Rotokauri Development Limited

Submission on Plan Change 12 – Enabling Housing Supply (PC12), Hamilton City Council

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Submission Information:

Rotokauri Development Limited ('**RDL**') could not gain an advantage in trade competition through this submission.

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

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

The decisions RDL wishes Council to make are contained in the attached document.

RDL reserves the right to be heard in support of this submission.

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

Regards,

Fraser McNutt Grace Forno

1.0 Introduction

RDL welcomes the opportunity to provide feedback on the Enabling Housing Supply Plan Change ('**PC12**') as prepared by the Hamilton City Council ('**HCC**').

RDL forms part of Rotokauri Development Area, an area subject to changes in **PC12** which the following feedback relates to.

1.1 Rotokauri Development Area – Masterplan

The site comprises four development blocks with three separate landowners including Rotokauri Development Limited, Hounsell Holdings/Kilroy Group and Pragma Homes, as shown in **Figure 1**. This submission is only in relation to the land owned by the client, which is indicated in yellow in **Figure 1.** The site is largely undeveloped but has several enabling Waikato Regional consents to pursue earthworks, water takes, stream reclamation, etc. Part of the development is underway, specifically to the south' and the road connection ('Stage 6') has been recently constructed providing access to Te Wetini Drive.

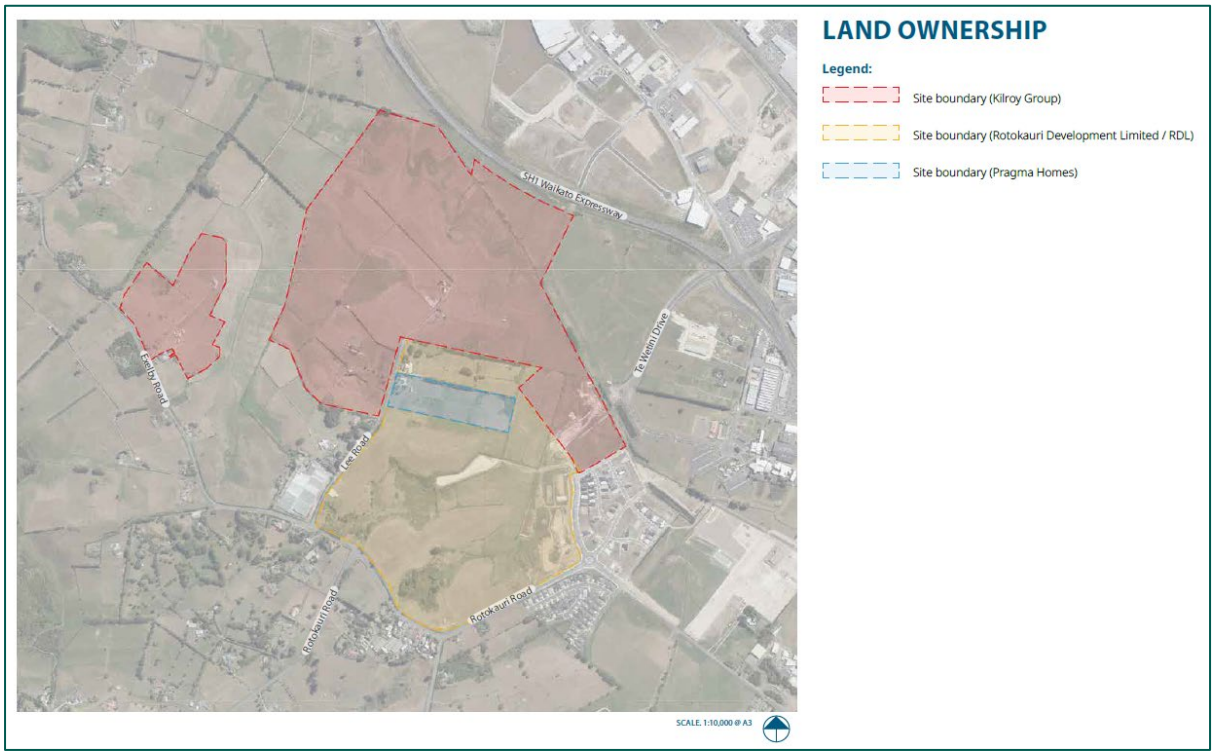

Figure 1: Land ownership

The site is zoned Industrial, General Residential, Medium Density Residential and Special Natural and within the Rotokauri Employment Area and Rotokauri Ridgeline Area under the Operative District Plan (**ODP**), as shown in **Figure 2.** The site is zoned Industrial, General Residential and Medium Density Residential under PC12.

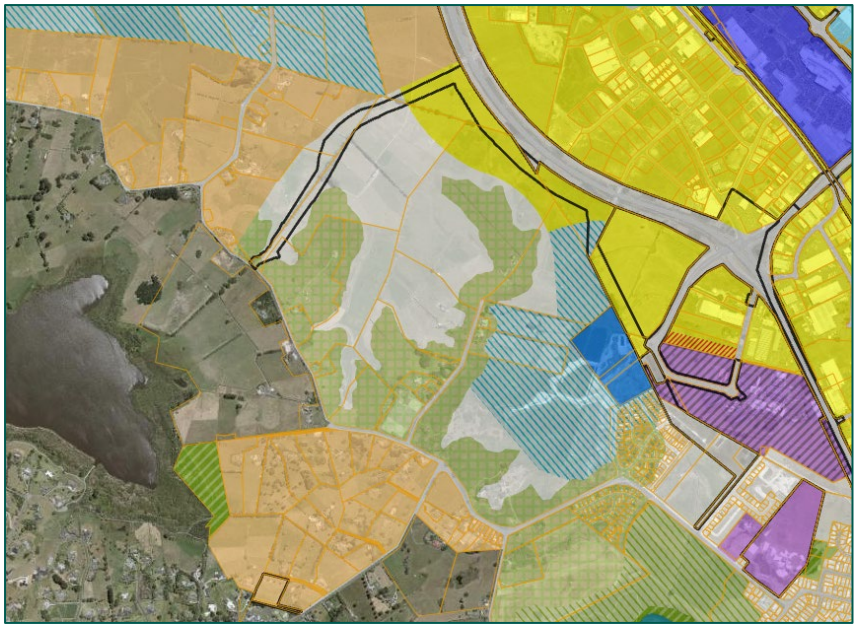

Figure 2: ODP Zoning Map.

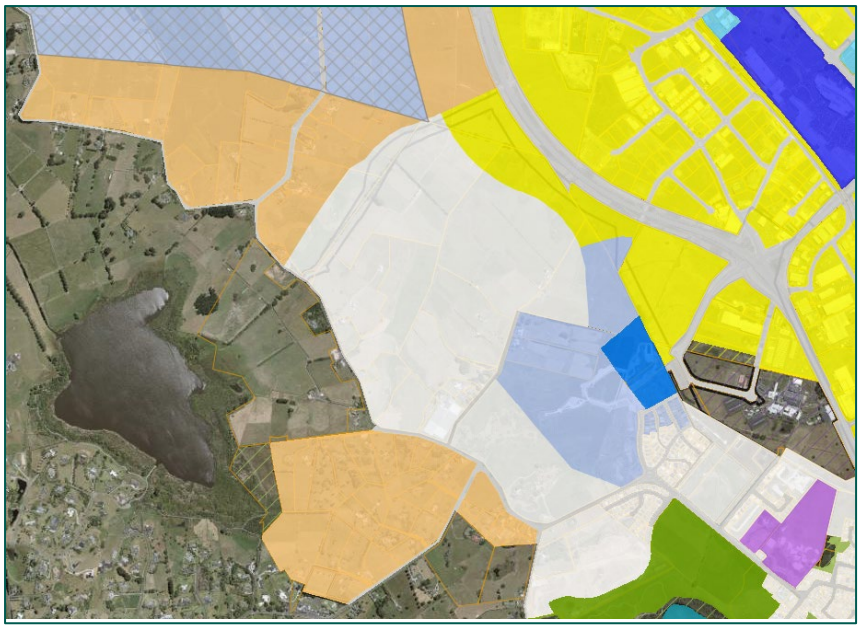

Figure 3: PC12 Zoning Map.

