Pragma Holdings Limited

Submission on Plan Change 12 – Growing Up (PC12), Hamilton City Council

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Submission Information:

Pragma Holdings Limited ('**Pragma**') could not gain an advantage in trade competition through this submission.

The specific provisions of the Plan Change that Pragma's submission relate to are attached.

Pragma supports/opposes/seeks amendment to the specific provisions as listed in the attached document. The reasons are provided in the attached document.

The decisions Pragma wishes Council to make ensure the issues raised by Pragma are dealt with are contained in the attached document.

Pragma reserves the right to heard in support of this submission.

If others make a similar submission, Pragma will consider presenting a joint case with them at a Hearing.

Regards,

Fraser McNutt

1.0 Introduction

Pragma welcomes the opportunity to provide feedback on the Growing Up Plan Change ('**PC12**') as prepared by the Hamilton City Council ('**HCC**').

1.1 Background

The site this submission is associated with is shown in **Figure 1**, and is located at 163 and 163A River Road, Hamilton East, Hamilton. The site owned by Pragma and is located within the 'High Density Residential Zone' under PC-12 where previously it was zoned Residential Intensification Zone.

The site is within a 10 minutes walking distance from the Hamilton CBD. The site located to offer a range of multi-modal transport options including cycling, walking and public transport as shown in **Figure 2**.

Figure 3 and 4 shows the site proposed zoning under PC-12 and as the previous zoning prior to notification.

Figure 1: Aerial locality plan (outlined in red). Source: Emap.

Figure 2: Locality Plan

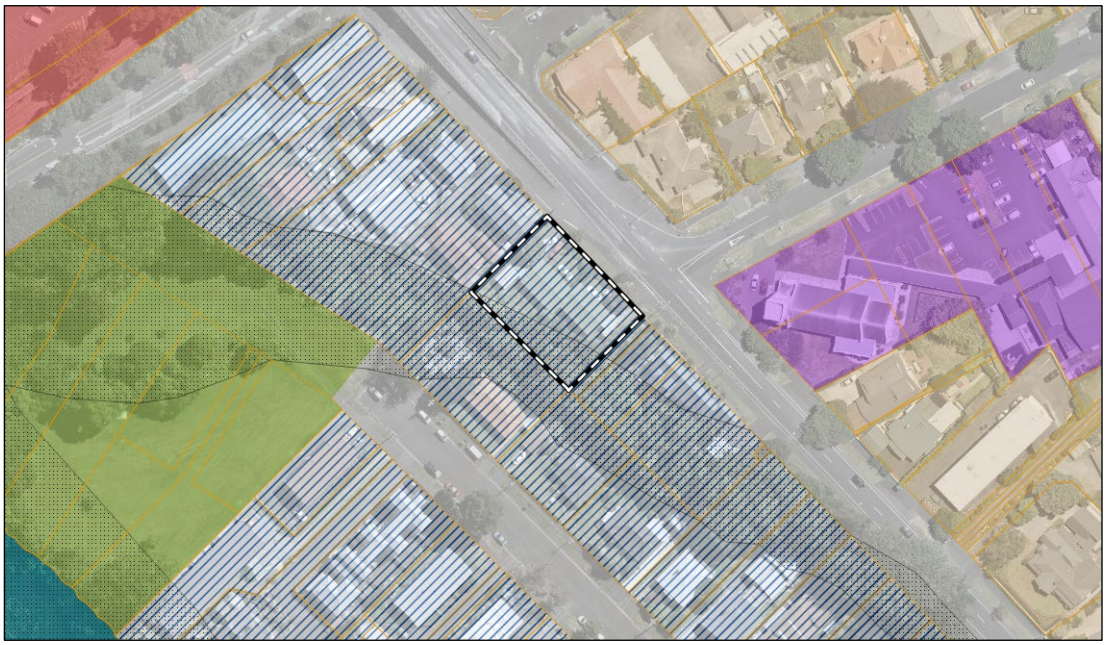

Figure 3 Council GIS Mapping Prior PC-12 Notification.

Figure 4 Council GIS Mapping Post PC-12 Notification (including PC-9 features)

2.0 General Feedback

Pragma appreciates the opportunity to submit on PC12 to ensure consistency and viability for future growth and development within Hamilton.

Pragma has made specific feedback points as outlined in Section 3.0 to improve PC12, and to efficiently and effectively achieve a more congruous overlook in terms of Hamilton City's urban growth as a whole, specifically the Central Hamilton area. Pragma also ensure this submission effectively achieves the proposed objectives of the plan change package and the District Plan as a whole, and the purpose of the RMA.

