

BEFORE THE 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

STATEMENT OF EVIDENCE OF DENZIL GOVENDER

(STRUCTURE PLANS, CENTRAL CITY AND ROTOTUNA TOWN CENTRE)

Dated 26 June 2024

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INTRODUCTION

1. My full name is Denzil Govender.
2. I hold the position of Senior Planner within the Urban and Spatial Planning Unit of Hamilton City Council (**HCC**).
3. I hold a Bachelor of Technology in Town and Regional Planning from Durban University of Technology. I am an Associate member of the New Zealand Planning Institute.
4. I have 14 years of Local Government planning experience, two of which practiced in New Zealand. I have working knowledge of the Resource Management Act 1991 (**RMA**) including plan change related matters.
5. I have been involved in Plan Change 12 (**PC12**) since inception and am familiar with its underpinnings and overall direction taken by HCC.

CODE OF CONDUCT

6. My role in preparing this evidence is that of a policy planner. I am familiar with the Code of Conduct for Expert Witnesses (Environment Court Practice Note 2023) and although I note this is a Council hearing, I agree to comply with this code. The evidence I will present is within my area of expertise, except where I state that I am relying on information provided by another party. I have not knowingly omitted facts or information that might alter or detract from opinions I express.

SCOPE OF EVIDENCE

7. The purpose of this evidence, presented on behalf of HCC is to:
 - a) Provide an overview of Operative District Plan (**ODP**) provisions relating to:

- i. Structure Plans (Chapter 3 and Appendix 2);
 - ii. Central City (Chapter 7 and Appendix 5); and
 - iii. Rototuna Town Centre (Chapter 3, 13 and Appendix 7).
 - b) Discuss the changes made to the relevant chapter provisions under PC12.
 - c) Discuss the appropriateness of the provisions in light of sound planning principles particularly the changes sought to align the ODP with the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**HSAA**) and the National Policy Statement on Urban Development (**NPS-UD**).
 - d) Highlight what I consider to be the key issues raised through submissions and further submissions and recommend changes to the PC12 provisions where appropriate.
 - e) Provide responses to relevant chapter submissions which are set out in **Appendix B** – Response to submissions.
8. This evidence is structured as follows:
- a) Summary of evidence;
 - b) PC12 Background;
 - c) Chapter Purpose and PC12 provisions;
 - d) Key Submissions and Relief Sought;
 - e) Recommended changes to notified provisions; and

f) Conclusion.

9. In order to inform my evidence, I have reviewed the relevant plans and strategies for Hamilton City and the wider region. I have taken into consideration the background to PC12, s32 technical reports, submissions and further submissions, as well as the evidence filed by submitters in the initial hearing held in February 2023.

EXECUTIVE SUMMARY

10. My evidence provides a brief background to the overarching intent of PC12 in response to the NPS-UD and HSAA which require Tier 1 Councils to change district plan provisions to achieve greater levels of housing intensification.
11. The scope of my evidence covers three Chapter topics and their relevant appendices within the District Plan i.e., Structure Plans, Central City and Rototuna Town Centre.
12. I have outlined the main purpose of the chapters in its operative form followed by key changes proposed through PC12. Overall, the proposed provisions integrate with the existing framework to achieve the intent of NPS-UD and HSAA.
13. The regional importance of the Central City is featured in statutory and non-statutory documents which align and support its development. The Waikato Regional Policy Statement (**WRPS**) recognises Hamilton Central at the apex of the centre's hierarchy¹ reflecting its significance. The Central City Transformation Plan², amongst others, identifies the need to promote investment that encourages sustainable activity.

¹ WRPS (2018). 6D – Future Proof tables. Table 6-4.

² HCC (2021). Central City Transformation Plan - Hamilton Kirikiriroa 2021 – 2051.

14. I mention main submission areas relevant to chapter topics and make reference to key submissions. A thorough analysis of submissions is detailed in the format of a themes and issues report set out as **Appendix B**.
15. I conclude by referring to **Appendix B – Response to submissions** document which includes recommended changes to all three chapter topics for consideration.
16. The track change version of the recommended changes is reflected in **Appendix A – Officers’ Recommended PC12 Plan Provisions**.

BACKGROUND

17. In response to HSAA, HCC is required to make changes to its district plan to incorporate Medium Density Residential Standards (**MDRS**) and give effect to Policy 3 of the NPS-UD.
18. The primary purpose of PC12 is to implement the changes required by the NPS-UD and HSAA. These changes are intended to accelerate the supply of housing by enabling greater housing intensification by way of amended district plan provisions.
19. I rely on strategic planning evidence produced by Dr Mark Davey to set out the approach taken by HCC to achieve NPS-UD and HSAA directives and to provide statutory overview of PC12.
20. There are a number of relevant non-statutory documents³ that place the Central City Zone at the heart of the region and identify its success and future residential intensification as critical to shaping the region’s growth, identity and economic success.

³ s.32 - Appendix 3.1 Relevant statutory provisions, planning instruments, strategies, and plans.

21. The Hamilton-Waikato Metropolitan Spatial Plan, Future Proof, Central City Transformation Plan and successful delivery of the Infrastructure Acceleration Fund align regarding the Central City's future residential and commercial intensification as key to growth in the region.

ODP PURPOSE AND PC12 PROVISIONS

Structure Plans

22. The Structure plan chapter provides objectives and policies as well as guiding principles for any future structure plans which are predominantly within greenfield areas. These plans set out the development concept for longer-term growth and the likely extent of future infrastructure provision.
23. When consent is required for development within a Structure Plan area, the proposal must consider chapter provisions which aim to achieve a sustainable and integrated urban environment.
24. Changes to the Structure Plan Chapter have been proposed through PC12 to align the Structure Plan areas with MDRS. The following key changes are proposed:
 - a) Since their inclusion in the ODP, the use of Comprehensive Development Plans (**CDP**) and Land Development Plans (**LDP**), which affect residential developments, has been found to be *ultra vires*⁴ and therefore PC12 proposes to remove the LDP and CDP provisions within the Ruakura, Rototuna and Te Awa Lakes Structure Plan areas.
 - b) Align the Rototuna Structure Plan with the amendments to Rototuna Town Centre which seeks to remove the residential component from the Rototuna Town Centre Zone.

⁴ *Queenstown Airport Corporation Limited & Ors v Queenstown Lakes District Council* [2014] NZEnvC93 and *Auckland* [2016] NZEnvC56 and NZEnvC65.

- c) The maps associated with the Rototuna and Rotokauri Structure Plan have also been amended to reflect the changes in the zoning and removal of landscape character areas as well as proposed changes to the residential zoning within these areas.

Central City

- 25. The Central City chapter establishes the purpose, objectives, policies, and rules for this zone which reflect the intent for the Central City to be the prime commercial centre of the City. The framework also recognises the City Centre as a hub for civic, cultural, social, and recreational activities while also acknowledging the importance of residential activities in the Central City.
- 26. The following changes are proposed through PC12 to meet the requirements of the HSAA and NPS-UD:
 - a) Changes to the Central City chapter to ensure alignment with other relevant District plan chapters;
 - b) Unlimited heights in the Central City;
 - c) High Density within walking distance of the Central City;
 - d) Increasing building height within an approximately 800m walkable catchment of the Central City to 26m;
 - e) Amending the height in relation to boundary, storage areas, public interface and outlook area controls to better align with the HSAA requirements and Residential Zone provisions; and
 - f) Removing the height controls and amending the minimum density.

27. The Central City provisions proposed through PC12 seek to implement direction from the NPS-UD with regard to enabling development within and surrounding centres. The above changes are likely to encourage development with development rules in place to safeguard its sustainability.

Rototuna Town Centre

28. The purpose of the RTC in its current ODP form is a mixed-use development that aims to provide the local community with easy access to various goods and services. It includes a mix of activities to cater to the daily needs of the community.
29. District Plan provisions are in place to ensure that the Centre is well-designed and comprehensively developed, with quality living, working, and recreational environments. The current zone provisions enable the Centre to serve as a commercial and community focal point.
30. The following changes are proposed through PC12:
 - a) The CDP component, regarded as *ultra vires*, is removed to enable development as per Policy 3 of the NPS-UD.
 - b) In order to incorporate MDRS, the residential precincts within the Rototuna Town Centre are removed and replaced by residential zones, this is reflected by updating Figure 7-1 boundary in Appendix 7.⁵
 - c) Objectives, policies, and rules within the Chapter have been amended to reflect the removal of CDP and the residential precincts while supporting intensification.

⁵ Appendix F – Rototuna Town Centre boundary.

- d) Aligning the height in relation to boundary, outdoor living and service area, and storage area controls with the HSAA requirements and Residential Zones provisions.
31. PC12 also aligns the height in relation to boundary, outdoor living and service area, and storage area controls associated with the two mixed use areas within the Rototuna Town Centre with the HSAA requirements to proposed Residential chapter provisions.

SUBMISSIONS

Structure Plans

32. The majority of submissions received from active developers are generally supportive of the PC12 Structure Plan provisions as these changes seek to enable greater development within these areas by removing restrictive CDP and LDP rules.
33. Submissions that seek amendments to Structure Plan rules to ensure better plan administration has been accepted to ensure consistent and clear interpretation of the Plan.
34. Concern about the absence of Mana Whenua freshwater values and aspiration within the Structure Plan chapters has been received. This submission is addressed in **Appendix B** which ensures that the Strategic Framework chapter provides the link between the ODP and Mana Whenua relationships, values, aspirations, roles and responsibilities with respect to an area.
35. Recommended changes to PC12 provisions are detailed in the response to submissions **Appendix B** under the Structure Plan theme which considers Issue 1 – Structure Plans (General), Issue 2 – Rotokauri SP, Issue 3 – Ruakura SP and Issue 4 – Te Awa Lakes SP.

Central City

36. Submissions received are generally supportive of the PC12 Central City provisions that seek to maximise benefits of intensification. More than half of submission points support, or support in part, provisions to better enable more intensive levels of residential development.
37. Concerns put forward by submitters seek to amend/improve objectives, policies, activity status and specific standards within the Central City.
38. Careful consideration has been applied to residential changes within the Central City given its strategic importance not only to Hamilton, but to the region. The Central City is seen as critical to shaping the region's growth, identity and economic success.
39. I agree with certain submitter relief sought and have made recommendations as explained in **Appendix B**. These relate, but are not limited, to minimum floor area provisions, Height in Relation to Boundary and amendments to the activity status table.
40. Recommended changes to the PC12 provisions are detailed in the response to submissions **Appendix B** under Central City themes and issues. The recommended changes take into consideration relief sought by submitters, better plan administration and improved interpretation of the Central City chapter.

Rototuna Town Centre

41. Submissions received seek better integration of the Town Centre to the surrounding area and to enable greater development by amending PC12 provisions related to the chapter.

42. Kāinga Ora and major landowners within the Town Centre, although generally supportive of CDP removal, seek further amendments to the performance standards and Concept Plan respectively to enable more development.
43. After careful consideration of the submission points received, no recommended changes to the notified Rototuna Town Centre PC12 provisions via submissions are recommended.

RECOMMENDATIONS

44. **Appendix B** responds to all submissions and further submissions relevant to the above-mentioned chapters which are grouped in a themes and issues format.
45. Covered in the response to submissions is an analysis of grouped submission points by describing the issue, linking the specific submission and further submission points, providing an accept or reject rationale and finally, suggesting recommended changes.
46. The Rototuna Town Centre Concept Plan incorrectly includes two areas of residentially zoned land which is not consistent with the zoning proposed in PC12. As a result, a minor alteration to the Rototuna Town Centre Concept Plan boundary is recommended to reflect consistency with the zoning plans as shown in the diagram below and accurately represent the Rototuna Town Centre Concept Plan boundary. The recommended changes were not identified through a submission and therefore is not addressed in **Appendix B**.



