

**BEFORE THE INDEPENDENT HEARING PANEL ON PROPOSED PRIVATE PLAN
CHANGE 13 TO THE OPERATIVE HAMILTON CITY DISTRICT PLAN**

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

AND

IN THE MATTER of proposed Private Plan Change 13 to the Hamilton City District Plan

Statement of rebuttal evidence of Stuart Anderson Mackie on behalf of the
Waikato Racing Club Incorporated

Dated: 17 August 2023

MAY IT PLEASE THE INDEPENDENT HEARING PANEL

INTRODUCTION

1. My name is Stuart Anderson Mackie. I have previously given a statement of evidence in relation to the above matter, dated 26 July 2023.

CODE OF CONDUCT

2. I re-confirm that I will abide by the code of conduct for expert witnesses, as set out in the Environment Court's Practice Note 2023.

PURPOSE AND SCOPE OF EVIDENCE

3. This statement of rebuttal evidence responds to the evidence filed on behalf of Mr Bevan Houlbrooke dated 9 August 2023, Mr Fraser McNutt dated 10th August 2023 and Mr Michael Campbell dated 9 August 2023.

30m SETBACK

Figure 1 Alternative Buffer Dimensions



4. Mr. Houlbrooke has requested that the proposed 30m setback on the eastern and southern boundaries of the site be increased to 60m (Houlbrooke EIC, para. 14.d).

5. Figure 1 above provides an indication of how different setbacks relate to the scale of the site. The total area of development on the eastern side of the site is contained by the eastern boundary, the southern boundary, Sir Tristram Avenue to the north and stormwater infrastructure to the west.
6. The current 30m setback highlighted in blue represents about 26 % of the total eastern development area. If the setback was increased to 60m, the setback would represent about 50% of the development area.
7. The current concept design with the 30m setback includes four storey apartment blocks, with 168 apartments and 34 low-rise houses, giving a total of 202 dwellings.
8. Based on the same four storey approach and a 60m setback, the basic pattern of perimeter apartment blocks could perhaps achieve 144 apartments. An additional 15 low-rise dwellings might also be possible, providing a total of about 159 dwellings, with a strong emphasis on apartments.
9. If 5 storeys were used for the apartment blocks, 180 apartments could be possible, with the same 15 low rise dwellings. This then provides a total of 195 dwellings. In this instance, the low-rise dwellings are in such a minority that it would seem more appropriate to increase the number of apartments and intensify the development to use the land to best effect.
10. Therefore, while around 200 dwellings could likely be achieved on the remaining 50% of the development site, the nature of the scheme would be significantly different, with taller apartment buildings on the 2.2 ha area coloured orange, surrounded by a similar area of green space, roading or parking.

11. The resultant scheme would be more vertical in its organisation and relationship with the site, where more residents would live above the site, rather than directly connecting with gardens or landscape space or the racecourse.
12. Because building coverage requirements could take advantage of the setback distance, future apartment development with a 60m setback distance could result in building forms that are relatively close together. If developed to the permitted maximum height, the built environment could have more of an urban “inner city” feel, rather than the “garden city” character intended by WRCI to complement the racetrack and the wider residential neighbourhood to the south.
13. From a development perspective, the lower and more horizontal concept based on the 30m setback would likely be easier to stage over time. While smaller buildings can be built incrementally, five storey apartment buildings represent a significant commitment and are not often completed vertically in stages.
14. The above represents a familiar urban design debate about the merits of providing the same volume of accommodation in vertical configuration surrounded by large areas of open space, or in a lower and more spread-out layout that puts emphasis on shaping the more enclosed spaces between buildings, in the form of gardens, streets and shared spaces.
15. In all the design concepts to date, the latter approach has been followed and has endeavoured to set the scene for a finer grain of neighbourhood, that responds well to its existing residential neighbours and the racecourse, rather than a parkland setting containing taller apartment blocks. That reflects the vision of the WRCI in developing a high-quality and unique residential precinct.

