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2022-09-30

Manager, City Planning Unit
Hamilton City Council
Private Bag 3010
Hamilton 3240

By email: haveyoursay@hcc.govt.nz and planchange@hcc.govt.nz

Dear Madam / Sir

Plan Change 12: Enabling Housing Supply – Submission by Te Awa Lakes Unincorporated Joint Venture, Perry Group and Horotiu Farms Limited

Te Awa Lakes Unincorporated Joint Venture, Perry Group and Horotiu Farms Limited (jointly identified for the purposes of this submission as TAL) seeks to make a submission on Plan Change 12 (PC12) – Enabling Housing Supply to the Operative Hamilton City Plan (the Plan). The contact details for the Submitter are provided as follows:

> Te Awa Lakes Unincorporated Joint Venture
> Attn: Jono Tims, Project Manager
> Email: Jono.Tims@teawalakes.co.nz
> Mobile: 021 189 3797

TAL could not gain an advantage in trade competition through this submission, nor does this submission relate to trade competition or the effects of trade competition.

This submission is made generally in **Support** of PC12 subject to incorporation of recommended amendments. A summary of relief sought is provided in Attachment A of this submission.

TAL wishes to be heard in support of its submission.

TAL would consider presenting a joint case on any supporting submission that seeks to be heard.

TAL would be happy to meet to discuss any matters raised in this submission.

The specifics of this submission follow:

1 Te Awa Lakes

Te Awa Lakes comprises a master-planned mixed-use tourism, commercial and residential community to the north of Hamilton City, enhancing the City's linkage to the Waikato River and providing a catalyst for other tourism, recreational and cultural ventures.

The principal development area referenced as Horotiu East North (HEN) comprises a comprehensively designed residential development focussed on providing additional housing capacity in the north of Hamilton, incorporating a range of building typologies. The HEN development also includes an allowance for affordable housing choices and will ultimately deliver an attractive Gateway to the City via Te Rapa.

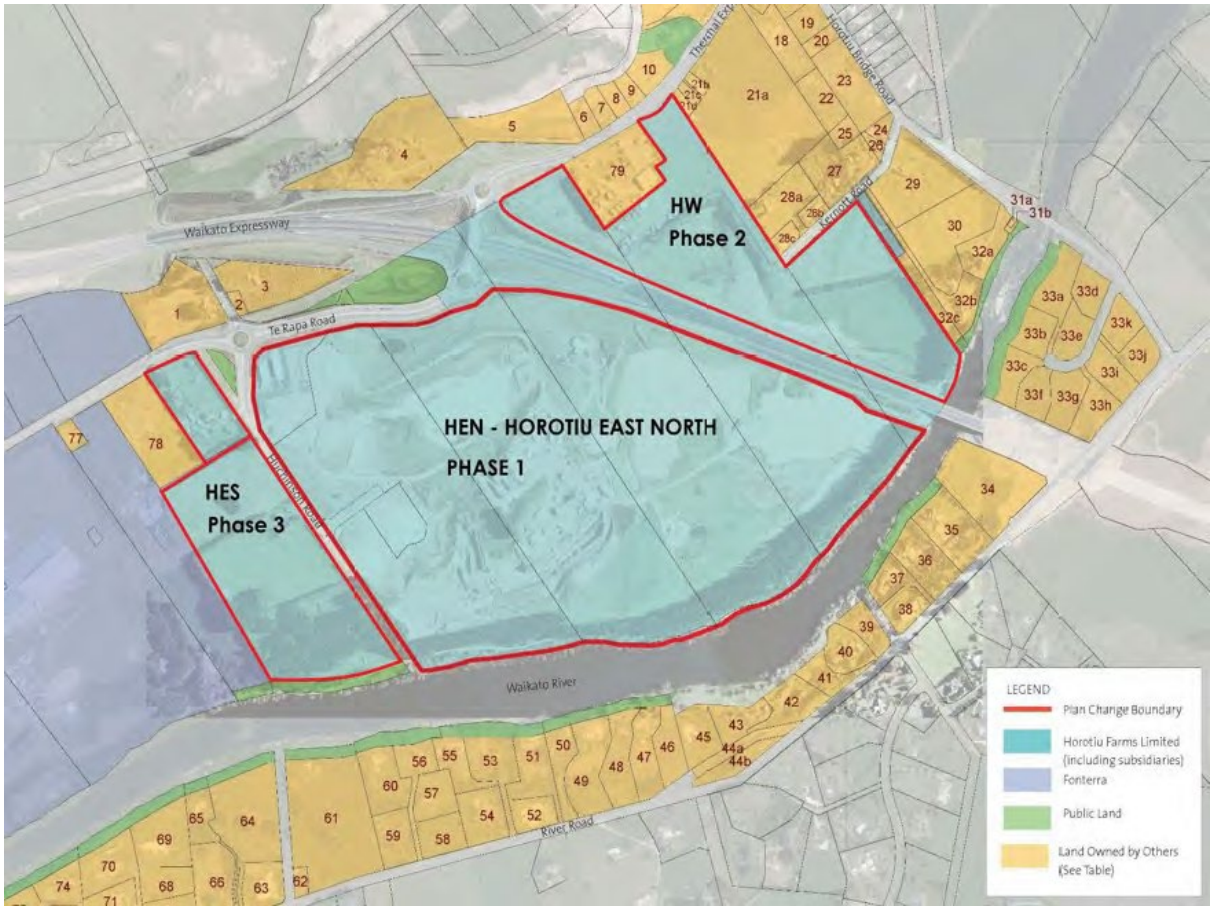
Concurrent to the mixed-use, commercial and medium-density residential development described above, the wider Te Awa Lakes development will also provide:

- A main linear recreational lake central to the site;

- New stormwater treatment wetlands; and
- New roading, open space areas and associated infrastructure.

