BEFORE THE HEARING PANEL

IN THE MATTER

Session 2 Plan Change - 12 Enabling Housing Supply

STATEMENT OF EVIDENCE Kristina McCalman

ON BEHALF OF FRANKTON EAST RESIDENTS GROUP (FERG)

Submitter # 350

DATED 7th August July 2024

INTRODUCTION

1. My full name is Kristina Marie McCalman, and I am the spokesperson for FERG and a resident of Frankton East.

2. I am a resident and ratepayer of Hamilton. I have lived in Torrington Ave for 23 years where I still reside.

3. I have been asked to present for FERG who submitted to PC12 on the proposed intensification, and particularly the proposed high-density zone for Frankton. I am not presenting as an expert witness but as a witness only.

4. FERG submission number is # 350.

5. In 2022 FERG was formed as a group to give our community a voice. In September 2022 FERG submitted on the Hamilton City Council District Plan Change 12 as notified in 2022 on behalf of a group of Frankton residents, who are owners and tenants, and directly affected.

6. FERG provided a submission and a petition. As previously submitted, the community petition seeks to reduce the proposed impacts of high density on a predominantly single storey residential area.

7. FERG is not a trade competitor.

8. My statement will cover the following matters:

    i. Original submission (Option A)
    ii. Section 32 Addendum Report - Assessment of amendments to the notified residential chapters 27 May 2024
    iii. Proposed Option C- revised plan change 2024 (Residential Chapter 4)
    iv. Walkable catchment
    v. Existing Use rights
    vi. Lack of consultation and degree of changes

SUMMARY

9. Our area of Frankton is made up of mainly single-storey homes and some two-storey 1970's flats with a mixed community that includes long-term residents and tenants. It is not a wealthy area, but for the residents it is very stable and has many long-term residents, including those who are in retirement. It is considered a lower decile neighborhood but has a strong community, despite the absence of community facilities or amenities needed for a metro centre. It is also bounded by a proposed Significant Natural Area (SNA) and a major gully system.

10. The area has very old services dating from the 1920's, which service mainly one-two-storey homes and flats. The land is very close to a major gully and stream, and is bordered in Avon Street by a gully that has more recently been filled in. The land slopes downwards towards the gully and it is unclear what geo tech information is available for this wider area on both sides of the gully.

11. As previously noted, residents are very familiar with the area's over-flowing sewerage system as each summer it fails to cope with the existing wastewater demands.

12. There is no local park, as associated grounds are privately leased to rugby and much of the nearby greenbelt is under secured fenced leases including Rugby Park. No new parks are proposed by HCC.

13. There has been minimal direct discussion with the affected residents in Option C MDZ and HDZ, with only one community meeting which was requested. The earlier public sessions were minimal and not held in Frankton.

14. While HCC has recently finally put on a bus service to Commerce Street this does not equate to a rapid transport system. And the small shopping area of Frankton is hardly Chartwell and has very limited facilities. There are no banks, no library, no medical centre, no community centre or supermarket. The centre is not made up of 'boutique shops' noted in the original area study. It does have a lot of Op shops and a couple of Bars.

15. There is an anomaly in having a poor existing amenity centre with minimal community services and associating the area with a proposed future rapid transport and walkability.

16. The definition of walkability is challenged – what services can you walk to whether Commerce Street or inside the City Zone? This should be based on what is at the edge that is usable for a community to access. There are also no bus stops nearby on west-east five lane road of Mill Street, which bypasses our suburb.

17. The existing suburb has a long history in community and as defined in the Frankton Community Plan 2016 has diversity. The new urban model proposed for our areas in PC12 2022 and the more recent new 2024 version has not included community consultation and has no consideration to existing social structures.

18. Substantial and immediate increases in new building heights to 21 metres and then 26

metres in a specific area did not include a community meeting in the specific areas to discuss the increases.

19. We are aware that there are a number of developments already proposed. So, there is a high probably of immediate start once the hearings are over. Noting there is no right of appeal in this process.

20. The use of the word 'brownfields' used to describe our neighborhood- is a poor choice of word. We are not an industrial area but a residential community. Displacement of our community has not been discussed, or sufficiently documented under costs and benefits. There is no documentation on how you will manage the extreme impacts or provide a suitable environment.

21. It seems that council has decided that the residents in our area are meant to sell up and move out (presumably to an outer suburb?) or live with the high rises being built in our backyards.

22. In our opinion, based on the research our group has undertaken, review of the new Option C and the variety of the HCC expert evidence provided; Option C will impact on our suburb more than almost any other and as noted pushes more into a well-established community and will be an environment that will not be fit for living during its proposed emptying of its community in the creation of new 6-8 storey (21-26 metre high) apartment blocks.