CONCLUSION

47. More than 60% of submission points across all three chapter topics support, or support in part, the notified PC12 provisions and ultimately the overarching intent of the plan change to enable greater intensification.
48. Submissions were received from the development community seeking to fine tune notified provisions for better interpretation of the plan and to safeguard future development potential.
49. The rezoning of non-residential areas to residential areas is considered to be outside the scope of PC12.
50. Kāinga Ora's position on increased building heights and walkable catchments is noted and provided for through the PC12 provisions allowing unlimited building heights in the Central City however, in the case of the Rototuna Town Centre, the current proposed height limit of 15m for the centre is appropriate in achieving the NPS-UD and MDRS. The current zoning of medium density residential within a 400m walkable catchment to the Rototuna Town Centre also aligns with Policy 3(d) of the NPS-UD being of the appropriate building height and density of urban form

commensurate with the level of commercial activity and community services.⁶

51. All submissions related to chapter topics have been taken into consideration and captured in **Appendix B** which includes a themes and issues analysis followed by recommended changes to the PC12 provisions.
52. The proposed track changes to provisions are captured in **Appendix A – Officers’ Recommended Amendments to the PC12 Plan Provisions**.

Denzil Govender
26 June 2024

⁶ NPS-UD (2022). Policy 3d. *within and adjacent to neighbourhood centre zones*.

APPENDIX A – Officers’ Recommended Amendments to PC12 Provisions

A full set of the recommended amendments to provisions is available on HCC’s external PC12 web page:

<https://hamilton.govt.nz/property-rates-and-building/district-plan/plan-changes/plan-change-12/>

APPENDIX B - Response to Submissions

Plan Change 12 – Intensification Planning Instrument

APPENDIX B HCC RESPONSE TO SUBMISSIONS

Hearing Session 2: Structure Plans, Central City, and Rototuna Town Centre



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Authorised by: Mark Davey – City Planning Manager, Hamilton City Council

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Attachment A Stage 1 area Map

Attachment B Rototuna Town Centre boundary

Attachment C Te Awa Lakes Land use

Attachment D Central City Active Frontages

Attachment E Central City Precincts

Attachment F West Town Belt

Attachment G Rototuna Town Centre precincts

1.0 Introduction

This report has been prepared to:

- assist the Independent Hearings Panel (“IHP”) in making their recommendations on the submissions and further submissions on PC12 that are relevant to the above topic(s); and
- provide submitters with an opportunity to see how their submissions have been evaluated by Council, prior to the hearing.

This report uses ‘key themes and issues’ to group and address matters raised in submissions and further submissions. The report includes officer recommended responses to submission points and, where appropriate, proposed amendments to PC12.

2.0 Scope of Report – Relevant Plan Change Provisions

This report considers submissions and further submissions received in relation to the parts of PC12 listed in Table 1:

Table 1: Plan Change Provisions this report addresses.

DP Vol	Proposed Plan Change 12 Chapters	Proposed Plan Change 12 Sections
1	Chapter 3 Structure Plans	3.5 Rototuna
		3.6 Rotokauri
		3.7 Ruakura
		3.8 Te Awa Lakes
1	Chapter 7 Central City Zone	7.1 Purpose
		7.2 Objectives and Policies
		All Central City
		Downtown Precinct
		City Living Precinct
		Ferrybank Precinct
		7.3 Rules – Activity Status Table
		7.4. Rules – Specific Standards
		7.4.3 Maximum Height Control (removed)
		7.4.3 Through site links
		7.4.4 Height in Relation to Boundary
		7.4.6 Building Setbacks
		7.4.8 Service Areas
		7.5.3 Residential
1	Chapter 13 Rototuna Town Centre Zone	General
		13.1 Purpose
		13.2 Objectives and Policies: Rototuna Town Centre Zone
		13.3 Explanation Rules
		13.4 Activity Status Table
		13.5 Rules – Performance Standards
		13.6 Other Resource Consent Information
2	Appendix 2 Structure Plans	General
2	Appendix 5 Central City	General
2	Appendix 7 Rototuna Town Centre Zone	General

3.0 Statutory Requirements

3.1 Section 32AA

PC12 was supported by a section 32 evaluation report titled 'PC12 – Enabling Housing– Section 32 Evaluation Report, dated August 2022 ("the Section 32 Report"). The Section 32 report was accompanied by 17 supporting documents that formed appendices to the Section 32 report.

The Section 32 Report and supporting assessment suite has been evaluated and is considered generally robust and thorough and suitable for supporting PC12.

4.0 Overview of Submissions Received

4.1 Overview

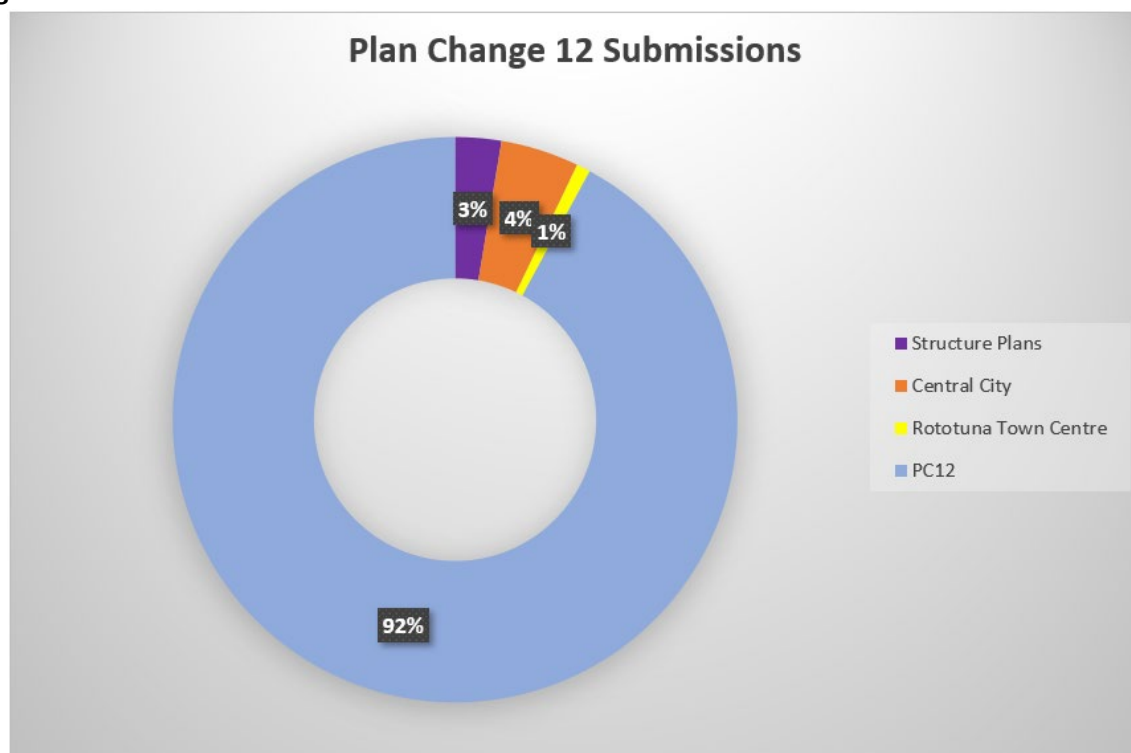
In total, 349 submissions were received for PC12. This translates to 2490 individual submission points. The following table provides an overview of the submissions made to Structure Plans, Central City, and Rototuna Town Centre related chapters.

Table 2: Submission breakdown

Relevant Chapter	Submitters	Submission Points	Further Submissions
Structure Plans	9	17	0
Central City	17	60	6
Rototuna Town Centre	4	12	0
Total	30	89	6

The diagram below illustrates submissions per chapter that this document considers, in relation to the total PC12 submissions.

Figure 1: PC12 submissions



4.2 Structure Plans

This section provides an overview of submissions received relating to Chapter 3 and Appendix 2 - Structure plans.

DP Vol	Proposed Plan Change 12 Chapters	Proposed Plan Change 12 Sections	Submissions (Further Submissions)
1	Chapter 3 Structure Plans	3.6 Rotokauri	6 (0)
		3.7 Ruakura	4 (0)
		3.8 Te Awa Lakes	3 (0)
2	Appendix 2 Structure Plans	General	4 (0)
Total			17(0)

A total of 9 submissions were received that are relevant to the Structure Plan provisions which included 17 submission points covering a range of themes and issues. These issues have been collated under the following broad themes:

- General and common submission points – These include submissions of support for Rotokauri, Ruakura and Te Awa Lakes structure plan provisions especially when enabling more urban development.
- Rules – where a submitter poses a high-level concern regarding land development rules.
- Activity status – where submitter seeks provision for ground floor residential activity.
- General – where submitter supports acoustic insulation provisions.

4.3 Central City

This section provides an overview of submissions received relating to Chapter 7 and Appendix 5 – Central City.

DP Vol	Proposed Plan Change 12 Chapters	Proposed Plan Change 12 Sections	Submissions (Further Submissions)
1	Chapter 7 Central City Zone	7.1 Purpose	1
		7.2 Objectives and Policies	
		All Central City	6
		Downtown Precinct	6
		City Living Precinct	3
		Ferrybank Precinct	5
		7.3 Rules – Activity Status Table	5
		7.4. Rules – Specific Standards	
		7.4.3 Maximum Height Control (removed)	3 (2)
		7.4.3 Through site links	1
		7.4.4 Height in Relation to Boundary	2 (1)
		7.4.6 Building Setbacks	2 (1)
		7.4.8 Service Areas	1
		7.5.3 Residential	8
		General	16 (3)
2	Appendix 5 Central City	General	1
Total			60(6)

A total of 17 submissions and six further submissions were received that are relevant to the Central City. A total of 60 submission points were received covering a range of themes and issues. These issues have been collated under the following broad themes:

- General and common submission points – where submissions are on the chapter as a whole or cover an issue, such as storage areas, across the entire chapter framework including the objectives, policies and rules.
- Objectives and policies- where submissions specifically seek changes to objectives and policies of the chapter.
- Activity status – where submissions seek amendments to the activity status of certain land-use activities
- Specific standards – for submissions that seek specific amendments to individual rules in the chapter.

4.4 Rototuna Town Centre

This section provides an overview of submissions received relating to Chapter 13 and Appendix 7 – Rototuna Town Centre.

DP Vol	Proposed Plan Change 12 Chapters	Proposed Plan Change 12 Sections	Submissions (Further Submissions)
1	Chapter 3 Structure Plans	3.5 Rototuna	2 (0)
1	Chapter 13 Rototuna Town Centre Zone	13.1 Purpose	0 (0)
		13.2 Objectives and Policies: Rototuna Town Centre Zone	1 (0)
		13.3 Explanation Rules	0 (0)
		13.4 Activity Status Table	0 (0)
		13.5 Rules – Performance Standards	4 (0)
		13.6 Other Resource Consent Information	0 (0)
		General	4 (0)
2	Appendix 7 Rototuna Town Centre Zone	General	1 (0)
Total			12(0)

A total of 4 submissions were received that are relevant to Rototuna Town Centre provisions which included 12 submission points covering a range of themes and issues. These issues have been collated under the following broad themes:

- Rules - Performance standards – submission opposes Height in relation to boundary rules.
- Submission seeking a height limit increase within the Town centre and surroundings.
- Submission seeking updating of roading network and consented environment.