3.0 Submission on the Growing Up Plan Change (PC12)

Sub #	Topic	Support/Oppose/Seek Amendment	Comments/Reasons	Relief Sought
1	Zoning	Support	The site is zoned Residential Intensification under the Operative District Plan and High Density Residential under PC12. This zoning supports the central locality of the site to enable high density development that is within a walkable catchment.	Nil
2	Infrastructure Capacity Overlay	Support	The site is excluded from the Infrastructure Capacity Overlay. We support this exclusion as the provisions within the District Plan Three Waters Chapter for residential and non-residential activities excluded from this overlay are sufficient in managing the effects of these services subject to the amendments detailed below.	Nil
3	Assessment Criteria – B Explanation	Oppose/ Seek amendment	The site is zoned High Density Zone under PC12 which requires consent for a Restricted Discretionary Activity when 3 or more residential units are to be established on a site. As part of this activity the assessment criteria includes; • B – Design and Layout • C - Character and Amenity Assessment Criteria B – Design and Layout Explanation identifies that in terms *of design and layout, the elements are:*	We oppose this assessment criteria item and seek an amendment to these provisions to enable new developments within the High Density Zone to not be required *to consider the surrounding context including adjacent properties* and instead be assessed on their own merits and the developments ability to be achieve the Purpose of the Zone and the identified Objectives and Policies of the High Density Zone.

			• *Context – has the proposal considered the surrounding context including adjacent properties?* This explanation for the following assessment items is inconsistent with the Purpose of the High Density Zone where it is acknowledged; *Buildings of at least 6 storeys can be readily anticipated within this Zone, including adjacent to pre-existing 1 to 2 storey detached dwellings.* ***As a result, the character of the Zone is anticipated to change substantially over time***. The provisions to then consider the surrounding context is contrary to this statement and could impede early development projects within this area resulting in the Zone not fulfilling its purpose nor the purpose of the MDRS as directed from Central Government We oppose this assessment criteria item and seek an amendment to these provisions to enable new developments within the High Density Zone to not be required *to consider the surrounding context including adjacent properties* and instead be assessed on their own merits and the developments ability to be achieve the Purpose of the Zone and the identified Objectives and Policies of the High Density Zone.	
4	Assessment Criteria- B2 Context	Opposed/ Seek Amendment/ Seek Clarification	Assessment Criteria Item B2(c) seeks to assess whether a proposal is able to *Configure buildings to limit visual dominance and building length effects such that, as a rule of thumb, buildings should be no more than 70% of the length of a side or rear boundary, if 1-storey height, and 60% of a boundary, if 2 or more storeys in height.*	We oppose this assessment criteria item and seek an amendment to these provisions to enable new developments within the High-Density Zone to not be required to be assessed against this item that is based on a 'Rule of Thumb'

			Due to the High-Density Zoning occurring is large areas of Hamilton which have been predominately low to medium density in terms of urban form. This has resulted in allotment size and shape that could be restrict high density development when assessed against this point. It is also unclear which boundary should be used when applying this assessment item if the side and rear boundaries vary significantly in different lengths. 163 River Road has side and rear boundaries that equate to 28m, 27m and 38m approximately which limits the height of development to 17m, 16m and 22m depending on which boundary is used to assess this item any development could be limited to 16-17m which contradicts the High-Density Zone provision to enable developments to build to a maximum height of 21m (Rule 4.4.5.4). We oppose this assessment criteria item and seek an amendment to these provisions to enable new developments within the High Density Zone to not be required to be assessed against this item. Which is considered a broadly accurate guide or principle is more commonly based on practice which can led to being ambiguous and also limits development's ability to provide good outcomes when governed but an arbitrary statement which is not provided as a planning rule/ provision. This is inconsistent with the intention of the Plan and the foundation/ hierarchy the Plan is based on i.e., Purpose – Objectives – Policies – Rules.	Instead, developments within the High-Density Zone should be assessed on their own merits and the developments' ability to be achieve the Purpose of the Zone and the identified Objectives and Policies of the High Density Zone. We also seek clarification on which boundary should be used when applying this assessment item if the side and rear boundaries vary significantly in different lengths.

