29 September 2022

Hamilton City Council
Private Bag 3010,
Hamilton 3240

Attn: City Planning

SENT VIA EMAIL: haveyoursay@hcc.govt.nz

Dear Sir/Madam,

RE: SUBMISSION ON HAMILTON CITY COUNCIL DISTRICT PLAN CHANGE 12 – ENABLING HOUSING SUPPLY

1. I submit on the Hamilton City Council District Plan Change 12 (PC 12). Thank you for the opportunity to provide this submission.

2. I wish to be heard in respect of this submission. If others make a similar submission, I am prepared to consider presenting a joint case with them at a hearing.

3. This submission is served electronically. No hard-copy will be sent.

OVERALL COMMENTS

4. It is acknowledged that Hamilton City Council (HCC) must respond to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021. This requires introduction of the Medium Density Residential Standards (MDRS) within residential zones. **This is opposed**.

5. HCC should advocate strongly in opposition to the government direction set out in the Amendment Act. In this respect it is noted that Christchurch City Council have not adopted a proposed plan change that would introduce greater housing density/intensification as required by the legislation, and have signalled their opposition to Central Government. HCC should take similar action, given the current Operative District Plan already makes provision for increased housing supply.

6. Particular concerns with Plan Change 12 include:

    a) The lack of attention given to Part 2 RMA, including consideration under section 7 to the maintenance and enhancement of amenity values (in particular when considering residential amenity) and 'sustainable management' of physical resources (including existing urban buildings). It is noted the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 has not amended Part 2 RMA.
    b) The introduction of blanket 'medium density' planning rules to all residential areas will place severe limitations on HCCs ability to adopt more nuanced and contextually suitable planning controls

c) No notification nor right-of-appeal for complying developments (meeting permitted activity standards)
d) The MDRS introduces a range of height, density and amenity standards, such as a maximum permitted height of 11m, 50% site coverage, minimum 1m x 1m outlook space for habitable rooms, minimum site setbacks and so on. Some of these, such as the outlook space requirements, severely compromise amenity and risk creating 'slum' developments.

e) Other measures may be suitable to individual areas within Hamilton, however I consider that **a universal application of the MDRS within the City is inappropriate** and likely to have significant adverse impacts, such as:

- Blanket planning rules ignore the enormous differences inherent between residential zones. Whilst Plan Change 12, provides for types of residential zoning (General Residential, Medium Density Residential, Peacocke Medium Density Residential, and High Density Residential) these do not account for the differences within these zones and across the city.
- If 11m high houses can be built throughout General Residential zones 'as of right' then this will undoubtedly result in property owners having views and sun blocked, with no recourse to appeal against the development.
- The MDRS actively promotes a 'backyard infill' type of development, which limits more significant and higher quality 'comprehensive intensification, which would benefit Hamilton City.
- It is also counterproductive as it worsens the development economic conditions for such redevelopment to happen by significantly increasing the capitalisation on rear sites, areas that would require comprehensive redevelopment to create quality higher density living environments such as perimeter blocks.

7. Ultimately the RMAA 21 and the MDRS is legislation that was introduced without due consideration for the unintended impacts it will have on our environments and Hamilton City. Whilst some level of intensification can be appropriate within Hamilton it needs to be well considered, evidence based, serviceable and affordable for future generations.

8. Council needs to ensure additional mechanisms and controls are adopted to increase housing supply whilst maintaining an appropriate level of control over the amenity and urban planning impacts. This includes ensuring good urban design outcomes, and limiting overshadowing and privacy impacts for adjoining properties. It is noted Councils ability to set planning controls is limited by the MRDS.

9. Quality intensification should not be traded off against a short-term gain in housing numbers and community wellbeing.

10. Through this Plan Change, HCC must take the lead in establishing the minimum standards for our local communities and neighbourhoods be it for such matters as sustainable design, urban amenity and diversity of housing. The liveability and wellbeing outcomes of well-designed residential intensification need to be thoroughly researched and must be included in Council's decision making on Plan Change 12.

11. The 'one size fits all' approach of the MRDS needs to be rejected in favour of an evidenced, analysed, and strategic approach to establishing locations for housing intensification and a matching increase in infrastructure investment.

Yours sincerely,

Niall Baker

18 Sadler Street
Fairview Downs
Hamilton 3214

Plan Change 12 Clause	Support or opposition to proposal	Decision requested	Reasons
Chapter 1 Plan Overview			
All clauses within plan	N/A	Annotate all plan provisions to clarity immediate legal effect status and applicability of any 'qualifying matters'	The plan provisions need to be clearly annotated to identify what has immediate legal effect and what 'qualifying matters' apply. See Auckland Plan for example of annotation in the margins of the plan.
All clauses within plan	N/A	Plan structure and layout to be revised for improved readability	Plan structure and layout to be improved for readability and ease of reference. Place 'matters of discretion' within each relevant chapter, for example Chapter 4 on residential zones refers to Assessment Criteria within Volume 2, Appendix 1.3 with matters of discretion referred to as: B – Design and Layout C – Character and Amenity Incorporating these matters of discretion within the relevant Chapters would make for easier navigation and reference.
All zones	N/A	Provide illustrations of proposed building typologies and graphics	Undertake modelling and provide illustrations of what is proposed and the impact in each Residential zone type to assist with public understanding of the Plan Change.