5.0 Key Themes and Issues

The following emerging themes and related issues have been identified:

5.1 Theme - Structure Plans

Issue 1 – General

Issue 2 – Rotokauri Structure Plan

Issue 3 – Ruakura Structure Plan

Issue 4 – Te Awa Lakes Structure Plan

Issue 1 – Structure Plans (general)
Description of the Issue: <p>Kainga Ora (KO) (160.346) are generally supportive of the proposed provisions for the Structure Plans as notified if they are consistent with the relief sought in their overall submission.</p> <p>Waikato-Tainui (236.13) seeks amendment to Chapter 3 Structure Plan of the notified plan (PC 12) to include mana whenua freshwater values and aspiration as mentioned in Policy 2.2.2.b(iv) of the notified plan. Policy 2.2 1b is as follows: Development considers effects on the unique mana whenua relationships, values, aspirations, roles and responsibilities with respect to an area.</p> <p>Waikato-Tainui initially provided this feedback under Schedule 1 Clause 4 of the RMA 1991.¹</p>
Submission Points Relating to Issue
160.346, 236.13
Further Submission relating to Issue
Analysis of issue
<p>This submission point (236.13) is out of scope with regards to PC12 as an IPI (Intensification Planning Instrument). The strategic framework chapter provides the link between the DP and the various strategic objectives and policies of other chapters, such as the structure plan(s).</p> <p>Therefore, including mana whenua freshwater values within the structure plan chapter may not be needed given it is already provided within the strategic framework chapter i.e., Policy 2.2.1b is worded 'Development considers effects on the unique mana whenua relationships, values, aspirations, roles and responsibilities with respect to an area'.</p> <p>Additionally, no changes were proposed through the notified plan change (PC 12) to the purpose and objectives of Chapter 3 – Structure Plans.</p>
Recommended Changes
None.

¹ RMA (1991). Schedule 1. Clause 4 - Requirements to be inserted prior to notification of proposed district plans

Issue 2 – Rotokauri Structure Plan
<p>Description of the Issue:</p> <p>KO (160.41) are generally supportive of the proposed provisions for the Rotokauri Structure Plan as notified if they are consistent with the relief sought in their overall submission.</p> <p>Submitter (248.1, 250.2, 251.16) support the amendment of the Rotokauri Structure Plan because of the removal of restrictions in relation to topography, which they suggest will enable more urban development. Other submitters (250.2 and 251.16) support the deletion of the two district residential environments in Rule 3.6.2.2 i and ii.</p>
<p>Submission Points Relating to Issue</p>
160.41, 248.1, 250.1, 250.2, 251.1, and 251.16
<p>Further Submission relating to Issue</p>
<p>Analysis of issue</p>
The Structure Plan is supported if it is consistent with the relief sought in their overall submission. This report has addressed other submission points raised by KO with regards to the proposed changes within the Rotokauri area in other sections of this report.
<p>Recommended Changes</p>
None.

Issue 3 – Ruakura Structure Plan
<p>Description of the Issue:</p> <p>KO (160.42) are generally supportive of the proposed provisions for the Ruakura Structure Plan as notified if they are consistent with the overall submission.</p> <p>Another submitter (148.5) questions why reference to Land Development Rules has been deleted (3.7.4.1c) but still remains as section 3.7.4.2 Land Development Rules</p>
<p>Submission Points Relating to Issue</p>
160.42, 148.5, 181.1, and 277.1
<p>Further Submission relating to Issue</p>
<p>Analysis of issue</p>

The Structure Plan is supported if it consistent with the relief sought in their overall submission. This report has addressed other submission points raised by KO with regards to the proposed changes within the Ruakura area in other sections of this report.

Submission point (148.5) is accepted. It is recommended that the 3.7.4.1c - Land Development Rules is re-introduced as this dovetails into the ensuing Rule 3.7.4.2

Recommended Changes

3.7.4 Rules

3.7.4.1 Ruakura Structure Plan Area

All land use and development within the Ruakura Structure Plan area shall be in accordance with:

- a) The Ruakura Structure Plan area as set out in section 3.7 of this Chapter, and
- b) Ruakura Structure Plan area Figures in Volume 2, Appendix 2, Figures 2-14 to 2-18.
- c) Development Rules 3.7.4.2

Issue 4 – Te Awa Lakes Structure Plan

Description of the Issue:

KO (160.43) are generally supportive of the proposed provisions for the Te Awa Lakes Structure Plan as notified if they are consistent with the overall submission.

Another submitter (submission point 249.3) proposes that additional provisions are added to the structure plan to provide for appropriately dense mixed-use development in the project area. They suggest that these provisions would ensure appropriate above ground residential development along the northern side of Hutchinson Road to realize its vibrant mixed-use centre. The following changes are proposed:

3.8.1.4 c.

Ensure that residential activities in the Business 6 zone are setback or appropriately acoustically treated from Hutchinson Road.

3.8.2.3

To minimise the potential reverse sensitivity effects on existing industrial activities, residential activities are appropriately acoustically treated when they are setback at least 25m or less from Hutchinson Road.

3.8.5.5 a.

Any resource consent not in accordance with Rule 3.8.5.2.a

is a ~~prohibited~~ non-complying activity.'

A third submitter (submission point 332.4) supports and advocates for the retaining of 3.8.2.2 which can be summarised as the acoustic insulation for all visitor accommodation buildings and the avoiding or minimising reverse sensitivity effects.

Submission Points Relating to Issue

160.4, 249.3, and 332.4
Further Submission relating to Issue
Analysis of issue
<p>The Structure Plan is supported if it is consistent with the relief sought in their overall submission. This report has addressed other submission points raised by KO with regards to the proposed changes within the Te Awa Lakes area in other sections of this report.</p> <p>Changes to policy 3.8.1.4 c. and rule 3.8.2.3 to include mention of acoustic treatment, and a 25m setback or less (in the case of rule 3.8.2.3) are not relevant to this plan change. This is because these policies and rules are related to the rezoning/relocation of the Major Facilities Zone on the Horotiu East - South (HES) site adjoining Hutchinson Road to MDRZ. Council has indicated that the rezoning of non-residential areas to residential areas is outside of the scope of what is provided for in Plan Change 12.</p> <p>With regards to rule 3.8.5.5 a, the initial reasoning for the prohibited activity status was to ensure that key geotechnical issues and risks that are related to land stability within the construction of the linear lake and the land between the lake and river were addressed before the LDP consents were sought for the other stages. This was addressed through the consented LDP (which covered all LDP areas except B and C/ Major Facilities Zone²) and resulted in the lake being pulled back from the river. Therefore, a prohibited activity status is no longer needed, and it is proposed this is changed to a non-complying activity status.</p>
Recommended Changes
Change Rule 3.8.5.5a to “Any resource consent not in accordance with Rule 3.8.5.2.a is a prohibited non-complying activity. ”

5.2 Central City

Theme 1 – General and common submission points

Theme 2 – Objectives and policies

Theme 3 – Activity status

Theme 4 – Specific standards

Theme 1 – General and common points

This theme responds to the issues raised in submissions that cover general issues and common points of contention across the objectives, policies and rules for the Central City chapter.

² Appendix G - Te Awa Lakes Land Use map

Issue 1 – General Submissions
<p>Description of the Issue: General support for the notified Central City chapter 7 has been received via submissions.</p> <p>Notified District Plan Appendix 5 changes are supported by KO (160.348), which update the relevant figures for the Central City zone chapter 7 that are located within Appendix 5.</p>
Submission Points Relating to Issue
91.7, 123.7, 160.348, 166.1, 258.2
Further Submission relating to Issue
None
Analysis of issue
<p>The subject submissions convey their general support for the notified Central City Chapter 7 including the removal of height controls and minimum density requirements which they consider will assist in enabling greater investment and development in the Central City.</p> <p>Appendix 5 changes are also supported by KO (160.348). These changes principally involve the deletion of the Central City Height Overlay rule from the Operative Plan given height restrictions within the Central City are being removed through the Plan Change.</p> <p>No relief is sought from these submissions except from KO to the extent that their overall submission relief is granted.</p>
Recommended Changes
None.

Issue 2 – The provision of standards for the railway corridor
<p>Description of the Issue: The Central city zone does not provide additional policies, objectives and rules for railway designations and the management of development adjoining the railway corridor with regards to safety and reverse sensitivity.</p>
Submission Points Relating to Issue
152.15, 152.22, 152.3, 152.42, 152.43
Further Submission relating to Issue
402, 551
Analysis of issue
<p>KiwiRail seek the inclusion of additional provisions in the Proposed Plan that concern the railway corridor as significant network infrastructure. The East Coast Main Trunk Line traverses the Central City Zone and is fully underground.</p> <p>KiwiRail consider that, to protect the future use of the line without constraint, additional standards are required for the railway corridor to address potential reverse sensitivity effects, as well as manage risk to health, safety, and amenity factors of surrounding land-uses.</p> <p>In the Central City Zone, KiwiRail propose additional setback controls, new policies and matters of discretion which aim to minimise risks to public health and safety and ensure the ongoing safe and efficient operation of the railway line.</p>

These amendments are supported by WEL Networks (402) with respect to relief that seeks objectives, policies and rules for minimising risk to public health and safety for residential development proximate to regionally significant infrastructure. The further submission from KO (551) opposes the KiwiRail submissions due to disagreement over the requirements of what a qualifying matter may be, and the possible constraints to housing supply that may result from KiwiRail's relief being granted.

In responding to these submission points, I refer to and rely upon the s.42a report prepared by Mr Eccles that addresses Qualifying Matters, and in particular the status in terms of scope of the relief sought by KiwiRail in terms of safety and reverse sensitivity setbacks sought in zones throughout the city. I agree with Mr Eccles conclusions that the KiwiRail relief sought falls outside of the scope of PC12 as an IPI.

Further, for context, it is important to note that in the Central City Zone the East Coast railway line runs underground and is adjacent to one site in the Central City Zone. That single site is the Hamilton City Council-owned Sonning Car Park on the eastern side of the Waikato River from the CBD where a public footpath runs parallel to the line and car park area onto Claudelands Bridge.

The Plan contains several existing provisions within Chapter 25.8 Noise and Vibration that manage noise and vibration received by activities within proximity to the railway line. These are existing methods within the District Plan that ensure appropriate levels of internal acoustic amenity are achieved for land uses proximate to the railway line, thus addressing the risk of reverse sensitivity.

Based on the above, I recommend that submission points that request additional objectives, policies, and rules for the railway line in the Central City Zone be rejected, and that submission points that oppose those requested provisions be accepted.

Recommended Changes

None.

Issue 3 – Corrections Facilities

Description of the Issue:

Enable “community corrections activities” to be undertaken in the Central City as a permitted activity.

Submission Points Relating to Issue

154.1, 154.3

Further Submission relating to Issue

None

Analysis of issue

A submission by Ara Poutama Aotearoa - The Department of Corrections seeks that “community corrections activities” is regarded as a permitted activity in the Central City’s Downtown Precinct 1³. The submitter considers that community corrections facilities are essential social infrastructure and will become subjected to more demand as intensification and population growth occurs in

³ Appendix I – Central City Precincts.

urban areas. In addition, the submitter seeks a definition of “community corrections activity” within the Plan.

