

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

**AND**

**IN THE MATTER Plan Change 92 to the Operative Western Bay of  
Plenty District Council District Plan**

**JOINT WITNESS STATEMENT (JWS) IN RELATION  
TO:  
URBAN DESIGN and PLANNING (1)  
**1 August 2023****

Expert Conferencing Held on: 1 August 2023

Venue: Online

Independent Facilitator: Marlene Oliver

Admin Support: Chaquan Nepia

**1 Attendance:**

**2** The list of participants is included in the schedule at the end of this Statement.

**3** Note from the facilitator: Daryl Scott is attending the Expert Conferencing with his expertise in Landscape Architecture. Daryl confirmed that he is a Director of Omokoroa Country Club (a submitter).

**4 Basis of Attendance and Environment Court Practice Note 2023**

**5** All participants agree to the following:

- (a) The Environment Court Practice Note 2023 provides relevant guidance and protocols for the expert conferencing session;
- (b) They will comply with the relevant provisions of the Environment Court Practice Note 2023;
- (c) They will make themselves available to appear before the Panel;
- (d) This statement is to be filed with the Panel and posted on the Council's website.

**6 Matters considered at Conferencing – Agenda and Outcomes**

6.1 Matters of discretion for four or more units on a site, comprehensive mixed use developments, retirement villages and rest homes.

6.2 Independent peer review of assessments.

The outcomes of Expert Conferencing on items 3.1 and 3.2, held on 1<sup>st</sup> August are recorded in attachment 1 to this JWS.

6.3 Matters of discretion for non-compliances with performance standards.

6.4 Earthworks performance standards and matters of discretion.

There was insufficient time to deal with items 3.3 and 3.4 on the 1<sup>st</sup> August. It was agreed by the experts that the Council experts would circulate their revised provisions reflecting which parties had made submissions. The other experts would seek to provide feedback by the end of the day on Friday 4<sup>th</sup> August 2023. These provisions will be addressed further in the section 42a report.

## 7 PARTICIPANTS TO JOINT WITNESS STATEMENT

7.1 The participants to this Joint Witness Statement, as listed below, confirm that:

- (a) They agree that the outcome(s) of the expert conferencing are as recorded in this statement; and
- (b) They agree to the introduction of the attached information – Refer to para 3.1 and 3.2 above; and
- (c) They have read the Environment Court’s Practice Note 2023 and agree to comply with it; and
- (d) The matters addressed in this statement are within their area of expertise; and
- (e) As this session was held online, in the interests of efficiency, it was agreed that each expert would verbally confirm their position in relation to this para 4.1 to the Independent Facilitator and the other experts and this is recorded in the schedule below.

### Confirmed online: 1<sup>st</sup> August 2023

EXPERT’S NAME & EXPERTISE	PARTY	EXPERT’S CONFIRMATION REFER PARA 4.1
Greg Knell (P)	Ōmokoroa Country Club	Yes – participated in items 3.1 and 3.2 only
Morné Hugo (UD)	Ōmokoroa Country Club	Yes – participated in items 3.1 and 3.2 only
Daryl Scott (LA)	Ōmokoroa Country Club	Yes – participated in items 3.1 and 3.2 only
Susannah Tait (P)	Kainga Ora	Yes
Pete Linde (P)	Blackridge Group	Yes
Richard Coles (P)	Jace Investments Limited Jace Orchards Limited Kiwi Green NZ Limited	Yes
Aaron Collier (P)	Urban Task Force N & M Bruning TDD Limited Brian Goldstone	Yes

	Vercoe Holdings	
Tony Clow (P)	WBOPDC	Yes
Georgina Dean (UD)	WBOPDC	Yes
Jeff Hextall (P)	WBOPDC	Yes

## **ATTACHMENT 1 – REVISED RULES – 1 August 2023**

### **AGENDA ITEMS 1 AND 2**

1. Matters of discretion for four or more units on a site, comprehensive mixed use developments, retirement villages and rest homes.
2. Independent peer review of assessments.

Note to experts: Rule 14A.7.1 is a clean copy showing revised rules. This rule also includes the wording relating to the independent peer review. Please see Appendix 1 for the notified rules.

#### **14A.7 - Matters of Discretion**

##### **14A.7.1 - Restricted Discretionary Activities – Four or More Residential Units on a Site, Comprehensive Mixed Use Developments, Retirement Villages and Rest Homes**

In considering an application for four or more residential units on a site, comprehensive mixed use developments, retirement villages or rest homes, Council shall consider the following to assess the overall contribution of the development to deliver a high quality and well-functioning urban environment.