23. Of concern is:

    i. The high degree of change from the notified plan in August 2022 to Option C in 2024 for our suburb
    ii. No direct community plan
    iii. No existing use rights to retain and add to our existing homes with units or alterations and additions.
    iv. No other residential area has non-complying for existing residential use on it in this way
    v. There is no protection of the SNA and gully system with buffers between the SNA and housing as HCC previously stated there would be
    vi. Community amenities are fundamental to the model for Tier 1 and for a good urban environment- but don't exist in our neighborhood
    vii. Proposal to increase the base height from 21 metres (6-7 storeys) to 26 metres, immediately
    viii. The revised amenity values are still much less than the existing district plan
    ix. Definition of walkable

Original submission (Option A)

24. In our original submission we sought:

    a. Removal of the proposed Residential High-Density Zone from Taniwha, Wye, Torrington, Norton and Avon Street.
    b. Urgent consultation with the residents of Frankton East, who are the most affected by

the proposed removal of our homes and clearing our neighborhood for high rise apartments.

c. Having a Character Zone, and placing our area within this as the option in PC12
d. Inclusion in the proposed historic heritage area (in PC9)
e. Keeping our Frankton Neighborhood Plan, consulted in partnership with our Frankton neighborhoods, which includes retaining its existing character, and includes aspects such as trees and street parking.
f. Existing use rights to be specifically a rule in the district plan that allows us to continue to own and live in our homes and make changes as planned, dated for owners to before July 2022.
g. Better rules within the proposed residential high density zone chapter that improves:
    i. Building setbacks including adjacent to the proposed historic heritage area
    ii. Reduces the proposed Site coverage
    iii. Retention of more urban trees and vegetation
    iv. Because of old Infrastructure and only having high density residential zones in areas that are modern where it is easier to increase capacity to the scale required
    v. Require the design and layout of the development to be assessed through a resource consent process; recognising that the need to achieve a quality design is increasingly important as the scale of development increases.
    vi. Provide quality on-site residential amenities for all residents and the street.
    vii. Manage the height and bulk of development to maintain daylight access for all and a reasonable standard of privacy for all, and to
    viii. minimise visual dominance effects to adjoining sites and developments.
    ix. Require housing to be designed to: provide privacy and outlook; and to be functional, have access to daylight and sunlight, and provide the amenities necessary to meet the day-to-day needs of all residents.
h. Better rules for Infrastructure which includes but is not limited to street parking plans before the new zone rules are active, with plans developed by suburb not streets in all densities with 3 x 3 government-based infill and new development.
i. The existing infrastructure must be modern and able to have the capacity for the proposed density now. Old existing infrastructure should be avoided.
j. Improved residential rules that include good design, privacy, reducing overshadowing and sun, protection of residential amenity and provision of off-road car parking.
k. Clear objectives and policies written in the District Plan that protect and enhance existing character and amenity and ensure that consideration is given to neighboring properties and the impact on the wider neighborhood of housing developments:
    a) achieve, protect and enhance existing character and amenity of the zone
    b) manage the effects of development on adjoining sites, including visual amenity, privacy and access to daylight and sunlight; and
    c) achieve high quality on-site living environments and for neighboring properties to development sites. and
    d) integrate development with the adjacent and wider neighborhood
l. Notification to affected neighbors is required for medium and high-density developments, with resource consents required and clear assessment criteria (with strong objectives and policies) that do not allow for poor quality housing that can adversely affect neighbors and lower the tone of the neighborhoods we live in.

25. The only improvement from our submission we can see is the 1200m for a development area. In all other facets our submission appears to have been generally ignored.

Section 32 Addendum Report- Assessment of amendments to the notified residential Chapters (27 May 2024)

26. There is very little comment in the Section 32 Addendum about proposed HDZ apart in relation to costs and benefits except for MDZ and GRZ- like this:

    "*This change will direct and encourage higher levels of density into the MDRZ and Higher Density Residential Zone (HDRZ), as well as the Central City where infrastructure investment can be more efficiently targeted.'*

    And "The benefits of residential intensification are more likely to be realised when density occurs in areas where investment in infrastructure and other services that support intensification (streetscape amenity and public transport) are commensurate with those densities. Like the above point, this change would further encourage higher levels of density into the MDRZ and HDRZ, as well as the Central City, thus closer to a broader range of services, employment and amenities."

27. The above statements in Section 32 fail to take into account that modern infrastructure and other services are almost absent in Frankton residential zones. There has been no money spent in this part of Hamilton city for many decades.