In addition to the primary development area, TAL (through subsidiary Horotiu Farms Limited) own development-blocks to the west and south of HEN; described as Horotiu West and Horotiu East South (HES) respectively. The locations of these areas are illustrated by Figure 1.

Figure 1: HES, HEN and Horotiu West Blocks



Horotiu Farms Limited are the owners of the HES block, being land comprised within parcel Lot 2 DP 551065 (RT 951343).

TAL are the owners of the HEN block, being the land comprised within Lot 101 DP 495464, Lot 8 DP 495464, Allotment 106 Parish of Horotiu and Section 2 SO Plan 486608, Pt Allotment 105 Horotiu Parish, Lot 6 DP 12221, Lot 1 DPS 57602 and Part Lot 1 DPS 11080.

The focus of this submission is the HEN and HES blocks of the Te Awa Lakes development.

2 HEN Block Background

The HEN block has undergone a lengthy planning process to enable the Vision for Te Awa Lakes, commencing in July 2017 with the lodgement of Private Plan Change 2 (PPC2) to the Operative District Plan, followed by the suspension of the plan change to pursue opportunities under the Housing Accord and Special Housing Areas Act 2013, the reinvigoration and updating of PPC2 and progression through the Council hearings, and subsequent Environment Court processes to reach incorporation via Consent Order in October 2020. An ongoing and positive relationship has been established with tangata whenua throughout the planning and development of the site.

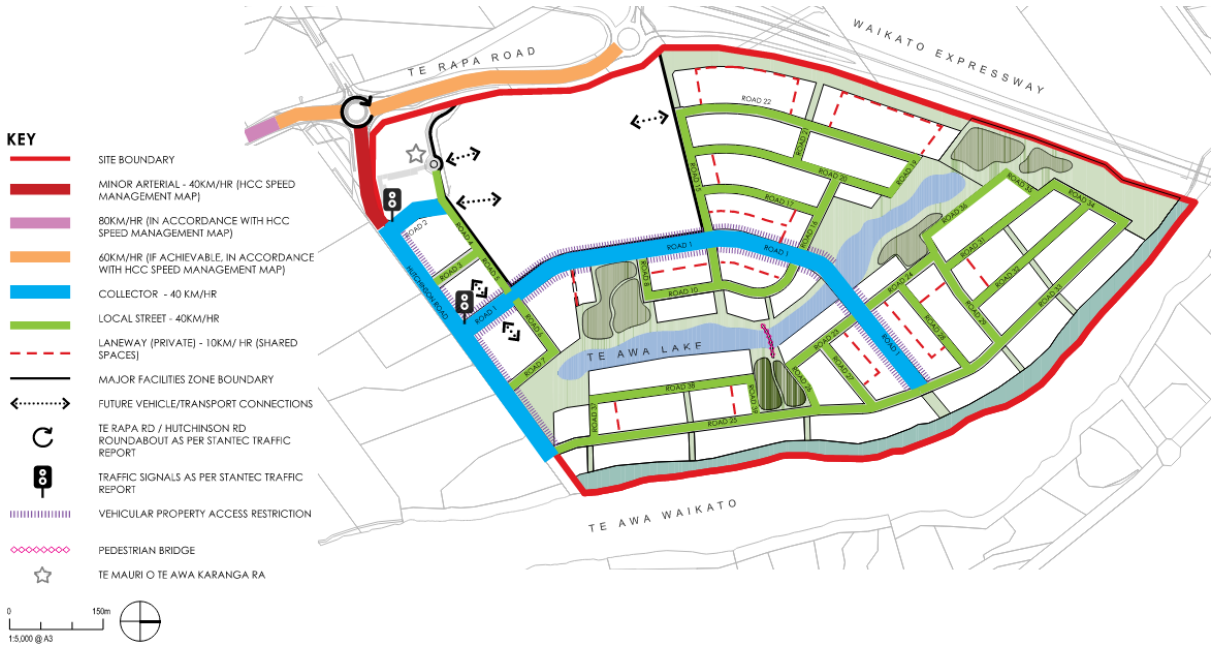
Through the plan change process, PPC2 has resulted in the following changes to the Operative District Plan:

- Amendment of the sites zoning from Te Rapa North Industrial to a combination of Te Awa Lakes Major Facilities, Te Awa Lakes Medium Density Residential and Te Awa Lakes Business 6 zones.
- Inclusion of the Te Awa Lakes Structure Plan inclusive of objectives, policies, rules and framework diagrams to Chapter 2 and Appendix B of the District Plan.
- Inclusion of the Te Awa Lakes Medium Density Residential Zone to Chapter 4, including a new objective, policy, requirements for Land Development Plan (LDP) consents to be prepared for facilitation of development and new rules controlling bulk, location and density; and
- Consequential amendments to objectives, policies and rules (including the addition of new site-specific objectives, policies and rules) to Chapters 6 – Business 1 to 7 Zones, 12 – Te Rapa North Industrial Zone, 17 – Major Facilities Zones, 23 – Subdivision, 25.8 - Noise and 25.10 – Signs of the Operative District Plan.

Following incorporation of PPC2, TAL sought LDP Consent in March 2021. Consistent with the broader Te Awa Lakes Structure Plan, that LDP has been subsequently granted by Council in October 2021 [Consent Reference 010.2021.00011468.001] and specifically relates to all land contained within legal boundaries of blocks owned by Horotiu Farms Limited and subsidiary Te Awa Lakes Unincorporated Joint Venture.

The area subject to LDP Consent 010.2021.00011468.001 is illustrated by Figure 2 below.