The submission describes non-custodial community correction facilities as sites which support offenders living in that community and which are accessible to the community. These sites are, therefore, often located in commercial, business or industrial areas where large lots and accessibility suit the yard-based nature of some operations.

Under the Proposed Plan, the definition of ‘Office’ includes: “non-custodial premises used by Corrections staff for administration and delivery of community-based activities, including, inter alia, Probation Centres and bases for Community Work activities”.

Within the Proposed activity status table of the Central City, offices are provided for across all three precincts with a variation in activity statuses depending on the size of the office. For the Downtown Precinct 1 which is the subject of this submission, all offices, regardless of size, is a permitted activity. Therefore, non-custodial corrections facilities do not require resource consent.

Given the Central City already provides for the relief sought by the subject submitter, and that the definition of “office” encompasses corrections facilities, I recommend the submission points are rejected and no change is made to the Central City chapter in relation to this submission point.

Recommended Changes

None.

Issue 4 – The provision of storage areas

Description of the Issue:

Several submissions seek the removal of reference to the provision of storage areas for residential units in both the policy and rule framework proposed for this Chapter.

Other submissions seek amendments or clarification be made to the storage provisions, including their size and location.

Submission Points Relating to Issue

160.227, 265.49, 330.126, 330.129, 330.130, 330.132

Further Submission relating to Issue

None

Analysis of issue

Several submission points seek minor changes to policy wording, and the removal of reference to storage areas in the central city policies to align with those submission points against storage areas being a requirement under the rule framework. As an alternative to storage area requirements as a rule, some submitters request that additional assessment criteria for storage areas are added to better allow flexibility for developers.

Reference to storage areas within policies 7.2.6h, 7.2.7e and 7.2.8e are linked to the proposed requirement for minimum storage areas within rule 7.5.3 e of the chapter.

The policies listed above, all worded the same, are as follows:

“Residential development which contributes to safe streets is encouraged where each residential unit is provided with adequate storage space, usable outdoor living areas and access to daylight.”

Minimum storage areas are intended to ensure an adequate minimum level of amenity is provided to future residents, thus contributing to a well-functioning urban environment. I do not consider the proposed policy wording, as noted above, is onerous or overly rigid and considered alongside the minimum storage areas requirements in 7.5.3 e, still allows design flexibility to respond to the expectation that storage areas shall be provided.

Additional submissions are made on the storage area standard in 7.5.3 e, seeking its removal from the chapter and replacement by assessment criteria. These submission points consider that having storage areas within assessment criteria rather than standards would allow more flexibility for design and reflect the higher intensity of development expected within the Central City. Submitters with interests in retirement village provisions consider the storage areas are not reflective of the operational needs of retirement villages.

Storage areas are proposed to be required for all residential-based development. This ensures an adequate minimum level of amenity is provided for all future city residents by providing a space that can be utilised for the keeping of household items that are otherwise too big or do not fit in an apartment unit. Storage areas are a common feature of high-density developments, are expected by residents and are not onerous to provide if considered during the design phase of a development. No substantive evidence has been produced by submitters to suggest that the subject standard is overly onerous or inappropriate. Having storage areas as a standard ensures that all developments meet this requirement to a minimum level. If alternative storage area arrangements are sought for residential units, including those provided for by retirement villages, this can be proposed and assessed during the consenting process.

Submission point (265.49) requests that storage area's volume required is amended to reflect the dimensions notified, and that storage areas may be in the form of suspended boxes off ground-floor level.

As notified, the minimum storage area dimensions for width and depth shall be 1.2m and the minimum height shall be 1.8m. These dimensions would result in a volume of 2.6m^3 , where the minimum volume notified for a studio unit is 3m^3 .

I do not consider that the minimum dimensions must match the minimum volume, as this would then require dimensions to be updated for all unit typologies listed where the volume gets greater for larger unit typologies, but the minimum dimensions remain the same.

Rather, the dimensions listed create a minimum standard for storage areas to follow for each respective width, depth, or height, regardless of unit typology, ensuring an acceptable and usable storage area is provided. It is expected that the dimensions for at least one side of a storage area will be greater than what is notified to meet the minimum volume standard, thus providing a level of flexibility in the design of a storage area.

Concerning the location of storage areas in relation to the ground-floor, the standard as notified does not require a specific location other than that the storage area is "readily accessible" – including by those with sight and mobility impairment. In combination with the assessment criteria proposed for "functional storage spaces", I consider the provision as notified allows enough flexibility regarding location, to design appropriate storage areas for their subject development.

I recommend the amendments sought in the subject submissions be rejected and that no changes be made to the Proposed Plan as notified concerning storage areas in the Central City chapter.

Recommended Changes

None.

Issue 5 – HHAs

Description of the Issue:

With no standards specifically included for the proposed Victoria Street Historic Heritage Area, submissions seek bespoke standards for this overlay in the Central City.

Submission Points Relating to Issue

155.11, 155.12, 155.13, 160.224

Further Submission relating to Issue

488

Analysis of issue

In line with their overall submission, KO opposes the removal of Special Character Zones and seeks revision of character and heritage areas as qualifying matters.

The further submission by Waikato Heritage Group opposes the subject submission in that it is inconsistent with their original submission on Plan Change 9 and 12.

Special Character areas will be replaced by Historic Heritage Areas as introduced via PC9. Decisions on PC9 will determine the outcomes of the HHAs and Character Zones.

Submission points made by Waikato Heritage Group are concerned that there are no specific rules for the proposed Victoria Street Historic Heritage Area in relation to setbacks, building height, and building forms. The submission considers that additional rules need to be introduced that protect the scale, form, and visual appearance of the Historic Heritage Area from inappropriate site development within the Heritage Area itself. The submitter considers that where apartments are provided within the Heritage Area, a rule framework should be in place that ensures they do not visually impact on the Heritage Area and its heritage values in terms of materials and design.

The submission by KO (160.224), as per its original submission on Plan Change 9, opposes Historic Heritage Areas, seeking a reassessment of character as a qualifying matter.

Historic Heritage Areas, introduced through Plan Change 9, are intended to identify, protect, maintain, and enhance the respective heritage attributes of those areas identified. As such, in response to Plan Change 9, Plan Change 12 has introduced a rule framework for residential development in Historic Heritage Areas. These standards overrule the provisions of the underlying zone. The rules for the HHA's are a PC9 matter and are thus not within the scope of PC12. Accordingly, the requested relief cannot be granted.

Recommended Changes

None.

Issue 6 – Retirement Villages
Description of the Issue: The Central City provisions make no specific allowance for retirement villages. The Retirement Villages Association asserts that the chapter should reconsider how retirement villages are treated with bespoke objectives, policies and rules for retirement villages.
Submission Points Relating to Issue 330.122, 330.131, 330.133
Further Submission relating to Issue None.
Analysis of issue <p>Submission points made by the Retirement Villages Association seek bespoke objectives, policies, rules and matters of discretion that cater specifically to retirement villages. The submitter considers that tailored policy support for retirement villages in the Central City Zone is required.</p> <p>Firstly, the submission point 330.122 seeks that an additional policy is inserted into the subject chapter concerning the provision of housing for an ageing population. This includes recognising the “functional and operational needs of retirement villages”.</p> <p>In addition, submission points 330.131 and 330.133 seek that the operation of Retirement Villages become a permitted activity, and that the construction of Retirement Village buildings becomes restricted discretionary activity. Consequently, the submission point 330.133 seeks a separate matter of discretion be introduced for retirement villages.</p> <p>In considering the relief, I agree with the submission that retirement villages offer an avenue for residential development in the Central City. At present, Retirement Villages are not specifically provided for in the proposed Plan’s activity status table and, therefore, would fall under a non-complying activity status for all three precincts in the Central City. Meanwhile, ‘residential centres’ are provided for, being a restricted discretionary activity in the City Living Precinct, and non-complying in all three other precincts.</p> <p>I acknowledge that there is a variation in activities that can occur within a retirement village compared to a residential centre, namely potential healthcare, recreational and administrative activities. Concerning the administrative and healthcare activities of a retirement village, it is worth noting that offices less than 1000m² of GFA per site are a permitted activity across the zone. In addition, health care services are also permitted across the zone when above the ground floor, or at ground floor less than 250m² in gross floor area and not on a primary active frontage.</p> <p>In considering the above treatment of activities in the zone for those that can occur within retirement villages, I consider that retirement villages should have the same activity status treatment as residential centres within the City Living Precinct 2, which is Restricted discretionary. Furthermore, a Restricted discretionary activity status for Downtown Precinct 1 and Non-Complying status for the Ferrybank Precinct 3 aligns with the precinct’s purpose which suggest higher residential densities and tourism respectively. I recommend that submission point 330.122 is accepted in-part.</p> <p>Retirement villages, for their residential-based purpose, align well with the objectives and policies of the City Living Precinct, specifically Policy 7.2.7, and the All-Central City objective 7.2.1a</p>

("Opportunities are provided within the Central City to live, work and play for people of varying ages, cultures, incomes and all levels of mobility").

I do not recommend that the construction and operation aspects of retirement villages be separated into two distinct activities each with their own status. This approach is not used in the Operative District Plan and to do so for one specific activity would introduce inconsistency and the potential for unintended consequences to occur in terms of plan administration.

While it is recommended that retirement villages become a restricted discretionary activity within the City Living Precinct, I do not consider it necessary that specific reference to retirement villages and their "functional and operational needs" is required in the Policy framework as suggested by submission point 330.122. The residential aspects of retirement villages are sufficiently captured by the purpose, objectives and policies of the City Living Precinct and Central City Zone as notified. In addition, as a defined activity in the plan, separate from other residential typologies, it is inherently expected that retirement villages have different needs compared to other activities. The generic wording of the framework, including the matters of discretion, as notified, enables a variety of activities to be assessed against the same framework, allowing contextual application of the framework against a development proposal while also ensuring a level of consistency in its application across the zone. To create bespoke objectives and policies for one specific activity in a zone where a wide range of activities may be expected to occur is not an efficient use of the plan and may create the expectation that other specific activities have their own bespoke framework which is also not an equitable outcome.

I recommend that submission point 330.131 is accepted in part and that submission points 330.122 and 330.133 are rejected and that no changes are made to the objectives and policies of the Central City chapter as notified concerning retirement villages.

Recommended Changes

7.3 Rules – Activity Status

...

Activity	Central City Zone		
	Precinct 1	Precinct 2	Precinct 3
Residential			
jj. Residential Centres	NC	RD*	NC
kk. Visitor accommodation <u>Retirement Villages</u>	<u>RD*</u>	<u>RD*</u>	<u>NC</u>
ll. Ancillary residential units above ground floor <u>Visitor accommodation</u>	P	RD*	RD*
mm. New buildings, including alterations and additions within Key	P	P	P

Development Site 1 and 5 <u>Ancillary residential units above ground floor</u>			
Key Development Sites			
nn. New buildings, including alterations and additions within Key Development Sites 2,3,4 and 6 <u>New buildings, including alterations and additions within Key Development Site 1 and 5</u>	-	RD*	-
oo. <u>New buildings, including alterations and additions within Key Development Sites 2,3,4 and 6</u>	RD*	-	-

Theme 2 – Objectives and Policies

This theme responds to the issues raised in submissions that cover objectives and policies for the Central City chapter that have not otherwise been addressed above.