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Chapter 4 Residential zones			
4.1.2.3d	Oppose	Delete this policy.	The objective should not provide for developments not meeting permitted activity Status, and instead promote and encourage activities to meet permitted activity standards.
4.1.2.6	Oppose	Amend the policy to refer to existing and planned urban environment.	The objective refers to providing a level of amenity consistent with the planned urban environment. This also needs to refer to the existing and planned urban environment, to recognise that urban environments consistent of existing dwellings that were constructed prior to Plan Change 12 and that do not always reflect the densities now provided for or desired. It is also consistent with Part 2 of the RMA, to sustainability manage resources (including physical resources, being existing buildings).
Rule 4.2.3.1	Oppose	Provide for Ancillary residential structures as Restricted Discretionary activity.	Ancillary residential structures can have significant impact on adjoining properties, and should be subject to a consent process and assessment criteria.
4.2.5.4	Oppose	Clarification on whether building heights include aerials, satellite dishes and similar structures.	
4.2.4	Oppose	Apply Schedule 3A of the Amendment Act and confine rule 4.2.4 to only what is required by legislation.	Notification to affected neighbours is important and consistent with the intent of the

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		Remove provision for non-notification or allowance for limited or public notification to be precluded, unless required by the Amendment Act, or where the adjoining neighbour has provided written approval for the infringement on the relevant boundary. Remove the provision for proceeding without public or limited notification where the degree of infringement of each of the standards is no greater than 10% of the standard(s) in question.	RMA to provide for public input into resource management decision making. Infringements to the relevant standards (even at 10%) can have significant amenity impacts for adjoining properties. For large scale developments that trigger public notification tests under the RMA due to the level of potential effects or any relevant matters, these should be subject of public notification.
Overall	N/A	Existing use rights should be explicitly provided in the plan (written in a rule), for relevant residential activities that were lawfully established prior to notification of Plan Change 12.	This will avoid plan users needing to refer to s10 RMA. Residential activities include existing boundary fences that may be higher than provided under rule 4.2.5.7, and existing single detached dwellings within the High Density residentials zone (which would carry non-complying activity status under Plan Change 12). These are only two examples to demonstrate the relevance of provision for existing land uses, given the substantial change within urban environments proposed.
4.2.5.9	Oppose	The Plan should require design solutions, for example if a habitable room window overlooks habitable windows of neighbours adjoining property or another unit within a	Maintain and enhance amenity values.

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		townhouse/multi occupancy development. This includes: 1. Designing for: a 1700 high sill height 2. requiring any portion of the glazing below 1700 sill height as obscure/frosted glass with 25% transparency 3. requiring provision of a screen to 1700 height from floor level with 25% permeability 4. requiring provision of awning windows with obscure glazing and openable to maximum 125 mm These measures will prevent overlooking on the privacy of others. Obscured glazing shouldn't be an issue in bathrooms, hallways or landings. Similar rules should also be applied to balconies where they overlook neighbour properties, to prevent downward views	There is importance of window design and sill heights to mitigate overlooking onto neighbouring properties.
Overall	N/A	Introduce additional standards for new residential units, including the following: a) Introduce Urban design standards, rules and require review by the Urban Design Panel for all residential developments (not only those with 4 or more units)	Maintain and enhance amenity values.

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		b) Incorporate Urban design rules (not just design guidelines) into the Urban Design Chapter 25, to ensure good urban design outcomes. c) Require balconies to face the street, or internal spaces rather than towards neighbouring properties. If this cannot be achieved, require balconies and roof terraces to include privacy screening to limit views onto adjacent sites. d) Avoid locating the main living room windows directly across the side boundary where they will provide views into the indoor or outdoor living areas of the adjacent house or site. e) Require locating courtyards next to blank walls or service areas like garages of the adjacent house, in order to maintain privacy, to the extent possible. f) The location of upstairs windows and decks should look down into the private outdoor space to the front or rear of their own property, not over the side boundary. Views over the neighbours' private outdoor space should be screened as far as practicable.	

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		g) Require planting as screening between neighbouring houses. h) The plan should require the selection and location of trees to be planned and integrated part of the development, considering summer shade and winter sun, as well as the shadow they will cast when fully grown. Try to avoid shading over the boundary.	
Chapter 19 Historic Heritage			
19.4.2 to 19.4.7 (inclusive)	Oppose in part	Apply all rules to Historic Heritage Areas (as per Plan Change 12) and Schedule 8A: Built Heritage (buildings, structures and associated sites) and Schedule 8B: Group 1 Archaeological and Cultural Sites. Currently Chapter 19 provisions for building heights, height in relation to boundary, setbacks etc only apply to Historic Heritage Areas. This needs to be extended to the other schedules, as above.	Provide planning controls that apply to HHAs for scheduled sites of historic significance (Schedule 8A) and Group 1 Archaeological and Cultural Sites (Schedule 8B). Consistent with the qualifying matters under the RMAA and Part 2 RMA.
19.3.3 (m, n, o, p)	Oppose	Rules should be made the same for duplex dwellings - Rule should be Non complying activity status for all duplexes	An artificial distinction between front, corner and through site and rear is not supported.

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Planning maps			
N/A	Support in part	Support General Residential Zoning for Fairview Downs	Residential Zoning type being the most consistent with current and historical built patterns and level of development.