BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Proposed Plan Change 12 to the Operative Hamilton City District Plan

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SUMMARY STATEMENT OF EVIDENCE OF MARK HECTOR ROBERTS

(RESIDENTIAL CHAPTER AND ZONING)

Dated 4 September 2024

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INTRODUCTION

1. My full name is Mark Hector Roberts. I hold the position of Team Leader within the Urban and Spatial Planning Unit of Hamilton City Council (**HCC**). I was involved in the preparation of the Residential, Subdivision and Structure Plan components of Plan Change 12 (**PC12**). I have provided evidence in PC12 in relation to the residential provisions.

2. I have produced a statement of evidence dated 26 June 2024 (**primary evidence**) and a statement of rebuttal evidence dated 14 August 2024 (**rebuttal evidence**). In response to submissions, I recommended amendments to the PC12 plan provisions which are included in the PC12 provision set dated 26 June 2024. In response to the evidence of submitters, I recommended amendments to the PC12 plan provisions which are included in the PC12 provision set dated 14 August 2024.

SUMMARY OF EVIDENCE

3. I have reviewed the planning evidence specific to the Residential Chapter and Zoning components of PC12 and respond as follows:

   KiwiRail Holdings Limited: Proposed the introduction of a Vibration Alert Overly along the railway corridor but do not support the introduction of a 5m setback from the railway corridor. ***(Slide 1)***

   Kainga Ora – Homes and Communities: Proposed the following amendment: the built form standards and terraces in the General Residential Zone (**GRZ**); changes to the objective and policy relating to the number of storeys in the GRZ; changes to the Height in Relation to Boundary in the Medium Density Residential Zone (**MDRZ**) for 3 or more attached residential units to make it more enabling. ***(Slide 2)***

WEL Networks Limited: Amendment to the setback provisions to reference the need to consider the NZ Electrical Code of Practice for Electrical Safe Distances (**NZECP 34:2001**) and the introduction of a supporting policy. ***(Slide 3)***

East St Property Trustee Ltd: The change in the zoning of the submitter's site and I also recommend the rezoning of larger areas along the Peachgrove Road corridor. ***(Slide 4)***

Sir William and Lady Judi Gallagher and Trevor Mckee: The change in the zoning surrounding Lake Rotoroa (west of Pembroke Street and north of Lake Crescent) from MDRZ to GRZ.
(Slide 5)

Pragma Holdings Limited: The rezoning of 51A Rifle Range Road is out of scope as determined by the Hearing Panel and therefore has not been considered. ***(Slide 5)***

Changes to HSAA: I propose a number of amendments and deletions to provisions that were recommended based on anticipated changes to the Housing Supply Amendment Act (**HSAA**). The updated provisions aim to address Policy 3 of the National Policy Statement on Urban Development (**NPS-UD**) and Medium Density Residential Standards (**MDRS**) (Appendix A to my rebuttal evidence). ***(Slides 6 & 7)***

A number of these changes relate to relief sought by submitters and relate to the implementation of Policy 3 or address a Qualifying Matter (**QM**). There are however several changes that do not relate to Policy 3 or a QM which are inconsistent with the HSAA which have been amended or removed.

Summary of Plan Change 12

4. The primary purpose of PC12 is to implement the changes required by the NPS-UD and the HSAA. These changes are intended to rapidly accelerate the supply of housing by enabling greater housing intensification in the district plan. ***(Slide 8)***

5. The proposed changes to the residential chapter focus on the introduction of a new zoning framework and provisions that support intensification.

Zone Framework

6. The PC12 residential zone framework seeks to retain the existing GRZ. ***(Slide 9)***

7. The introduction of a new MDRZ that replaces the existing Residential Intensification Zone and the existing MDRZ, and a new High Density Residential Zone (**HDRZ**) to give effect to the NPS-UD. ***(Slide 10)***

8. When notified, PC12 proposed MDRZ around the following suburban commercial centres; Nawton, Thomas Road, Glenview, Chartwell, Five Cross Roads, Dinsdale, Clyde Street, and Hamilton East.

9. Based on a number of submissions and further analysis it is now proposed to amend PC12 as follows***:***

    a) Retaining the intensification around Centres based on the desire to concentrate intensification within Stage 1 around the City Centre and its walkable catchment and along Ulster and Te Rapa Roads. ***(Slides 11 & 12)***

b) Rationalising the number of suburban centres where density is introduced within a walkable catchment. ***(Slide 13)***

i. Reduce the number of centres around which MDRZ occurs to the following:

- Chartwell; and
- Existing Residential Intensification Zones:
  - Five Cross Roads;
  - Dinsdale;
  - University/Clyde Street;
  - Hamilton East; and
  - Hospital.

ii. Rezone residential areas between the Central City, Five Cross Roads and Chartwell to MDRZ. ***(Slide 14)***

iii. Remove the MDRZ from around the following centres and replace it with GRZ:

- Nawton;
- Thomas Road; and
- Glenview.

