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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STATEMENT OF EVIDENCE OF COLIN ANDREW HATTINGH

(URBAN DESIGN)

Dated 26 June 2024

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INTRODUCTION

1. My full name is Colin Andrew Hattingh.

2. I hold the position of Senior Urban Designer within the Urban and Spatial Planning Unit at Hamilton City Council (**HCC**).

3. I hold the qualifications of Bachelor in Town and Regional Planning (Pretoria University, South Africa) and Master of Urban Design (University of the Witwatersrand, South Africa).

4. I have over 20 years' experience in urban design within the local government context. For the past year, I have held the position of Senior Urban Designer for HCC. Prior to that, I had a short stint at Tauranga City Council and prior to that was employed by HCC from 2009 to 2022.

5. My role in preparing this report is that of an expert urban designer. I am an associate member of the New Zealand Planning Institute.

6. I have been involved with the preparation and drafting of Plan Change 12 (**PC12**), particularly as it relates to the various urban design-related matters.

CODE OF CONDUCT

7. My role in preparing this evidence is that of an urban designer. I am familiar with the Code of Conduct for Expert Witnesses (Environment Court Practice Note 2023) and although I note this is a Council hearing, I agree to comply with this code. The evidence I will present is within my area of expertise, except where I state that I am relying on information provided by another party. I have not knowingly omitted facts or information that might alter or detract from opinions I express.

SCOPE OF EVIDENCE

8. The purpose of this evidence is to:

   a) Provide an overview of the urban design (**UD**) components of PC12 (as notified).

   b) Highlight what I consider to be the key issues raised by submitters.

   c) Provide a recommended new set of provisions (reflecting HCC's revised approach).

9. My evidence is limited to the following parts of the District Plan:

   a) Volume 1, Chapter 25.15 (City Wide - Urban Design).

   b) Volume 2, Appendix 1 (District Plan Administration).

10. For Volume 2, Appendix 1, the evidence is intentionally not comprehensive. Appendix 1 touches on several disciplines or areas of expertise outside of urban design, such as transportation and three waters. I do not report on these matters.

11. Where changes to the provisions are proposed and where they relate to other disciplines, the Panel is directed to the evidence of the relevant expert as recorded.

12. This evidence is structured as follows:

   a) Executive summary.

   b) Background (UD approach).

c) Summary of the notified UD provisions.

d) Recommended changes to the notified provisions.

e) Conclusion.

EXECUTIVE SUMMARY

13. The notified version of PC12 included several new provisions and changes related to UD matters.

14. The key changes or new provisions are:

a) The inclusion of a **definition** for UD (largely taken from the Urban Design Protocol, Ministry for the Environment, 2005). In my experience, UD as a discipline is misunderstood. The inclusion of the definition will provide greater clarity for all plan users.

b) The requirement that an **UD assessment** is compiled and included within the AEE for four or more residential units. Given that there has been a noticeable shift towards the provision of medium and higher density residential forms and typologies, I consider that this will be a valuable tool to help ensure and demonstrate that best practice UD principles have been applied in accordance with the relevant Plan provisions.

c) A redrafting of **assessment criteria B2 – B6**, describing the key UD elements that should be considered through the design process. Again, given the shift to more intensive forms, the new criteria will be a valuable tool for both private developers and HCC officials, to help ensure good outcomes are consistently delivered.

15. I have reviewed the submissions and have recommended two

amendments to the notified provisions (see **Appendix B**) as follows:

a) Edits to Appendix 1.2 - 1.2.1 h. iii) requiring that an UD assessment is compiled as part of the AEE, for all applications for four or more residential units. The changes are intended to provide further clarity to applicants including that the assessment is to be 'commensurate to the scale of the proposal'; and

b) In response to a submission from HCC, a rationalisation of the definitions that relate to 'Net Site Area'. The proposed amendments to these definitions will improve the clarity and applicability of the definitions and improve the efficiency and effectiveness of the District Plan.

16. Further, I concur with the other proposed changes to the notified provisions as introduced by other subject matter experts (as they relate to Chapter 25.15 and Appendix 1).

17. I consider that, from an UD perspective, the final set of recommended provisions are consistent with relevant National Policy Statements, the Hamilton-Waikato Metropolitan Plan and the Waikato Regional Policy Statement (**WRPS**) in Appendix 3.1 of the s32 report.

18. I consider that the recommended provisions are consistent with the stated UD approach within the District Plan and that they represent an efficient and effective method and tool for improving UD outcomes throughout the city.

BACKGROUND

Urban Design Approach Under the Operative District Plan

19. A review of the District Plan began in 2009. It was notified in December 2012, was made partly operative in September 2016 and fully operative on 18 October 2017.

20. This is relevant as the current Operative District Plan (**ODP**) was developed on the premise of providing flexibility in the consenting process by allowing non-compliance with rules if a good design outcome was achieved. The intent of the planning framework was to recognise that good design is not always delivered by a strict adherence to bulk and location standards.

21. The ODP is a second-generation plan that signaled a change in approach from a 'rules-dominated' design response to an outcome focused 'design-with-rules' approach.

22. It includes several tools to help ensure good design outcomes are achieved. These include relevant zone objectives and policies, specific rules and standards, design guidance (statutory and non-statutory) and assessment criteria.

23. At various places within the ODP, terms such as 'high quality urban design', 'good quality urban environments' and 'best practice urban design' are used.

24. Specifically, the following purpose (applicable to all residential zones) is given under 4.1.5 (Volume 1): "*Design and layout of residential sites and buildings are critically important. All residential development must address potential adverse environmental effects and ensure a quality*

urban environment is achieved through high quality urban design".

25. UD (which is primarily concerned with the design of the public environment) is a key component in shaping a city that is functional and suitable for human habitation. Its importance is acknowledged by several HCC approved documents including the City Vision and the City Design Guide (Vista).

26. The basic approach detailed above has not been changed through PC12.

27. Urban design provisions are provided for throughout the ODP. These include (but are not limited to) the following chapters:

    a) Chapter 2 - Strategic Framework (details the urban design approach).

    b) Chapter 4 - Residential Zones (various provisions that seek good onsite amenity and liveability).

    c) Chapter 7 - Central City Zone (to ensure built form that is appropriate for the zone).

    d) Chapter 23 - Subdivision (guiding principles for good subdivision outcomes).

    e) Volume 2 – Appendix 1 under 1.3 (Assessment Criteria) and 1.4 (Design Guides).

