Further Submission on Plan Change 12 to the Hamilton City District Plan (Enabling Housing Supply)

To: Hamilton City Council
Freepost 172189
City Planning Unit
Private Bag 3010
Hamilton 3240

Attention: Plan Change 12 submission

haveyoursay@hcc.govt.nz

From: Rotokauri North Holdings Limited

Address for Service: MADE GROUP LIMITED
Commercial Bay, Level 36
7/21 Queen Street,
Auckland, New Zealand 1010

Gary Noland, Chief Operating Officer
gary@made.co.nz

Introduction:

1. This is a further submission on Plan Change 12 ("PC12") to the Hamilton City District Plan – Enabling Housing Supply made by Rotokauri North Holdings Limited ("RNHL").

2. RNHL made submissions (Submissions #241) on the notified version of PC12.

Interest in the Submission:

3. In accordance with Schedule 1, Clause 8(1)(b) of the Resource Management Act 1991 ("RMA" or "Act") RNHL has an interest in PC12 that is greater than the interest that the general public has, in that the further submitter has significant greenfield landholdings at Rotokauri North which have recently be rezoned under Private Plan Change 7.

4. RNHL could not gain an advantage in trade competition through this further submission.

Further Submissions

5. RNHL **SUPPORTS** the submissions identified in **Attachment 1** on the basis that approving PPC 12, as sought by these submitters, represents the most appropriate way to achieve the purpose of the RMA and is consistent with and promotes the purpose of the RMA. Additional reasons are also included in **Attachment 1**.

6. RNHL **OPPOSES** the submissions identified in **Attachment 1** as these submissions:

   (a) will not promote sustainable management of resources, and will not achieve the purpose of the Resource Management Act 1991 ("Act");

   (b) are contrary to Part II and other provisions of the Act;

   (c) will not meet the reasonably foreseeable needs of future generations;

   (d) will not enable social, economic and cultural well being;

   (e) will not support enabling housing supply;

   (f) will complicate the resource consent process, creating uncertainty and increasing compliance costs associated with consenting and development;

   (g) are unnecessary to address the requirements for the NPS-UD (and do not give effect to the NPS-UD and RPS) or MDRS as outlined in schedule 3 of the RMA.

   (h) is otherwise contrary to the purposes and provisions of the Act and other relevant planning documents;

   (i) is inappropriate and inconsistent with the purpose and principles of the Act;

   (j) does not represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of other available means and are therefore not appropriate in terms of s32 and other provisions of the Act;

7. Additional reasons are also included in Attachment 1.

Request to be heard in Support of Further Submission:

8. RNHL wishes to be heard in support of its further submission.

9. RNHL will consider presenting a joint case at a hearing if others make a similar submission.

Attachment 1: Further Submissions of Rotokauri North Holdings Limited

Original Submission						Further Submission	
Sub #	**Submitter name(s)**	**Point**	**PC12 Reference**	**Summary of Submission**	**Relief/Decision sought**	**Oppose / Support**	**Reasons**
147	Transpower	147.6	Objective 4.1.2.2	*Transpower is generally supportive of the broad outcome sought through this objective. However, in some areas, the planned urban built character will be limited by a qualifying matter, and Transpower considers it necessary that the provisions are explicit regarding this.*	*Amend Objective 4.1.2.2 as follows: "Development maximises the use of land by providing a range of housing typologies that are <u>generally</u> consistent with the neighbourhood's planned urban built character, <u>taking into account any qualifying matters,</u> while ensuring the provision of infrastructure services as part of any development."*	Support in part Oppose in part	There is no need for the amendment to Objective 4.1.2.2 to reference qualifying matters. The submitter supports the inclusion of 'generally".
		147.8	Policy 4.2.2.a	*Within the General Residential Zone, existing qualifying matter areas may limit the amount of permitted development possible on an allotment. While the policy directive is supported (and reflects Schedule 3A Part 1(6)(2) of the RMA), Transpower supports reference to qualifying matter areas as they directly influence the capacity for intensification and residential development.*	*Amend Policy 4.2.2.2a as follows: "Enable a variety of housing typologies with a mix of densities within the zone, including 1,2 and 3-storey attached and detached residential units<u>., while avoiding inappropriate locations, heights and densities of buildings and development within qualifying matter areas as specified by the relevant qualifying matter area provisions</u>."*	Oppose	There should be no additions to text required by Schedule 3A of the RMA.
		147.17	1.1.2 Definitions Used in the District Plan	*New definition* - *Qualifying Matter* - *Qualifying Matter area*	*Relief not replicated - see Transpower submission)*	Neutral	The submitter is neutral regarding the inclusion of such definitions, however considered that the wording sought in the relief could be amended to be clearer.
148	Department of Conservation	148.1 - General		*Summary not replicated – see DoC submission.*	*Relief not replicated - see DoC submission)*	Oppose	The further submitter considers that it is inappropriate to request changes made to align