			Instead, developments within the High Density Zone should be assessed on their own merits and the developments ability to be achieve the Purpose of the Zone and the identified Objectives and Policies of the High Density Zone.	
5	Assessment Criteria C – Character and Amenity	Oppose/ Seek Amendment	Assessment Criteria C – Character and Amenity item C1 General requires a development/ activity to be assessed on the extent to which the activity: • *Ensures adequate onsite amenity is provided for future occupants. In particularly, internal living spaces should be practical and functionable. As a general rule of thumb, internal living areas should have a minimum dimension of 3.8m. 3m for basic furniture and 0.8m for circulation.* This item falls out of the scope of Council and the RMA. Provisions of the District Plan should seek to provided quality and functional on-site amenity. Council cannot dictate how this form of on-site amenity should be provided in. Developments and the sites they occur on provide unique characterise and opportunities that should not be restricted in relation to design due to Council 'general rule of thumb' in relation to internal living area dimensions. The use of 'Rule of Thumb' which is defined as a broadly accurate guide or principle is more so than not based on practice. This rule of thumb 'guidance' can be led to being ambiguous and also limits development's ability to provide good outcomes when governed but an arbitrary statement which is not provided as a planning	We oppose this assessment criteria item and seek an amendment to these provisions to enable new developments within the High Density Zone be assessed on their own merits and the developments ability to be achieve the Purpose of the Zone and the identified Objectives and Policies of the High Density Zone.

			rule/ provisions. This conflicts with the intention of the Plan and the foundation/ hierarchy the Plan is based on i.e., Purpose – Objectives – Policies – Rules. We oppose this assessment criteria item and seek an amendment to these provisions to enable new developments within the High-Density Zone be assessed on their own merits and the developments' ability to be achieve the Purpose of the Zone and the identified Objectives and Policies of the High-Density Zone.	
6	Information required for each type of Water Impact Assessment	Oppose/ seek clarification	Table 1.2.2.5a details the information required for each type of Water Impact Assessment. This includes item (iv) which requires *"Details of the expected water efficiency benefits arising from the proposed water-sensitive techniques compared to the same development without using those water-sensitive techniques."* This is seen to be an ambiguous statement to addresses within a Water Impact Assessment adding additional time and costs to a WIA. The S32A analysis report has identified the need for rules/ provisions which regulate water-sensitive techniques for developments both residential and non-residential. The requirement to then demonstrates these benefits of 'complying' with the proposed rules/provisions is unnecessary and redundant.	Removal of Item (iv) within table 1.2.2.5a as the benefits of having specific water-sensitive techniques for residential and non-residential developments has been determined through the 32A analysis.
7	Water Saving Techniques	Seek clarification	Rule 25.13.4.5 Water Conservation Measures details the following as water sensitive techniques:	Seek clarification on the differences of water sensitive techniques within rule 25.13.4.5 and the definition.

			• *Provision for future installation of water metering infrastructure* • *Use of low flow fixtures in kitchen, laundry, toilets and bathrooms* • *Rainwater tank of minimum size of 3,000 litres for non-potable use (garden watering, toilet, laundry etc)* Yet the proposed definition of water sensitive techniques is: *These include a variety of methods designed for water conservation. They include many techniques referred to under other names, e.g. low-impact design (LID), water-sensitive urban design (WSUD), low-impact urban design and development (LIUDD), sustainable urban drainage systems (SUDS), "natural", "green" and "sustainable". A primary aim of water-sensitive techniques is to maximise the achievement of multiple benefits rather than a single engineering technical efficiency measure. Recognised water-sensitive techniques include:* *a. For water supply:* *i. Rainwater reuse systems comprising rainwater tanks and appropriate connections that use rainwater instead of potable water for toilet flushing and landscape irrigation.* *ii. Low-flow fixtures.* *iii. Leak resistant fixtures and fittings.* *iv. Automated greywater reuse systems that use greywater instead of potable water for toilet flushing and landscape irrigation.*	

			v. *Drought-resistant landscaping (e.g. xeriscape) with low water requirements.* vi. *Conservation education.* b. *For stormwater:* i. *Rainwater tanks/chambers/ponds for reuse or detention.* ii. *On-site soakage.* iii. *Green roofs.* iv. *Reed beds/wetlands.* v. *Rain gardens.* vi. *Vegetative filter strips.* vii. *Swales and depression landscaping.* viii. *Gross pollutant traps.* ix. *Permeable paving.* x. *Requiring buildings to be built above the freeboard of a 1% annual exceedance probability event.* c. *For wastewater:* i. *Low-flow and leak resistant fittings and fixtures on a water supply.* ii. *Automated greywater reuse systems as in a) above.* iii. *Best practice inflow and infiltration reduction methods.* d. *Biodiversity:* i. *Reed beds.* ii. *Wetlands.* iii. *Ponds.* iv. *Rain gardens.* v. *Green or living roofs.* vi. *Water-quality protection and improvement devices.* vii. *Maintenance or restoration of natural flow regimens.* e. *Cultural:*	