10. The key aim of these changes is to focus residential intensification around key centres of higher strategic importance and suitability for increased residential densities.

11. A number of residential precincts have been established within the Residential Zones where existing objectives, policies and rules within the Operative District Plan (**ODP**) apply.

Objectives and Policies

12. The policy framework for all Residential Zones seeks to ensure that development within the residential areas of the city gives effect to Te Ture Whaimana (**TTW**) by ensuring development is appropriately managed to minimise the impact on the infrastructure network.

13. The policy framework also directs development to maximise the use of land by enabling the provision of a wide range of housing typologies consistent with the anticipated urban character of each residential zone, while still positively contributing to achieving a well-functioning urban environment that enables all people and communities to provide for their social, economic and cultural wellbeing, and their health and safety.

14. The policy framework includes specific objectives and policies relating to the identified precincts. These objectives and policies are currently within the ODP and it is the intention that these objectives and policies take precedence where there are conflicting objectives and policies within the wider residential zones.

Activity Status – Residential Zones ***(Slide 15)***

15. PC12 as notified introduced a new activity status for 1 to 3 residential units. However, it is now recommended to amend this requirement.

16. Within the GRZ, the development of 1 to 2 residential units on a site is a permitted activity. While within the MDRZ, 1 to 3 residential units on a site is a permitted activity.

17. The recommended changes to the activity status also aims to direct and encourage higher levels of density into both the MDRZ and HDRZ, as well as the Central City where infrastructure investment

can be more efficiently targeted.

18. The introduction of a discretionary status within the GRZ for apartments seeks to encourage apartment development to occur primarily in the HDRZ with some opportunities for low rise apartment developments to occur within the MDRZ.

19. Within the HDRZ, the activity status provisions as notified are more onerous than the requirements of the HSAA. The non-complying activity status for single dwellings is opposed by submitters who seek a more enabling activity status.

Medium Density Residential Standards (MDRS)

20. PC12 as notified amended a number of standards relating to the built form in particular building height, Height in Relation to Boundary and setbacks to align with the MDRS. Based on the analysis and relief sought by submitters, the following amendments have been proposed to the provisions as notified:

*Density **(Slide 16)***

21. Within both the GRZ and MDRZ that are located within the Infrastructure Capacity Overlay (**ICO**), density standards are reintroduced to align with the density set out in the Three Waters Chapter. It will encourage residential intensification into areas well serviced by public infrastructure, which ensures the efficient utilisation of that infrastructure capacity.

22. Within both the MDRZ and HDRZ it is also recommended to introduce a maximum density requirement to ensure these areas achieve the intended density. Noting that the maximum density limits for both zones apply to all sites irrespective of whether they

are in or outside of the ICO. The introduction of a maximum density within the HDRZ is opposed by submitters.

Site Coverage ***(Slide 17)***

23. The MDRS specify a site coverage of 50% or greater. While the notified PC12 provisions introduces this MDRS provision, it is now recommended to reduce the 50% site coverage to 45% within the GRZ.

24. Within the MDRZ it is proposed to retain the notified MDRS site coverage of 50%. However, within the HDRZ a more permissive site coverage of 60% is proposed to recognise the expected built form anticipated within this zone. I note that submitters seek an increase in the site coverage within the HDRZ which I do not agree with.

Building Height ***(Slide 18)***

25. PC12 as notified introduced the MDRS standards for building heights to the GRZ. The building height in the GRZ is now recommended to be amended to 10m.

26. It is also proposed to increase the building heights within the MDRZ and HDRZ to recognise the intended built form and densities within these zones as set out in the relevant policy frameworks and NPS-UD.

Correction:

27. **Figures 4.2.5.4 a) & 4.3.4.4 a)** in the PC12 provision set dated 24 May 2024 incorrectly include the 50% of a building that may exceed the building height by 1m in the total building height. It is proposed to replace the figure in these residential zones to correct this error.

Height in Relation to Boundary ***(Slide 19)***

28. The notified provisions introduce the Height In Relation to Boundary (**HIRB**) provisions as set out in the MDRS. It is now recommended to amend the HIRB to 4m and 45^0 within the GRZ.