28. The report goes on to mention:

    " *Benefits (point 37): These amendments seek to improve the amenity outcomes for residents living in new developments* ***as well as those who will be living next door or*** **near them***. For those in the GRZ, these amendments will reduce shading onto neighboring properties, improve privacy outcomes by limiting overlooking onto neighboring living areas, improve development contributions to the street scape, and provide usable outdoor living areas for residents in new developments."*

    For HDZ there is no such 'improvement' as above but increased negatives in Option C. It is assumed that - *For those in the* ***HDZ****, these amendments will* ***increase shading*** *onto neighboring properties,* ***decrease*** *privacy outcomes by* ***increasing*** *overlooking onto neighboring living areas, and is* ***unlikely to provide*** *usable outdoor living areas for residents in new developments."*

29. The conclusion on design standards in Option C states:

    "*Conclusion on design standards (point 42) - Overall, it is considered that the benefits of the proposed amendments outweigh the costs from the proposed amendments to design standards.* ***Ensuring there are appropriate protections and provisions of amenity is a core function of the Plan, and these changes seek to strengthen amenity outcomes to a level that is more acceptable to the community****. Further, as many of these design standard amendments are proposed only in the GRZ, this will support efforts to direct higher levels of residential density into other zones where it can be better managed****. "***

    Again, the Section 32 Amendments do not discuss, qualify or quantify the same benefits or improved design standards for residents in the existing areas in HDZ.

30. It is equally unclear in the section appendix how Policy 3(d) *which provides that urban form*

should be 'commensurate with the level of commercial activity and community services', is applied to Frankton East with the comment.

31. And it goes on to say "*While the centres proposed to revert from MDRZ to GRZ have some convenient services and retail offerings, they are not considered to be of a scale commensurate with higher density, particularly compared to Chartwell – a subregional centre*". This statement on Nawton and Glenview equally applies to Frankton and its small shopping centre without amenities such as library, medical centre, banks etc. *ie* Frankton may have some convenient services and retail offerings, they are not considered to be of a scale commensurate with higher density, particularly compared to Chartwell – a subregional centre.

32. When notified in 2022, PC12 proposed MDRZ around the following suburban commercial centres:
    Nawton, Thomas Road, Glenview, Chartwell, Five Crossroads, Hamilton East, Dinsdale, Clyde Street and Hamilton East

33. Residential intensification was initially focused around Chartwell, Five Cross Roads, Hamilton East, and the "Central City Walkable Catchment area".

34. HCC now proposes in Option C to retain Generational Residential Zones (GRZ) surrounding some suburban centres rather than applying MDRZ, including Nawton, Glenview, Thomas Road, Dinsdale west, and parts of Clyde Street.

35. In addition, HCC proposes new areas of MDRZ along the Hukanui and Peachgrove Road spine that links Chartwell Shopping Centre with Five Cross Roads. MDRZ is then proposed along Boundary Road between the Central City and Five Cross Roads. It is also proposed that the MDRZ be partially extended around the eastern and southern sides of Lake Rotoroa.

36. On this, the section s32 report states:

    Intensification in these locations and along these corridors goes beyond the requirements of Policy 3 of the NPS: UD. However, it is considered that this will provide a better urban development outcomes in the long-run which better aligns with the overall intent of the NPS: UD and its objectives.

37. We do not see any need to go beyond the requirements of the National Planning Standard (NPS-UD) Urban Design. There is a real risk of destroying the existing amenity, the existing sense of place and existing environment of these places with intensification beyond government requirements. There is no justification for this. The so called "better urban development outcomes" sought are not necessarily better outcomes for existing residents as well as future residents.

38. The NPS-UD requires the following:

Policy 3: In relation to tier 1 urban environments, regional policy statements and district plans enable:

(a) in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and

(b) in metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and

(c) building heights of at least 6 storeys within at least a walkable catchment of the following:

  (i) existing and planned rapid transit stops

  (ii) the edge of city centre zones

  (iii) the edge of metropolitan centre zones; and

(d) within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and densities of urban form commensurate with the level of commercial activity and community services.

39. The above National Policy Statement on Urban Development (NPS-UD) Policy 3 shows that **our area is NOT (a) a city centre zone, or (b) a metropolitan centre zone**. And the walkable catchment does not take you to community services or transport- you must walk much further.

40. While Frankton may be located to Mill Street there is no rapid transit proposed for use by Frankton. There is now one bus to Commerce Street. There is no direct walkable 800 metre access to the rail. There is no evidence of a proposed rapid transport system for our area.

41. In some cases, the HCC amendments go further than what is set in the RMA housing standards and NPS-UD. For example, the edge of city centre zones must be 6 storeys minimum by new law; but now proposed in 2024 Option C HCC proposes our area to be **26 metres high** - so could be around 8 storeys.