Original Submission						Further Submission	
Sub #	**Submitter name(s)**	**Point**	**PC12 Reference**	**Summary of Submission**	**Relief/Decision sought**	**Oppose / Support**	**Reasons**
		148.6-148.22 – various Chapter 4 Residential zone provisions 148.23 & 148.27 – Chapter 23 Subdivision 148.24 – Chapter 25.14 Transportation 148.25-148.26 – Chapter 25.15 Urban Design					with PC5 or PC9 when neither PC has had a decision made on its submissions. In addition, the further submitter opposes the roll out of PC5 specific provisions across the entire Hamilton District. There is no justification that these are required and/or meet the section 32 tests for efficiency and effectiveness in relation to being a "district-wide" matter.
326	Waikato Regional Council	326.17-18	Objective 25.15.24.4 Objective 25.15.2.5	*We need to ensure out of sequence developments can link to public transport immediately, and not rely on "back-fill" of subdivisions yet to occur. For example, North Rotokauri is out of sequence and while it may provide bus stops and shelters, there may not be enough patronage to justify public transport until the other parts of Rotokauri are developed. This embeds travel behaviour that is car-reliant and does not provide mode alternatives that will reduce carbon emissions from the start.*	Add an explicit policy under 25.15.2.4 and 25.15.2.5 to address carbon emissions.	Oppose	RNHL explicitly oppose the submissions a s it undermines decisions made by PC7, and conclusions reached during that process (which included expert caucusing with WRC)
		326.19	Chapter 23 - generally	*WRC's submission point refers to Chapter 23 - Subdivision. Generally, we support subdivision provisions*	Add new objectives, policies, and rules to ensure that subdivision does not occur in locations where the risk of	Oppose	RNHL explicitly oppose the submission as it undermines decisions made by PC7 as to

Original Submission						Further Submission	
Sub #	**Submitter name(s)**	**Point**	**PC12 Reference**	**Summary of Submission**	**Relief/Decision sought**	**Oppose / Support**	**Reasons**
				that promote a well laid out urban environment that supports links to existing transport networks and maximises use of the road corridor for active and public transport. However, we recommend adding new provisions to ensure that subdivision does not occur in locations where the risk of climate change cannot be mitigated, or the resulting land use activity (such as the transport network) cannot adapt or be resilient to the effects of climate change.	climate change cannot be mitigated, or the resulting land use activity cannot adapt or be resilient to the effects of climate change.		the appropriateness of the land for urban rezoning and development.
146	WEL Netowrk Limited	146.28-146.29	15-5 Criteria for the Form of Transport Corridors and Internal Vehicle Access	*WEL support in part Table 15-5a)i: Criteria for the form of Transport Corridor for Berm Requirements. However, WEL request that the word "desirable" be replace with "required". The reasoning for this request is to ensure that more scrutiny is placed on achieving a higher level of compliance. WEL submits that the berm widths provided for in Table 15-5a)i are sufficient to enable underground utilities as well as footpaths, amenity planting and road furniture. A width any less will likely create long term issues such as utility congestion, potential root damage to utilities and disruption of planting and furniture during*	Amend Table 15-5a)i: and Tabe 15-5a)ii) Criteria for the form of Transport Corridor, as follows: "Berm Requirements Service corridor (min ~~desirable~~ required)"	Oppose	As outlined in the primary submissions of RNHL there are considerable land inefficiencies in the service berm widths being required (even as a "desirable width"). The change sought by WEL would further exacerbate this issue.

