Plan Change 12 - Enabling Housing Supply

To
Date received 11/12/2022
Further Submission Reference Number #532

Address for service:
Bloxam Burnett and Olliver - John Olliver
PO Box 9041 Waikato Mail Centre, Hamilton 3240
New Zealand
Email: jolliver@bbo.co.nz

Further Submission points

Original Submission

My concerns are two fold. I oppose the plan to build high density housing in residential areas, firstly because of the impact such buildings might have on the light and privacy of existing dwellings. If such buildings were to be built, their design should see them facing away from neighbouring backyards and facing public areas.

Secondly, I am concerned with the impact on schools, ie the Hamilton East area with increased traffic, lack of parking and the potential danger to students walking to our from school. Adequate off street parking needs to be funded by the developers.

Point 532.1

Reason

Amending 25.14 torequire developers toprovide offstreet parking

The requirement to provide off street parking is inconsistent with the requirements of the National Policy Statement-Urban Development 2020 (NPS-UD)and would result in allocation of land for carparking that would undermine the intent of creating high density areas that are not car dependent.

Seeks
Disallowed
Support?
Oppose

Plan Change 12 - Enabling Housing Supply

To
Date received 11/12/2022
Further Submission Reference Number #533

Address for service:
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Further Submission points

Original Submission

I believe that the government's proposals are premature and draconian. There is potential to adversely affect many people. There needs to be more time allowed and more of a balance between housing intensification and green fields development. Not everybody wants or needs to live in a 'box'.
I oppose the current proposals that three three-story residential properties can fill up a section almost to the boundaries and be placed almost anywhere with no resource consent being required. Not only are they are likely to overload existing infrastructure but there will be many situations where owners of neighbouring properties will be severely affected both financially and visually and will have no right to contest the consenting process.

My property is residential - 13 Sycamore Place Pukete. It is owned by 3 Swans Family Trust, the directors being myself, my daughter Joanna Louise McCracken and VLM Trustees.
The house is on a right of way section, one of three on the opposite side of the street to the river. It was specifically designed to get views of the river from the living areas. The outlook would be completely obliterated by building 3 3-story buildings on the section in front. My late husband and I built this house, not because we were wealthy and privileged, but because we truly loved the river. It is only 20 years old and a quality home, as with other houses in the street.
I believe there does need to be some intensification of housing in Hamilton and there are plenty of old tired areas that could be improved. However this does not mean that quality existing homes should be destroyed, as may be possible without resource consent being required. Already in this area (Pukete, St Andrews, Beerescourt, Forest Lake) homes are frequently being demolished and I suspect this is often because of the profits to be made and not the condition of the houses.
Sycamore Place is a cul-de sac with access to the river paths at the dead end. Consequently there are usually extra cars parked in the street. Blocks of 3 story houses, probably without garages, would cause more congestion than in many streets.

The current trend of building houses without parking is understandable from an environmental point of view but the practicalities are that public transport in Hamilton is a long way from providing satisfactory solutions for most people's lifestyles. As a superannuitant I do not feel at all safe using a cycle to get around and buses don't accommodate my lifestyle. Streets with higher density housing are becoming cluttered with cars and rubbish bins.

Point 533.1

Reason

Amending rule 4.4.4 to require public notification of high density residential development

Requiring public notification is contrary to the Housing Enabling Act and the NPS-UD to enable high density development in appropriate locations without the delays and cots associated with notification.

Seeks
Disallowed

Support?
Oppose

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Further Submission points

Original Submission

See attached submission.

Concern 4 - Purpose of network infrastructure renewal FC

Point 534.1

Reason

Review the assumptions and cost estimates for financial contributions in 24.2.1

The financial contributions regime is inappropriately targeted at new development and fails to recognise the benefits of infrastructure renewals and citywide improvements that benefit existing residential development as well as new development.

Allow submission

Seeks
Allowed
Support?
Support

Plan Change 12 - Enabling Housing Supply

To
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Address for service:
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Further Submission points

Original Submission

See attached submission, Attachment 1 , Point 5.

The Director-General considers that residential developments should also be designed and developed to minimise adverse effects on habitats of indigenous fauna and seeks alignment with matters raised in PC5 and PC9 to be incorporated as appropriate in PC12. This would align with the direction of Objective 4.1.2.6 and Policy 4.1.2.6j in respect of adjoining sites, transport corridor and public open spaces.

For example, adverse effects on SNAs may arise from development adjacent to such SNAs or bat habitat. The Director-General seeks that appropriate urban design and layout principles are applied to areas adjacent to an SNA so as to reduce possible adverse effects on significant habitats of indigenous fauna, such as habitat for long-tailed bats, from lighting for example. As such, for example, the relief sought in PC5 and PC9 may be appropriate to apply wider than just the Peacocke Structure Plan and also beyond an SNA throughout the Hamilton district.