42. In our opinion the whole process for HDZ is a totally market and developer driven model, with minimal community input.

43. The urban philosophy in proposed HDZ seems to be immediate residential clearance, as one of the agreed principles of the notified and revised HCC plan.

44. We disagree with both the 21 metres height and the new 2024 proposed 26m height proposal in the existing residential area. This is extreme and has no transition or staged timeline, and no community input.

45. Dr Davey talks about the 'baseline' of what is permitted by District Plan can set a "baseline" for assessing impacts/effects e.g. if someone applies to build 7 storeys where only 5 storeys are allowed for, only the effect on neighbors of the extra 2 storey would be considered not the full 7. This would apply to Medium and high-density areas. So, in our area developers could easily seek more than eight storeys and only be judged on the 'extra'.

46. This is unacceptable and will create greater adverse effects on existing neighbors and

the local area as developments will creep past permitted heights using this as the benchmark.

47. The following table shows the Number of proposed residential units on a site

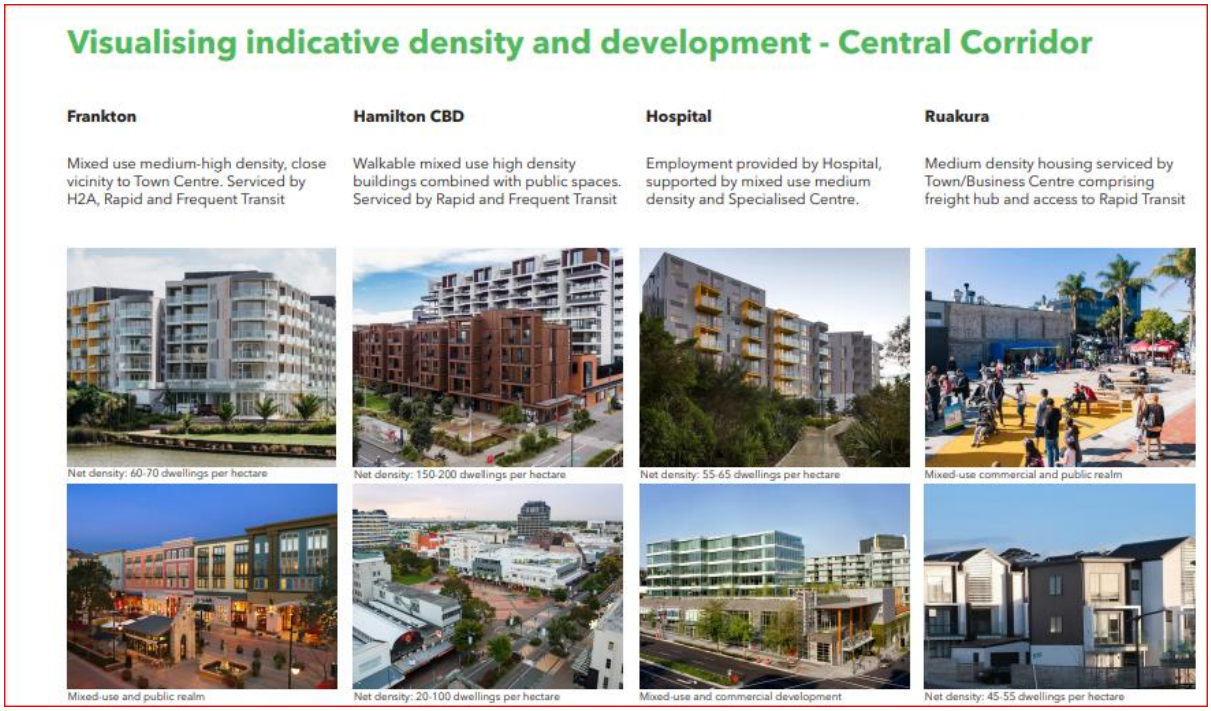
Residential Zone	**Original PC12 (August 2022) Notified**	**Proposed amendment (June 2024) Option C**	**FERG Comment on proposed MD and HDZ**
Medium density	PA status for 1-3 residential units and RDA for 4 or more residential units	Remain the same	FERG seek zone status for Frankton as General Residential and some Medium Density only, depending on physical conditions and any overlays ie PA status for 1-3 residential units and RDA for 4 or more residential units.
High Density	The development of a single residential unit on a site is a **Non-complying Activity (NCA)** Two residential units (Duplex Residential Unit) is a **Discretionary Activity (DA)**. 3 or more residential units (Terrace Housing or Apartments) is an **RDA**	Remain the same as Option B "The NCA status for single residential units (standalone units) and DA status for two residential units (typically duplex units) provides a clear indication that within the HDRZ the intent is to accommodate high density residential uses which is centered around terrace housing development and multistorey apartments buildings".	There is no proposed transition of activities, which are extreme compared to existing Permitted use for residential, including 1-2 storey, or a proposed MD zone. Disagree with a single residential unit being non-complying in HDZ. Seek removal of non-complying status in HDZ; and include1-3 residential as permitted as per MD Seek Existing Use rights for residential 1-3 units, as PA, including alterations and additions to existing homes dating prior to 2022.