28. In December 2021 the Resource Management (Enabling Housing Supply) Amendment Act (**Amendment Act**) was passed into law. The Amendment Act introduced a suite of amendments to the Resource Management Act (**RMA**) and the National Policy Statement on Urban Development (**NPS-UD**).

29. The NPS-UD promotes the creation of well-functioning urban environments that: "*enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future*".

30. In my opinion, the overarching goal of all UD strategies and plans should be to improve the quality of life for residents and to help ensure that over time, the city develops in a way that supports this goal. This goal cannot be achieved without considering best practice UD principles and elements.

31. In my opinion, a well-functioning urban environment is one where the following elements are present (or at the very least, have been considered):

a) **Quality Housing:** The provision of a range of housing types, located close to the places people need to access, that include affordable options suitable for different households.

b) **Easy Access:** A network of streets, walking and cycling paths, that makes it easy for **residents** to safely access their homes, jobs, community facilities, natural and open spaces, including by way of rapid or frequent public transport.

c) **Legible Neighbourhoods:** Regeneration that responds to the local context (natural and built) and enhances the heritage and identity of an area, whilst **providing** for ongoing renewal including quality higher-density residential options.

d) **Quality Public Realm:** The provision of a range of public spaces, places and routes that are thoughtfully designed for the climate and the anticipated use and are designed for the enjoyment and benefit of all users.

e) **Healthy Communities:** Neighbourhoods that are appropriately serviced to **support** new development, that accommodate a mix of activities and cultures, enabling residents to provide for their social, economic and cultural wellbeing.

f) **Healthy Environment:** Environmentally responsive plans and policies to help ensure the protection, restoration and enhancement of the river, indigenous fauna and flora and the gully network.

32. Through PC12, HCC has taken the opportunity to strengthen relevant UD provisions within the Plan, to ensure they are fit for purpose and to help ensure that as the city intensifies, that the potential negative outcomes of this can be effectively managed.

SUMMARY OF NOTIFIED URBAN DESIGN PROVISIONS

33. The following key UD-related changes (provisions) were notified in August 2022:

a) Volume 1, Chapter 2 – Strategic Framework:

i. Additional wording to Objective 2.2.5 to acknowledge the impact of intensification.

ii. New Policy 2.25d to cross reference Chapter 25.15.

b) Volume 1, Chapter 25.15 – Urban Design:

i. Various wording changes to 25.15.1 (Purpose) to recognise the shift towards greater intensification and to better align with the agreed city vision. This included detail of the six design elements of Vista (The City Design Guide).

ii. Minor wording changes to 25.15.2, Objectives and Policies and inclusion of new policy 25.15.2.4c regarding vehicular access points.

c) Volume 2, Appendix 1.1 – Definitions and Terms:

i. New definition of 'Urban Design' as per the Urban Design Protocol (Ministry for the Environment, 2005). This is to provide greater clarity for all Plan users.

d) Volume 2, Appendix 1.2 – Information Requirements:

i. Under 1.2.1 (All Applications), as part of the AEE, for four or more residential units, require an UD assessment and an assessment of the proposal against relevant CPTED principles. This new requirement assists the Planning Guidance Unit to assess the merits of an application.

e) Volume 2, Appendix 1.3 – Assessment Criteria:

i. Extensive changes to the assessment criteria that apply to Restricted Discretionary, Discretionary and Non-Complying activities (1.3.3). This is to recognise that the criteria are an important tool in the consenting process, to be used to help ensure that good UD outcomes can be achieved.

ii. The changes include new assessment criteria B2 – B6, that describe the key UD elements that should be considered through the design process. For the purposes of PC12, the elements are:

- Context

- Public Realm
- Site Layout
- Access
- External Appearance.

iii. Edits to the criteria under C (Character and Amenity) to reflect the revised position under the NPS-UD.

f) Volume 2, Appendix 1.4 – Design Guides:

i. Minor edits to the text throughout for consistency with the direction of PC12 including changing 'Integrated Residential Developments' to 'Comprehensively Designed Developments'.

ii. Deletion of 1.4.3 Medium Density Residential Design Guidelines to reflect the PC12 direction.

iii. Deletion of Residential Medium Density provisions related to the Rototuna Town Centre Medium Density Precinct (to be deleted through the plan change process).

34. In terms of the assessment criteria described above, these are bespoke to Hamilton City (in terms of the terminology used and proposed grouping) but reflect and encapsulate best practice UD elements and approaches, both locally and internationally.

35. To further explain this, for example, when a design team are considering a new development proposal, several simple questions or considerations need to be worked through to inform the concept. These would typically include:

a) Has the site and immediate **context** (site constraints, orientation, contouring, views, features) been analysed to inform the design and layout? This includes the consideration of adjoining properties.

b) Do the buildings relate to and front or engage with the public environment (including streets, open space, parks etc.) and create 'defensible spaces' for residents? And will the proposal result in good **streetscape** and CPTED outcomes?

c) Does the site **layout** achieve (as far as possible) the principle of providing 'public fronts and private backyards' for residents? And does the layout and relationship between units consider the **privacy** of other residents?

d) Has adequate and safe **circulation** to and through the site been provided for all modes including pedestrians? And where vehicles are provided, have they been integrated into the layout and away from the front?

e) Does the **external design** and architectural detailing adequately consider methods (such as modulation, stepping, articulation, variation of roof form, fenestration and materiality) to reduce the perceived overall bulk and scale and avoid large blank, unrelieved walls?

36. Essentially, the newly drafted criteria seek to answer the above questions.

37. Similar sets of criteria can be found within the district plans of most local councils across New Zealand. While the terminology may differ, the underlying outcome or issue being described (for example, achieving good streetscape design) does not. Best practice principles or

approaches apply universally, irrespective of the city in question.

RECOMMENDED CHANGES TO THE NOTIFIED PROVISIONS

Overview

38. In total, 349 submissions were received for PC12. This translates to 2490 individual submission points. Of these, 49 submissions (145 submission points) relate directly to the proposed amendments to UD provisions.