Issue 1 – Central City Purpose Statement
Description of the Issue: The purpose statement of the chapter should recognise that residential activity will support the vitality and vibrancy of the Central City.
Submission Points Relating to Issue
160.215
Further Submission relating to Issue
None.
Analysis of issue
The submission of KO supports in-part the notified amendment to the Central City purpose statement 7.1.c (incorrectly referred to 7.1d in submission), however, seeks a minor wording change that would reflect the positive relationship between residential activity occurring in the Central City and its primary functions. KO consider that greater residential activity in the Central City shall support the vitality and vibrancy of the Central City and not detract from it, as the purpose statement might suggest.

I agree with the submission point by KO that residential activity does support the primary functions on the Central City by supporting its vitality and vibrancy. A change in wording as proposed from “does not detract” to “that supports” emphasises the positive relationship that residential development can have on the Centres’ primary functions in the Plan. The objectives, policies and standards then set-up the framework to ensure development does not detract but supports those primary functions of the Central City.

As such, I recommend that the subject submission point be accepted and that the purpose statement is amended to reflect the relief sought by the subject submission point.

Recommended Changes

The following amendments are recommended.

7.1 Purpose Statement

- c. The Hamilton Central City Local Area Plan (LAP) and six City Strategies (Access Hamilton, Active Communities, Economic Development, Environmental Sustainability, Hamilton Urban Growth and Social Wellbeing) provide guidance on how this can be achieved. The LAP presents an overarching “people first” vision for the Central City. It identifies the importance of pedestrian movements for people of all levels of mobility to ensure that Hamilton develops as a successful and vibrant destination that people want to be a part of. It outlines the importance of providing for a diverse mix of uses and users within the Central City, and the significance of an attractive setting to encourage business and commercial activities. This is supported by the themes discussed throughout the City’s strategy documents and provisions within this chapter that encourage residential development, ~~which do not detract from~~ that supports the primary functions of the central city.

Issue 2 – All Central City

The notified changes to objectives and policies within 7.2.1 of the notified Plan Change are supported.

Amend the explanation of Objective 7.2.1 to retain statements from the Operative Plan that relate to the benefits of concentrated use of the City’s resources.

Submission Points Relating to Issue

160.216, 160.217, 229.5, 235.35, 330.123, 330.124

Further Submission relating to Issue

None.

Analysis of issue

There is general support in the relevant submissions toward the notified changes to the All-Central City objectives and policies within 7.2.1. These submissions consider that the changes are consistent with the NPS-UD and promote residential development in the Central City by enabling greater development capacity.

I support the subject submission points and recommend that they be accepted with no recommended changes required to the Plan Change concerning the Objectives and Policies in 7.2.1.

KO (160.216) support in-part the notified explanation of Objective 7.2.1 which concerns the Central City being the “heart of the Waikato region”. The explanation states that for the Central City to grow and prosper, connections to public space and the Waikato River are important. KO considers that it would be beneficial to retain the statement; “Residential activities within the Central City promote sustainable living environments through the concentrated use of the City’s resources”, which has been removed as part of the Proposed Plan Change. KO believes that retaining this statement encourages residential uses in the Central City.

I see merit in this submission point as the statement that the submission point seeks to retain provides a clear explanation that residential activities in the Central City are supported by the objective and policies in 7.2.1. By keeping the statement sought, it does not conflict with or risk confusion with any other part of the Plan and extends the explanation to better reflect the objectives and policies of 7.2.1 which reference living in the central city, and the benefits of intensification.

As such, I recommend that the submission point is accepted in-part where minor wording changes are made to the relief sought to ensure appropriate integration within the notified explanation.

Recommended Changes

Amend 7.2.1 Explanation to reflect the tracked changes:

If the Central City is to grow and prosper in a sustainable way and to be a fun, vibrant and high amenity place to live, work and socialise, and to ensure high-quality living environments and amenity, it is important to maintain and provide strong connections with public open space (including city streets), esplanades, reserves and specifically, the Waikato River. Development along the Waikato River that contributes to the restoration and protection of communities’ economic, social, cultural and spiritual relationships with the River will be encouraged. **In addition, it is recognised that residential activities within the Central City promote sustainable living environments through the concentrated use of the City’s resources.**

Issue 3 – Precinct Objectives and Policies

Submitters seek to:

Retain the Precinct objectives and policies submitted on as notified.

Amend policy 7.2.6g for the Downtown Precinct that requires the “enhancing” of amenity, and “minimising” adverse effects.

Delete policy 7.2.7c (incorrectly referred to as 7.2.8c in submission) for the Ferrybank Precinct that promotes residential development close to existing amenities.

Submission Points Relating to Issue

160.218, 160.219, 160.22, 235.36, 235.37, 330.125, 330.128

Further Submission relating to Issue

None.

Analysis of issue

Several submission points support the notified changes to those policies submitted on in the three precincts of the Central City –Downtown 1, City Living 2, and Ferrybank 3. These policies concern residential developments contributing to safe streets, while being provided with adequate storage, useable outdoor living areas and access to daylight. Submissions consider that the policy ensures residential activities are supported by appropriate amenities to achieve a well-functioning environment in accordance with Policy 1 of the NPS-UD, and Policy 3 of the NPS-UD.

Submission point 330.125 opposes reference to new development “enhancing” public amenity values within policy 7.2.6g. The submitter considers that new development should not be required to remedy effects of existing development. Further, it opposes the reference to development “minimising” adverse effects on adjoining sites as this does not recognise that change is anticipated. The submission point seeks that this phrase is amended to “manages” adverse effects.

Policy wording that seeks new development to enhance public amenity does not imply off-setting or remedying effects of previous development, as the submission implies. Rather, I consider that the policy is worded so that new developments shall positively contribute to an urban environment instead of detracting from or worsening the public amenity values of that particular area. This policy reflects its parent Objective 7.2.6 which seeks development and growth which “enhances the commercial heart of Hamilton”, therefore, policy 7.2.6g as written supports this objective.

The same submission point also seeks that the wording of “minimising” adverse effects should be changed to “manage” as this better reflects the change that is anticipated from development.

I disagree that the term “manage” is more appropriate than “minimising”. Managing adverse effects places no value expectation on the levels of effect expected. Minimising clearly conveys that developments need to take steps to reduce their effects to an acceptable level that is consistent or not contrary to the objectives, policies and standards within the chapter and wider plan. “Managing” effects gives no such guidance or expectation.

As such, I recommend that submission 330.125 is rejected and that no changes are made to the Plan with respect to this submission point.

Submission 330.128 opposes the inclusion of policy 7.2.7c which seeks for residential development to be close to amenities on the basis that, being in the Central City, it should be assumed that this is already the case for sites in the City Living Precinct. I agree with the submission that by their very nature and location, all sites within the City Living Precinct 2 of the Central City are located close to existing amenities. I believe this to be the case with the City Living Precinct across the Central City zone proximate to multiple amenities including supermarkets, shops, job opportunities, open spaces, public transport routes and sporting facilities. The subject policy is thus of little assistance within the Plan as the policy outcome desired already inherently exists within the City Living Precinct. As such, I recommend that the subject submission point that seeks the deletion of policy 7.2.7c be accepted.

Recommended Changes

City Living Precinct

...

Policies

...

~~7.2.7c~~

~~Residential development is close to existing amenities, including open spaces (such as opposite the north Tristram Street parks), passenger transport, supermarkets and sporting facilities.~~

~~7.2.7d~~

7.2.7c

Development is required to contribute to fostering a high-amenity public and private environment to assist in establishing a sense of community within the inner City.

~~7.2.7e~~

7.2.7d

Residential development which contributes to safe streets is encouraged where each residential unit is provided with adequate storage space, usable outdoor living areas and access to daylight.

~~7.2.7f~~

7.2.7e

Commercial office, retail, service activities and amenities that complement (rather than compete with) the primary retail and office function of the Downtown Precinct are encouraged.

~~7.2.7g~~

7.2.7f

The establishment of a diverse range of fringe, start-up and creative small businesses with an appropriate level of commercial activities and residential development is enabled.

~~7.2.7h~~

7.2.7g

Flexible and adaptive floor space capable of accommodating different uses over time is required.

Theme 3 – Activity statuses

This theme responds to the issues raised in submissions that cover the activity status of activities for the Central City chapter that have not otherwise been addressed above.

Issue 1 – Ground floor units
Description of the Issue: Whether the activity status of ground floor units should be permitted along all street frontages in the City Living Precinct.
Submission Points Relating to Issue
299.7
Further Submission relating to Issue
None
Analysis of issue

Living Streets Kirikiriroa (299.7) seek for the primary and secondary active frontages of the Living Precinct to include ground floor living as a permitted activity in all areas of the City Living Precinct, to create activity 24 hours a day at ground level.

The primary (red) and secondary (blue) active frontages, carried over from the Operative Plan are shown below and in Appendix H⁴, followed by the Central City Precincts⁵. As shown, the only area within the City Living Precinct subject to an active street frontage is along Victoria Street, intersections with Victoria Street, and Ulster Street. The streets that do have an active street frontage are key transport corridors for the city with high levels of existing retail and commercial activity. Residential activity on the ground floor in these areas would be inappropriate both in relation to the intent of the Central city zone to provide for commercial and retail opportunities, as well as the poor design outcomes that would result from residential units on the ground floor along these key centre corridors. It would be highly likely that residents on the ground floor along these key corridors and intersections would create privacy measures by reducing visual permeability into potential apartment spaces when compared to retail and commercial activities on the ground floor, thus reducing the active street frontage desired for CPTED principles⁶ and urban design outcomes that support a well-functioning urban environment.

The majority of street frontage within the City Living Precinct is not subject to an active street frontage and ground floor apartments are permitted in these areas not subject to an active street frontage.

As such, I recommend that the subject submission requesting ground floor apartments be permitted along active frontage corridors in the City Living Precinct be rejected.

⁴ Appendix H – Central City Active Frontages.

⁵ Appendix I – Central City Precincts.

⁶ Ministry of Justice (2005). *National Guidelines for Crime Prevention through Environmental Design in New Zealand*. Key Considerations - Surveillance and sightlines. Pg.16.