48. The following table shows the notified and 2024 proposed Building heights. Noting that Medium Density heights are now 18m high and the zones proposed for MDZ have changed.

Residential Zone	**Building Height**	
	As notified	**Proposed amendment**
General Residential	11m (Maximum 3 Storeys)	10m
Medium density Residential	15m (Maximum 5 Storeys)	18m (Maximum 5 Storeys)
High Density Residential	21m	26m

49. The proposed notified 21 metre heigh for residential development under HDZ remains opposed and is not a suitable transition for keeping and continuing to provide sustainable neighborhoods. The 26-metre height proposed is even more extreme against existing 1-2 storey homes in existing neighborhoods.

50. The following images in the Future Growth Density document show what is proposed for Frankton residential. The revised version in June 2024 (Option C) is even higher than the notified version and images shown for Frankton below.



The image below shows potentially 6 storey (Notified in 2022) for HDZ, compared to Fairfield for Medium Density (MDZ) on right. The proposed Option C for High density is even higher than the image on the left. There is no 3D modelling of what this may look like in reality, yet this is a common urban tool to show proposes in the existing environments.

Proposed Option C - Residential Chapter 4

51. A sample of the planning documentation in the Option C Residential Chapter shows that the existing physical place and community has not been included in the model or planning framework and negative effects under the RMA for High density on people is taken as a given and ignored. The revised chapter 4 on residential is noted below with some associated comments and concerns on the existing documentation provided:

52. Proposed Chapter 4 Residential (Chapter 4-4.1)

PC12 clause	Support or opposition	HCC says:	FERG comments
4.1.2.2	Oppose in part	"Development maximises the use of land by providing a range of housing typologies that are consistent with **support the needs of the community** and the neighborhood's planned urban built character while ensuring the provision of infrastructure services as part of any development."	Assumes no existing community. There is no definition, policies, objectives or statements that define what also supports the needs of the existing community, only the 'planned'. There is no 'planned urban built character" definition. There are no guidelines that describe the urban built character in HDZ showing existing and new. A full range of infrastructure services are not defined, and do not currently exist. Seek objectives, policy, and rules that include 'support the needs of existing and proposed community' defining existing character, and with a community plan. Seek guidelines for each HD residential zone that includes existing and character.
4.1.2.2. b		staging	Staging is not clear. There is no transition proposed in HDZ from 1-2 storey homes to 21 or 26 metres high. It is not a staged approach. Both operative and notified are already in use as noted by Dr Davey. Seek staging in areas of extreme change (GR to HD) with MDZR the transition and allocated time period.
		Explanation that has social structure like libraries and community halls	Infrastructure does not exist in proposed HDZ including libraries, community centre, medical centres etc. It has not been planned and there is no evidence of these new community facilities in the immediate future in proposed 10-year funded plan to meet the level of community services needed. Remove HDZ until there are a range of community 'social' facilities as noted in the explanation.

PC12 clause	Support or opposition	HCC says:	FERG comments
4.1.2.3		**'All people'**	The current option does not include 'all people'. It excludes existing. Provide policy that includes all and how this is achieved. Seek associated rules.
4.1.2.5c		Preserve topsoil and subsoils	It is unclear how in the proposed HDZ that topsoils and subsoils will be preserved when the construction will need deep foundations, high site coverage with parking and service areas. How is this controlled? I.e. Seek control rule of only % removal. Seek rule framework to preserve both 'on site'.
4.1.2.6k		Dominance & overlooking	Protecting from overlooking and dominance is not possible when there is existing 1-2 storey and proposed 8 storey (26m). Seek rules to improve amenity and an objective and rules to have a transition between heights and protect existing amenities from both during transitions in residential zones especially when against 1-2 storeys.
		Explanation	A poor explanation for existing residents and amenities. Seek improvement in rule and explanation to include comment on some protection of existing.
4.1.2.7		A buffer for Significant Natural Areas (SNA) is proposed	There is no buffer shown in the proposed PC12 map but the specific Frankton and Maeroa residential area is bound by a proposed SNA to the east and is within the residential zone. Seek buffer on map and associated policy, objective and rules for a buffer area between SNA and HDZ and MDZ and GR.