39. I have broken the submissions into themes and my analysis and reasoning for the recommendations, is attached in **Appendix B.**

40. To assist the Panel, the following points summarise some of the key issues raised by submitters:

    a) Seeking the inclusion of specific rules and standards within Chapter 25.15.

    b) Seeking the introduction of incentives to encourage development on larger sites.

    c) Seeking the inclusion of neighbourhood heritage assessments for residential areas.

    d) That the proposed definition for UD is too broad and complex.

    e) That the requirement for an UD Assessment will increase the cost and complexity of the AEE.

    f) That the new assessment criteria should not use the term ‘general rule of thumb’ and that they are presented as de facto rules or standards.

41. These and other concerns raised by submitters are assessed in **Appendix B**.

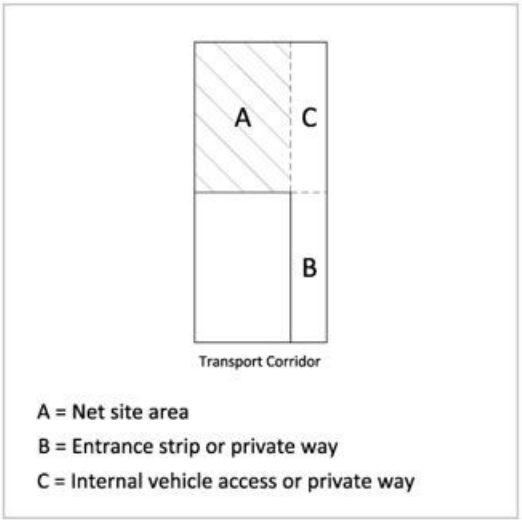
42. Apart from the changes noted below, I am not proposing any further amendments to the notified provisions, to the extent that they relate to UD matters.

Recommendations

43. As set out in the appendix, the key changes I recommend to the notified UD provisions are:

a) Edits to the definition of 'Net Site Area' (Appendix 1.1) as set out below and deletion of the definitions 'Average Net Site Area' and 'Net site area for duplex dwellings in the Residential Intensification Zone' (See Appendix B):

Net site area: means the area of the site (including any unit site area associated with a residential unit where relevant), excluding any entrance strip, internal vehicle access or private way ~~except for apartment buildings and duplex dwellings in the Residential Intensification Zone~~.



b) Edit to 1.2.1 h. iii requiring the inclusion of an **UD assessment** as part of the AEE to read as follows: For four or more residential units: require an urban design assessment ~~against Chapter 25.15 (Urban Design)~~ commensurate to the scale of the proposal that:

i. Demonstrates how the application achieves the relevant Objectives and Policies of the Plan (including Chapter 25.15);

ii. Addresses the relevant matters of discretion and assessment criteria and;

iii. Includes an assessment of an appropriate response to Crime Prevention Through Environmental Design (CPTED) principles.

~~For four or more residential units; an assessment of and appropriate responses to Crime Prevention Through Environmental Design (CPTED) principles.~~

44. These amendments are sought to improve the clarity and applicability of the assessment and to improve the efficiency and effectiveness of the Plan.

45. Other changes, unrelated to UD, have also been made to Chapter 25.15 and the relevant parts of Appendix 1. All of the recommended changes are shown in the updated plan provisions (**Appendix A**).

CONCLUSION

46. In conclusion, I believe that the revised set of provisions for both Chapter 25.15 (Vol. 1) and Appendix 1 (Vol. 2), will assist all users of the Plan to easily understand and apply best practice UD principles and that this will lead to improved outcomes for residents.

47. The UD provisions are considered more efficient and effective when compared to the existing operative planning provisions or alternatives.

48. In my opinion, the proposed provisions are the most appropriate means for giving effect to and implementing the relevant objectives and policies within the District Plan and for achieving the purposes of the RMA.

49. The recommended provisions are considered to reflect best practice UD principles that will help address a range of consenting issues for the City, including the effect increased density may have on residential amenity and liveability.

Colin Andrew Hattingh

26 June 2024

APPENDIX A – Officers' Recommended Amendments to PC12 Provisions

A full set of the recommended amendments to provisions is available on HCC's external PC12 web page:

https://hamilton.govt.nz/property-rates-and-building/district-plan/plan-changes/plan-change-12/

APPENDIX B – Response to Submissions

Plan Change 12 – Intensification Planning Instrument

APPENDIX B
HCC RESPONSE TO URBAN DESIGN SUBMISSIONS:

(Volume 1, Chapter 25 City-Wide - 25.15 and Volume 2, Appendix 1 District Plan Administration - 1.1 to 1.4)

Prepared by: Colin Andrew Hattingh
Authorised by: Mark Davey – Urban and Spatial Planning Unit Director, Hamilton City Council

1.0 Introduction

This report has been prepared to:

- assist the Independent Hearings Panel ("IHP") in making their recommendations on the submissions and further submissions on PC12 relevant to Urban Design (UD); and
- provide submitters with an opportunity to see how their submissions have been evaluated by Council, prior to the hearing.

While the report uses 'key themes' to group submissions, 'Urban Design' is the overriding theme. The report includes recommended responses to submission points and, where appropriate, proposed amendments to PC12.

2.0 Scope

This report only considers submissions and further submissions received in relation **urban design matters** and only where they touch on the following chapters:

Volume	Chapters or Appendices	
1	Chapter 25 City-wide	25.15 Urban Design
2	Appendix 1 District Plan Administration	1.1 Definition and Terms
		1.2 Information Requirements
		1.3 Assessment Criteria
		1.4 Design Guides

For clarity and using Appendix 1 (District Plan Administration) as an example, many of the submission points relate to other topics or areas of expertise, such as transportation and three waters and are therefore not covered in this report. This is summarized in the table below (Note – for the same reasoning, several changes to the notified provisions will have been made, that are not reflected in this report). The submission points marked as 'General' in the table will be dealt with in this report.