Figure 2: TAL Structure Plan as part of LDP Consent 010.2021.00011468.001 application including upgrades to the existing Hutchinson Road



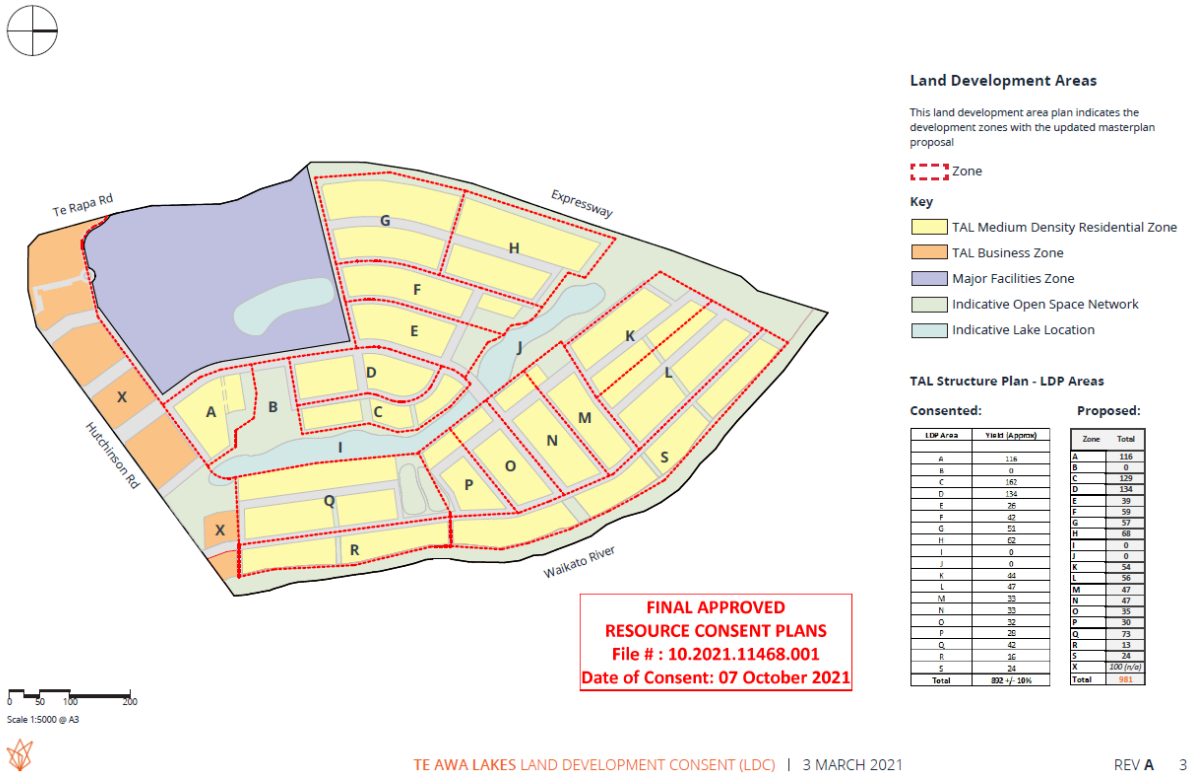
The LDP decision authorises the following activities as illustrated in Figure 3:

- Medium Density Residential development within Areas A – S including ancillary landform preparation through earthworks and vegetation clearance, construction of roads, pedestrian paths and cycle routes (including realignment and grading of Te Awa River Ride), installation of Three Waters infrastructure and works related to the establishment of open space areas and the main linear lake.

- Construction of a new stormwater outlet to the Waikato River removing the Southern Gully as the primary stormwater outlet.
- Provision of significant water quality management measures via the extensive two stage stormwater treatment system and lakes.
- Earthworks within the Waikato Riverbank and Gully Hazard Area / Flood Hazard Area.

These areas are accommodated within the site boundary (being the existing river edge).

Figure 3 Te Awa Lakes LDP approved plan for HEN block



3 HES Block Background

HES is an extension to HEN, as illustrated in Figures 4 and 5, and continues the connection to the Waikato River as the boundary of Te Awa Lakes. The proposed HES development is a negotiated outcome with Fonterra which will enable integrated commercial activities which will service the developing Horotiu community.

Throughout the planning processes and ongoing stakeholder consultation for both HEN and HES, the significance of the unnamed tributary within HES, and improving the water discharged to the Waikato River has been supported. Protection, enhancement, and maintenance of the tributary is critical to delivering on the promise of providing higher quality water to the Waikato River.