2.0 General Feedback

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

RDL's feedback is based on efficiently and effectively achieving a more congruous overlook in terms of Hamilton City's urban growth as a whole, specifically the Rotokauri area. RDL's submission generally relates to the following matters:

1. PC12 appropriately amends the Rotokauri Structure Plan to enable urban development, with the removal of restrictions in relation to topography.
2. Retaining the Medium Density Residential zoning of the area to enable delivery of future residential development.
3. PC12 amends the information requirements of the Three Waters Infrastructure Capacity Assessment to be more appropriate and practical, particularly considering the need for efficient and timely housing supply.

2.1 Three Waters Infrastructure Capacity Assessment

The proposed Infrastructure Capacity Overlay results in a subsequent assessment, Three Waters Infrastructure Capacity Assessment, which is required for a large portion of development, particularly that within the Infrastructure Capacity Overlay.

Relief Sought

Amend the Three Waters Infrastructure Capacity Assessment overall to include a suitable threshold to trigger the requirement for the assessment.

Reason

RDL do not support the Three Waters Infrastructure Capacity Assessment, which is outlined in Appendix 1.2.2.5a of PC12. Their feedback generally relates to the following points:

1. The Three Waters Infrastructure Capacity Assessment is based on the proposed Infrastructure Capacity Overlay, which RDL considers is being used as a tool by HCC to restrict, reduce and delay residential development due to insufficient three waters infrastructure in Hamilton. In accordance with Section 77J of the RMA, HCC is required to undertake an evaluation of the proposed Infrastructure Capacity Overlay. Pragma consider that the Section 32 Evaluation Report, as provided as Appendix 2.5 Infrastructure Capacity Provisions of HCC's Section 32 Evaluation Report, is inadequate for the following reasons:

    a. There is inconsistency between the technical assessments provided in relation to demand and capacity, particularly in Appendix 2.5 Infrastructure Capacity Provisions, Appendix 3.4 Capacity Modelling and Appendix 3.5 Three Waters Performance Assessment Report. This inconsistency establishes a level of doubt in the data and subsequent assessment provided in the Section 32 Evaluation Report.

    b. Appendix 2.5 Infrastructure Capacity Provisions cross references the HBA 2021 Assessment, which concludes that capacities cannot be accurately calculated. This supports point 1 above, which establishes that the Infrastructure Capacity Overlay that is being treated as a qualifying matter is not supported by sound evidence.

        "Given the complex, integrated nature of the 3 waters networks an accurate figure for short-medium-long term infill/intensification infrastructure serviced capacity for Hamilton City Council cannot be accurately calculated. The ability for existing infrastructure in the current urban environment will vary from street to street, and suburb to suburb, significantly influenced by the age of the infrastructure and design standards at the time of construction."

c. Appendix 3.5 Three Waters Performance Assessment Report is completely inappropriate having been prepared based upon outdated modelling and population figures which completely misalign with the most recent capacity model included in PC12

"The performance assessments use HCC most recent modelling results and three waters master plans. The water and wastewater modelling and master plans are based on 2017 population and growth projections. These population and growth figures do not reflect the current plan enabled capacity or the MDRS and NPS-UD requirements".

d. Appendix 2.5 Infrastructure Capacity Provisions has not comprehensively assessed the proposed Infrastructure Capacity Overlay in accordance Section 77J of the RMA, in particular the assessment fails to consider what the impact of limiting development capacity, building heights or density, will have on the provision of development capacity instead raising concerns with the potential unfetter development capacity created by the MDRS.