<u>Summary on Option C (2024)</u>

53. There are substantial changes in the revised Plan Change that directly impact on the proposed High-density Zones, which is based on a model of urban renewal, which includes the removal of existing residents.

54. Option C is a substantial change and should be re notified.

55. There is no updated discussion on the impacts on existing residential areas which are programmed to go from general to high density. There are no objectives, policies and associated rules which are inclusive of the existing in Option C. The words 'urban renewal' are not used. The negative effects on existing residential areas in HDZ and MDZ are taken as a given in both the notified Plan Change and the much-modified new version Option C. If there is potentially some options to improve on the blunt use of the

new acts, then this should also be applied to the MDZ and HDZ and improve amenity for all.

56. The expert reports are silent on the substantial and almost immediate impacts of PC12 on existing residential communities and does not include impacts such as 'displacement'. Wikipedia on "Displacement of population" says

> Community displacement of people living in urban renewal areas comes in various forms. Displacement may be a stated or covert intention of the project, but it may also happen when other renewal objectives are prioritized over the ability of residents to stay in their area, or as an unforeseen consequence of planning decisions. Displacement may be direct, for example in cases where low-income residents are forced to leave their homes and communities, or indirect, for example when renewal is a catalyst for gentrification and/or housing prices rise such that they no longer affordable to low-income residents. Indirect displacement can also result from the interplay of renewal projects and social inequalities",

57. Displacement is a very likely result in the proposed MDZ and HDZ in Hamilton, as there is no objective to include the existing community or develop co-operative plans, and the model is market driven. Developers are already planning removals.

58. Indirect displacement is also very likely as 21-26 metre apartment towers are built in low rise residential areas. There are no controls that developments are affordable for the existing community.

59. There is no Hamilton model for the proposed high density residential area, with only a few apartments more than three storeys in residential areas.

60. In HDZ proposed Heights moving from 21 metres high to 26 metres is extreme in Option C in Hamilton. This extreme change has not been considered by other major cities. Transition to Medium density and High has taken place over time. **HCC has not proposed a balanced transition over time that takes the existing communities into account but excludes them.**

61. There is no amenity balance between existing urban environment and the amenity values that exist but a sole focus on a new community, with a high probably that excludes the amenity and wellbeing of the existing community who will be forced out and then priced out. This is the opposite of a good urban design model.

62. We are aware of the difficulties in Hamilton East where intensification over the last 15 years, without community support from residents and tenants, has not led to a good urban environment. We challenge Dr Davey's statement that there are already good examples available. No evidence has been provided in the recent statements, and there are no eight storey residential blocks in Hamilton's residential areas, and any five storeys are very limited.

Walkable catchment

63. With the Central City walkable catchment, HCC are proposing to retain the 800m walkable catchment measured from the Central City Zone edge outwards.

64. The NPS-UD requires HCC to identify walkable catchments around the city centre, metropolitan centres and existing and planned rapid transit stops, and enable buildings of at least six storeys within these areas. As previously noted, in our area this is not a metropolitan area and there are no existing rapid transit stops. The city centre zone may extend out to Mill Street, but a range of social services (within the northern City Zone) are not a 10 minute walk.

65. The council has proposed walkable catchments for around a 10-minute walk (800m).

66. The walkable catchments need to be better identified with a spatially demarcated layer on the planning maps called 'Walkable Catchments'. And existing social services should also be mapped if the development changes proposed are about to happen.

67. The measurement of walkable catchments needs to reflect the actual routes and distances people walk rather than direct distances 'as-the-crow-flies'. This means that each walkable catchment should have a different shape.

68. Distances have not been applied on a case-by-case basis, and there seems to have been no consideration of location-specific factors. These factors could include lack of pedestrian walkways, which may limit the distance people can walk, and barriers such as wide arterials (such as busy Mill Street) which are unpleasant, difficult, or even impossible for pedestrians to cross.

69. We again state that the edge of the city zone at the northern end may be in part 800 m but it is a long way from walkable facilities for our area and is not a 10-minute walk to community and service facilities. We'd suggest the outer city zone needs to consider walkability. You need to be able to walk to a library, a medical centre, a community centre, not get a taxi.

70. Proposes to take the walkable to 1200 m from the City Zone is opposed. There is an absence of rapid transport systems and no indication as to how HCC and government will fund a city-wide network.

Existing Use rights

71. In the proposed High-density zone, a single residential unit on a site is proposed a Non-complying Activity (NCA) i.e. you are not allowed to modify your existing home and site for what is permitted in residential zones under the current plan.

72. This sends a clear signal that these residential uses are not desired and will not be permitted activity under the District Plan which can already be applied as notified and more so when it becomes operative.

