SUBMISSION ON PLAN CHANGE 12

Hamilton City Council,

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Hamilton.

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GENERAL – HAMILTON CITY COUNCIL

1) At the outset I need to point out just how difficult it is for lay persons to prepare a submission on something as complicated as city plan changes. The existing city plan must cover hundreds of pages and to absorb these as well as the proposed changes in only a couple of weeks is next to impossible. In the limited time available it is simply not possible to instruct suitably qualified town planners. I trust that the city's planners will bear this in mind when evaluating submissions.

2) The city put out a news item dated 4 August 2022 entitled "Hamilton says 'no' to blanket approach to housing intensification". Councillor Hamilton was reported on page 2 of this news item that "Committee Chair Ryan Hamilton said he considered Plan Change 12 a fantastic response to a clumsy bill that wasn't right for our city." It is by no means "fantastic".

3) Further, Councillor Hamilton is quoted "….we've done everything we can to get a balance that's right for Hamilton [city] in the face of poor and rushed legislation with no consultation with us. " I do not wish to denigrate the fine work Councillor Hamilton has put into the planning change but the "three by three" rule is still there applies to some pretty important areas.

4) When I look at Rule 4.2.5.3 covering permeable surfaces, a minimum of 30% of the site; landscaped area of a minimum of 20%; urban trees; and specimen trees it easy to see the difficulties confronting lay people. Not to mention the special rules for building set-back and height in relation to boundary and infrastructure capacity overlay. In addition, the news sheet I have referred to noted that government's free-for-all approach has been mitigated by Hamilton City's measures noted above. If the city has been "too smart" with the special requirements does the city run the risk of government appealing these measures?

5) Council needs to be careful that the changes noted in para. (4) above do not stop existing residents from minor subdivisions or rebuilding on their properties. Put another way, special rules to stop developers cannot be allowed to have unintended consequences.

6) In the Regulatory Impact Statement (RIS) at page 6 there is a reference for the multi-unit housing being "close to jobs, transport options and services".

Also, in the Ministry's National Policy Statement on Urban Development 2020, updated May 2022, at Objective 3, the regional policy statements and district plans for the areas of urban environment where one or more apply are described as:

a) Near a centre zone or other area with many employment opportunities;
b) Area well-serviced by existing or planned public transport;
c) High demand for housing or business land in the area, relative to other areas.

7) This is all quite clear but In Council's General Residential planning document at 4.2.2.2c the City's reference is "close to neighbourhood centres, parks, open spaces and other areas of high social amenity. [emphasis added]

8) It is readily apparent that Hamilton City has expanded the definition quite considerably. This needs to addressed by Council.

GOVERNMENT / OPPOSITION.

9) Proposals for intensification of housing stock appear to have been first generated in early 2021. Matters have moved quickly since then although most would say "too quickly". The Regulatory Impact Statement has noted that there have been significant time constraints.
   a) " The analysis in this paper was produced in a short period with limited ability to undertake bespoke formal analysis."
   b) "Due to time constraints, there has been no opportunity for consultation with external stakeholders".

10) There is the old saying – "rushed legislation is poor legislation".

11) The Regulatory Impact Statement has some pertinent comments on density, from paragraph 80. The Ministry notes that despite very high demand inner city suburbs have experienced a low level of development. In respect of Auckland single house zones and other low density high demand area are said to be constraining housing supply. Apparently because capital investment is low when compared to land values. These areas also have "quality development capacity" "where intensive housing is commercially feasible, and thus where housing supply is most likely to occur over the medium term". This is socialist ideology.

12) I note from paragraph 122 of the RIS that covenants – such as height restrictions – could be a barrier to intensification and would make development difficult and costly to achieve. The Statement notes that "They can be relatively easy to establish and can be difficult to revoke without agreement of all interested parties". A developer could work around this by purchasing the property that has imposed a covenant, remove the covenant and then develop the preferred property. Neighbours would then be left exposed to all the detrimental features of the "3x3 walk-ups". (Note; the use of the phrase "3x3 walk-ups" refers to a maximum of three residential units no more than three levels high, per section, and , for ease of reference, I include other similar structures allowed in terms of Plan Change 12).

13) Disturbingly, para. 124 of the RIS notes : "Government plans on undertaking work in this area to get a clearer estimation of the scale of the problem and the need for any further intervention." This needs to resisted very emphatically.

14) Another disturbing feature is the summary of marginal costs and "benefits" on page 29 of the RIS. In respect of existing residents in rezoned locations the "potential for reduced

amenity for neighbouring properties vs the status quo (e.g. overshadowing, privacy loss) "is regarded as only "LOW – MEDIUM. [emphasis added]. This analysis is quite extraordinary and shows a complete disregard for the effect on neighbours and privacy. Officials should make every effort to see a "3X3 walk-up". A good example is in Palmerston Street opposite the tennis courts. This was built under existing planning, of course, not the proposed planning.