This would be consistent with Policy 4 of the National Policy Statement for Urban Development 2020 (NPS-UD) which enables Council to modify the relevant building height or density requirements under Policy 3 of the NPS-UD to the extent necessary to accommodate a qualifying matter in the PSPA. The qualifying matters include “a matter of national importance that decision makers are required to recognise and provide for under section 6”.

There is no setback requirement from a SNA which means development could be located directly against the boundary of a SNA. Adverse effects resulting from development within proximity to an SNA include bright lights impacting indigenous biodiversity such as long-tailed bats and people trimming/removing vegetation/trees from an SNA for being too close to their property. The provision of a buffer or setback between new development and SNAs will reduce the possibility of adverse effects and allow the consideration of effects/mitigation at resource consent stage if new development is proposed within the setback.

Given that many of the “Nationally” and “Regionally” significant SNAs identified in the 4Sight report are primarily as a result of ‘Threatened - Nationally Critical’ long-tailed bat species utilising the site, it is considered appropriate to utilise this classification when determining an appropriate setback distance from a SNA boundary.

The proposed setback distances have been considered based on recommended setbacks found within the following report prepared by 4Sight Consulting for the Peacocke Structure Area, Plan Change 5: “Long-tailed bat report for Hamilton City Council, June 2021”.
The 6m setback from the Waikato Riverbank and Gully Hazard Area may not be appropriate and should align at a minimum with the setback provisions have been sought in PC5 and PC9 and should apply to PC12.

Another example, in PC9, the Director-General sought the addition of a policy that details the best practice for lighting design principles to consider when mitigating adverse effects on indigenous fauna such as the long-tailed bat. The policy should apply for activities adjacent to or within a SNA. This should also apply to PC12.

Ensure there is alignment with PC5 and PC9 matters in PC12 in this regard.

Point 535.1

Reason

The 50m setback for buildings and swimming pools from Nationally and Regionally Significant SNAs.

Large parts of the High Density Zone adjoin the Waikato River SNA and this requirement would effectively sterilise large areas from intended intensification. There is no evidence that such a large setback is required.

Disallow submission

Seeks
Disallowed
Support?
Oppose

Original Submission

See attached submission. Attachment 1, Point 7.

The Director-General supports the direction of Objective 4.1.2.7 and Policy 4.1.2.7a as there is recognition that residential development adjoining areas of SNAs have the potential to adversely affect the values of SNAs and the ecological function and health of the SNAs as described in the explanation.
However, Policy 4.1.2.7a and Rule 4.2.6.10 do not give effect to Objective 4.1.27 in that these provisions do not ensure that vegetation pruning and maintenance does not adversely affect at risk or threatened indigenous species. There is concern that the cumulative effect of pruning and maintenance may result in the eventual killing of these trees or loss of tree cover for threatened indigenous species such as the long-tailed bat in the SNA.
It is noted that in PC9 for example, the Director-General sought the amendment of Policy 20.2.1h and Rule 20.3a in relation to essential pruning, maintenance of trees and vegetation. These matters should also apply to the pruning and maintenance provisions throughout PC12.
Ensure there is alignment with PC5 and PC9 matters in PC12 in this regard.

Point 535.2

Reason

Amendments to Policy 4.1.2.7a to control pruning of vegetation on SNAs so that it does not adversely affect at risk or threatened indigenous species.

The existing policy is sufficiently robust and any amendment would be inconsistent with the rules that allow some pruning on private property.

Disallow submission

Seeks
Disallowed
Support?
Oppose

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Further Submission points

Original Submission

The submitter opposes to a maximum height limit of 21m (plus a portion of roof) as per 4.4.5.4a and an aspiration for 6 stories height because 21m height limit barely works for 6 storeys unless we are unconcerned about the quality of outcomes (a plethora of 6-storey, minimum floor to floor height, relatively flat-roof estate projects, akin to the Projects/Social Housing Estates of the 1950s to 1970s in UK/USA, especially if there is no Urban Design quality standard to be achieved).

Point 536.1

Reason

Maximum height of 21m is inconsistent with aspiration for 6 storey buildings.

Maximum height limit may lead to poor design outcomes with flat rooves.