Figure 4: HES Concept Plan

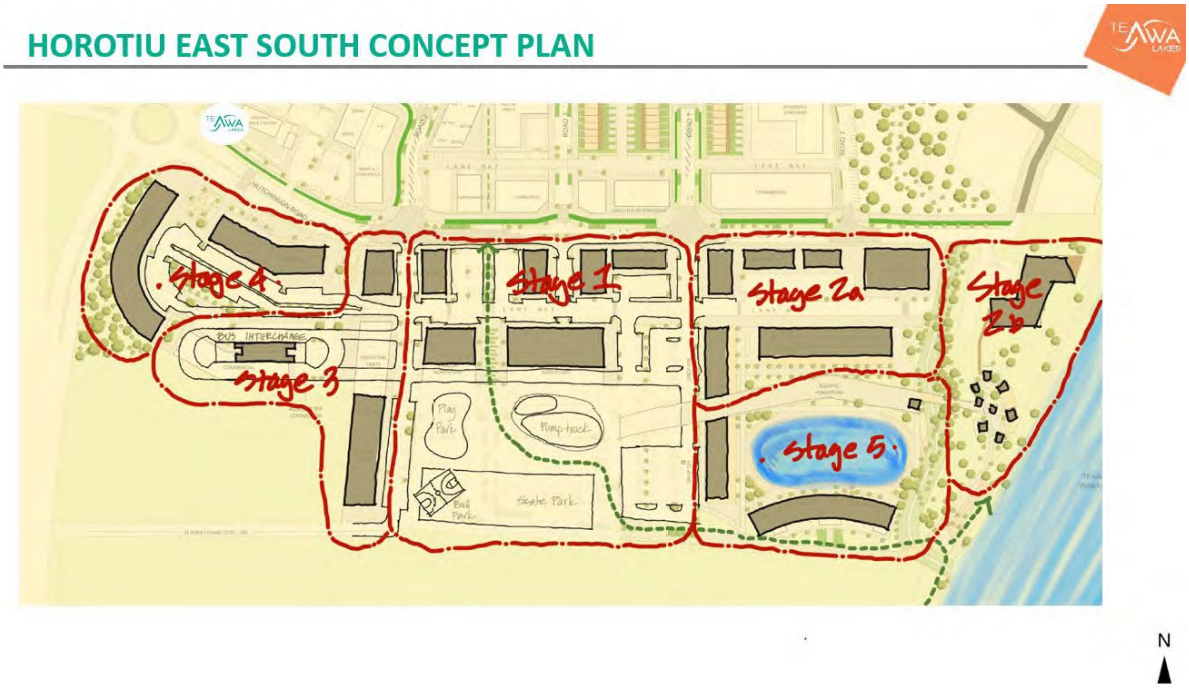
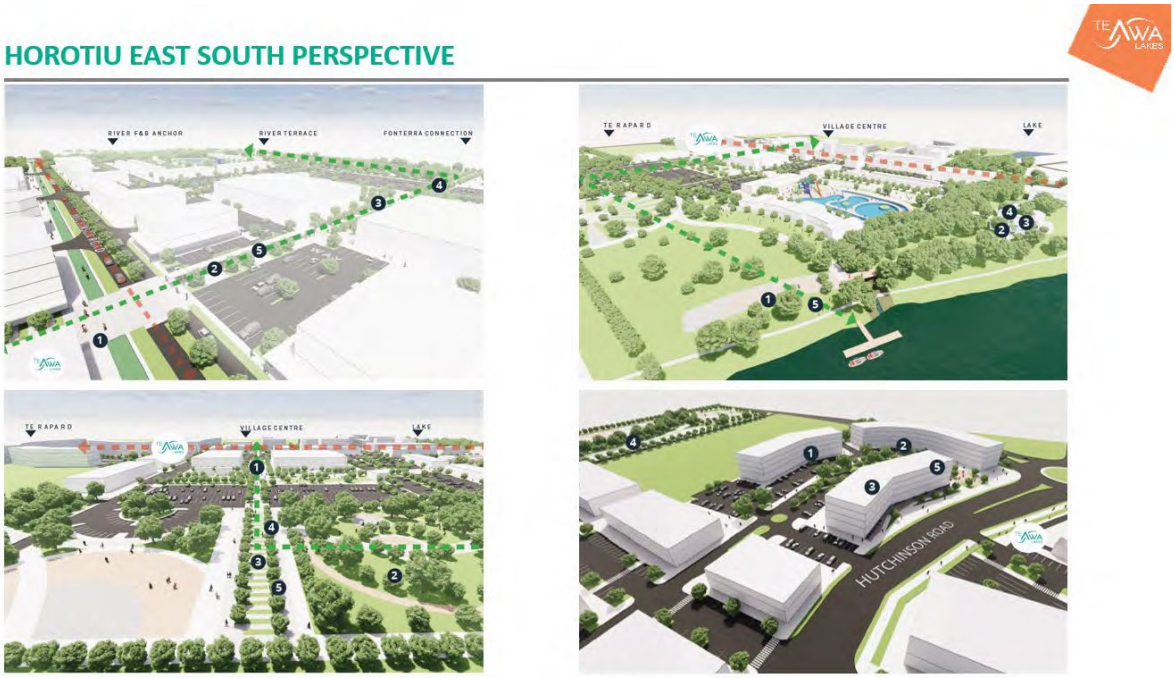


Figure 5: HES Perspective



4 Application of PC12 to the HEN and HES Blocks

Plan Change 12 (PC12) to the Hamilton City Operative Plan is a response to central government direction for larger cities in New Zealand to grow in response to the National Policy Statement on Urban Development and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021. TAL supports the overall direction of this legislation and believes that the Te Awa Lakes development has been designed to enable these provisions in a holistic design approach by providing:

- A comprehensive urban design response to redevelopment of the site.
- Housing choices at a range of densities, typologies and price points.
- Integrated, affordable housing throughout the development.
- An inclusive and future focussed movement network with an emphasis on multimodal transport options.
- A walkable neighbourhood centre that will serve the everyday needs of local residents and provide a focal point for the community.
- An extensive recreation and outdoor spaces network that focuses connections to the Waikato River.
- Major tourist infrastructure that will serve the wider area.
- High standards of water quality and pest eradication.

5 Relocation of the Major Facilities Zone

As already signalled to the Council, TAL has acquired the HES site and plans to develop it to compliment the work undertaken on the HEN site to date by providing a sensitive design response to the complex constraints and opportunities the site offers.

The development response to the HES site has been strategically formulated to continue to respond to the need to provide major facilities for the expected growth in the community to enjoy. This growth in the community is also anticipated by PC12.

The development of the HES site also presents an opportunity to creatively respond to reverse sensitivity concerns of the strategically important Te Rapa Fonterra Plant, located to the south of the HES site.

As previously signalled to the Council, TAL is proposing to move the Major Facilities Zone, that has been approved on the HEN site. Additional uses on the balance of the HES site are intended to be complimentary to the Major Facilities Zone and of a commercial and light industrial nature.