#### **Urban Design**

Whether the proposal achieves a positive urban design residential outcome by demonstrating the following qualities: addressing the following matters.

~~Note: Council's adopted Residential Design Outcomes illustrates recognised high quality urban design principles and provides direction on how to achieve these through good design. To aid delivery of high quality outcomes the Residential Design Outcomes should be referred to. Council may require an independent review of the assessment provided in regard to the matters addressed in (x) to (x) which follow. The extent and detail of this review will be commensurate with the scale and intensity of the proposed development.~~

An urban design assessment is to be provided with the application prepared by a suitably qualified person(s). The extent and detail of this assessment will be commensurate with the scale and intensity of the proposed development.

Advice note: Council's Residential Design Outcomes document provides guidance to assist with addressing the matters of discretion.

**Experts comments:**

Susannah Tait – does not agree to the inclusion of the advice note. All other experts do agree with including the advice note.

If the Council reviews/amends the Residential Design Outcomes document, then all experts record that they would like to participate in that process.

**A. Development Layout**

Whether the design and layout of the development:

- i. Responds positively to the planned urban form of the neighbourhood, including any relevant structure plan.
- ii. Provides for a level of density that supports town centres and public transport routes.
- iii. Provides for a range of housing choice.
- iv. (Note: Council- experts to draft alternate criteria relating to landform and earthworks – to be circulated to the other experts for feedback via email)  
Utilises existing topography to minimise the size and scale of retaining walls and need for secondary earthworks.
- ~~iv.~~ Minimises the visual impact of retaining walls/structures.
- ~~v.~~ Supports the establishment of a place with its own identity.

**B. Public Space Integration**

Whether any public open space or reserves required ~~provided~~ are:

- i. Located to be accessible to the neighbourhood catchment.
- ii. Of a size, shape and gradient suitable to the intended function.
- ~~iii.~~ Designed to provide users a level of amenity suitable to the intended function including safety and surveillance.
- ~~iii.~~ Note: Reference should be made to any appropriate reserves or level of service Council policy.

~~Whether the development provides:~~

- ~~iv.~~ A safe environment for people of all ages and ability.
- ~~v.iv.~~ An attractive and safe landscape in public areas that provides for trees and other plants.

**C. People Movement Integrated multi-modal network**

The establishment of an integrated multi-modal ~~people-centrie~~ network that is designed to:

- i. Provide connectivity within the development and to the surrounding area.

- ii. Provide an inclusive and accessible urban environment ~~which avoids exclusive use areas that provide a barrier for community wider interaction.~~
- iii. ~~Safeguard and~~ provide for public transport, pedestrians, and cyclists and alternate transport modes.
- iv. Provide efficient access for emergency and service vehicles.

#### **D. Housing Choice**

Whether the development:

- i. ~~Provides a range of housing characteristics including and variety residential unit size, bedroom numbers, storeys and typology.~~

#### **E. Public Interface**

Whether the development contributes to a safe and attractive interface with public spaces by:

- i. Providing passive surveillance between housing and public spaces, reserves and accessways.
- ii. Providing a clear and visible residential entrance from the street.
- ~~iii. Minimising the visual dominance of buildings, garages, and parking.~~
- ~~iv.iii. Providing variation in the visual appearance of built form. Providing building recesses, varied architectural treatment and landscaping to break up the visual appearance of the built form.~~
- ~~v.iv. Retaining mature trees and providing on-site landscaping.~~
- ~~vi. Integrating landscaping and building design between housing and public spaces to establish strong interfaces with multi-modal networks.~~
- v. Comprehensively designing roadscape and front yard private landscaping to achieve an integrated frontage outcome.

#### **F. Residential Amenity and Privacy**

Whether the development provides a high level of onsite amenity and privacy by:

- i. Building design that provides living areas orientated towards the sun.
- ii. Locating windows, balconies, outdoor living spaces and communal living areas to maintain privacy for adjacent properties/residential units.

#### **G. Service areas**

Whether the development provides:

- i. Adequate service areas for waste management and other utilities so that they do not cause adverse odour and are screened from public interfaces.

## **H. Future Development**

~~If the development includes a balance area:~~

- ~~i. The ability of the balance area to meet all design outcomes in a complementary manner to the preceding development including yield and infrastructure requirements and any proposed conditions of consent or other legal mechanisms to ensure these outcomes are delivered.~~