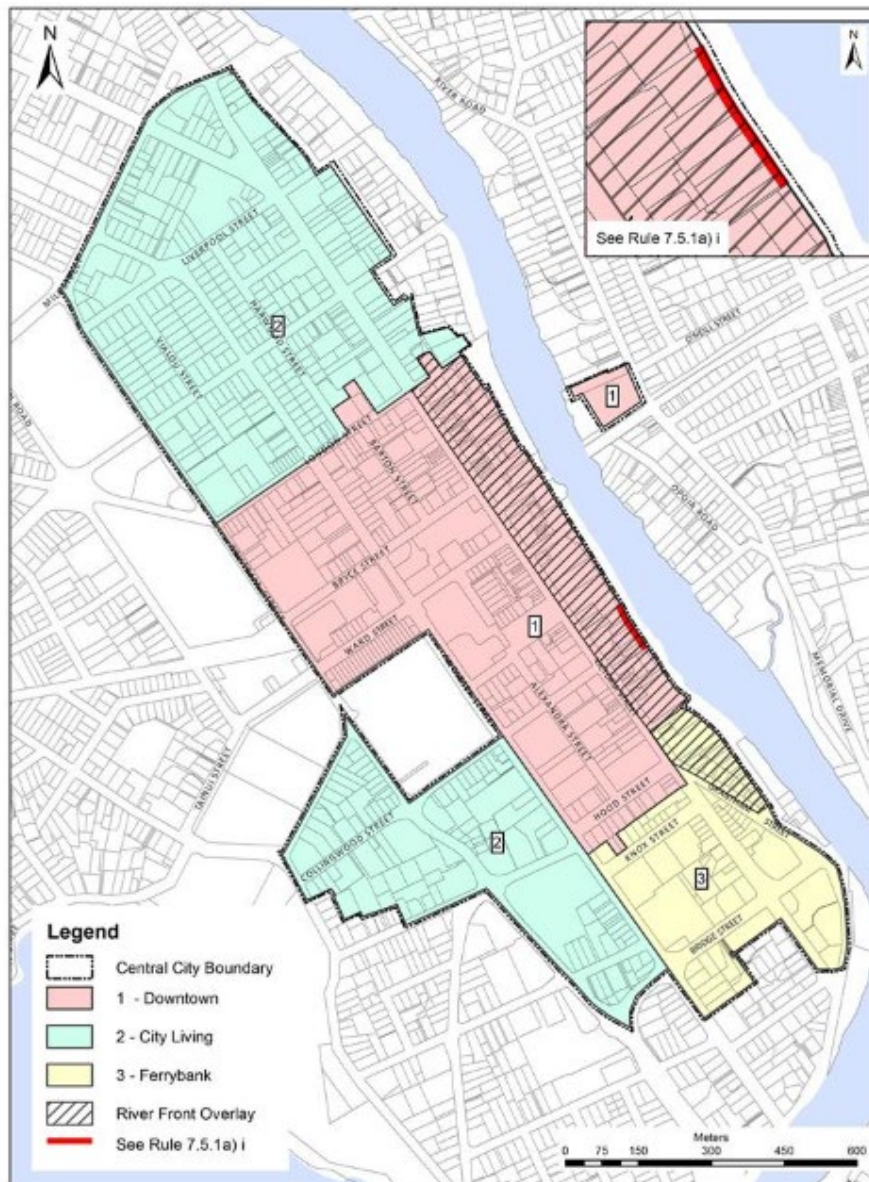
Figure 5-7: Active Frontages Overlay Plan

Legend

- Primary Active Frontage (Red line)
- Secondary Active Frontage (Blue line)
- Central City Boundary (Dashed black line)

Scale: 0 70 140 280 420 560 Meters

Figure 5-1: Central City Zone Precinct Plan



Recommended Changes

None.

Issue 2 – Single units above ground floor
Whether to permit establishment of attached residential units through infill, conversion, or ‘popping’ up of roof space close to vibrant areas with employment, recreation, and everyday amenities.
Whether to retain the notified provisions for single detached units as non-complying.
Submission Points Relating to Issue
20.2, 160.221
Further Submission relating to Issue
None.
Analysis of issue
<p>The submission 20.2 seeks that single attached units above ground floor should be provided for as permitted activities. There are no other submissions to this point and no further submissions to this submission. The justification provided is that there are buildings within the central city that currently have business uses and have potential to provide housing through infill and conversion of upper floors but can only accommodate a single residential unit. The submission argues that no provision is included in the Plan Change to allow this to occur noting that Ancillary units must be held under common ownership of the primary activity on the site.</p> <p>In the Central City, high density, comprehensive residential development and intensification is sought. To allow singular units to be held in separate titles as proposed by the submitter would further fragment a site and create additional constraints for future redevelopment of the site. The ancillary unit provision purposefully requires common ownership of the subject residential unit to prevent fragmented landownership, while still permitting conversion of space into a residential unit that can be rented out to a different occupant than the site owner. As such, I consider the provisions as proposed in PC12 to be sufficient to enable single attached residential units via the ancillary unit provision, while adhering to the purpose and intent of the zone.</p> <p>In addition, it is noted that KO support the non-complying activity status given to single detached units in the central city under 7.3.ii, considering this provision consistent with the planned outcomes of the zone and consistent with the intent for more-efficient high-density residential development. As such, I recommend that the submission point 20.2 be rejected, and the submission point 160.221 by KO be accepted, and that the notified provision for single detached units remain as notified.</p>
Recommended Changes
None.

Theme 4 – Specific standards

This theme responds to the issues raised in submissions that cover specific standards for the Central City chapter that have not otherwise been addressed above.

Issue 1 – Permeable surfaces and site coverage
Submission points made by Jones Lands Limited and Hamilton Campground Limited seek that the building coverage should be increased across the Central city precincts, and in particular, precinct 2 – City Living.
Submission Points Relating to Issue
343.53, 343.54
Further Submission relating to Issue
None.
Analysis of issue
<p>The submitters consider that the site coverage and permeable surfaces do not give full effect to the new policies to maximise urban development capacity. The submission seeks that site coverage should be increased, particularly in Precinct 2 – City living, from 60% to 80% or greater, with a corresponding change to the permeable surface calculation.</p> <p>The site coverage and permeable surface provisions ensure building bulk is appropriate for Central city developments while also managing the accumulation of impermeable surfaces, respectively. Within the City Living Precinct 2, the proposed building coverage is 60% while the permeable surface requirement is a minimum of 20%. This is the same as the High-Density Residential Zone as well as what exists in the Operative Plan for the subject Precinct at present.</p> <p>The purpose of the City Living Precinct of the Central City is to provide comprehensive development of mixed uses, with residential being the predominant activity. It is intended that the Precinct is “high-amenity” – 7.1.2 c, while being “high-density” – 7.2.7. Given this policy context and intent for the precinct, a balance needs to be sought between having an enabling building coverage standard while a sufficient permeable surface rule which manages both stormwater and the provision of natural amenity on-site.</p> <p>To enable comprehensive developments, an appropriate level of site coverage is required. After reviewing recent land-use consents in the City Living Precinct, there is a common theme of exceeding the Operative Plan’s 60% site coverage. As such, an increase in permitted site coverage would reflect what is already and likely to be requested in the City Living Precinct as further comprehensive residential developments are proposed. While 80% is proposed by the submitter, I consider that a 70% site coverage is more appropriate given the land-use consents granted in the Precinct.</p> <p>The submitter considers that the permeable surface provisions should be reduced to reflect an increase in site coverage. I do not consider that where building coverage is increased, permeable surfaces need to reduce by the same amount, provided the two areas do not conflict with each other. A 70% site coverage leaves 30% of the site to be utilised for both access and permeability provisions, such as planting. It is relevant to note that if relief sought within Council’s submission is granted, permeability areas could also include permeable paving. Thus, permeably paved areas can also be included in the permeable surface. Therefore, I do not consider 20% permeability an onerous or unreasonable requirement. A 20% permeable area ensures a level of rainwater absorption and the provision of natural amenity outcomes sought for the City Living Precinct where landscaping is provided as a part of the permeable surface area.</p>

Overall, I recommend that the subject submission points are accepted in-part where the site coverage for Precinct 2 in the Central City Zone is increased from 60% to 70%, and that no other changes are made to the plan related to these submission points.

Recommended Changes

7.4.1 Site Coverage

- a. The following maximum site coverage shall apply in each Precinct.

Precinct 1	Precinct 2	Precinct 3
100%	60% 70%	80%

Issue 2 – Maximum height

Whether or not the maximum height control across the Central City Zone should be removed.

Submission Points Relating to Issue

160.222, 167.7, 229.6, 235.38, 235.39

Further Submission relating to Issue

488, 564

Analysis of issue

The submission points listed above support the removal of height controls in the Central City Zone, as notified. Submitters consider this to be consistent with the NPS-UD, enabling well-functioning urban environments and allowing sufficient development capacity in the Central City. A further submission point made by KO supports Waka Kotahi's submission (564) which also supports the notified removal of height limits in the Central City.

Further submission point 488 by Waikato Heritage Group, however, opposes KO's submission in that it is inconsistent with Waikato Heritage Group's original submission.

Overall, maximum heights within the Central City have been removed to ensure consistency with the NPS-UD to enable as much development capacity as possible. Points concerning the Victoria Street Heritage Area are addressed in Issue 4 of this report.

Overall, I recommend that the submission point supporting removal of height restrictions within the Central City be accepted and the further submissions be rejected.

Recommended Changes

None.

Issue 3 – Height in Relation to Boundary
Whether to apply the height in relation to boundary standard to adjoining residential zones, rather than specifying only the General Residential Zone.
Submission Points Relating to Issue
160.223, 343.55
Further Submission relating to Issue
488
Analysis of issue
<p>A submission made by KO seeks amendment to the notified height in relation to boundary (HIRB) standard 7.4.4. The submitter seeks that where a site adjoins any residential zone, the HIRB of the adjoining zone would apply. As notified, the HIRB only applies when adjoining a General Residential Zone which does not reflect the actual zone cascade from the Central City outward.</p> <p>The submission by Jones Lands Limited (343.55) seeks that HIRB standards only apply to sites adjoining General Residential Zones and that 7.4.4 b is amended to clarify that it only applies to land in the General Residential Zone.</p> <p>The relevant further submission does not relate to HIRB standards specifically but opposes the KO submission to the extent that it is contrary to the original Waikato Heritage Group submission.</p> <p>I consider that it is appropriate that for any site in the Central City which adjoins another Residential Zone, regardless of its type, that adjoining zone's HIRB standard should apply to the site in the Central City. This ensures a consistent and appropriate transition between the Central City and other residential zones.</p> <p>Amendment to 7.4.4(a) as suggested by KO for HIRB to reflect the adjoining residential zone rather than the general residential zone specifically will better reflect the rule's purpose of managing height transition across different zones.</p> <p>As such, I recommend KO submission (160.223) be accepted so that where a boundary adjoins any Residential Zone, no part of any building shall penetrate the applicable height control plane of the residential adjoining zone, and that the submission point 343.55 is rejected.</p>
Recommended Changes
<p>7.4.4 Height in Relation to Boundary</p> <p>a. Where a boundary adjoins any General Residential Zone, no part of any building shall penetrate a height control plane rising at an angle of 60 degrees beginning at an elevation of 4m above the boundary.</p> <p>a. <u>Where a boundary adjoins any Residential Zone, the Height in Relation to Boundary standard of that neighbouring zone shall apply to the subject site.</u></p> <p>b. Where the boundary forms part of a legal right of way, entrance strip, access site, or pedestrian access way, the height in relation to boundary applies from the farthest boundary of that legal right of way, entrance strip, access site, or pedestrian access way.</p>

Issue 4 – Setbacks
Whether to apply setbacks only to the interface between the Central City, Medium and General Residential Zone, and not the High-Density Residential Zone.
Submission Points Relating to Issue
160.224
Further Submission relating to Issue
488
Analysis of issue
<p>KO opposes the setbacks required between buildings within the Central City Zone and any other residential zone. As per the setback standards in 7.4.6, the notified plan change requires a 3m side and rear building setback for buildings on sites within the Central City Zone’s precinct 2 that adjoin any residential zone.</p> <p>Given the proposed zoning framework, KO considers that the setback for Precinct 2 – City Living should be applied only to the interface of the Central City Zone and the Medium and General Residential Zones, and not to the interface with the High-Density Residential Zone (“HDRZ”).</p> <p>The Central City Living Precinct is intended to provide for high-density comprehensive development as well as small to medium scale commercial activities. The HDRZ is also intended to provide opportunity for high-density development, six or more stories in nature. All residential sites adjoining the Central City Living Precinct are zoned High Density. There are no City Living Precinct sites that adjoin a MRZ or GRZ.</p> <p>Within the HDRZ a 1m front, side and rear setback is proposed. No setback is required within Precinct 2 unless it adjoins a residential zone, in which case a 3m setback applies.</p> <p>Setbacks provide a tool for ensuring adequate on-site amenity is provided to site uses or occupiers with respect to adjoining activities, in addition to keeping the character of a particular neighbourhood. Setbacks can also be used to provide a clearly identifiable separation between land-use zones. Setbacks in this instance, are proposed to separate activities and ensure a level of on-site amenity between sites.</p> <p>Noting the similarity between activities intended for the HDRZ and Precinct 2, a 3m setback between sites adjoining each other in the Central City Living Precinct and any other residential zone may need to be reconsidered. In addition to the similar nature of the development promoted in the HDRZ and Precinct 2, there are very few areas of Precinct 2 that are directly adjoining the HDRZ. Most of the separation is provided by transport corridors and open space such as Mill Street and the West Town Belt⁷.</p> <p>Sites in the north-east of the Central City off Rostrevor Street and Hamilton Parade are where the City Living Precinct and the HDRZ adjoin each other directly. However, given the intensity of development expected in the HDRZ and the 1m setbacks already in place in the HDRZ, I do not consider that a 3m setback for sites in the City Living Precinct is necessary as a transition between these two zones. I consider that it would be more appropriate to apply the adjoining site’s setback standards where that adjoining site is in a different zone.</p>

⁷ Appendix J - West Town Belt map

As such, I recommend that the relief sought by KO be accepted in-part, and that the setback requirements between the City Living Precinct and any residential zone be removed and replaced with the requirement that the adjoining site's setback applies to the subject site.