The area of the HEN site that the Major Facilities Zone (MFZ) is currently located is proposed to be developed for Medium Density Residential development in accordance with the remainder of the Residential Precincts of the HEN site to allow for the full effect of NPS-UD to take place. A complete zoning of Medium Density Residential would align with the other nine stages of Horotiu East North and assist with integrated affordable housing and master planned housing typologies that will be supported by high levels of 'village' focussed amenities.

The EHS Act explicitly **allows the Council to create new urban non-residential zones or amend existing non-residential zones to give effect to Policy 3 of the NPS on Urban Design under section 77N(3)**.

The change from Major Facilities Zone on the HEN site to Medium Density Residential aligns with the intent of the NPS on Urban Development and the EHS Act as the site could provide a significant additional supply of residential development capacity which can be catered for by planned infrastructure for an additional 500 dwellings on the current MFZ. The Te Awa Lakes comprehensive development has been designed for future expansion. As such, the three waters infrastructure for the site has been sized with some contingency to accomodate future growth possibilities and therefore can accomodate additional yield that would come about through additional intensification supported by PC12.

The development is also well served with multi modal transport options, a local commercial centre and most significant to the NPSUD the Te Awa Lakes development is unique in the Hamilton context as the development will provide at least 10% integrated affordable housing options throughout its development. This commitment goes beyond what even PC12 proposes, and TAL believe responds in a visionary way to the current complex housing issues faced by Hamilton and New Zealand that have brought about the need for PC12.

In particular the use of the MFZ for Medium Density Residential supports Objectives 2 and 6 and Policies 1, 8 and 10 of the NPSUD. Relevant parts of these objectives and policies are highlighted in the following bullet points.

- Objective 2: Planning decisions **improve housing affordability** by supporting competitive land and development markets.
- Objective 6: Local authority decisions on urban development that affect urban environments are:
  - **integrated with infrastructure planning and funding decisions**; and
  - **strategic** over the medium term and long term; and
  - responsive, particularly in relation to proposals that would **supply significant development capacity**.
- Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:
  a) have or enable a variety of homes that:
     (i) **meet the needs, in terms of type, price, and location, of different households**; and
     (ii) enable Māori to express their cultural traditions and norms; and
     (iii) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and
     (iv) have **good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport**; and
     (v) **support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets**; and
     (vi) support reductions in greenhouse gas emissions; and
     (vii) are resilient to the likely current and future effects of climate change.
- Policy 8: Local authority decisions affecting urban environments are responsive to plan changes that would **add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is**:
  - **unanticipated by RMA planning documents**; or
  - **out-of-sequence with planned land release**.
- Policy 10: Tier 1, 2, and 3 local authorities:
  a) that share jurisdiction over urban environments work together when implementing this National Policy Statement; and
  b) **engage with providers of development infrastructure and additional infrastructure to achieve integrated land use and infrastructure planning**; and
  c) **engage with the development sector to identify significant opportunities for urban development**.

For these reasons, we request that the **Council implement the rezoning of the HEN site Major Facilities Zone to a Medium Density Residential zone as part of PC12** as the indicative sketch in Figure 6 illustrates and any consequential amendments this may incur to the District Plan including the

rezoning of the HES site from Te Rapa North Industrial Zone – Deferred Industrial Zone to Major Facilities Zone and complimentary commercial and light industrial zones.

Figure 6 Indicative Residential Development in the current Major Facilities Zone on the HEN site and movement of the Major Facilities Zone to the HES block

6 Specific Responses to PC12

The following section moves through the specific details of PC12 in relation to the Te Awa development site and requests specific changes. TAL also seeks, in addition to these specific requests, any consequential amendments to the Plan that may be required to give effect to the contents of this submission.

General

PC12 removes most of the references to Land Development Plans (LDP) and Comprehensive Development Plans (CDP) throughout the Plan and replaces this wording with ‘land use’ or ‘resource’ consents.

As Te Awa Lakes has an approved LDP in place for the HEN block that will be relied on for development of future stages of the site, TAL request that Council ensure there is no conflict created for future use of approved LDP’s with the sporadic removal of this term from the Plan.

Chapter 2 Strategic Framework

We note that **Figure 2.1a: Hamilton at a Glance** map, which appears to be from 2016, contains out of date zoning of the Te Awa site. We suggest this map be updated as part of PC12 to reflect the current zoning of Te Awa, and the City of Hamilton.

Chapter 3.8 Te Awa Lakes

In order to provide mixed-use development of an appropriate density in Development Area X, or the Business 6 – Neighbourhood Centre Zone of Te Awa Lakes, TAL request that additional provisions are added in Chapter 3.8 as demonstrated below and any consequential amendments that will be required throughout the Plan.

These provisions intend to ensure that appropriate above ground residential development can front the northern side of Hutchinson Road so the vibrant mixed-use intention of this centre can be realised.

This change aligns with the intent of PC12 to provide densely populated centres for communities where people can live, work and play.

Relief sought	3.8.1.4 c.	Ensure that residential activities in the Business 6 zone are setback or appropriately acoustically treated from Hutchinson Road.
Relief sought	3.8.2.3	To minimise the potential reverse sensitivity effects on existing industrial activities, residential activities are appropriately acoustically treated when they are setback ~~at least~~ 25m or less from Hutchinson Road.

In relation to the staging of the Te Awa Lakes development TAL does not seek any change to the staging requirements set out in the Plan (see section 3.8.5.2 a.) however, the prohibited activity status if the staging requirements are not met appears overly prescriptive and onerous. Although a change to the staging of the Te Awa Lakes Development is not anticipated, in light of PC12 and the current need for housing supply, it is considered prudent to be able to respond in an agile manner to market conditions and changes to the staging of the development, should the need arise over the life of the development, be able to be considered through a resource consent process rather than a plan change process. TAL therefore seeks a change to the activity status of not meeting staging requirements from prohibited to non-complying.

