PLAN CHANGE 12 (PC12) TO THE HAMILTON CITY OPERATIVE DISTRICT PLAN (ODP)

PUBLIC NOTIFICATION OF DECISIONS ON INDEPENDENT HEARING PANEL

20 December 2024

RECOMMENDATIONS PURSUANT TO CLAUSE 102 SCHEDULE 1 OF THE RESOURCE MANAGEMENT ACT 1991

Plan Change 12 (Enabling Housing Supply) to the Operative Hamilton City District Plan implements the Intensification Planning Instrument required under section 80E of the Resource Management Act 1991 (RMA) by incorporating the Medium Density Residential Standards and giving effect to policies 3 and 4 of the National Policy Statement on Urban Development 2020 (with related provisions) (intensification around the central city and other centres).

Hamilton City Council resolved at its meeting on 12 December 2024 to accept all recommendations of the Independent Hearings Panel (IHP) on PC12, except for recommendation relating to:

Section 8.9: Financial Contributions
Commissioner Recommendation (rejected)
Chapter 24 & Appendix 18 – Financial Contributions Delete the Residential Amenity component of the Financial Contribution *(IHP Recommendation Para: 551 Pg: 120)*
Alternative recommendation (if any)
Retain the Residential Amenity provision within the Financial Contribution Chapter
Reasons
With the enablement of increased density and infill, requiring a financial contribution that includes a component of residential amenity will enable Council to address the impacts increased densities will have on the amenity values of the residential neighbourhoods.

The rejected recommendation (together with reasons and alternative recommendation) has been referred to the Minister Responsible for RMA Reform for a final decision under clause 101(2) of Schedule 1 of the RMA. The reasons for rejecting the recommendation and Council's alternative recommendation are set out in full in the Council's decision which can be viewed as set out below.

The affected parts of PC12 as altered by recommendations of the Independent Hearings Panel (IHP) that have been accepted by Council will become operative in accordance with Clauses 104 and 20 of Schedule 1 of the RMA on **20 December 2024**.

Clause 102(a) – Accepted Recommendations (including where minor amendments have been made under Clause 102(3))

The IHP have presented their recommendations in specific findings and by recommended tracked changes to the provisions of the ODP.

The findings of the IHP that have been accepted by Hamilton City Council are:

(a) IHP Recommendations - Section 8 (8.1), (8.2), (8.3), (8.4), (8.5), (8.6), (8.7), (8.8), (8.10). Refer to attachment 1 of the Council decision.

IHP recommendation.

(b) All recommendations identified in the IHP report relating to the following sections of the ODP where they have not been rejected:

Appendix 6 - PC12 – Recommended Provisions.

Planning Maps IHP Recommendations – Zoning Map

Planning Maps IHP Recommendations – Features Map

Chapter/Appendix	
Chapter 1 Plan Overview	Administrative changes to align the Chapter with changes in other parts of the plan.
Chapter 2 Strategic Framework	i. Amend objectives and policies: a. to give effect to Te Ture Whaimana b. for climate change mitigation and adaptation. ii. Align the chapter with changes in other parts of the Plan: a. Unlimited heights in the Central City. b. High Density Residential Zone within walking distance of the Central City and adjoining Ulster Street and Te Rapa Road. c. Medium Density Residential Zone within 400m walking distance of the Subregional Centre at Chartwell and the Suburban Centre at Five Cross Roads. d. Medium Density Residential Zone in areas previously zoned Residential Intensification around Hamilton East, Dinsdale, and Clyde Street/University under the Operative District Plan. e. Medium Density Residential Zone along Boundary Road between the Central City and Five Cross Roads as well as along Peachgrove Road between Five Cross Roads and Chartwell. iii. Introduce mode shift provisions to encourage walking, cycling and use of public transport to achieve a well-functioning urban environment.