Allow submission

Seeks
Allowed
Support?
Support

Plan Change 12 - Enabling Housing Supply

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Further Submission points

Original Submission

Policy 4.1.2.1c *The health and wellbeing of the Waikato River is restored and protected by controlling ~~density~~, building size, site permeability and appropriate mitigation of earthworks, and by maintaining, and* ***where appropriate*** *enhancing access to the Waikato River.* Kāinga Ora does not support the use of terminology which requires certain features to be both 'maintained and enhanced'. This implies that both outcomes must be achieved at the same time. While it is accepted that this is terminology used within the RMA, Kāinga Ora consider it appropriate to amend the proposed wording. Kāinga Ora also consider that the health and well-being of the Waikato River can be restored and protected without the need to control density, but rather through a focus on ensuring appropriate infrastructure measures are incorporated, including stormwater quality measures to protect the Awa.

Point 537.1

Reason

Amend Policy 4.1.2.1c wording

The rewarding removes 'density' and allows more discretion for a decision maker.
It also adds flexibility to the requirement to maintaining and enhancing access to the Waikato River as it may not always be practicable.

Seeks
Allowed
Support?
Support

Original Submission

Activity	High Density Residential Zone
a. Accessory building	P
b. Ancillary residential structures	P
c. Emergency housing for up to 10 residents	P
d. Residential activities	P
~~e. One residential unit on a site~~	~~NC~~
~~f. 2~~ **Up to 6** residential units on a site	~~D~~ **P**
g. ~~3~~ **7** or more residential units on a site	RD*

[new activity] Papakāinga containing up to 6 residential units	**P**
h. Papakāinga containing ~~4~~ 7 or more residential units	RD*
i. Rest home	RD*
j. Managed care facilities	
i. Up to 10 residents (excluding emergency housing)	P
ii. 11 or more residents (excluding emergency housing)	D
k. Residential centre	D
l. Retirement Village	RD*
Commercial Activities and Structures	
m. Home-based business	P
n. Homestay accommodation	P
o. Show homes	RD
p. Childcare facility	
i. Up to 5 children	P
ii. Six or more children	RD
q. Dairy on the ground floor of a building	RD
r. Dairy on upper floor of a building	NC
s. Health care service	D
t. Places of assembly	D
u. Visitor accommodation outside the Visitors Facilities Precinct	RD
v. Visitor accommodation in the Visitor Facilities Precinct	P
w. Offices (other than as a home-based business)	NC
x. Service industry	NC
y. Light industry	NC
z. Restaurants	D
aa. Restaurants ancillary to visitor accommodation in the Visitor Facilities Precinct	P
bb. Conference facility outside the Visitors Facilities Precinct	D
cc. Conference facility in the Visitors Facilities Precinct	P
dd. Tertiary education and specialised training facility	D
Communities Activities and Structures	
ee. Informal recreation	P
ff. Organised recreation	P
gg. Community centre	D
hh. General recreation	D
ii. Places of worship	D
jj. Marae (Accept when provided as part of a papakainga development)	D
kk. Marae when provided as part of a papakainga development	RD*
ll. School	D
mm. Passenger transport facilities	NC
nn. Clubrooms	NC
All Activities and Structures	
oo. Demolition or removal of a building	P
pp. Maintenance, repair and alterations and additions to existing buildings	P

qq. Any earthworks within the root protection zone of a tree where the trunk is located within a Significant Natural Area (SNA) in Schedule 9C (Volume 2, Appendix 9)	RD
rr. Pruning and maintenance a tree within a Significant Natural Area where the canopy overhangs the boundary of the Significant Natural Area in Schedule 9C (Volume 2, Appendix 9)	P
ss. Relocated buildings **(not including off-site manufacturing of modular buildings)**	NC
tt. Emergency service facilities	D
uu. Any boundary wall and fence equal to or less than 1.5m high as per Rule 4.4.5.7	P
vv. Any boundary wall and fence over 3.5m high as per Rule 4.4.5.7	D

Note

a. For activities and buildings in the Electricity National Grid Corridor see Chapter 25.7: City-wide – Network Utilities and the Electricity National Grid Corridor.

b. Refer to Chapter 1.1.9 for activities marked with an asterisk (*)

Point 537.2

Reason

Inclusion of up to six residential units per site as a permitted activity in 4.4.3.le

It is contrary to the NPS-UD and the Enabling Housing Act to restrict single residential units in the High Density Zone.

Seeks
Allowed
Support?
Support

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Further Submission points

Original Submission

Furthermore, low density proposals are discouraged (requiring either a consent for a non-complying or discretionary activity – see rule 4.4.3.1 (e) (f) to ensure that the commensurate density is maximised.

The High Density Residential Zoning approach supports the uptake of alternative transportation modes, including active and public transport which gives effect to Policy 3(a), Policy 1 (a) (d) and (e) of the NPS UD and the outcomes of the GPS ("accelerating mode shift across New Zealand in high-growth areas – includes Hamilton").

Point 538.1

Reason

Supports retention of rule 4.4.3.Ie

It is contrary to the NPS-UD and the Enabling Housing Act to restrict single residential units in the High Density Zone.