			i. *Traditional food and fibre plants within riparian areas.* ii. *Water-quality protection and improvement devices.* iii. *Facilitation of appropriate water body access.* iv. *Maintenance or restoration of natural flow regimens.* The rule/provision of water sensitive techniques do not correlate with the proposed definition.	
8	Three Waters Infrastructure Capacity Assessments	Oppose in part	*Table 1.2.2.5b* outlines the information required for Three Waters Infrastructure Capacity Assessment. We oppose *Table 1.2.2.5b* in part as detailed below.	Subsequent submission points **9a-9e** outlines the specific relief sought in relation to each item of *Table 1.2.2.5b* with feedback.
9	Three Waters Infrastructure Capacity Assessments	Oppose	*Table 1.2.2.5b* outlines the information required for Three Waters Infrastructure Capacity Assessment. We oppose the requirements outlined in *Table 1.2.2.5b*. While the site is not located in the Infrastructure Capacity Overlay, a Three Waters Infrastructure Capacity Assessment will still be required for residential development involving four or more additional residential units/allotments on any site or a new building for non-residential activities with a gross floor area greater than 300m^2. Therefore, this assessment will be required for the future development of the site. The information requirements are anticipated to vary in detail dependant on the scale and significance of the potential effects of a proposal. It is suggested that a threshold trigger would be more appropriate for this assessment. For example, the requirement for information would be required for	Subsequent submission points **9a-9e** outlines the specific relief sought in relation to each item of *Table 1.2.2.5b* with feedback.

			applications greater than 40 lots, in accordance with the current ICMP thresholds.	
9a		Seek clarification	*Table 1.2.2.5b, item ii* requires confirmation from Council of available Three Waters infrastructure capacity to appropriately service the proposal. The use of the term 'appropriately service' is ambiguous and provides no certainty of clear direction and is reliant on Council interpreting that a development is appropriately serviced. It is not outlined how this will be administered. Will information regarding programmed works be readily available to the public? Will there been an associated cost to obtain this confirmation? How long can be expected to receive this confirmation? Catchments are large; therefore, it is expected that this will be costly and timely to facilitate.	Clarification to understand how Council will administrate this requirement. Define 'appropriately service'.
9b		Seek clarification/oppose	*Table 1.2.2.5b, item iii* requires an applicant to provide details of the following where there is insufficient capacity to appropriately service the proposal: *a. Consented development elsewhere in the catchment* *b. Programmed Council works* *c. Possible mitigation measures both within a development area or site, as well as within the relevant network surrounding the development site or area* *d. Financial contributions towards catchment wide upgrades*	Clarification to understand how Council proposes for an applicant to source the required information details. If Council is required to support the provision of this information, we seek confirmation that this will be provided efficiently and in a timely manner. Delete iii(c) as an assessment of possible mitigation measures is required under Section 95E and 104 of the RMA. Clarification of iii(d) as the capacity of infrastructure catchments vary significantly in size and it is unclear if this requirement will be relevant to minor proposals.

			It is not outlined how an applicant can source this information; however, it is anticipated that these requirements will result in delays and inefficiencies.	
9c		Seek clarification/amendment	*Table 1.2.2.5b, item iv* requires consultation with Council and the outcomes of this consultation. It is not outlined how consultation with Council will be administered for proposal which trigger the need to undertake this additional work. The need to consult for any proposal for over four residential units/allotments or new non-residential buildings (over 300m^2) in residential zones will result in a significant additional workload for Council which is concerning given the delays experienced at the moment (i.e., resource consent processing). We seek an amendment to include a threshold to trigger its requirement (e.g., concurrent land use and subdivision resource consent for less than 40 lots would not require consultation with Council). It is noted that there is no requirement to consult with Council under the RMA.	Clarification to understand how Council proposes to administrate this consultation and confirmation that it will occur in an efficient and timely manner. Amendment to include a threshold to trigger the requirement for consultation with Council. Define 'outcomes'. Clarification as to whether a response or resolution from Council is required before an application process.
9d		Seek amendment	*Table 1.1.2.5b, item vi* requires, "*details of… associated demands on down stream infrastructure".* We consider this an over-complex request with regard to small scale development, such as a 10-lot subdivision. Similar to submission point **2c** we suggest that this requirement could be replaced with a threshold trigger. For example, the requirements for *details on the associated demands on down stream infrastructure* for applications greater than 40 lots, in	Amend *Table 1.1.2.5b, item vi* to remove the requirements for details on *'associated demands on downstream infrastructure'*. Amendment to include a threshold to trigger the requirement for consultation with Council.

			accordance with the current ICMP thresholds. However, this information could be better provided via a cumulative effects assessment.	
9e		Oppose	*Table 1.1.2.5b, item x* requires a list of measurable targets and performance indicators to allow monitoring of the proposal's compliance with any conditions arising from the Assessment. We consider that this will vary site-by-site and can be managed through conditions of consent. This should not be a requirement for sites only undergoing minor land use/subdivision development. As advised in submission points 9c and 9d, this requirement could be replaced with a threshold trigger.	Oppose *Table 1.1.2.5b, item x.*