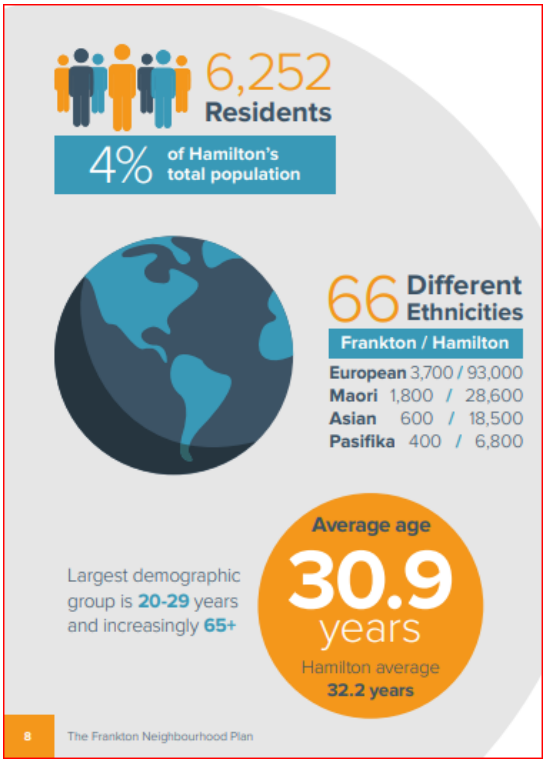
73. Existing use rights (under the RMA) will apply to any lawfully built housing so it can remain in place. However, these rights do not apply to reconstruction, alteration of, or extension to, or any new residential units on the existing site that increases the degree to which the building fails to comply with a District Plan rule.

74. For example, if a property owner in Frankton (within the High-density zone) wishes to build a new single or two storey house or duplex on their property they would need to apply for

resource consent (as a non-complying activity NCA) and this would be at odds with the District Plan provisions (ie it's not the intention for this zone) and would likely be declined.

75. It is deeply concerning that existing property owners will not be able to develop their homes noting there are generational families, retirement people and residents with over 30 years in the community. Frankton is noted in our Community Neighborhood Plan (2016) as being very diverse (see below). It includes long-term tenants and established tenanted two storey blocks of flats. A 10% increase in residents was the objective agreed to in 2016 across Frankton West and East.

76. Two facts show that in 2016 there were both a large group of 20-29 years but also increasingly 65 plus, and that the ratio owner occupied was already low. Additional residents are welcomed and can be included in our community, but it needs to be balanced with the existing residents. Where do the 65 plus go?



77. The non-complying activity (NCA) is the most restrictive RMA category (other than prohibited) and removes existing owners' rights to expand their residential homes and sites, within a long-established residential neighborhood, apart from the right to inhabit.

78. The proposed DP seeks removal of the existing homes and its community, not in a period of time with transition, but in current time. It is by market forces and not by community plan or even co-operative plan.

79. Non-complying status for existing residents in a residential zone to modify and add to their homes, which may include 1-2 storey units and granny flats is not acceptable. It is a substantial change which affects wellbeing, economics and ownership rights. It is fully opposed.

80. We seek activity status in HDZ to be modified to PERMITTED for 1-3 residential units and alterations and additions, for existing residents as of 30 June 2024, and

81. Seek an Existing Use Rights policy, objective, and rule framework for existing residents as of 30 June 2024 to Permitted Activity for continued existing residential use, and for modified residential uses, including alterations and additions, and new residential units up to 3 storey.

Lack of consultation and degree of changes

82. The PC12 variation process has been very difficult to understand and has limited 3d modelling to understand the changes within existing suburbs. These changes are immediate and not proposed as staged and developed with care. The more recent changes are almost two years after notification, are different again and complex.

83. The system only allows existing submitters to respond.

84. Many people in Hamilton are unaware the intensification variation is still to be heard, and if only the submitters are included this further has reduced the potential for appropriate community consultation.

85. The new much modified PC12 of June 2024 was not re notified and there were no community engagement sessions.

86. Hamilton and its PC12, unlike Auckland, has not waited until the proposed changes to government acts, but has preempted these, with a mixed model. If there is more potential to reduce the bluntness of intensification, then this should be taken to allow for better community consultation and for specific co-operative community plans with immediately effected neighborhoods.

87. There is only one agreed Neighborhood Plan for our area from 2016 and it included a 10% increase but not the scale now proposed. There is no proposed Neighborhood Plan for proposed 21 and 26 metre high neighborhoods within existing communities.

88. PC12 was halted due to notifying the Stormwater and flooding variation. This has not been notified. While experts say data has been taken into account, we do not know how this affects our neighborhoods.