Recommended Changes

7.4.6 Building Setbacks

- a. The following minimum setbacks shall apply within each Precinct.

	Precinct 1	Precinct 2	Precinct 3
i. Front boundaries	0m	0m	3m
ii. Side boundaries	0m	0m, or 3m adjoining any Residential or Special Character Zone <u>or where a site adjoins a different zone, the side setback of that adjoining zone shall apply.</u>	3m
iii. Rear boundaries	0m	0m, or 3m adjoining any Residential or Special Character Zone <u>or where a site adjoins a different zone, the rear setback of that adjoining zone shall apply.</u>	5m
iv. Boundaries adjoining the Riverfront Overlay	5m	-	5m
v. Waikato Riverbank and Gully Hazard Overlay	6m (applies to buildings and swimming pools)		

Issue 5 – Service Areas for Residential Units

One submission opposes the removal of service area requirements per residential unit, while another submission supports its removal as notified.

Submission Points Relating to Issue

156.4, 160.225

Further Submission relating to Issue

None.

Analysis of issue

The notified Plan Change proposes that service areas are required on a per building basis, rather than per residential unit. Submission point 156.4 made by NZ institute of Architects (NZIA) opposes the notified Central City Chapter because of the removal of per unit-based standards, in addition to other changes in the chapter. The submission is concerned that removal of such requirements shall lead to poor living standards and well-being outcomes when such things as service areas are not provided for on a per unit basis.

Conversely, KO supports the removal of service area requirements per unit, considering the Operative Plan provisions excessive for residential development at high intensities.

The Proposed Plan Change carries over the Service Area requirement of 10m² or 1% of gross floor area of a building for all buildings while removing the current requirement for 10m² per residential unit, up to a maximum requirement of 100m². Thus, only the 10m² or 1% of gross floor area (whichever is larger) standard shall apply to all developments in the Central City, including residential developments. It is also worthy to note that unlike any of the residential zones notified, a Waste Container Management Plan is not proposed to be required in the Central City zone.

Service areas are most often used for waste management and storage, and the definition of service areas reflects this. Determining the appropriate minimum space that should be required for service areas is dependent on the activities of the subject building, such as whether commercial, retail, or residential activities occur, and to what scale these activities occur on the site. As such, requiring a Waste Container Management Plan, as proposed throughout all other residential zones, would be an appropriate requirement to ensure new developments and activities within the Central City can demonstrate practical and safe waste management. I also consider that having a specific standard for residential units is appropriate, as suggested by the NZIA submission. A service area not only needs to have sufficient space to store waste bins, but also to manoeuvre around and collect those bins. Having an area set as a standard, in addition to the Waste Container Management Plan, improves the performance of the Management Plan by having relevant standards to assess.

Following discussions with Council's Resource Recovery team, I consider that having a 5m² service area requirement per residential units would ensure sufficient space is provided for waste management, while not having an onerous implication for developers. Where larger scale developments are proposed, the Waste Container Management Plan then offers the avenue for developers to show alternative service area arrangements that still ensure sufficient space is provided.

Overall, I recommend that the submission by the NZIA is accepted and a requirement for service areas per residential unit is applied, and a Waste Container Management Plan is required for all new developments in the Central City. Subsequently, I recommend that the submission by KO is rejected.

Recommended Changes

7.4.8 Service Areas

- a. Buildings shall provide service areas as follows.
 - i. At least one service area of not less than 10m² or 1% of the gross floor area of the building, whichever is the greater, and with a minimum dimension of 2.5m.
 - ii. **At least one service area of no less than 5m² for each residential unit. When provided in a communal space, up to a maximum requirement of 100m² shall apply.**
 - iii. Any outdoor service area shall be maintained with an all-weather dust-free surface.
 - iv. No service area shall be visible from a street identified as a Primary or Secondary frontage (Volume 2, Appendix 5, Figure 5-7).
- b. A service area may be located within a building, provided that it is separately partitioned with an exterior door directly accessible by service vehicles.
- c. **A Waste Container Management Plan shall be prepared for the site.**

Issue 6 – Residential density standards

Whether the minimum density requirements in 7.5.3 b should be retained as notified or removed completely, and if they do remain whether retirement villages should be excluded.

Submission Points Relating to Issue

160.226, 235.39, 330.132, 343.56

Further Submission relating to Issue

None

Analysis of issue

KO and Waka Kotahi support the notified minimum residential density standards for the Central City in Rule 7.5.3 b as notified. Their submissions consider the provision to assist in realising as much development capacity as possible, as per the NPS-UD, while supporting the outcomes of mode shift in Government Policy Statement.⁸

The Retirement Villages Association (330.132) seeks the exclusion of retirement villages from the subject standard, considering the standard does not reflect the functional needs and operations of retirement villages.

Submission point 343.56 by Jones Lands Limited opposes the minimum density standard, considering the provision to restrain development and not enable it. The submission point considers that it would be more enabling to not have minimum densities.

⁸ Ministry of Transport (2023). An evaluation of modal shift in the Government Policy Statement (GPS) on land transport.

Overall, the minimum density provision is in place to ensure that residential development meets the objectives of the Central City including Policy 7.2.1 g - *“Building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification.”* A minimum density does not constrain development but encourages a more efficient use of the site, ensuring residential development does not undermine but instead supports the functions and aspirations of the Central City. As such, it is necessary that any development that features residential activities, including retirement villages, to be required to be assessed against the subject standard to ensure a consistent application of the standards on residential-based activities, and assist in the realisation of the Chapter’s purpose, objectives and policies concerning intensification.

Therefore, I recommend that submission points 160.226 and 235.39 which seek 7.5.3 b minimum density standards retained as notified be accepted, and that submission points 330.132 and 343.56 which seek the exclusion of retirement villages from the standard, and the standards removal in its entirety, respectively, be rejected.

Recommended Changes

None.

Issue 7 – Minimum residential unit size and typology

Whether minimum residential unit sizes should be introduced.

Submission Points Relating to Issue

156.4, 160.228, 207.7

Further Submission relating to Issue

None

Analysis of issue

Both submission points made by KO and by NZIA oppose the deletion of minimum floor areas for residential units considering its absence could lead to poor living standards and well-being outcomes. Submission point 207.7 seeks rules that improve ventilation in inner city apartments. In addition, NZIA note their concern with the deletion of rule 7.5.3.f which controlled the number of single bedroom units an apartment building could have as a percentage level.

KO state that the deleted minimum unit size standard if reintroduced would provide a minimum ‘liveable’ area for apartment sizes, avoiding the establishment of undersized units that would contradict efforts to create well-functioning urban environments.

I agree with the subject submission points that a minimum residential unit size should remain in the notified Plan in some form. To create a well-functioning urban environment, the wellbeing of all people and communities should be provided for. A minimum residential unit size provides a measure for ensuring future residential units are not undersized to the extent that they create poor living conditions for residents and sets a common baseline for expected unit sizes across the central city. In addition, having minimum unit sizes ensures apartments have enough space to allow internal ventilation, air flow, physical distancing and prevention of overcrowding, all of which have health benefits.⁹

⁹ Peters, T., & Halleran, A. (2021). *How our homes impact our health: using a COVID-19 informed approach to examine urban apartment housing*. Archnet-IJAR: International journal of architectural research, 15(1), 10-27.

The Operative Plan currently requires 35m² for studio units, 45m² for one-bedroom units, 55m² for two-bedroom units, and 90m² for three or more-bedroom units. As notified, PC12 remove these standards in full. KO has provided an alternative minimum unit size standard that adapts the Operative Plan unit sizes, reducing the studio unit size to 30m² from 35m², and 40m² rather than 45m² for one or more-bedroom units.

I do not consider that the KO proposed minimum unit sizes reflect the purpose of ensuring adequate minimum unit sizes, particularly for units with two and three or more-bedroom units. Under the KO proposition, units with two or more bedrooms would only need to provide that same amount of area as a one-bedroom unit. The areas put forward by KO would offer little ability for Council to ensure liveable units are going to be provided for multi-bedroom units and in particular, units occupied by families and extended family arrangements.

The Operative Plan minimum unit sizes were amended by Plan Change 6¹⁰ which became operative in 2021. Plan Change 6 reduced the unit sizes from their then larger sizes to the operative provisions that PC 12 as notified proposes to remove. The current Operative District Plan sizes generally reflect the contemporary apartment sizes being consented in the city. Few development applications challenge these standards.

In general, a bedroom can only be reduced in size by a certain limit when space for a bed, clothing storage, and manoeuvrability space is needed. Any opportunity to reduce the space of a unit, therefore, is most often made in the general living areas of units such as kitchen and dining areas, office space, and lounge areas. Thus, adopting KO's suggested amendments would risk the establishment of two or more-bedroom units with relatively small living areas which is counterproductive to the purpose of the rule to ensure the provision of adequately sized units, and the intent of Policy 1 to create well-functioning urban environments which meet the needs of different types of households. I do not believe the recommended standard conflicts with Policy 3 in providing for as much development capacity to "maximise the benefits of intensification". The benefits of intensification will not be realised if apartments are established with less than adequate space for residents, as undersized apartments will not contribute to the creation of a well-functioning urban environment.

While some residential developments might be able to provide an acceptable standard of living that does not comply with the standards recommended, the consenting process is the most appropriate and effective method for assessing the performance of proposed units and, therefore, having a standard to measure against is necessary to allow effective enforcement and assurance of apartment size outcomes.

As such, I consider the reintroduction of minimum unit sizes as per the Operative Plan the most effective method of ensuring liveable apartments are established without creating overly onerous requirements for developers, given they are already complied with at present.

Concerning the submission point by NZIA on the percentage of unit typologies within an apartment building, I do not agree that this rule should be reintroduced as the submitter suggests. The NPS-UD seeks the enablement of all housing typologies and to support the competitive operation of development markets. The retention of such a rule could hinder housing supply should particular typologies, such as single bedroom units, be demanded.

¹⁰ Plan Change 6 - Regulatory Efficiency and Effectiveness Programme (REEP).

As such, I recommend that the subject submissions be accepted in-part where a minimum residential unit size is reintroduced which aligns to the Residential chapter recommended provisions and the part of the submission that suggests the control of unit typologies be rejected.

