to provide for a complying residential unit. In my view some changes are required.

26. Option 2 is as follows:

*Proposed vacant lots must have a minimum net site area (excluding access legs) of:*

*a) For a front lot, 250 m<sup>2</sup> provided that:*

- There is a minimum road frontage width of 9.5m; and*
- Where a lot has a road frontage width less than 12.5m there must be a single width vehicle crossing and future garaging is restricted to a single garage width;*

*b) For a rear lot, net 300 m<sup>2</sup> (excluding an access legs) provided that:*

- It contains a shape factor of 19.5m (minimum) x 13m (minimum)*

27. Option 2 is similar to the proposal put forward by Mr Munro for Pokeno West. I note that in Mr Munro's statement of 20 July 2023, he states (in para 4.23) that there should be some allowance for sloping ground, retaining walls and the like. In his opinion it would be appropriate to factor-in as much as an additional 1.5m of site area in each dimension to future-proof the issue and make his proposed dimensions more globally workable.

28. I agree that for a vacant lot size/dimension standard that would be applied across a wide range of topography that allowance be added for retaining walls, batter slopes and the like. This allowance could be confined to lot frontages (given that lot depths are greater and can therefore more readily accommodate level changes).
29. Applying a 1.5m 'buffer' to lot frontages would amend the above minimum dimensions to:
  - (a) Front sites, 250m<sup>2</sup> minimum area with minimum road frontage of 11m. Road frontages less than 12.5m restricted to single vehicle crossing and single garage width (e.g. no more than 3m); and
  - (b) Shape factor of 14.5m x 19.5m for rear sites, (exclusive of any access strip or jointly owned access lot). I would recommend 'rounding' out the above shape factor to 14m by 20m. In addition to the shape factor, a minimum area of 300m<sup>2</sup> would remain.
30. The proposed shape factor for rear lots is not dissimilar to the PDP General residential zone that requires a rectangle of at least 200m<sup>2</sup> with a minimum dimension of 12m exclusive of yards.
31. No lot depth is proposed for front lots. Instead, the minimum lot area and minimum frontage control combine to control lot depth.
32. It is unclear whether the above dimensions were tested against the MDRS standards. I note the Drury 1 Precinct that Mr Munro refers to in his evidence as being the genesis of the above standards was a Special Housing Area (i.e. the Precinct standards were prepared while the Unitary Plan was progressing through its statutory process). My understanding is that the Precinct has a much more generous height in relation to boundary control than the MDRS, meaning it is easier to accommodate a 3 storey building on a 9.5m wide lot.

33. As I set out in my rebuttal statement, it is important that a vacant lot (which can be purchased by any party) be able to accommodate a dwelling that complies with the MDRS standards, and which does not rely upon sharing a common wall with another dwelling.
34. Figure 1 below is a sketch of the building envelope available with a 9.5m frontage. A 9.5m wide frontage is likely to accommodate a 3 storey dwelling, with the third floor having a small occupiable space (while noting that there a number of dimensions such as floor to ceiling heights that could be adjusted).