Chapter 3 Structure Plans and Appendix 2	i. Align the chapter with the removal of Residential Zones from the Rototuna Town Centre ii. Remove the use of Land Development Plans iii. Amend the Rototuna and Rotokauri Structure Plan maps to reflect the changes in the zoning and removal of character areas.
Chapter 4 Residential Zone and Appendix 3	Delete operative Residential Zone provision and replace with the following Residential Zone provisions: i. General Residential Zone a. Provide for 1 to 2 residential units as permitted. Development will be primarily single dwellings, duplex housing, and terraced housing. b. Apply the Medium Density Residential Standards except for the following standards: • Introduce minimum density standards. • Maximum site coverage of 45%. • Maximum building height to 10m. • Building setback of 1.5m. • Height in relation to Boundary 4m & 45°. ii. Medium Density Residential Zone a. Provide for 1 to 3 residential units as permitted. Development will include the ability to develop apartments. b. Introduce a minimum and maximum density standard. c. Allow for up to 5-storey developments, primarily duplexes, terrace housing and apartments. d. Apply Medium Density Residential Standards or in some cases more enabling standards, except where a Qualifying Matter is relevant. iii. High Density Residential Zone a. Insert requirement for Restricted Discretionary resource consent to address urban design requirements. b. Enable up to 8-storey developments, specifically terrace housing and apartments. Single residential units being a non-complying activity, duplex residential units on a site a discretionary activity, and three or more attached units are restricted discretionary. c. Introduce a maximum density standard. d. Apply more enabling Medium Density Residential Standards except where a Qualifying Matter is relevant. iv. Large Lot Residential Zone a. Retain operative provision associated with Large Lot Residential Zone with minor amendments to align with Medium Density Residential Standards.
Chapter 5 Special Character Zone and	Delete chapter and appendix and merge into the Residential Zones.

Appendix 4	
Chapter 7 Central City Zone and Appendix 5	i. Amend the height in relation to boundary, storage areas, public interface and outlook area controls to better align with the Medium Density Residential Standards requirements and Residential Zones provisions. ii. Remove the height controls and amending the minimum density.
Chapter 13 Rototuna Town Centre and Appendix 7	i. Remove the Comprehensive Development Plan areas. ii. Remove reference to the residential precincts which are to be incorporated in the Residential Zone. iii. Align the height in relation to boundary, outdoor living and service areas, and storage area controls with the Medium Density Residential Standards requirements and Residential Zones provisions.
Chapter 19 Historic Heritage	Accommodate Qualifying Matters through introducing density, site coverage, permeable surface, building height, height in relation to boundary and building setback standards for areas identified with historic heritage values.
Chapter 23 Subdivision	i. Amend the activity statuses and standards to comply with the Amendment Act and NPS-UD, including accommodation of Qualifying Matters. ii. Align with the Medium Density Residential Standards and changes to the Residential Zones. iii. Amend site suitability requirements. iv. Require Minimum Vacant Lot sizes.
Chapter 24 Financial Contributions and Appendix 18	i. Delete the existing chapter and appendix and replace them with provisions related to the general purposes that financial contributions will be used for, i.e.: a. Three waters and transport network connections. b. Giving effect to Te Ture Whaimana objectives. ii. Discount for development within the Peacocke Precinct Area.
Chapter 25.13 – Three Waters	i. Insert requirements for sites within the proposed Infrastructure Overlay, including Infrastructure Capacity Assessments where: a. 3 or more residential units/lots are proposed within the General Residential Zone b. 4 or more residential units/lots are proposed within the Medium Density Residential Zone c. net site area per residential unit is less than 200m2 in the General Residential Zone d. net site area per residential unit is less than 150m2 in the Medium Density Zone e. any residential development is proposed in the High Density Zone. ii. The scope of the Infrastructure Capacity Assessments includes an assessment of whether development can be serviced by capacity within the existing three waters infrastructure or