	Topic	Submission Point Number	Number of Submission Point
Appendix 1 - 1.1 Definitions and Terms	**General**	146.21, 150.3, 154.1, 287.18, 330.2, 330.3, 330.4, 330.5, 343.78, 241.49	**27**
	Transportation	146.20, 146.23, 160.338, 270.47, 270.48, 270.49	
	Residential	160.337, 241.48, 343.77	
	Urban Design	241.50, 270.50, 343.79, 343.80	
	Qualifying Matters	147.17	
	Out of Scope	146.19, 146.22	

	Flood Hazards and Green Policies	270.51	
Appendix 1 - 1.2 Information Requirement	**General**	129.4, 160.339	**48**
	Urban Design	160.340, 241.51, 343.81 (Same Submission Point) 276.38	
	Subdivision	241.53	
	Flood Hazards and Green Policies	160.342	
	Waste Container Management Plan	160.343	
	Three Waters	160.341, 228.7, 235.41, 236.28, 251.18, 255.2, 276.39, 319.4	
		182.2, 203.7, 228.9, 250.8, 251.8 (Same Submission points)	
		182.3, 203.8, 228.10, 250.9, 251.9, 255.4 (Same Submission points)	
		182.4, 203.9, 228.11, 250.10, 251.10 (Same Submission points)	
		182.5, 203.10, 228.12, 250.11, 251.11 (Same Submission points)	
		182.6, 203.11, 228.13, 250.12, 251.12 (Same Submission points)	
		182.7, 203.12, 228.14, 250.13, 251.13 (Same Submission points)	
Appendix 1 - 1.3 Assessment Criteria	**Transportation**	146.25, 146.26, 152.3, 152.24, 243.28, 276.4, 276.41	**32**
	Urban Design	156.10, 160.344, 228.3, 228.5, 228.6, 241.52, 266.39, 281.16, 296.9, 332.11, 332.12, 332.13, 332.14, 348.82, 243.27	
	Urban Design (Heritage)	153.25, 153.26, 155.77, 155.78, 201.4	
	Subdivision	146.24, 241.54, 266.38	
	Three Waters	276.42	
	Out of Scope	146.27	
Appendix 1 - 1.4 Design Guides	**Urban Design**	160.345, 161.3, 243.29	**5**
	Urban Design (Heritage)	155.79, 155.80	
Total Submission Point Number			**112**

3.0 Overview of the Topic

While urban design related provisions are found throughout the district plan, the following is a summary of the **key** urban design changes introduced through PC12 that impact chapter 25.15 and Appendix 1.

Chapter 25 City Wide (25.15 Urban Design):

- Edits to 25.15.1 (Purpose) to better align with the agreed city vision.
- Insertion of the six design elements of the City Design Guide (Vista) to improve clarity for plan users.

Appendix 1 District Plan Administration:

1.1 Definitions and Terms:

- Insertion of a new definition for urban design as per the NZ UD Protocol (Ministry for the Environment, 2005) to improve clarity for plan users.

1.2 Information Requirements:

- Under 1.2.1 (All Applications) as part of the AEE for four or more residential units require an urban design assessment against Chapter 25.15 (Urban Design) and an assessment of and appropriate responses to Crime Prevention Through Environmental Design (CPTED) principles, to guide developers and assist in the assessment of applications.

1.3 Assessment Criteria:

- Extensive editing to 1.3.3 (Restricted Discretionary, Discretionary and Non-Complying Assessment Criteria) specifically to criteria B2 – B6, to better reflect best practice urban design principles and approaches and to provide greater clarity and guidance for plan users.
- Under B (Design and Layout) insertion of new text explaining the key urban design elements that should be examined through the design process. These elements serve to underpin the new assessment criteria.
- Edits to the wording of criteria C1 to strengthen the criteria and provide greater clarity for plan users.

1.4 Design Guides:

- Minor edits to the text throughout for consistency with the direction of PC12 including changing 'Integrated Residential Developments' to 'Comprehensively Designed Developments'.
- Deletion of 1.4.3 Medium Density Residential Design Guidelines to reflect the PC12 direction.
- Deletion of Residential Medium Density provisions related to the Rototuna Town Centre Medium Density Precinct (to be deleted through the plan change process).

4.0 Statutory Requirements

PC12 was supported by a section 32 evaluation report titled 'PC12 – Enabling Housing– Section 32 Evaluation Report, dated August 2022 ("the Section 32 Report"). The Section 32 report was accompanied by 17 supporting documents that formed appendices to the Section 32 report.

The Section 32 Report and supporting assessment suite has been evaluated and is considered generally robust and thorough and suitable for supporting PC12.

5.0 Overview of Submissions Received

The following table provides an overview of the **UD** related submissions made on Chapter 25.15.

Total number of submitters	18
Total number of submission points	33
Total number of further submission points	22

The following table provides an overview of the **UD** related submissions made on Appendix 1 (1.1 – 1.4).

Total number of submitters	31
Total number of submission points	112
Total number of further submission points	17

6.0 Key Themes and Issues

For simplicity, the analysis of submissions is divided between the two chapters - namely 25.15 (Volume 1) and Appendix 1 (Volume 2).

Theme 1 – Chapter 25.15, Volume 1 (Urban Design)

- Issue 1 - General Structure and Content (incl. Purpose, Objectives and Policies)
- Issue 2 - Other Matters (Heritage, Retirement Villages)

Theme 2 - Appendix 1

- Issue 1 - Definitions and Terms
- Issue 2 - Information Requirements
- Issue 3 - Assessment Criteria
- Issue 4 - Design Guides

Theme 1 – Chapter 25.15 (Urban Design)

The following is a response to submissions related to chapter 25.15 and its general content and structure.

Through the analysis, the aim is to ensure the urban design provisions align with best practice, promote sustainable development and assist in the creation of spaces that foster a good quality of life for residents.

Issue 1 - General Structure and Content

Several submissions have been made regarding the content and structure of chapter 25.15. For example:

- Opposition to the entire plan change, the chapter and the wording of 25.15.1 (e.g. 5.3, 128.1, 330.148).
- Seeking the deletion of the objectives and certain policies (e.g. 330.149, 330.151).
- Seeking amendments to the policies to include aspects such as the natural environment, indigenous vegetation and carbon emissions (e.g. 148.25, 248.8).
- Seeking stronger rules and standards within the chapter (e.g. 155.76, 207.8).
- Seeking the inclusion of detailed design guidelines for higher density development (e.g. 167.5).
- To raise the profile of the UD Advisory panel (e.g. 166.24).
- To introduce incentives to encourage development on larger sites (e.g. 166.22).
- Support for the retention of CPTED principles (e.g. 326.23).
- Adding 'urban quality' as a qualifying matter (156.9).

Submission points relating to Issue

5.3, 98.4, 126.3, 128.1, 148.25, 148.26, 155.71, 156.9, 159.1, 160.336, 161.1, 161.2, 166.22, 166.24, 207.8, 326.17, 326.18, 349.11, 349.12, 349.13

Further submissions

356 in support of 98.4; 339 in support of 161.1; 516 and 580 in support of 166.22; 409 in opposition to 326.17; 408, 422, 470 and 570 in opposition to 148.25; 408, 422, 470 and 570 in opposition to 148.26; 516 and 580 in opposition to 166.24

Analysis

In response to the above submissions, which touch on a range of matters, the following general statements can be made about chapter 25.15 and how urban design is applied throughout the District Plan.