Original Submission						Further Submission	
Sub #	**Submitter name(s)**	**Point**	**PC12 Reference**	**Summary of Submission**	**Relief/Decision sought**	**Oppose / Support**	**Reasons**
				maintenance and upgrading of utilities. Further, it is noted that the restricted discretionary activity status currently provides for a level of flexibility regardless of the wording, however the word 'required' rather than 'desirable' may encourage a higher level of achieving compliance with the berm widths to avoid long term problems.			
150	Ministry of Education	150.2	*4.1.2 Objectives and Policies: All Residential Zones*	*The currently proposed Objective 4.1.2.2 discusses existing and planned infrastructure, however it does not include additional infrastructure. Amending the objective to include "additional infrastructure" (as defined by the NPS-UD 2020) will ensure schools and educational facilities are provided for.*	*Amend objective 4.1.2.2 as follows: "Development maximises the use of land by providing a range of housing typologies that are consistent with the neighbourhood's planned urban built character while ensuring the provision <u>of additional infrastructure and</u> infrastructure services as part of any development."; and* *Add a new policy as follows:* *<u>Policy 4.1.2.2g</u>* *<u>Enable non-residential development and activities that:</u>* *<u>1. Support the social and economic well-being of the community;</u>* *<u>2. Are in keeping with the with the scale and intensity of development anticipated within the zone;</u>* *<u>3. Enable educational facilities;</u>* *<u>4. Avoid, remedy or mitigate adverse effects on residential amenity; and</u>*	Support in part Oppose in Part	RNHL generally supports MoE's intent, however considers the change to Objective 4.1.2.2 is confusing and does not relay in an appropriate manner the intent of the submission. RNHL generally support the insertion of Policy 4.1.2.2A and its general intent, however would be open to drafting changes (with particular regard to clauses 4 and 5 as these are ambiguous)

Original Submission						Further Submission	
Sub #	**Submitter name(s)**	**Point**	**PC12 Reference**	**Summary of Submission**	**Relief/Decision sought**	**Oppose / Support**	**Reasons**
					5. Will not detract from the vitality of the zone.		
		150.3	*1.1.2 Definitions Used in the District Plan*	*The submitter considers that a definition for "additional infrastructure" should be consequentially added to Appendix 1.1.2, in order to support other relief sought. The definition is from the NPS-UD and the use of a broad definition rather than a lower tier definition of educational facilities will enable a wider category of infrastructure to be captured by inclusions of the definition within the provisions of the plan.*	*Add the following definition to Appendix 1.1.2:* *"Additional infrastructure means:* *1. Public open space.* *2. Community infrastructure as defined in section 197 of the Local Government Act 2002.* *3. Land transport (as defined in the Land Transport Management Act 2003) that is not controlled by local authorities.* *4. Social infrastructure, such as schools and healthcare facilities.* *5. A network operated for the purpose of telecommunications (as defined in section 5 of the Telecommunications Act 2001).* *6. A network operated for the purpose of transmitting or distributing electricity or gas."*	Support in part Oppose in Part	RNHL generally supports the intent, however, remains concerned as to the way in which the phrase "additional infrastructure" is inserted into policies as has the potential to be confusing at implementation stages.
243	Adare Company	243.9-10	Chapter 24 Financial Contributions	*The proposed new financial contribution regime is targeted at managing effects from intensification in urban areas on three waters / transport, parks / reserves / open space, streetscape amenity and giving effect to Te Ture Whaimana. In contrast, development in greenfield areas will be designed to accommodate*	*Amend the objectives, policies and rules to exclude the financial contributions regime from applying to greenfield development. As an alternative to the relief requested above, amend the objectives, policies and rules so that the Peacocke Precinct is excluded.* *Retain a definition for 'Greenfield*	Support in part	Without limiting the original relief of the submitter to have the Financial contributions deleted, the submitter would also support a distinction between Greenfields and other land, with greenfield land being explicitly excluded.