15) In regard to the timing of implementation of the proposals Paragraph 13 of the RIS notes that "councils have up to two years to complete submissions, hearings, and release the decisions following notification of proposed plans." There will be further delays as appeals are very likely. On the front page of the RIS it is noted that the new policies "will not be fully implemented until at least August 2024 and likely longer". Logistical constraints, labour issues and the potential for large scale emigration will mean that the first tenants will not "move in" for a further 12-18 months. Early 2026 at the earliest. Already some "experts" are saying that the housing shortage will largely disappear in two years.

16) On 19 October 2021 the then Leader of the opposition, Judith Collins, issued a release stating that the Enabling Housing Supply Bill was "a step forward". Regretfully, Miss Collins also said:
    - "will allow New Zealanders to do more on their land without needing a resource consent
    - "I see these measures as being consistent with National's commitment to cutting red tape
    - "nothing in the Bill forces people to build more density
    - "removing barriers that can get in the way of sensible development
    - "looks forward to continuing to play our part in making this as a robust and helpful piece of legislation as possible."

17) The actual facts of the matter are very different from what Miss Collins was reported as saying.

18) Unfortunately, there is nothing about developers and "3x3 walk-ups" overshadowing neighbours, loss of sunshine and loss of privacy.

19) It is pleasing to see that the new Leader of the National Party, Mr. Luxon, has seen the pitfalls of the proposals and is apparently open to changes.

20) I have not seen any projections of building construction for Hamilton but the N Z Herald of 28 September has some interesting figures for Auckland. The Herald says the Auckland Unitary Plan allows for enough new housing without "going after the city's historic kauri villas and bungalows". If Government's plans were fully implemented 3.2 million homes could be built [if there was enough labour and materials] but the best estimates projected a demand of 900, 000 homes. It is reasonable to assume a similar scenario for Hamilton.

SUBJECT PROPERTY.

21) My residential property is located at 94 Pembroke Street, Hamilton Lake. I have 10 neighbouring properties all of which could build "3x3 walk-ups". Five of these neighbours could build "3x3 walk-ups"one metre from my boundary, with little in the way of design standards, and no restriction on neighbours' windows. It is unlikely that the "height to boundary" rules will have any meaningful effect.

22) The question of value is very, very important. Obviously, the sections between the street, and, in my case, the lake front are highly valued. If these proposals proceed I can see a substantial loss in value. Put simply, who would want to buy a home in this area at the current values if someone can come along and build a "3x3 walk-up" right next to their kitchen and lounge windows?

23) This applies to all sections in the area between Pembroke Street and the lake front, as well as Lake Crescent to the lake front and Lake Road & Queens Avenue to Lake Domain Drive. Most of this area is an amphitheatre on sloping ground from the named streets down to the lake reserve. Ruakiwi Road is opposite to the Domain Reserve land.

24) These are highly valued sections and a significant number have very expensive dwellings. Hamilton Lake is the jewel in the city's crown and needs to be preserved.

25) Just as Auckland City has moved to preserve some "heritage" areas similar should happen here. The General Residential Zone covers so much ground the "3x3 walk-ups" will inevitably be scattered and will destroy land values. Emphasis should be on grouping these "3x3 walk-ups" close to employment centres, public transport and in high demand areas for affordable housing.

OBJECTIONS.

26) I formally object to aspects of the Planning Change 12:

a) The General Residential Zone covers too much of the city. It is not necessary to have a very large proportion of the city's land zoned in this manner. There needs to be a considerable reduction in land under this zoning.

b) This zone should be limited to specific areas of the city:
- Where there are employment opportunities;
- Well serviced by public transport; or
- High demand for housing and business land.
- Note – the lake area has none of these so-called attributes.

c) The construction of "3x3 walk-ups" and similarly intrusive structures to be tightly restricted to the clearly defined areas as noted in (b) above and not scattered around most of the city.

d) The area of land between Lake Road and Lake Domain Drive should have the proposed zoning of "High Density Residential" amended to the same as the other areas surrounding the Hamilton Lake. Council to revisit their opinion that this area is "walkable" from the Central City Zone. For most people it is not.

e) Remove the phrase "parks, open spaces and other areas of high social amenity" from 4.2.2.2c - and any other references - of the proposed plan.

f) A special "low density zone" be established for the area surrounding Hamilton Lake as noted in paragraph (23) above. Other prime areas will also qualify.

I wish to be heard in support of my submission.

END