2. The requirements as notified for capacity assessments are broad and ambiguous, which in our view creates unnecessary uncertainty for the applicant when put into practice 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.

3. There is no provision for 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.

4. The Three Waters Infrastructure Capacity Assessment will be expensive and timely. The S32A Report that evaluates the costs and benefits of the Three Waters Infrastructure Capacity Assessment identifies that "*Applicants will incur the costs of a Three Waters Infrastructure Capacity Assessment report. This will not be dissimilar to the current costs of a Water Impact Assessment; however, the applicability will be broadened to also apply to developments of 1-3 residential units in the Overlay that are at a density of more than 1 per 150-200m^2 (zone dependent).*". RDL believe this statement is flawed on the basis that the specific provisions proposed under PC12 are ambiguous and unnecessary for the reasons detailed in the points above and Section 4.0 of this submission. As the information requirements outlined in *Table 1.2..2.5b* (Three Waters Infrastructure Capacity Assessment) are unclear, indirect, difficult to understand and open to interpretation, and this lack of clarity means assessments will be lengthy which comes at a greater cost.

5. The NPS-UD requires Councils to plan well for growth and ensure a well-functioning urban environment for all people, communities and future generations. The NPS-UD also provides Councils the necessary policy direction to allow further urbanisation where it may not have previously been anticipated or supported by operative planning frameworks.

   The NPS-UD recognised the national significance of:

   - Having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

- Providing sufficient development capacity to meet the different needs of people and communities.

Objective 3 requires "*district plans **enable more people to live in**, … areas of an urban environment in which one or more of the following apply:*

a) The area is in or near a centre zone or other area with many employment opportunities

b) The area is well serviced by existing or planned public transport

*c) There is **high demand for housing** or for business land in the area, relative to other areas within the urban environment"*

The Three Waters Infrastructure Capacity Assessment is anticipated to see an increased development cost to the applicant and to require additional resourcing to a resource consenting process which is already at capacity. In addition, it is likely that to avoid this assessment, developers/applicants will limit development to 1-3 residential units which will not achieve that NPS-UD which is to enable greater residential development.

3.0 Conclusion

In conclusion, RDL seeks the following relief:

a) RLD's general feedback in Section 2.0 and specific feedback in Section 4.0 is addressed and necessary changes incorporated.
b) Any further necessary consequential amendments required to achieve (a) above.

RDL looks forward to working collaboratively with HCC to address the above relief and is happy to meet with HCC policy staff or consultants to work through these matters.

4.0 Submission on the Enabling Housing Supply Plan Change (PC12)

Sub #	Topic	Support/Oppose/Seek Amendment/Explanation/Clarification	Comments/Reasons	Relief Sought
Rotokauri Structure Plan				
1	Chapter 3.6: Rotokauri Structure Plan	Support	We support the rewording of *Objective 3.6.1.1* to remove topography as a characteristic of Rotokauri which needs to be preserved.	Delete *'and topography'* from *Objective 3.6.1.1* of the District Plan.
			We support the removal of *Policy 3.6.1.1a* that required development to maintain the natural ridgelines. We support the removal of this policy.	Delete *Policy 3.6.1.1a* from the District Plan.
			We support the removal of two of the distinct residential environments under *3.6.2.2* of the Structure Plan components. This includes Lake Waiwhakareke Landscape Character Area and the Ridgeline Character Area.	Delete *Structure Plan Components 3.6.2.2a(i) and (ii)* from the District Plan.
Zoning				
2	Zoning	Support	The site has been rezoned Industrial, General Residential, Medium Density Residential and Special Natural under the Operative District Plan (**ODP**), to Industrial, General Residential and Medium Density Residential Zones under PC12.	Remove Special Natural Zone.
3	Infrastructure Capacity Overlay	Support	The site has been excluded from the Infrastructure Capacity Overlay.	Retain the exclusion of the Rotokauri area from the Infrastructure Capacity Overlay.
Chapter 4: Residential Zones				