Original Submission						Further Submission	
Sub #	**Submitter name(s)**	**Point**	**PC12 Reference**	**Summary of Submission**	**Relief/Decision sought**	**Oppose / Support**	**Reasons**
				anticipated densities in accordance with best practice requirements (including under ICMPs, the RITS, Stormwater Guidelines etc). Parks / reserves / open space and streetscape amenity is also planned and provided for. If such infrastructure is not developer-funded, it is funded by development contributions. *Hamilton has clearly defined greenfield precincts. The definition could be improved by clarifying that it includes development in those precincts, as well as any other previously undeveloped rural land.*	*development' in Chapter 24 and amend it as follows:* *"Greenfield development means subdivision and/or urban development in the Peacocke Precinct, Te Awa Lakes Precinct, Rotokauri Precinct, Rotokauri North Precinct, Ruakura Precinct and Rototuna Town Centre Precinct and of any other previously undeveloped rural land".* *As an alternative or in addition to the above, the greenfield development areas could be spatially defined in the Planning Maps*		
		143.14	25.13.2 Objectives and Policies: Three Waters	*Policy 25.13.2.6a – design* *Soakage to ground will not be possible in some areas of Hamilton. This policy should be amended to refer to use of soakage techniques "where practicable".*	*Amend clause vi of Policy 25.13.2.6a as follows:* *"vi. Ensure that surface water runoff is appropriately managed to restore and protect the health and well being of watercourses and the Waikato River, primarily via retention for reuse and soakage techniques <u>where practicable</u>".*	Support	This is supported as it aligns with other concerns raised by the submitter with respect to the blanket wide application of the new stormwater management provisions.
		143.17	25.14.2 Objectives and Policies: Transportation	*Policy 25.14.2.1h – parking.* *It is unclear whether this policy is intended to apply to on-street parking, off-street parking or both. The policy also addresses loading despite the heading of the policy*	*Amend Policy 25.14.2.1h as follows:* *(relief not repeated here- refer to Adare submission)*	Support in part	The further submitter supports these concerns, in addition to the concerns raised in relation to Policy 25.14.2.1a-h (*note typo on the original submission incorrectly references*

Original Submission						Further Submission	
Sub #	**Submitter name(s)**	**Point**	**PC12 Reference**	**Summary of Submission**	**Relief/Decision sought**	**Oppose / Support**	**Reasons**
				being "Parking". *For clarity, the policy should be amended to relate to off-street parking and loading as on- street parking is unlikely to be able to achieve all of the outcomes sought. In addition:* *• clause (i) should be amended to be clearer;* *• clause (v) should be amended to enable consideration of the need for charging facilities, rather than mandating them;* *• clause (vi) and (viii) should be deleted as parking and loading areas are unlikely to meaningfully contribute to these outcomes;* *• clause (vii) should be amended to refer to loading and drop-off spaces only where they are "required" by the District Plan.*			*23.13.2.5.a-h)* and Policy 23.14.2.1a-q.
		243.29	1.4.2 Residential Design Guide	*Appendix 1.4.2 Residential Design Guide.* *The Residential Design Guide is proposed to be amended so that it will apply to all residential zones, rather than just the General Residential Zone. This will make it relevant to the Medium Density Residential Zone in Peacocke. Some changes to the Design Guide are necessary to improve the clarity of the Design Guide and to support good urban design*	*Amend clause (a) and (c) in 1.4.2.6 as follows:* *(relief not repeated here- refer to Adare submission)*	Support	The further submitter supports the concerns raised by the Adare Company and the suggested relief.

Original Submission						Further Submission	
Sub #	**Submitter name(s)**	**Point**	**PC12 Reference**	**Summary of Submission**	**Relief/Decision sought**	**Oppose / Support**	**Reasons**
				outcomes.			
		243.30	15-1 Parking, Loading Spaces and Manoeuvring Areas –Tables and Figures	*Appendix 15, Table 15-1a. Table 15-1a introduces resident cycle requirements for a range of housing typologies that do not have garages. While the requirement is understandable for apartment buildings (to save residents needing to bring bicycles up stairs or lifts), it is unnecessary for ancillary residential units, single dwellings and duplex dwellings.*	*Amend Table 15-1a so that the requirement for resident cycle parking for residential activities only applies to Apartment buildings (not ancillary residential units, single dwellings and duplex dwellings).*	Support	The further submitter supports the concerns raised by the Adare Company and the suggested relief.
270	Hamilton City Council	270.2	4.3.4.3 Permeable Surface and Landscaping	*The submitter seeks alignment between the landscaping standard and permeable controls to avoid additional density standards that double up. 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. The impermeable area standard should be calculated on the basis of net site area (consistent with building coverage standard).*	*Amend 4.3.4.3a to create a maximum impermeable rule of 70% of net site area; and Amend the notes to rule 4.3.4.3a to refer to impermeable surfaces, as provided.*	Support in part Oppose in part	The deletion of the permeable surface rule (as a double up to the landscape MDRS rule) is supported. The amendment to exclude rainwater tanks is supported (although to align with the primary submission of the further submitter this should be clear that it applies to any re-use tank, including those needed for stormwater retention/detention). The submission is opposed in part however, as: - The ODP allowed up to 80% impermeable in the Medium Density Zone (as it only required a 20% permeable surface). The