89. There are known filled gullies, a major gully system and waterways in our neighborhood. How is this to be addressed?

90. There is no additional documentation on the existing poor infrastructure in our area, as noted by some submitters, with sewerage systems that annually fail and date from the 1920s.

91. There are no additional park facilities proposed nearby, and from the consultation there is no requirement for HCC or developers to provide parks and pocket parks within existing HDZ. We also note that in our area the parks are mostly leased and fenced off. There are no immediate neighborhood parks and no proposed street plans.

92. Our view is that there should be re-engagement with public consultation now or that council seek a halt to the new process until both the stormwater variation and government acts have changed.

93. In my view, and that of FERG, the residents of Hamilton and our immediate community, are disadvantaged by the current process of PC12, and by the lack of any support from council and capability to seek financial support for experts in this process as community groups. Option C has not been through a community engagement process.

CONCLUSION

94. FERG opposes the proposed changes to the Frankton area and does not support the proposed high-density zone and its provisions in Option C. The original FERG submission and submission points have been largely ignored.

95. The community has known issues with old stormwater and sewerage systems, no community services whether library, medical facilities. Issues with parking for large crowds, that will not be too dissimilar to the scale of parking on streets under the proposed new rules. There has been no specific information and poor discussion. Option C does not improve confidence that the aggressive proposal for residential high density, in a low-density city, will benefit the existing community and make it a sustainable or desirable community for future generations.

96. The new model of PC12 in June 2024 does not appear to provide a better urban model in HDZ, with minimal comment from the HCC experts on how amenity is retained and an existing good urban environment. Cost and benefits are largely ignored for HDZ. It increases the extremes of the modelling to the central city zone in approach, when there is still plenty of room within the city zone. It is a model that has not been tested.

97. Option C, which was not publicly consulted on, seeks even more intensification in the proposed HDZ including height, it ignores the physical site limits, ignores physical conditions, and further disadvantages a long-established community.

98. There are no longer resources for community groups to procure lawyers and planners and experts, and the timing of the new process further disadvantages the communities, including those unaware of the Option C changes.

99. In my view and on behalf of the FERG group there should be:

    a) A reduction in heights in the proposed HDZ to at least the minimum MDZ in the current Act.
    b) A transition program over time into HDZ – taking a staged approach
    c) Community and iwi consultation now and not after the hearings in September 2024
    d) Definition of ‘high density’ and of ‘walkable’, and evidence of what Tier 1 facilities are currently available and how and what will be funded immediately and in the short term to match the immediacy of the proposed development.
    e) A program of new community amenities/facilities programmed to begin now

f) A protection buffer for the SNA and gullies, noting stability of soils, stormwater, and earthquake fault
g) Documentation on the state of existing services in the specific old areas
h) Improved amenity controls in HDZ in shadowing and privacy
i) Additional public park facilities directly located and the existing public parks that are walkable improved (note local parks are leased privately)
j) Improved tree planting in HDZ, rather than reductions in existing trees
k) A proposed neighborhood parking and planting plan prior to new developments
l) Statutory guidelines for HDZ, which includes existing urban character and agreed character
m) A Specific Policy for existing use rights for pre 2024 residents for residential use, alterations and additions, which include 1-3 storeys, as permitted activity and associated policy and rules.

100. The new PC12 process, and Option C is flawed, lacks an appropriate level of community consultation and any development of shared plans with neighborhoods. It should be halted, until the central government acts are decided and changed, and flooding variation notified.

PERSONAL SUMMARY

In conclusion, while we acknowledge that change is inevitable, it is crucial that such change is planned and managed effectively. This ensures that the necessary infrastructure is in place to support residential growth and that development is guided by a shared vision created with community participation. Unfortunately, Hamilton has often experienced mismatched, ad hoc, developer-driven changes that do not reflect this ideal.

The inclusion of Hamilton in Tier one modelling, applying the same rules as Auckland and Wellington, is questionable. These cities have managed intensification over many decades while preserving their character suburbs, such as Ponsonby and Grey Lynn. Although I am not a planner, I recognize the importance of inner-city suburbs in defining city identity and creating vibrant, liveable communities. The brownfield approach proposed for Frankton East fails to consider the long-term community and the creation of liveable city suburbs.

As I write, I am listening to the dawn chorus, a song thrush has taken up residence in one of the trees in my yard. Tui's, Kingfishers, Wax eyes, Piwakawaka, and even Kahu and Ruru are all in this little green pocket nudged up to the city. Twenty-five years ago, it was only sparrows and blackbirds.

I wonder what the future residents of Frankton East will awaken to.

Kristina McCalman
FERG Spokesperson
7/8/2024

Index 1. Map Showing proposed High-density zone