4	Rule 4.6.2 – Development Yield	Support	*Rule 4.6.2,* referencing the maximum development yield for Rotokauri, has been deleted which aligns with the NPS-UD.	Delete *Rule 4.6.2.*
5	Chapter 4: Residential Zones	Support	We support the overall purpose of Chapter 4 – Residential Zones to create a compact City and deliver higher density development.	Nil.
6	Chapter 4: Notification	Support	PC12 has introduced notification rules (Rule 4.2.4 and Rule 4.3.3.2). We support the addition of this notification assessment.	Retain *Rule 4.2.4 and 4.3.3.2.*
Three Waters Infrastructure Capacity Assessment				
7	Three Waters Infrastructure Capacity Assessments	Oppose	*Table 1.2.2.5b* outlines the information required for Three Waters Infrastructure Capacity Assessment. RDL 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. RDL suggest that a threshold trigger would be more appropriate for this assessment. For example, the requirement for information would be required for applications greater than 40 lots, in accordance with the current ICMP thresholds.	Subsequent submission points **7a-7e** outlines the specific relief sought in relation to each item of *Table 1.2.2.5b* with feedback. Amend the Three Waters Infrastructure Capacity Assessment overall to include a threshold to trigger the requirement for the assessment. For example, the requirement for information would be required for applications greater than 40 lots, in accordance with the current ICMP thresholds.

7a		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. The requirements as notified for capacity assessments are broad and ambiguous, which in our view creates unnecessary uncertainty for the applicant when put into practice.	Clarification to understand how Council will administrate this requirement. Define 'appropriately service'.
7b		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* It is not outlined how an applicant can source this information; however, it is anticipated that these requirements will result in delays and inefficiencies.	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.

			How will this be implemented? Will it be live as this information will need to be updated regularly? How will an applicant search for this information? Does *item a* mean consented and given effect to or consented but not given effect to?	
7c		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 this will be administered, but consultant for all 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). RDL does not oppose the inclusion of consultation but suggests 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.
7d		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 7c 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 accordance with the current ICMP thresholds. However, this information could be better provided via a cumulative effects assessment.	Define '*down stream infrastructure'.* 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.

7e		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 **6c** and **6d,** this requirement could be replaced with a threshold trigger.	Oppose *Table 1.1.2.5b, item x.*
Transportation				
8	Figure 15.1aa	Seek clarification	*Rule 25.14.4.2.v(ii) and 25.14.4.2.w* both refer to *Figure 15.1aa in Volume 2, Appendix 15*-1, however, this cannot be found.	Clarification as to which figure in the District Plan is *Figure 15.1aa.*
9	Rule 25.14.4.2b – Electric Vehicle Charging	Seek clarification/amendment	*Rule 25.14.4.2b* requires all new residential activities with on-site vehicle parking to provide an electric charging point for each vehicle parking space provided. We seek to understand the level of charging facility required to be provided and the administration for in shared parking scenarios. For example, in the case of an apartment building with parking communally located away from the building, we understand it would be difficult to implement this rule. Firstly, how would the electricity cost be associated with the correct residential unit? Secondly, how do you ensure other residents/visitors do not use other resident's electric vehicle charging facility? Thirdly, this seems an unnecessary cost, use of resources and provision of infrastructure if the residents do not own an electric vehicle.	Amend *Rule 25.14.4.2b* to provide options for different typologies. For example, an apartment building with shared access and/or parking facilities could alternatively provide 1 electric charging point for every 2 parking spaces. Further clarification with regard to this rule is sought.

			We support the provision of facilities for electric vehicle charging, particularly as the development of Rotokauri will seek to enable greenhouse gas reductions, but do not believe the current wording is implementable or practical.	