Relief sought	3.8.5.5 a.	Any resource consent not in accordance with Rule 3.8.5.2.a is a ~~prohibited~~ non-complying activity.

Chapter 4 Residential Zones

Medium Density Residential Zone

TAL generally supports the Medium Density Residential Zone that applies to the majority of the Te Awa HEN site. It is our understanding that the Te Awa Structure Plan indicates development opportunities that would align with the permitted activity status of this zone including:

- 1 to 3 residential units per site as a permitted activity, RD activity status for 4 or more units.
- 3 to five stories in height (generally 5m to 15m) as a permitted activity.
- Building coverage of 50% to 60%.
- Height in relation to boundary provisions.

When considering the objectives that apply to the Medium Density Residential Zone generally (4.3.2.2) and Te Awa Lakes specifically (4.3.2.4) we believe it should be clearly stated that the Te Awa Lakes specific objectives supersede the general objectives outlined in section 4.3.2.2 to avoid doubt. To address this TAL requests an amendment to section 4.3.2.2 as follows.

Relief sought	4.3.2.2	The Medium Density Residential Zone and development within it <u>excluding development at Te Awa Lakes which is provided for in 4.3.2.4</u> provide for a variety of housing types and sizes that respond to: i. Housing needs and demand; and ii. The neighbourhood's planned urban built character, including 3 to 5 storey buildings.

We request that the specific development requirements in Areas Q and R (refer to Figure 3) including earthworks, vegetation removal, construction of roads, pedestrian pathways and cycle routes, installation of 3-Waters infrastructure and works relating to open space establishment; mirror the activity status of the same specific requirements for the Residential Precincts of Restricted Discretionary as opposed to Discretionary.

The difference in activity status is related to the originally approved location of the waterbody to the west of Areas Q and R, which was seen by Council as effectively a dam. The design of this water body has been refined in the LDP process and no longer presents the perceived risk that the original design did (or was seen to have) and for this reason we request that the activity status of 4.3.3.1iii, jjj, kkk and lll be amended from Discretionary to Restricted Discretionary.

Relief sought	The activity status of 4.3.3.1iii, jjj, kkk and lll be amended from Discretionary to Restricted Discretionary.

Section 4.3.3.2 Rules – Notification

In relation to notification of proposals that infringe the rules in 4.3.3 we question how development in Te Awa Lakes, which will be carried out in a comprehensive and therefore large-scale manner, can comply with rules 4.3.3 eee, ffff, ggg and hhh (Te Awa Lakes Residential Precincts) AND 4.3.3 iii, jjj, kkk and lll (Te Awa Lakes Areas Q and R).

As these provisions do not include limits, they will likely be infringed multiple times during development of these areas and would be impractical to apply or enforce.

TAL do not believe it is the Councils intention to require notification (limited or public) if these rules are infringed so request an exception to public notification if these particular rules are infringed as follows:

Relief sought	<u>4.3.3.2v.</u>	<u>Development of Te Awa Lakes site that infringes rules 4.3.3eee, fff, ggg, hhh, iii, jjj, kkk, lll will not trigger limited or public notification.</u>

Section 4.3.4.16 River Interface Overlay in Te Awa Lakes Residential Precinct

TAL supports the inclusion of this overlay, which provides a sensitive response to development that directly interfaces with the Waikato River.

TAL requests the allotment size for the river face allotments be deleted as the overall yields are already set out in the Te Awa Lakes Structure Plan and LDP so a minimum allotment size is not

required. TAL also requests a change to the 8m height limit as they do not believe this height supports the direction of PC12 to grow up.

TAL request a height limit that aligns with the permitted activity status of the General Residential Zone of up 3 stories and requests that the density and activity status of this area be clarified. It is assumed that it aligns with the General Residential and Medium Residential Zones (which are the same) as follows.

Relief sought	~~4.3.4.16 a.~~	~~The minimum area of land (net site area) required in respect of each residential unit adjoining any existing or proposed esplanade reserve adjacent to the Waikato River shall be 1,000m^2.~~
	4.3.4.16 b.	The maximum height of a building or structure is ~~8m~~ the same as the General Residential Zone building height (see 4.2.5.4a).
	4.3.4.16 e.	The Medium Density Zone rules in 4.3.3.1d, 4.3.3.1e and 4.3.3.1f shall apply.

Section 4.3.4.17 Affordable Housing

TAL supports the inclusion of section 4.3.4.17 - Affordable Housing in the Te Awa Lakes Residential Precinct.

TAL believes that the inclusion of affordable housing directly aligns with the intent of PC12 and the complex housing issues currently faced by Hamilton City and New Zealand. We believe this unique commitment of integrated affordability made by the Te Awa Lakes development gives a clear reason to support appropriate additional residential density throughout the Te Awa Lakes development and suggest affordable housing requirements be considered for all future greenfield developments in Hamilton City.

Section 4.3.4.19a Development Rules in the Te Awa Lakes Residential Precinct

TAL submits that the intent of section 4.3.4.19a. is unclear and we request the Council removes it.

Relief sought	~~4.3.4.19 a.~~	~~Resource consent applications for activities listed in a) 4.3.3.1 Activity Status Table – Development Activities – Te Awa Lakes Development Areas Q and R shall be obtained for the entire development (which may be staged) of not less than one of the Development Areas in Figure 2-21, together with any adjacent Development Areas or parts of Development Areas, in conjunction with land use, subdivision and development under any rule of the Medium-Density Residential Zone.~~

Chapter 6 Business Zones 1 to 7 Zones

TAL supports the Business 6 Zone – Neighbourhood Centre being applied to the mixed-use precinct of the Te Awa Lakes HEN site fronting Hutchinson Road.