- As per the purpose statement, within some chapters of the Plan, new buildings are to have aspects such as design quality, appearance and amenity assessed and are listed as controlled or restricted discretionary activities. This is combined with design led assessment criteria, which combine best practice principles with factors considered to be of importance to the city. The design principles identified within the Plan are consistent with the NZ UD Protocol of which Hamilton City has been a signatory since 2006.
- The City Design Guide (Vista) further outlines Hamilton's expectations for better designed environments. The non-statutory guide highlights key urban design principles considered fundamental to Hamilton's development as a prosperous, memorable and sustainable city and underpins any recommendations received from the UD Advisory Panel.
- Objectives, policies, rules and assessment matters within the Plan, along with other methods adopted by Council, seek to facilitate and encourage subdivision and development that will continually enhance the quality of the urban environment.
- While many urban design matters are detailed and included within other chapters of the Plan, including specific topic and area-based design guidance, chapter 25.15 provides the objectives and policies for those urban design matters that should be considered throughout Hamilton, regardless of the underlying zoning that may apply.

Against this background, some specific responses to submissions:

- The lack of specific rules and standards – Waikato Heritage Group and Laura Kellaway are seeking stronger rules and standards within the chapter as redevelopment can remove the 'sense of place'. In response, Chapter 25.15 sets the basic direction of travel regarding UD matters and the city-wide approach, irrespective of the underlying zone. Specific standards are listed in other relevant chapters (e.g. residential) and are not appropriate for 25.15.
- Seeking deletion of the chapter and changes to the proposed wording of 25.15.1 – Submissions from Nicholas Mills, Raymond Mudford and Waikato Heritage Group, are in opposition to the entire plan change, citing concerns regarding illegal car parking, that it limits property rights and that the chapter should consider historic heritage. In response, the plan change is driven by Policy 3 of the NPS-UD 2020 that requires Tier 1 territorial authorities to amend their respective district plans to enable greater intensification as well as for example, building heights of at least 6 storeys within a walkable catchment of existing and planned rapid transit stops and the edge of city centre zones. Minimum parking requirements (for any activity) were removed from the district plan on 18 February 2022 without using a Schedule 1 submission process. Darrin Smith (to edit 25.15.1). The wording has been updated to reflect the Council's stated vision for the city and does not imply that achieving good urban design outcomes is no longer important.
- Policy amendments to include the natural environment, indigenous vegetation, carbon emissions, native plants - The relevant objectives and policies within 25.15 are aimed at achieving good outcomes in terms of the built or urban environment. While obviously related, provisions specific to the natural environment are found within chapter 20 of the Plan and other Council policies and strategies. These are not matters addressed under Chapter 25.15 and are considered out of scope.
- To raise the profile of the UD Panel – The Panel is considered a valuable tool to help lift the standard of design in the city. While the urban design panel is non statutory and the process is voluntary and recommendations can only be used to guide the resource consenting process, improvements to the process are continually being considered.
- Incentives for larger sites - Council agree with the sentiment that development on larger, amalgamated sites tends to result in higher quality urban design outcomes. However, there is no known study that would corroborate this and introducing this through the Plan Change process, that has limited scope, is not considered to be the appropriate course of action and would be difficult to implement.

Chapter 25.15 is aimed at improving the quality of the built environment in-line with best practice principles and approaches and has been updated to reflect Council's vision for the city. Based on the above analysis, I recommend that the various submissions related to chapter 25.15 are rejected.

Submissions by Te Whatu Ora support the chapter in that it promotes the consideration of good urban design outcomes in decision-making. The submission notes the link between good urban design and the general health and well-being of the population. The submission asks Council to consider the range of factors in an urban environment that can impact human health. The submitter supports the notified purpose of 25.15.1 and its narrative. A further submission (339) is in support of Te Whatu Ora's original submission point. I recommend that these submissions are accepted.

Recommended Changes

No change to notified provisions.

Issue 2 - Other Matters (Heritage, Retirement Villages)
Submissions from the Waikato Heritage Group, William Courtney McMaster and the Retirement Villages Association of New Zealand Incorporated (RVANZ), raise matters regarding: • Heritage and, • Consistency (that the chapter does not recognise the functional and operational needs of retirement villages).
Submission points relating to Issue
155.71 – 155.76. 167.5, 330.148, 330.149, 330.150, 330.151, 330.152
Further submissions
415 in support of 330.150; 415 in support of 330.151; 415 in support of 330.152; 415 in support of 330.149; 464 in opposition to 330.149; 575 in opposition to 155.71; 575 in opposition to 155.76
Analysis
Heritage: In terms of heritage the submissions: • Oppose chapter 25.15 (as good urban design should include respecting heritage). • Seek the inclusion of a neighbourhood heritage assessment in residential and other zones, prior to redevelopment. • Seek the inclusion of rules for historic streets and historic landscapes, including incorporating references to HHA Conservation Plans and, • Seek a review of the Heritage Landscape by a specialist Heritage Landscape Architect. While I concur with the submitters that historic heritage is an important urban design consideration and that it contributes to and provides continuity of sense of place and that redevelopment and removal of existing neighbourhoods can often be an extreme change, the provisions within chapter 25.15 are purposefully more generic regarding best practice urban design principles and elements and this includes the value of historic heritage - for example the Policies under 25.15.2.1. Protecting historic heritage is a key focus area for the Council and is detailed within the various provisions of Chapter 19 - Historic Heritage. Further, Plan Change 9 is focussed on the protection of Historic Heritage and will be integrated following the resolution of the hearings and appeal process. While heritage matters are not explicit with the chapter, 25.15.1 d. recognises that good quality urban environments are distinctive and have a strong identity and sense of place. The district plan should be read as a whole - this means that the objectives and policies established in Chapter 25.15 also relate to other relevant chapters (e.g. Residential, Historic Heritage, Natural Environment, and Transportation). Further submissions made by KO (575) oppose the original submissions for the reasons outlined in their original submissions on PC9 and PC12. The treatment of development within HHAs has been incorporated via PC9 and Chapter 19. Further, reference is made to being sympathetic to supporting cultural and heritage character within policy 25.15.2.2d.