29. Within the MDRZ it is proposed to retain the MDRS HIRB provisions of 4m and 60^0 as well as the more enabling HIRB provision for 3 or more attached residential units (terrace housing and apartments).

30. Where the MDRZ adjoins a different residential zone, it is proposed to introduce HIRB provisions that manage this interface. These provisions seek to require development to use the most restrictive HIRB.

31. Within the HDRZ, the notified HIRB provisions which are more enabling than the MDRS are proposed to be retained. However, like the MDRZ, it is recommended to introduce controls where the HDRZ adjoins another zone including GRZ and MDRZ.

Building Setbacks ***(Slide 20)***

32. The notified provisions in PC12 adopted the MDRS setback provisions along with a more enabling transport corridor building setback of 1m in the HDRZ.

33. As a result of relief sought by submitters, more restrictive side and rear boundary setback provisions have been proposed within the GRZ.

34. The current ODP 5m setback for buildings along an arterial transport corridor is proposed to be reintroduced into the residential chapter of PC12.

35. A number of submitters in their evidence support the setback provision as notified and oppose the changes I set out in my evidence

particularly with regard to upper-level balconies and building separation for buildings on the same site within the GRZ and MDRZ.

Public Interface ***(Slide 21)***

36. The MDRS requires the inclusion of 'Windows to Street' standards that are more permissive than the public interface standards within the ODP, these provisions are proposed for all three residential zones.

37. The notified provisions also required developments containing 4 or more residential units to introduce additional public interface standards which require pedestrian access from the transport corridor to the front door of each residential unit where these units face the transport corridor.

Outlook Space ***(Slide 22)***

38. PC12 seeks to amend the current provisions to reflect the MDRS outdoor living area requirements within both the GRZ and MDRZ.

39. Within the HDRZ more lenient outlook space requirements have been introduced to support the anticipated density and built form within the zone.

Outdoor Living Area ***(Slide 23)***

40. PC12 sought to amend the current provisions for all three residential zones to reflect the requirements of MDRS.

<u>Non-Medium Density Residential Standards</u>

41. Schedule 3A of the RMA does not require the provision of the following non-MDRS standards. However, PC12 has introduced these standards to complement the MDRS standards and support specific site design outcomes. These additional standards include the following:

Storage Areas ***(Slide 24)***

42. For the development of apartments, PC12 requires the provision of storage areas. Having storage area requirements is particularly important in multi-unit residential buildings, such as apartment blocks, where individual units may not have sufficient internal space to accommodate the residents' possessions.

Accessory Buildings, vehicle Access and Vehicle parking ***(Slides 25 & 26)***

43. PC12 sets out a framework for the management of accessory buildings and vehicle parking and access for residential units. The intent of these provisions is to limit the impact that accessory buildings (e.g., garages) and vehicle parking and access will have on the streetscape and the use of the transport corridor, particularly by cyclists and pedestrians.

Built Form ***(Slide 27)***

44. For any terrace housing or apartment development containing a certain number of units, PC12 introduced standards that require building form to be managed through any building wall longer than 15m to be either stepped in or out.

45. Along with the above, any multi-storey development within both the MDRZ and HDRZ will also require any floors above 11m to be setback a minimum of 4m from the side and rear boundary.

Universal Access ***(Slide 28)***

46. PC12 introduced provisions requiring any development containing 10 residential units or more to have at least 10% of these units designed so that all occupants or visitors to the home are able to access it easily, safely and independently.

47. Universal access is particularly relevant in the context of intensification because as density increases and units becoming smaller, there is a greater need for accessible and inclusive design to be considered. The requirement of accessible residential units is not supported by Kainga Ora who seek to have these provisions removed.

CONCLUSION

48. In conclusion, the proposed changes to the residential provisions and zoning in my view achieves the requirements of the HSAA and the NPS-UD, and to ensure that the ODP contains provisions that provide for a well-functioning urban environment in particular the effects from increased density on TTW, Infrastructure and residential amenity.

49. The proposed amendments to the PC12 provisions and the changes to the zoning pattern still enables a significant amount of housing supply to ensure the city achieves the requirement to provide 30 years of zone-enabled capacity.

50. I propose a number of amendments and deletions to the PC12 provisions that were recommended in anticipation of changes signaled by Central Government to the HSAA provisions of the RMA. As these legislative changes have not yet been introduced, I propose changes to the MDRS which do not link to a QM response and rely solely on the anticipated legislative changes. However, I maintain my recommendations to amend a number of the MDRS standards, specifically the Building Height, Setback and HIRB provisions within the GRZ for the reasons that I have outlined in my evidence.

Mark Hector Roberts
4 September 2024