

BEFORE THE INDEPENDENT HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Proposed Plan Change 12 to the Operative Hamilton
City District Plan

MEMORANDUM OF COUNSEL FOR HAMILTON CITY COUNCIL

Dated 26 April 2024

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MAY IT PLEASE THE INDEPENDENT HEARING PANEL**INTRODUCTION**

1. This memorandum is filed on behalf of Hamilton City Council (**HCC**) in accordance with the direction set out at paragraph 5 of Panel Direction #22 dated 29 February 2024.
2. The purpose of this memorandum is to:
 - a) Provide an update on HCC's application of the Medium Density Residential Standards (**MDRS**) and National Policy Statement on Urban Development (**NPS-UD**) under Plan Change 12 (**PC12**) and the intensification plan provisions HCC intends to pursue; and
 - b) Seek timetable directions for the exchange of evidence.

UPDATE ON PROPOSED PLAN PROVISIONS

3. In its memorandum dated 28 February 2024, HCC confirmed that it would review its application of the NPS-UD and the MDRS under PC12 in light of Central Government's February policy announcement regarding proposed reforms to the NPS-UD and the Resource Management Act 1991 (**RMA**) in relation to MDRS. In particular, its intention to introduce flexibility to 'opt out' of MDRS where Councils can demonstrate that they have 30 years of development capacity available. It is noted that at the date of this memorandum, those signalled legislative changes have not been given effect to. Nevertheless, HCC is taking steps in reliance on these announcements.
4. HCC's Housing and Business Capacity Assessment 2021 (**HBCA**) assesses capacity under both the Operative District Plan (**ODP**) and PC12. The

HBCA confirms that under both scenarios, there is sufficient headroom between demand and zone-enabled supply across the short, medium and long-term (2052). Accordingly, HCC's position is that while there remains a need to pursue intensification under PC12 to provide sufficient zone-enabled capacity to meet demand in the long-term, it is not required to the extent sought under the notified plan change. HCC intends to provide evidence that addresses these matters so that the Panel is satisfied that HCC meets the 'opt out' threshold requirements.

5. Turning to the plan provisions, in reliance on the greater flexibility that will be afforded to Council to opt out of implementing MDRS, HCC intends to modify its approach under PC12 by (in summary):

a) Focussing intensification primarily on the Central City and its walkable catchment by:

i. Altering the level of density that is permitted in the Central City walkable catchment and the Te Rapa Corridor by amending the High Density Residential Zone (**HDRZ**):

- Extent so it is concentrated to areas that are supported by market feasibility studies;
- To enable terraced housing typologies that are two to three storeys in the HDRZ rather than five to six storeys;

ii. Reducing the number of suburban centres around which intensification occurs to those that have good access to local amenities and existing or planned frequent public transport routes, being Chartwell and the following existing Residential Intensification Zones (**RIZ**):

- Five Cross Roads;
 - Dinsdale;
 - University/Clyde Street;
 - Hamilton East;
 - The Hospital;
- iii. Rezoning areas from General Residential Zone (**GRZ**) to Medium Density Residential Zone (**MDRZ**) to support the key centres and future frequent public transport routes including, for example, between the Central City, Five Cross Roads, Chartwell and the Hospital;
- b) Amending the MDRS controls proposed in the notified General Residential Zone as follows:
- i. Reducing the permitted number of residential units on a site to two;
 - ii. Reducing the building height within the GRZ to align with current building heights within the ODP;
 - iii. Increasing setback controls in both the GRZ and MDRZ to align with those in the ODP;
 - iv. Amending the Height in Relation to Boundary and Outdoor Living Area provisions within the GRZ to better align with the ODP; and
- c) Retaining, refining and enhancing green policies and urban design

provisions.

6. HCC staff are currently preparing a revised set of plan provisions that reflect the above changes which it proposes to provide to the panel and circulate to submitters by 27 May 2024. HCC will be preparing evidence which addresses the notified version of PC12, but which supports these revised provisions.
7. If the signalled legislative changes do not come into effect before the hearing, HCC will seek to address the Panel further on how to progress the hearing of PC12 in light of the legislative uncertainty.

PROPOSED TIMETABLE

8. The Panel has allocated eight days for the hearing of PC12 to commence on 4 September 2024.
9. With the hearing dates confirmed, HCC respectfully seeks the following timetable directions for the exchange of evidence:
 - a) HCC is to file an updated set of proposed plan provisions with the Hearing Coordinator by 5pm 27 May 2024;
 - b) HCC is to file its evidence with the Hearing Coordinator by 5pm 26 June 2024;
 - c) All submitters are to file their evidence with the Hearing Coordinator by 5pm 24 July 2024;
 - d) All rebuttal evidence is to be filed with the Hearing Coordinator by 5pm 14 August 2024;
 - e) If the Panel requires pre-hearing expert conferencing, it is to occur

in the week of 19 August 2024 under specific Panel directions; and

- f) All evidence for filing and memoranda or correspondence that parties seek to place before the Panel is to be sent to the new Hearing Coordinator email address as follows:

PlanChange@hcc.govt.nz

Dated 26 April 2024



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Counsel for Hamilton City Council