Original Submission						Further Submission	
Sub #	**Submitter name(s)**	**Point**	**PC12 Reference**	**Summary of Submission**	**Relief/Decision sought**	**Oppose / Support**	**Reasons**
							reduction is opposed as has not been justified through any section 32. - the definition of impermeable surfaces should be amended in full (not just for this rule), and there is no reason for decking to be included in an impervious surface calculation.
		270-18-24	Chapter 24 and Appendix 18 Financial Contributions	*Various points (not replicated here refer to primary submission of HCC)*	*Various amendments (not replicated here refer to primary submission of HCC)*	Oppose	The amendments are opposed as the primary relief sought by the further submitter is the deletion of the financial contributions.
		270.37	25.14.2 Objectives and Policies: Transportation	*The submitter considers that the provisions do not provide for the protection of existing street trees in the objectives and policies for the transport network.*	*Amend 25.14.2.1 to protect existing trees along the transport network, as provided.*	Oppose	The HCDP does not need to promote the protection of features which are already an HCC asset, furthermore retention of existing trees will frustrate and hinder the achievement of the MDRS (and achievement of growth targets required by the NPS-UD.)
		270.41, 270.42	15-2 Integrated Transport Assessment Requirements – Tables	*The submitter considers that the design statement needs to include consideration of charging for electric vehicles*	*Amend Appendix 15Table 15-2a Simple ITA checklist to include reference to charging for electric vehicles, as provided.* *Amend Table 15-2b Broad ITA checklist to include reference to charging for electric vehicles, as provided.*	Oppose	The submission is opposed to align with the primary submissions of the further submitter seeking the deletion of requirements of electric vehicle charging.

Original Submission						Further Submission	
Sub #	**Submitter name(s)**	**Point**	**PC12 Reference**	**Summary of Submission**	**Relief/Decision sought**	**Oppose / Support**	**Reasons**
330	Retirement Villages Association of New Zealand Incorporated	330.149-330.152	25.15 Urban Design	*Various points related to inconsistency of Chapter 25.15 with the MDRS and NPS-UD (not replicated here refer to primary submission of RVA)*	*Various amendments (not replicated here refer to primary submission of RVA)*	Support	The submissions are supported to align Chapter 25.15 wording/drafting with the MDRS and NPS-UD
333	PRS Planning Services	333.3	4.2.5.9 Outlook Space	*Rule 4.2.5.9 provides standards for outlook space which are generally consistent with the requirements of the Amendment Act with the exception of Rule 4.2.5.9(j)(c) which seeks to clarify that an outlook space can be "over driveways or footpaths within the site, as long as it is not obstructed by structures such as fences" The corresponding provision in the Amendment Act is "outlook spaces may be over driveways and footpaths within the site or over a public street or other public open space" provided that it is "clear and unobstructed by buildings". Rule 4.2.5.9(j)(c) either needs to be deleted or amended to reflect the text of the Amendment Act.*	*Delete rule 4.2.5.9(j) OR amended to read: "To clarify an outlook space can be:* *(a) above or below another outlook space (in a vertical configuration);* *(b) Under buildings, such as balconies; and (c) Over driveways or footpaths within the site, or over a public street or other public open space, as long as it is not obstructed by <u>buildings</u> ~~structures such as fences~~."* *That any rules in the Medium Density Residential Zone and High Density Residential Zone which correspond with the rule addressed in the submission point be similarly addressed.*	Support	The relief sought is support alongside the relief sought in relation to the respective provisions in the primary submission of the further submitter.