The objectives, policies, rules and assessment matters within the District Plan, along with other methods adopted by Council, seek to facilitate and encourage subdivision and development design in a manner that will continually enhance the quality of the urban environment. Based on the above, I recommend that the relevant submissions are rejected.

Retirement Villages:

The Retirement Villages Association of New Zealand (RVANZ):

- Seek the deletion of the entire chapter or the exclusion of retirement villages from its application.
- Considers that the chapter is inconsistent with the MDRS provisions.
- Seeks the deletion of Objectives 25.15.2.1, 25.15.2.2 and 25.15.2.4 and policies 25.15.2.1 a-c and 25.15.2.2 a-e and considers that these limit and restrict redevelopment opportunities.

While many urban design matters are responded to directly within the chapters of the District Plan, including specific topic and area-based design guidance, chapter 25.15 provides the objectives and policies for those urban design matters that need to be considered throughout Hamilton - regardless of the zoning that may apply.

Chapter 25.15 addresses relevant urban design objectives and policies that should apply city wide. They apply equally to all activities across the city, are universally accepted, are based on best practice principles and are not dependant on or influenced by the MDRS approach. In no way do they impede any functional or operational needs of retirement villages.

As such, making detailed and specific mention of specific activities in the urban design chapter is inappropriate and does not align with its intended purpose in the overall structure of the District Plan. Based on the above, I recommend that the relevant submissions are rejected.

Recommended Changes
No change to notified provisions.

Theme 2 – Appendix 1

Issue 1 – Definitions and Terms (Appendix 1.1)
Rotokauri North Holdings Ltd and Jones Lands Ltd and Hamilton Campground Ltd are of the opinion that the proposed definition of 'urban design' is too broad and complex. Hamilton City Council are seeking changes to the definition(s) relating to net site area.
Submission points relating to Issue
241.50, 270.50, 343.79, 343.80
Further submissions
None
Analysis

Concerning the definition of Urban Design, this is largely taken from the work undertaken by the Ministry for the Environment in 2005 to formalise the New Zealand Urban Design Protocol. It is therefore consistent with that thinking and approach. The Protocol and associated documentation provides the only recognised platform to help make NZ towns and cities more successful through quality urban design and was part of the then government's 'Sustainable Development Programme of Action'.

Urban design encompasses a broad range of matters and the definition reflects that reality. Where architecture focuses on individual buildings, urban design seeks to address the larger scale including groups of buildings, streets and public spaces, neighbourhoods and precincts to ensure that they are functional and attractive. In my experience, urban design is often misunderstood and the inclusion of the fuller definition will bring much needed clarity to the Plan. Based on the above, I recommend that the relevant submissions are rejected.

HCC have submitted (270.50) seeking changes to the definitions that apply to net site area and specifically seeking that the definition for 'average net site area' is amended. Currently, the ODP contains three related definitions - namely, "average net site area", "net site area" and "net site area for duplex dwellings in the Residential Intensification Zone" (PC 12 is proposing the removal of the residential intensification zone).

The general definition ('net site area') applies in most situations and relates to land use standards such as density, site coverage and the subdivision allotment size standards. This definition does not apply to apartment buildings or duplex dwellings in the residential intensification zone (RIZ).

Apartment buildings in the RIZ have a separate definition due to the land use density standards for this activity being an average net site area. The density standard for duplex dwellings is not an average net site area - however, to achieve some consistency between these typologies, an additional definition for duplex dwellings in the RIZ was introduced.

The 'Net Site Area' definition applies across the ODP, not solely for the residential zones and as such, this definition should remain in some capacity. Given the specific zone and rule requirements which led to the other two definitions will no longer be applicable, it is practical to rationalise the definition. I consider the 'Net Site Area' definition to be the most appropriate definition to retain for a few reasons, including:

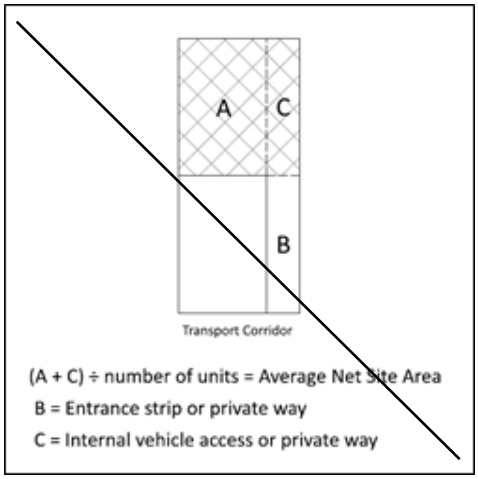
- This definition is the only one which excludes 'internal vehicle access' - this is important to ensure that compliance with standards which refer to net site area will not change following subdivision.
- When 'internal vehicle access' is included in the net site area, post subdivision, this access is usually formalised as a private way (through an easement or as an access allotment) and would then be excluded from the definition of net site area. This can result in situations where a proposal complies at land use consent stage but infringes following subdivision.
- An example of this is site coverage - the site coverage definition applies to the net site area and is a proportion of the net site area which can be covered by buildings. If the net site area is reduced post subdivision, this can result in a land use infringement that needs to be consented.

I therefore recommending partially accepting the HCC submission and the proposed amendments to these definitions will improve the clarity and applicability of the definitions and improve the efficiency and effectiveness of the district plan.

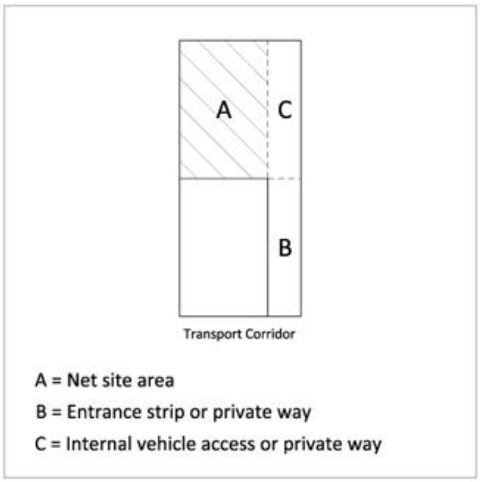
Recommended Changes

Amend the definition of Net Site Area as follows:

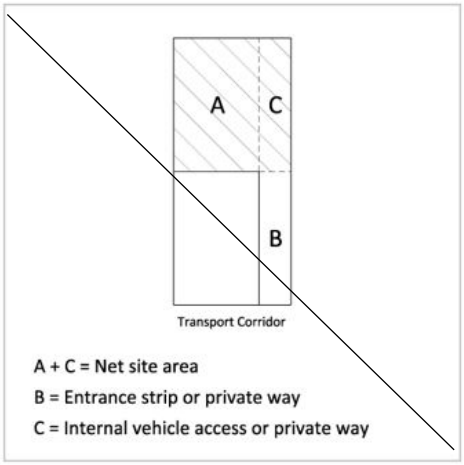
~~**Average Net Site Area: means the area of the site, including any internal vehicle access or private way, but excluding any entrance strip or private way to a rear site from any transport corridor, divided by the number of residential units.**~~



Net site area: Means the area of the site (including any unit site area associated with a residential unit where relevant), excluding any entrance strip, internal vehicle access or private way~~**, except for apartment buildings and duplex dwellings in the Residential Intensification Zone.**~~



~~**Net site area for duplex dwellings in the Residential Intensification Zone: means the area of the site (including any unit site area associated with a residential unit where relevant), including any internal vehicle access or private way, but excluding any entrance strip or private way to a rear site from any transport corridor.**~~



Issue 2 – Information Requirements (Appendix 1.2)
Kainga Ora – Homes and Communities, Rotokauri North Holdings Limited and Jones Lands Limited and Hamilton Campground Limited have submitted in opposition to the requirement for an urban design assessment (against Chapter 25.15) and a CPTED assessment for four or more units. Fire and Emergency New Zealand have submitted in support of the provision as this will assist in the robust assessment of applications.
Submission points relating to Issue
160.340, 241.51, 343.81 (Same Submission Point) and 276.38
Further submissions
None
Analysis
The submitters concerns include that the provision will: • Frustrate the efficient administration of the Plan. • Increase cost and complexity and cause delay to delivery of housing. In response, the Information Requirements set in Appendix 1.2 provide relevant information where required, to be supplied with applications for resource consents and certificates of compliance. The information helps and enables a full assessment of compliance with the District Plan provisions and to evaluate any potential environmental effects. While the submitters concerns regarding increased costs, complexities, and delays to the delivery of housing are acknowledged, the key issue at hand is trying to ensure that good urban design outcomes are delivered on a consistent basis not only for the benefit of the city but, more importantly, for the benefit of the people who will be living in the units. In particular, the application of CPTED principles and strategies is important for urban planning, design and place management and can reduce the likelihood of crime and deliver numerous social and economic benefits. (www.justice.govt.nz/assets/cpted-part-1.pdf) Based on the above, I recommend that the relevant submissions are rejected. However, while the other provisions under 1.2.1 h. already provide guidance in terms of the expectations for the AEE,

the provision as notified has been rewritten slightly to provide greater clarity for applicants, their design teams and Council officials. Importantly, it is noted that the assessment should be 'commensurate to the scale of the proposal'.

Recommended Changes

Amend Appendix 1.2.1 as follows:

h. Assessment of environmental effects

iii. The AEE should identify how any adverse environmental effects are to be avoided, remedied, or mitigated, and shall also ensure that the following matters are addressed.

- For four or more residential units: require an urban design assessment ~~against Chapter 25.15 (Urban Design)~~ commensurate to the scale of the proposal that:
    - i. Demonstrates how the application achieves the relevant Objectives and Policies of the Plan (including Chapter 25.15);
    - ii. Addresses the relevant matters of discretion and assessment criteria and;
    - iii. Includes an assessment of and appropriate responses to Crime Prevention Through Environmental Design (CPTED) principles.
- ~~For four or more residential units; an assessment of and appropriate responses to Crime Prevention Through Environmental Design (CPTED) principles.~~

General Submission Points (Appendix 1.1 and 1.2)

Several submissions have been made regarding Appendix 1.1 and 1.2 that are more general in nature (not strictly urban design related). For example:

- Support for the new definitions of Terraced Housing, Apartments, Redevelopment of Impermeable Surfaces and Rotokauri North (241.48, 241.49, 343.77, 343.78, 146.21).
- Opposition to the definition for duplex dwelling or duplex residential unit (160.337).
- Requesting the addition of new definitions (150.3, 154.1, 287.18).
- In relation to retirement villages, requesting changes to provisions including new definitions (330.2, 330.3, 330.4, 330.5).

Submission points relating to Issue

Appendix 1.1 - 146.21, 147.17, 150.3, 154.1, 160.337, 241.48, 287.18, 330.2, 330.3, 330.4, 330.5, 343.78, 241.49

Appendix 1.2 - 129.4, 160.339

Further submissions

547 in support of 154.1; 401 in support of 150.3; 396, 407 and 469 in support 147.17; 565 in opposition to 147.17; 411 in opposition to 150.3; 572 in opposition to 287.18

Analysis

Appendix 1.1:

Kainga Ora seek that the definition for duplex dwelling is deleted, stating that it is irrelevant in the context of the Enabling Housing Supply Amendment Act and other provisions within the residential zone and instead favour a general definition for residential unit. In response, defining a range of building typologies is considered to add clarity to the district plan and is important given the move away from low density to medium and high-density forms.

The Ministry of Education, Department of Corrections and the Waikato Housing Initiative all seek the addition of new definitions related to their area of interest (these being new definitions for 'additional infrastructure (taken from the NPS_UD), 'community corrections activity' (consistent with the national planning standards) and 'integrated affordability'). In response, the plan change is limited in scope and does not follow the proposed national planning standards. The addition of these should be considered as part of a future full review of the Plan.

In similar vein, the Retirement Villages Association of New Zealand are seeking a few changes to the provisions to include: a new definition for 'retirement unit', amend the definition of retirement village to comply with the national planning standards, to amend the definition of rest home and to amend the definition of 'integrated residential development' to avoid any duplication with retirement villages. As previously stated PC12 is limited in scope and has not prioritised consistency with the NPS. While the approach of the submitter (to improve clarity of Council Plans) is supported, these changes are best suited as part of a future full review of the Plan.

Transpower New Zealand seek the inclusion of a definition for 'qualifying matters', and 'qualifying matter area' to reflect the "qualifying matter" meaning provided for within the RMA. In response to this submission point, this matter has already been interpreted and set out by the RMA 1991 (section 77I or 77O) and it is therefore considered unnecessary to add these definitions in the Appendix 1.1 of the District Plan.