TAL supports the change of activity status of above ground floor apartments from RD to P.

In relation to the Medium Density Residential Zone (MDRZ) that adjoins the Business 6 Zone at Te Awa Lakes, and in consideration of the permitted activity status of height and general bulk and location of the MDRZ, TAL request the following changes to the Business 6 Zone to ensure it is the development focus for the Te Awa Lakes community.

Relief sought	The permitted building height for the Business 6 zone (6.4.1d.) is increased from 11m to 15m so that the commercial centre zone meets or exceeds the permitted or expected height of 15m in the Medium Density Residential Zone.
Relief sought	The building intensity that applies to the Business 6 Zone (6.4.4) is increased from 1:1 to 2:1 to accommodate dense and affordable development options in neighbourhood centres, which should be the focus of additional density in a local context.
Relief sought	As outlined previously, we request that the setback of residential development to Hutchinson Road be amended as outlined to require appropriate acoustic treatment of habitable rooms of residential dwellings if they are located within 25m of Hutchinson Road (6.4.3 e.).

Chapter 23 Subdivision

Section 23.7.1. Allotment Shape and Size

TAL submits that requiring a minimum allotment size of 1,200 sqm for creation of vacant allotments in the Medium Residential Zone in the Te Awa Lakes comprehensively planned development will stifle the intent of enabling growth and should be deleted specifically for development at Te Awa Lakes as follows. The deletion of the minimum lot size for the River Interface Overlay as outlined above is again requested for consistency purposes as the overall yields are already set out in the Te Awa Lakes Structure Plan and LDP so a minimum allotment size is not required.

Relief sought	23.7.1 b.	Vacant Lot – Medium Density Residential Zone (Except within the Rotokauri North Residential Precinct then Rule 23.7.1 q. applies <u>and the Te Awa Lakes Residential Precincts then Rule 23.7.1 p. applies</u>)	1200m^2
Relief sought	23.7.1 p.	Te Awa Lakes Residential Precinct lots that adjoin any existing or proposed esplanade reserve adjacent to the Waikato River (River Interface Overlay). <u>To avoid doubt, a minimum vacant lot size does not apply to all other Residential Precincts in Te Awa Lakes.</u>	~~1000m^2~~ <u>n/a</u>

TAL supports the 15m diameter circle for a minimum shape factor been retained.

Section 23.6.8 Subdivision in the Medium-Density Residential Zones and Rototuna Town Centre Zone (excluding Rotokauri North Medium Density Residential Zone)

TAL request that section 23.6.8d. be deleted. This provision was initially put in place in relation to the proximity of the lake to Development Areas Q, R and X, which was initially seen by Council as essentially a dam in relation to these areas (refer to Figure 3). This has been resolved as part of the LDP so can now be deleted.

Relief sought	~~23.6.8 d.~~	~~Subdivision in Land Development Plan Areas Q and R and Area X in the Business 6 Zone, shown on Figure 2-21 in Appendix 2 Structure Plans, that does not comply with a. above is a prohibited activity~~

Chapter 24 Financial Contributions and Appendix 18 Financial Contributions

The proposed financial contributions chapter has not clearly outlined if financial contributions will be required when negotiated development contributions agreements for comprehensively developed Structure Plan areas are made with the Council and/or for sites that are outside of the proposed Infrastructure Overlay area, both of which both apply to the Te Awa Lakes development. The proposed policy lacks certainty and transparency in this regard.

We seek the following amended to the Plan, and any consequential changes to the District Plan that are required as a result of this amendment as this wording is used throughout Chapter 24.

Relief sought	Chapter 24	But shall exclude any infrastructure works otherwise funded via Council's Development Contribution Policy including sites outside of the Infrastructure Overlay area and/or for comprehensively developed Structure Plan areas where there are negotiated development contributions agreements in place with the Council.
Relief sought	24.3.1 a. vi.	Financial contributions will not be required to be paid in respect of amenity or Te Ture Whaimana in respect of the Te Awa Lakes precinct, which is a master planned community which creates positive amenity effects; and gives effect to Te Ture Whaimana, including for betterment.
Relief sought	24.4.2 b. iv.	Financial contributions will not be required to be paid in respect of amenity or Te Ture Whaimana for residential development in the Te Awa Lakes precinct, which is a master planned community which creates positive amenity effects; and gives effect to Te Ture Whaimana, including for betterment.
Relief sought	24.4.3 b. iii.	Financial contributions will not be required to be paid in respect of Te Ture Whaimana for non-residential development in the Te Awa Lakes precinct, which is a master planned community which creates positive amenity effects; and gives effect to Te Ture Whaimana, including for betterment.

7 Summary

TAL is generally supportive of the intent of PC12 to grow development in Hamilton City sustainably and TAL believes the Te Awa Lakes development presents an excellent opportunity to supply this growth.

TAL sees PC12 as an opportunity to align its plans to provide additional Medium Density Residential land for development on the HEN block that aligns strongly with the intent of PC12 while strengthening the tourist and cultural focus that the Te Awa Lakes site offers on the neighbouring HES block.

TAL has requested the Council address a number of specific parts of PC12 that apply to the Te Awa Lakes development and any consequential amendments these may have throughout the Plan, these changes are summarised in Attachment A of this submission.

8 Decision sought

TAL seeks the following decision from HCC:

1. That PC12 be amended to reflect the matters raised in this submission; and/or

2. Such further or other consequential relief as may be required to give effect to this submission, including consequential amendments to the Hamilton City Operative District Plan that address the matters raised by TAL.

TAL wishes to be heard in support of this submission.

TAL would be happy to meet and discuss any matters raised in this submission.