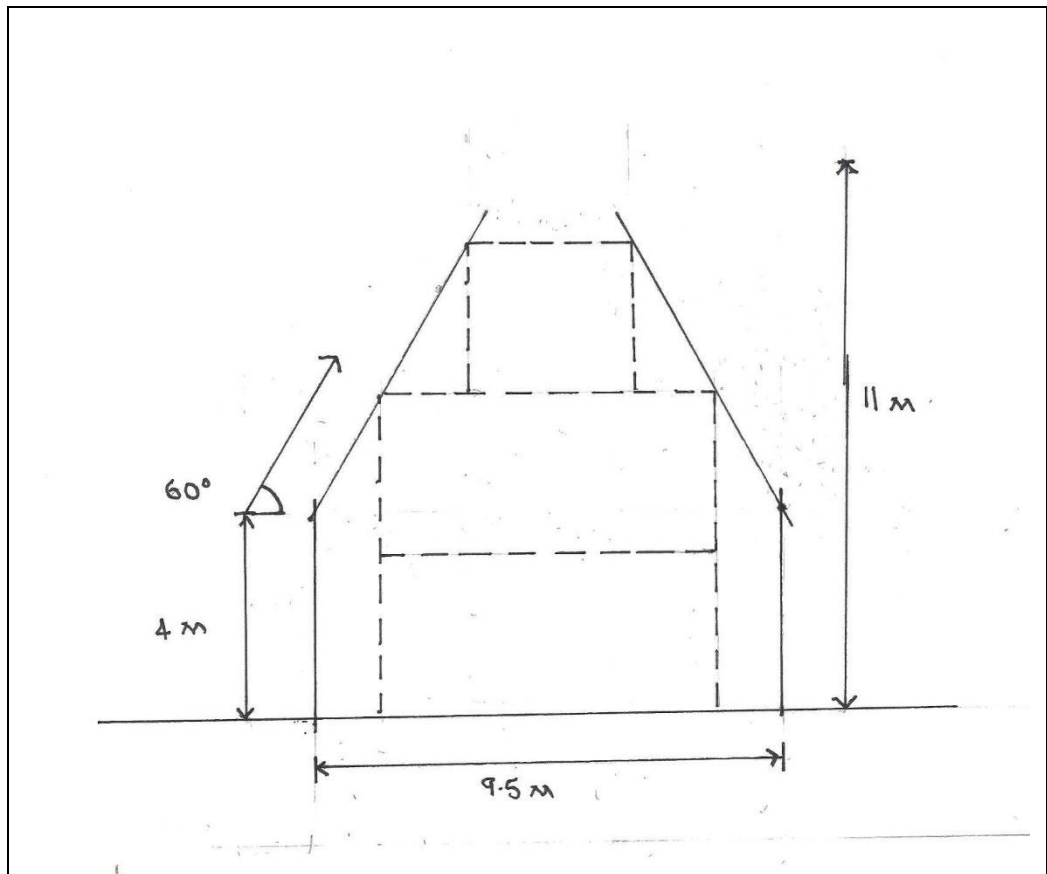


Figure 1: MDRS applied to 9.5m wide lots.

35. For a 9.5m wide frontage on sloping sites, retaining walls and the like are likely to further constrain building options. In this context, I consider a 11m wide frontage standard to be appropriate. The urban areas of Waikato District have a variety of topography – flat to sloping. In my

opinion it would be best to correlate vacant lot dimensions so that they are able to accommodate a variety of topographical conditions, as well as being able to reasonably accommodate a dwelling that can take advantage of the MDRS standards.

36. A 250m<sup>2</sup> lot size with 9.5m frontage results in a lot depth of 26m. This lot depth provides the opportunity for reasonable separation between opposing residential units. This is in terms of privacy between dwellings on adjoining sites, room for landscaping and the like. An 11m wide frontage with a lot size of 250m<sup>2</sup> results in a lot depth of 22m. A 300m<sup>2</sup> lot size and 11m frontage results in a lot depth of 27m. I note that in the Auckland Unitary Plan Drury 1 Precinct rules Mr Munro refers to, there is a requirement for a lot depth of 26m (Rule 6.2 Minimum Site Dimensions for Vacant Sites).
37. Further I would agree with Mr Munro and Mr Tollemache that lots with frontages of less than 12.5m should be restricted to a single driveway and garage.

#### **Summary of minimum vacant lot sizes**

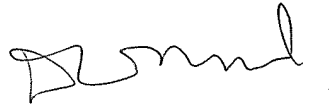
38. My evidence from an urban planning perspective has considered this issue in the context of what minimum size and dimensions are required to ensure a dwelling complying with the MDRS can be constructed. I understand Ms Hill has considered the minimum vacant lot size from a wider planning context, including what is required to give effect to the NPS-UD.
39. I would support a minimum vacant front lot of 300m<sup>2</sup> with a minimum 11m frontage. These dimensions provide for a number of dwelling options, while allowing for some flexibility of layout within a vacant lot, as well as different topographical conditions.

40. Smaller lots can be sought via a development-led process where units are first built and/or consent obtained for multiple dwellings on larger lots (such as super lots), with subdivision consent following the consented layout.
41. With regards to rear lots, I agree that a 300m<sup>2</sup> minimum lot area is appropriate. My understanding is that recent subdivisions have sought to minimise the number of rear lots (due to consumer demands). While a rear lot option should remain, it may not be widely utilised.
42. Finally, I note that any adjustment to the notified minimum lot size will require consequential amendments to other relevant rules. In particular, SUB-R159 (1) (a): Every proposed vacant lot with a road boundary, other than an access allotment, utility allotment, or a proposed vacant lot containing a ROW or access leg, must have a width along the road boundary of at least 10m. This rule should be amended to read 11m.

## **CONCLUSION**

43. In conclusion, I remain of the view that the 12m / 3 storey height limit for the Huntly TCZ sends an appropriate signal to the community, landowners and developers as to the type of environment sought in the main street area, with building heights and density of urban form commensurate with the range of current and future commercial and community activities. I do not see the extra height proposed for the Huntly COMZ being disadvantageous for the town centre.
44. I agree that the additional height in the COMZ be directed towards multi-unit residential development, rather than commercial activities as this will help with more compact forms of growth.

45. From an urban planning perspective, a 300m<sup>2</sup> front lot with a minimum 11m road frontage should enable a dwelling to be built that takes advantage of and complies with the MDRS standards across a range of topographical conditions.

A handwritten signature in black ink, appearing to read 'David Mead', with a small dot at the end.

David Mead  
25 August 2023