Appendix 1.2:

The submitters partly support the notified provisions. Sarah Kelly is seeking that accessible housing is located near transport hubs and bus stops. While the plan change does not specifically deal with 'accessible housing' the principle is supported from a best practice perspective. Kainga Ora generally support the amendments to Appendix 1.2, to the extent that they are consistent with their submission and except for other related submission points.

Recommended Changes
No change to notified provisions.

Issue 3 – Assessment Criteria (1.3)
Several submissions have been made regarding the assessment criteria under 1.3.3 (Restricted Discretionary, Discretionary and Non-Complying Assessment Criteria). For example: • Opposition to all the criteria or seeking the deletion of certain criteria (e.g. 160.344, 343.82). • Opposition to criteria that require new developments within the high-density zone to consider aspects such as context, character and amenity (228.3, 228.6). • Seeking a redraft of the criteria to avoid the use of the term 'general rule of thumb' and that the criteria are presented as a de facto rule or standard (e.g. 228.6, 241.52, 266.39, 281.16) • Support for the proposed criteria (e.g. 296.90, 332.12) • Seeking amendments to the criteria to further protect sites that contain cultural, archaeological or built heritage, including Historic Heritage Areas (e.g. 153.25, 155.78, 201.4).

Submission points relating to Issue
156.10, 160.344, 228.3, 228.5, 228.6, 241.52, 266.39, 281.16, 296.9, 332.11, 332.12, 332.13, 332.14, 348.82, 243.27 Heritage related - 153.25, 153.26, 155.77, 155.78, 201.4
Further submissions
386 in support of 296.9; 549 in opposition to 332.11; 549 in opposition to 332.12.
Analysis
In response to the above submissions, which touch on a range of matters, the following general statements can be made regarding the use and application of assessment criteria, including the approach taken through PC12. • Assessment criteria are a tool to help achieve good UD outcomes (particularly in terms of liveability, amenity, built form and streetscape outcomes). • As the focus has now shifted to medium and higher density forms and typologies, the application of best practice principles and approaches is considered key to achieving the stated Plan outcomes regarding urban design. • A range of criteria are provided (under a series of headings) to assist in the assessment of an application. All criteria under the identified subject heading do not need to be used - only those relevant to the application. • In this regard, the current set of criteria within the ODP are not fit for purpose and PC 12 presents the opportunity to reformat B1 – B7 entirely, splitting the table into 5 separate sections or headings. • These sections are generic in nature and describe the key UD elements that should routinely be examined through the design process. • A brief explanation of the criteria has also been added to provide further clarity to users of the Plan. • Given the limited scope of the plan change, the urban design work only considered changes to the criteria that are primarily focussed on residential activities (B – Design and Layout and C – Character and Amenity). Against this background, some specific responses to submissions: • Opposition to part (B2 – B8) or all the criteria – Kainga Ora, Homes and Communities partly oppose the criteria as notified, with concerns that they are 'comparable to a design guide' and that they should only cover high-level urban design principles. In response, the criteria as written are considered an essential tool to achieve improved urban design outcomes in the built or urban environment. They are purposely generic (in terms of wording and grouping) and are drafted to be as clear and useful as possible. • That certain criteria should not apply to developments within the high-density zone – The criteria are intended to be applied selectively, on a case-by-case basis depending on factors such as the property location, the nature and scale of the proposal, the impact on adjacent properties etc. In most instances, the consideration of 'context' or responding to the context, is and continues to be, an important consideration. • Rotokauri North Holdings, Bloxam Burnett and Olliver, Jones Lands Limited and Hamilton Campground Limited (241.52, 266.39, 281.16, 343.82) oppose any changes to the assessment criteria which attribute lengths or percentages as an outcome, generalizing and

repeating required outcomes. According to Merriam-Webster, the term 'rule-of thumb', means "*a method of procedure based on experience and common sense*" and, "*a general principle regarded as roughly correct but not intended to be scientifically accurate*". Rules-of-thumb have purposefully been included in the criteria, where appropriate, to provide greater clarity to all plan users and are not to be read as a rule.

The two primary assessment criteria listed are B - Design and Layout, and C - Character and Amenity. These criteria do not conflict with the understanding that the existing urban environment will change over time, as outlined in the policies of the residential zones. The assessment criteria contribute to ensuring high-quality outcomes that align with the objectives of the District Plan and the NPS-UD. Based on the above, I recommend that the relevant submissions are rejected.

Heritage:

Submissions from Heritage NZ and Waikato Heritage Group seek amendments to the criteria to, for example, protect cultural, archaeological or built heritage sites from dominance or overlooking from neighbouring sites; or to include the ICOMOS NZ Charter. Further submissions are requesting changes to the criteria particularly as they relate to HHA's, for example that conservation plans are needed for all HHA's.

In response, heritage matters are largely out of scope of this plan change and it should be noted that criteria E (Heritage Values) are in place to address the concerns of the submitters and have recently been updated through PC 9.

Recommended Changes

No change to notified provisions (in so far as they relate to urban design matters).

Issue 4 - Design Guides (Appendix 1.4)

Waikato Heritage Group are seeking the inclusion of heritage guidelines and HHA conservation plans within Appendix 1. Kainga Ora opposes the inclusion of design guides or guidelines within the Plan. The Adare Company are seeking amendments to the Residential Design Guide so that it will apply to all residential zones. Te Whatu Ora support Appendix 1.4.

Submission points relating to Issue

155.79, 155.80, 160.345, 161.3, 243.29

Further submission relating to Issue

412 476, 521 and 585 in support of 243.29; 531 in support of 160.345; 579 in support of 160.345; 424 in opposition to 160.345

Analysis

While some minor edits have been made to the residential design guide, a complete rethink or overhaul of 1.4 was not within the scope of PC12 and this includes any thought of new heritage

guidelines. The guides do, however, set certain expectations for development like subdivisions, residential and key city sites and apply when a design guide assessment is triggered by the Plan. KO are suggesting they remain non-statutory. However, without any statutory backing, adherence to these guides will vary, potentially leading to inconsistent outcomes. Incorporating them into the district plan helps ensure consistency. Despite concerns, the guides offer flexible guidance applicable to various development forms, housing typologies and activities. Te Whatu Ora supports the subdivision design guide, highlighting its impact on health outcomes.
Recommended Changes
No change to notified provisions.