Yours sincerely

Melissa Needham
Manager, Environment and Planning, Aurecon

Attachment A

Summary of Relief Sought by the Submission on PC12 by TAL*

**and such further or other consequential relief as may be required to give effect to this submission, including consequential amendments to the Hamilton City Operative District Plan that address the matters raised by TAL.*

Support / Oppose / Amend	Section	Relief Sought
Amend.	Planning Maps	**Rezoning of the HEN site Major Facilities Zone to a Medium Density Residential zone as part of PC12** as the indicative sketch in Figure 6 illustrates and any consequential amendments this may incur to the District Plan including the rezoning of the HES site from Te Rapa North Industrial Zone – Deferred Industrial Zone to Major Facilities Zone and complimentary commercial and light industrial zones
Amend	Figure 2.1a	**Hamilton at a Glance** map be updated as part of PC12 to reflect the current zoning of Te Awa, and the City of Hamilton.
Amend	3.8.1.4 c.	Ensure that residential activities in the Business 6 zone are setback or appropriately acoustically treated from Hutchinson Road.
Amend	3.8.2.3	To minimise the potential reverse sensitivity effects on existing industrial activities, residential activities are appropriately acoustically treated when they are setback ~~at least~~ 25m or less from Hutchinson Road.
Amend	3.8.5.5 a.	Any resource consent not in accordance with Rule 3.8.5.2.a is a ~~prohibited~~ non-complying activity.
Amend	4.3.2.2	The Medium Density Residential Zone and development within it excluding development at Te Awa Lakes which is provided for in 4.3.2.4 provide for a variety of housing types and sizes that respond to: i. Housing needs and demand; and ii. The neighbourhood's planned urban built character, including 3 to 5 storey buildings.
Amend	4.3.3.1 iii, jjj, kkk and lll	The activity status of 4.3.3.1iii, jjj, kkk and lll be amended from Discretionary to Restricted Discretionary.
Amend	4.3.3.2 v.	Development of Te Awa Lakes site that infringes rules 4.3.3eee, fff, ggg, hhh, iii, jjj, kkk, lll will not trigger limited or public notification.

Support / Oppose / Amend	Section	Relief Sought	
Oppose	~~4.3.4.16 a.~~	~~The minimum area of land (net site area) required in respect of each residential unit adjoining any existing or proposed esplanade reserve adjacent to the Waikato River shall be 1,000m^2.~~	
Amend	4.3.4.16b.	The maximum height of a building or structure is ~~8m~~ the same as the General Residential Zone building height (see 4.2.5.4a).	
Amend	4.3.4.16e.	The Medium Density Zone rules in 4.3.3.1d, 4.3.3.1e and 4.3.3.1f shall apply.	
Oppose	~~4.3.4.19 a.~~	~~Resource consent applications for activities listed in a) 4.3.3.1 Activity Status Table – Development Activities – Te Awa Lakes Development Areas Q and R shall be obtained for the entire development (which may be staged) of not less than one of the Development Areas in Figure 2-21, together with any adjacent Development Areas or parts of Development Areas, in conjunction with land use, subdivision and development under any rule of the Medium-Density Residential Zone.~~	
Amend	6.4.1d.	The permitted building height for the Business 6 zone (6.4.1d.) is increased from 11m to 15m so that the commercial centre zone meets or exceeds the permitted or expected height of 15m in the Medium Density Residential Zone.	
Amend	6.4.4	The building intensity that applies to the Business 6 Zone (6.4.4) is increased from 1:1 to 2:1 to accommodate dense and affordable development options in neighbourhood centres, which should be the focus of additional density in a local context.	
Amend	6.4.3 e.	As outlined previously, we request that the setback of residential development to Hutchinson Road be amended as outlined to require appropriate acoustic treatment of habitable rooms of residential dwellings if they are located within 25m of Hutchinson Road (6.4.3 e.).	
Amend	23.7.1 b.	Vacant Lot – Medium Density Residential Zone (Except within the Rotokauri North Residential Precinct then Rule 23.7.1 q. applies and the Te Awa Lakes Residential Precincts then Rule 23.7.1 p. applies)	1200m^2
Amend	23.7.1 p.	Te Awa Lakes Residential Precinct lots that adjoin any existing or proposed esplanade reserve adjacent to the Waikato River (River Interface Overlay). To avoid doubt, a minimum vacant lot size does not apply to all other Residential Precincts in Te Awa Lakes.	~~1000m^2~~ n/a

Support / Oppose / Amend	Section	Relief Sought
Oppose	~~23.6.8 d.~~	~~Subdivision in Land Development Plan Areas Q and R and Area X in the Business 6 Zone, shown on Figure 2-21 in Appendix 2 Structure Plans, that does not comply with a. above is a prohibited activity~~.
Amend	Chapter 24	But shall exclude any infrastructure works otherwise funded via Council's Development Contribution Policy including sites outside of the Infrastructure Overlay area and/or for comprehensively developed Structure Plan areas where there are negotiated development contributions agreements in place with the Council.
Amend	24.3.1 a. vi.	Financial contributions will not be required to be paid in respect of amenity or Te Ture Whaimana in respect of the Te Awa Lakes precinct, which is a master planned community which creates positive amenity effects; and gives effect to Te Ture Whaimana, including for betterment.
Amend	24.4.2 b. iv.	Financial contributions will not be required to be paid in respect of amenity or Te Ture Whaimana for residential development in the Te Awa Lakes precinct, which is a master planned community which creates positive amenity effects; and gives effect to Te Ture Whaimana, including for betterment.
Amend	24.4.3 b. iii.	Financial contributions will not be required to be paid in respect of Te Ture Whaimana for non-residential development in the Te Awa Lakes precinct, which is a master planned community which creates positive amenity effects; and gives effect to Te Ture Whaimana, including for betterment.