Disallow submission

Seeks
Disallowed
Support?
Oppose

Original Submission

Furthermore, low density proposals are discouraged (requiring either a consent for a non-complying or discretionary activity – see rule 4.4.3.1 (e) (f) to ensure that the commensurate density is maximised.

The High Density Residential Zoning approach supports the uptake of alternative transportation modes, including active and public transport which gives effect to Policy 3(a), Policy 1 (a) (d) and (e) of the NPS UD and the outcomes of the GPS ("accelerating mode shift across New Zealand in high-growth areas – includes Hamilton").

Point 538.2

Reason

Supports retention of rule 4.4.3.If

Our submission requested that the activity status be changed to permitted as discouraging duplexes is inconsistent with the objectives and policies to enable a variety of housing.

Seeks
Disallowed
Support?
Oppose

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Further Submission points

Original Submission

The Medium Density Residential Standards as notified include a landscaping standard, but not a permeable area control. The Operative District Plan (ODP) has a permeable area control which has been rolled over. There is a risk that rolling over the permeable area standard of the ODP may be seen to be an additional density standard that doubles up with the 20% landscaping requirement.
The ODP defines permeable surfaces as follows:
“Permeable surface Means any part of a site which is grassed or planted in trees or shrubs and is capable of absorbing water. It does not include impermeable surfaces or any area which:
a. Falls within the definition of site coverage.
b. Is covered by decks which do not allow water to drain through to a permeable surface.
c. Is occupied by swimming pools.
d. Is paved, sealed or formed to create a solid surface.
e. Is used for vehicle parking, manoeuvring or access.
Note
A green or living roof may provide a suitable alternative to permeable surfaces requirements but will be assessed on a case by case basis.”
The on-site stormwater rule introduced into Chapter 25.13 refers to impermeable areas rather than permeable surfaces. Replacing the permeable area standard with an impermeable area standard would better accord with the intent of the standard to manage stormwater runoff, rather than on-site amenity.
As defined in the ODP, impermeable surfaces means “surfaces such as roads, roof tops, footpaths, paving, decking which does not allow water to drain through to a surface which can absorb water, swimming pools, patios or highly compacted soil that are not vegetated and do not infiltrate run-off.”
Section 80E (2) of the RMA provides for related provisions such as those related to storm water management (including permeability and hydraulic neutrality).
The impermeable area standard should be calculated on the basis of net site area (consistent with building coverage standard).

Point 539.1

Reason

Amend 4.4.5.3a to create a maximum impermeable rule of 70% of net site area.

Maximum impermeability of 70% is insufficient to achieve the objectives of high-density development and inconsistent with the building coverage of 60% and landscaping requirements.

Seeks
Disallowed
Support?
Oppose

Plan Change 12 - Enabling Housing Supply

To
Date received 11/12/2022
Further Submission Reference Number #540

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Further Submission points

Original Submission

The submitter generally supports these provisions but opposes standard a. Units at the ground floor should be able to have fencing to help screen living areas.

Point 540.1

Reason

Amend 4.4.5.7 to provide 1.8m high fencing with 50% permeability.

50% permeability will not allow the preferred design outcome of large majority of fence designs along transport corridors to achieve security, privacy and noise attenuation.

Disallow 50% permeability part of submission.

Seeks
Disallowed
Support?
Oppose

Plan Change 12 - Enabling Housing Supply

To
Date received 11/12/2022
Further Submission Reference Number #541

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Further Submission points

Original Submission

We support public interface standards, however, we seek clarification and/or amendment to reduce the minimum 20% to 10% and/or include any upper-floor level glazing that overlooks the street to provide CPTED principles. In addition, we seek clarification for developments comprising of 4 or more residential units requiring a pedestrian access from a transport corridor to the front door entrance of each residential unit, ensuring this only applies to street fronting residential units and not rear units/sites where this is not practical.

Point 541.1

Reason

Amend 4.4.5.7 to have maximum height of 1.5m to 1.8m if the part of the fence above 1.5m is visually permeable.

Permeability will not allow the preferred design outcome of large majority of fence designs along transport corridors to achieve security, privacy and noise attenuation.

Disallow 1.5 m height and permeability part of submission.

Seeks
Disallowed
Support?
Oppose

Plan Change 12 - Enabling Housing Supply

To
Date received 11/12/2022
Further Submission Reference Number #542

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Further Submission points

Original Submission

Point 542.1

Reason

50% permeability will not allow the preferred design outcome of large majority offence designs along transport corridors to achieve security, privacy and noise attenuation.

Disallow permeability part of submission.

Seeks
Disallowed
Support?
Oppose