	feasible, planned and funded upgrades. iii. Provisions requiring more intensive forms of residential development located outside of the proposed overlay, to provide an assessment of demands on local three waters infrastructure networks, similar to the current Water Impact Assessment requirements in the current district plan. iv. Insert rules requiring retention of the first 10mm of rainfall on-site. v. The use of rainwater tanks. vi. For larger residential developments – Requiring new Site-Specific Stormwater Management Plans which replace Water Impact Assessments.
Chapter 25.14 – Transportation and Appendix 15	i. Introduce provisions to support the uptake of walking, cycling, micro-mobility and public transport, to manage the effects of urban intensification on the road network, respond to the removal of most car parking requirements, reduce greenhouse gas emissions and stormwater runoff pollution, and achieve a well-functioning urban environment. ii. Insert new provisions or amending existing provisions related to: a. giving priority to walking, and travel by cycle, micro-mobility device and public transport, over travel by car b. wider footpaths c. separated cycle lanes on new collector roads and arterial transport corridors d. cycle and micro-mobility parking and end-of-journey facilities e. new vehicle access to be safer for walking, cycling and micromobility users f. some new driveways to be wider to accommodate emergency vehicles g. pedestrian access to residential development that has no vehicle access h. some new roads will need to be wider to accommodate landscaping, stormwater devices, separated cycle facilities, public transport, or wider footpaths and parking spaces i. any car parking space for a new residential unit to provide the ability for recharging electric vehicles j. the use of rear lanes k. accessible car park spaces and access to them l. dimensions of on-site loading spaces m. additional Integrated Transport Assessments requirements n. removing proposed road-stopping plans.
Chapter 25.15 Urban Design	Make minor amendments to reflect the city design guide and achieving good urban design along transport corridors.
Appendix 1 Definitions,	i. Amend several definitions.

Information requirements and Assessment criteria, Design Guides	ii. Remove the requirement for Comprehensive Development Plans and Land Development Plans. iii. Amend assessment criteria with the inclusion of five key urban design elements. iv. Amend Information Requirements to require Urban Design and Crime Prevention through Environmental Design assessments for developments containing four or more residential units. v. Amend information requirements for Infrastructure Capacity Assessments.
Planning Maps	i. Rezone the area within walking distance of the Central City and the area adjoining Ulster Street and Te Rapa Road to High Density Residential Zone. Confine High Density to within Stage 1. ii. Introduce a Medium Density Residential Zone within 400m walking distance of the Chartwell Subregional Centre and the Five Cross Roads Suburban Centre. iii. Extend the Medium Density Residential Zone surrounding the Hospital. iv. Introduce a Medium Density Residential Zone in areas previously zoned Residential Intensification Zone around Hamilton East, Dinsdale, and Clyde Street/University under the Operative District Plan. v. Introduce a Medium Density Residential Zone along Boundary Road between the Central City and Five Cross Roads as well as along Peachgrove Road between Five Cross Roads and Chartwell. vi. Rezone the Special Residential Zone and Special Natural Zone to General Residential and Medium Density Zones. vii. Rezone the Rototuna Northeast Character Zone to General Residential Zone. viii. Rezone land along Quentin Drive from Industrial to General Residential Zone and amend the Industrial Amenity Protection Area to conform with an approved Special Housing Area. ix. Rezone the Medium Density Residential Zone associated with the Borman Road/Hare Puke Drive neighbourhood centre to General Residential Zone to better align the existing development with the appropriate zoning. x. Establish Residential Precincts to enable bespoke residential and subdivision rules to apply to these areas. xi. Establish Visitor Accommodation Precinct and removing the Visitor Accommodation Areas from the Feature Map. xii. Include the Infrastructure Capacity Overlay on the Features Map xiii. Include a vibration alert layer adjacent to the railway line on the Features Map

Clause 102(b) - Rejected Recommendation and Reason

The recommendation of the IHP that has been rejected by Hamilton City Council and the reasons for the rejection are set out in **Rejected IHP Recommendation and Reasons**.

Where to view the decisions

The Hamilton City Operative District Plan will be updated to incorporate the operative provisions of Plan change 12, The associated IHP recommendations, and Council's decision including the recommendation that has been rejected (with reasons and alternative recommendation) can be viewed at:

- hamilton.govt.nz/planchange12
- any Hamilton library
- the main Council building.