16. While the current proposal for the eastern development area is based on incorporating a 30m setback, this will be a generous corridor for the movement of people, cyclists, and vehicles. The resultant residential development area is also of a scale that different configurations of future building forms are possible.
17. By contrast, doubling this setback width to 60m will compress the remaining space available for development, a space which is already limited by stormwater and infrastructure requirements on its western side. In my view, the 60m setback would be a space that is not useful from a land use perspective, other than for roads, car parking or open space.
18. In urban design terms, the 30m setback is preferable because it retains a higher proportion of the land for development use which allows for greater design flexibility in the future and the potential to achieve a variety of housing types, which is the neighbourhood outcome envisaged by WRCI and which they see as complementing the racecourse. In addition, the 30m setback width is sufficient for potential use for access and open space without being over-sized.
19. In short, the 30m setback will result in a better result from an urban design perspective. For the reasons I have explained above, I do not support the proposal for a 60m setback.

MAXIMUM BUILDING HEIGHT

20. Mr. Campbell has requested that the proposed maximum building height of 15m be increased to 16m, on the basis that:

[...] a 16m height limit provides an appropriate level of design flexibility to enable 5 storey apartment buildings (roughly 3.2m per floor/storey) when taking into consideration a range of floor to ceiling heights, the need to accommodate inter-floor services in apartment buildings, as well as lift over runs and/or roof top services.
(Campbell EIC, para 4.11)

21. From my experience, it is possible to fit five storeys into a permitted building height of 15m. This results in floor-to-floor heights of 3.0m, which is likely to be limiting for a multistorey building in terms of inter-floor services and structure.
22. However, I agree with Mr. Campbell that an allowance for floor-to-floor height of 3.2m would be more desirable from an urban design perspective. As well as simplifying design coordination at the detailed level, floor to ceiling heights would likely be more generous and more appealing.
23. I note that that 16.0m maximum building height would allow for five generous storeys but would not be adequate for a six-storey building, so it does not change the basic design concept for the site. I also agree that a 1.0m increase to the maximum 15m height limit would have a limited impact in terms of overshadowing. On this basis, I support the adoption of a 16.0m maximum building height.

MAXIMUM NUMBER OF STOREYS

24. Mr. Campbell and Mr McNutt have questioned the requirement for the "4 storey" reference relative to the precinct. This reference is reflective of the design intent for the WRCI site that has been considered over the last 7 years. However, I agree that it could be confusing in the context of a maximum height limit and so could be discarded as either a description or requirement.

HEIGHT IN RELATION TO BOUNDARY

25. Both Mr. Campbell and Mr McNutt proposed alternative approaches to the control of Height in Relation to Boundary (HIRB). Mr. Olliver's rebuttal evidence will provide commentary on the rationale supporting the proposed approach for the site and how this relates to the alternatives proposed.

26. The 4m and 60-degree HIRB of the Medium Density Residential Standard that is proposed for the site will allow building form to be located close to a boundary.
27. By comparison, the 6m and 60-degree HIRB proposed by Mr. Campbell will reduce the extent of solar access and daylight access to neighbouring sites. In effect, this alternative rule would allow a full 2-storey building to sit a metre away from the boundary, with only building form above this being impacted by the 60-degree control plane. Based on the impact on neighbouring sites, I do not support the alternative 6m and 60-degree HIRB control.

CONCLUSION

28. In summary, the proposed urban design concept supporting PC13 balances future development with the interface with neighbouring sites through the incorporation of a 30m setback. A larger setback of 60m would have a significant impact on the area of land that could be developed and will limit the available design choices in terms of bulk and location. It would likely lead to a design concept of a group of large apartment blocks in a large open space area rather than the variety of housing types and built forms envisaged by PC13 and WRCI.
29. In terms of building height, I support the proposal to increase the permitted height from 15m to 16m as it is consistent with better quality, built outcomes. Related to this, I agree that references to four storeys are not required where the height limit is already identified.



Stuart A. Mackie
Dated: 17 August 2023