Recommended Changes

7.5.3 Residential

d. ~~Outdoor Living Areas~~

d. Residential Unit Size

The minimum floor area required in respect of each residential unit shall be:

<u>Form of Residential Unit</u>	<u>Floor Area</u>
<u>Studio Unit</u>	<u>Minimum 35m²</u>
<u>1 bedroom unit</u>	<u>Minimum 45m²</u>
<u>2 bedroom unit</u>	<u>Minimum 55m²</u>
<u>3 bedroom unit</u>	<u>Minimum 75m²</u>
<u>4 or more bedroom unit</u>	<u>Minimum 90m²</u>

e. Outdoor Living Areas

...

Issue 8 – Daylight

Whether the notified daylight standard 7.5.3 f. should be deleted

Submission Points Relating to Issue

156.4, 160.229, 207.7

Further Submission relating to Issue

None.

Analysis of issue

KO (160.229) supports the removal of daylight standard 7.5.3 f in the Operative Plan, considering that the standard may not be possible to meet for dwellings that would otherwise provide a decent standard of living.

Conversely, submission point 156.4 made by NZIA consider that the removal of daylight standards that are in the Operative Plan could lead to poor living standards and well-being outcomes noting that the daylight standard as notified only addresses those buildings along a street facing façade and has little to do with daylight amenity for residential units. A similar submission point 207.7 seeks rules that provide access to sunlight and good ventilation for inner Central City apartments.

The notified standard in question requires any residential unit facing the street to have a minimum 20% of the street-facing façade in glazing. I agree with submission point 156.4 that this standard is primarily concerned with creating an active street frontage through the application of CPTED principles¹¹. While some daylight amenity might be provided for those residential units facing the street, the standard does little to ensure all units, regardless of where they are located

in a building, have a minimum level of daylight. As such, I consider that it would be more appropriate for the subject standard to be relocated to Rule 7.4.12 Active Frontages and apply to all buildings, not just residential units, to ensure all street facades in the Central City have a minimum level of active street frontage, thus fulfilling CPTED principles, good urban design outcomes and a well-functioning urban environment overall.

This still leaves the concern of submission point 156.4 and 207.7 about the absence of standards that ensure a minimum level of natural daylight admission and ventilation into apartment units. I agree that it is necessary for the Plan to contain some form of standard that ensures daylight admission and ventilation into residential units. Glazing will often include windows that allow for ventilation as well as daylight. Therefore, having a standard for windows in all main living rooms and all bedrooms supports access to daylight within an apartment unit, as well as encouraging a level of natural ventilation; both of which have health benefits.

Acknowledging the concerns of the submitters, I consider that the Outlook provisions within 7.5.3g address the need for daylight admission and consequential ventilation opportunities where windows are provided. The outlook standard requires that a principal living room must have an outlook space of the specified dimensions. In addition, all other habitable rooms must have an outlook space with a minimum dimension of one metre in depth and width. It is the expectation that these outlook spaces are provided as windows, while understanding that the window dimensions do not need to be the same as the outlook dimensions. In addition, I note that the policies for all three precincts within the Central City Zone have the expectation that residential units are provided with access to daylight (7.2.6h, 7.2.7e, and 7.2.8e).

As such, I recommend that the KO submission supporting the removal of the daylight standard be accepted, and the submission by NZIA Practitioners, and 207.7 be accepted in-part, so that the daylight standard notified be relocated to the active frontages section of the Chapter.

Recommended Changes

7.4.12 Active Frontages

- a. For buildings on sites adjoining a Primary or Secondary active frontage (refer Volume 2, Appendix 5, Figure 5-7: Active Frontages Overlay Plan), the following standards shall apply.
 - i. Buildings shall be designed to:
 - Provide at least 5m or 75% of the active frontage (whichever is greater) of clear glazing (or equivalent) on all Primary Active Frontages at ground floor level.
 - Provide at least 50% of the active frontage as clear glazing (or equivalent) on all Secondary Active Frontages at ground floor level.
 - **Where a site is not located on a primary or secondary active frontage, provide at least 20% of the active frontage of clear glazing (or equivalent) at ground floor level.**

Note

This rule does not restrict the covering of clear glazing for the purpose of providing privacy within a building where this is necessary for the nature and type of activity undertaken.

7.5.3 Residential

~~f. Daylight Standards~~

~~Any residential unit facing the street must have a minimum 20% of the street facing façade in glazing. This can be in the form of windows or doors.~~

Issue 9 – External outlook space

Whether the outlook standards should be removed, or amended where they conflict with the minimum outdoor living area dimensions.

Submission Points Relating to Issue

160.23, 265.49

Further Submission relating to Issue

None.

Analysis of issue

External outlook space and the standard within 7.5.3.g, carried over from the MDRS, sets a minimum area of view from residential unit rooms that are not obstructed by other buildings.

Text to the Central City notified provisions which depict 4m-by-4m outlook space has been added in error and should reflect the 3x3 metre provisions illustrated in the External Outlook Area diagram. This also consequential aligns with the Residential part of the Plan.

KO seeks to remove the Outlook provision in its entirety, considering that the notified standard might not be able to be complied with for dwellings that would otherwise provide a decent standard of living.

Having outlook space is an assurance that basic levels of on-site amenity are provided for future residents, thus providing a better outcome for both occupants and the developer. Outlook space assists in ensuring residential units are provided with an acceptable minimum level of on-site amenity for future resident's well-being through the access to daylight and natural ventilation opportunities– thus, contributing to a well-functioning urban environment. For those developments that might not be able to meet the outlook space standards, but otherwise provide a satisfactory level of on-site amenity for residents, the resource consenting process is the most appropriate pathway for determining this, noting that a resource consent will be required where a new building is proposed, regardless of outlook space infringements.

The submission by Sam Shears (265.49) seeks modification of the outlook space provision where there is conflict with minimum outdoor living areas and property setbacks and seeks clarification or amendment to reduce the minimum 4m depth and 4m width. As mentioned above, text to the Central City notified provisions which depict 4m-by-4m outlook space has been added in error and should reflect the 3x3 metre provisions illustrated in the External Outlook Area diagram.

As such, I recommend that the submission by KO requesting the removal of the outlook standard in the Central City be rejected and amendments to External Outlook Area be accepted as a Schedule 1 clause 16(2) correction¹².

Recommended Changes

7.5.3 Residential

g. External outlook Area

iv. A principal living room of a dwelling must have an outlook space with a minimum dimension of ~~4m depth and 4m width~~ **3m depth and 3m width.**

5.3 Theme - Rototuna Town Centre

Issue 1 – Rototuna Town Centre Structure Plan

Issue 2 – Rototuna Town Centre Zone

Issue 1 – Rototuna Structure Plan

KO (160.4) supports the Rototuna Structure Plan to the extent that it is consistent with the overall KO submission. They also seek additional heights within the Rototuna Town Centre zone (RTCZ) and that the High Density Residential zone (HDRZ) is applied within the 400m walkable catchment of the centre and the Medium Density Residential zone (MDRZ) within 400-800m of the walkable catchment.

Submission Points Relating to Issue

160.4

Further Submission relating to Issue

Analysis of issue

KO have proposed that the height limit in the RTCZ is increased to 24m. Currently, the Business Zone within the town centre is classified as Business Zone 5 – Suburban Centre Core which has a height limit of 15m.

KO have also proposed that the current zoning is altered to include a HDRZ within a 400m/5-minute walkable catchment to the RTCZ, and that a MDRZ is applied within a 400/800m/10-minute walkable catchment of the RTCZ. Currently, a walkable catchment of 400m MDRZ is applied to the RTCZ with no HDRZ walkable catchment being applied.

The current proposed height limit of 15m for the RTCZ is appropriate in achieving the NPS-UD and MDRS as it will ensure that there is sufficient development capacity for business land. Additionally, the current zoning of MDRZ with a 400m walkable catchment to the RTCZ also aligns with Policy 3 item d of the NPS-UD being of the appropriate building height and density of urban form

¹² RMA (1991) Schedule 1 Clause 16 - Amendment of proposed policy statement or plan

commensurate with the level of commercial activity and community services. This is consistent with what is layout in the Section 32 Appendix 3.6 Centres Assessment.

Recommended Changes

None.

Issue 2 – Rototuna Town Centre Zone

A submitter (128.8) opposes the RTCZ, suggesting that there is already sufficient retail, and that additional retail will create economic imbalance and negative effects, such as danger for cyclists from increased traffic, and visual pollution. They oppose the size of the town centre and suggest the involvement of the Community Boards. Another submitter suggests that Council intervenes to relieve traffic within the RTCZ (69.6).

KO (160.349) are generally supportive of the proposed amendments to the RTCZ Appendix 7 as notified if they are consistent with the overall submission. KO also seek to introduce the mandatory objectives of the Enabling Act within Chapter 13 (160.231).

KO (160.232) also oppose the height in relation to boundary control within the Community Facilities zone suggesting that it is overly restrictive and that the nature of the activities within that zone would be able to accommodate the effects of additional building height and scale. Therefore, they propose that the standard is amended to remove the HIRB application where a building is on land that adjoins the Community Facilities Zone, that the HIRB controls reflect what is mentioned in their submission, and that Rule 13.8.5.2 is amended as follows:

'13.8.5.2 Primary Frontages Height in Relation to Boundary

Where a building is on land that adjoins a GRZ, ~~Community Facilities Zone or an adjoining development area~~ no part of any building shall penetrate a height control plane rising at an angle of 60 degrees beginning at an elevation of 4m above the boundary.

Where a building is on land that adjoins land that is zoned High Density Residential Zone, no part of any building shall penetrate a height control plane:

a. Buildings within 21.5m from the frontage must not project beyond a 60-degree recession plane measured from a point 19m vertically above ground level along the side boundaries; and

b. Buildings 21.5m from the frontage must not project beyond a 60-degree recession plane measured from a point 8m vertically above ground level along the side boundaries.

Where a building is on land that adjoins land that is zoned MDRZ, no part of any building shall penetrate a height control plane rising at an angle of 60 degrees beginning at an elevation of 6m above the boundary.'

This standard does not apply to:

- i. A boundary with a road*
- ii. Existing or proposed internal boundaries within a site*
- iii. Site boundaries where there is an existing common wall between 2 buildings on adjacent sites or where a common wall is proposed*
- iv. Where written consent from the owners and occupiers of the adjoining property and/or*

Development Plan area is obtained.

KO also propose that Rule 13.5.5 b – Service Area is deleted as they suggest it conflicts with the requirements of the MDRS (160.234). They also suggest that Rule 13.5.5c is deleted and instead included as assessment criteria (160.235). They also support for the Outdoor Living Area provisions (13.5.5a.) as notified (submission 160.233).

Kirkdale Investment Ltd (244.5) suggest that figures 7-1 to 7-4 in Appendix 7 of the Notified Plan Change, need updating and should reflect the actual location of the roading network and consented development for the town centre, particularly in Area A¹³ (Retail, Commercial, and Community Facilities). The submitter also suggests (244.6) that the proposed community facility notation in town centre should be reduced as there are sufficient existing community facilities that are in the process of being consented or developed. They propose that the two specific sites that are zoned as Community Facility zone are replaced to allow further retail development adjacent to existing retail (Retail 2) and for small retail/commercial development (Retail 1)¹⁴.

Kirkdale Investment Ltd support the amendments made through the plan change (PC 12) to remove the CDP requirements (244.1 and 244.2). Additionally, they are concerned with the wording of Objective 13.2.6 and suggest it is too “all encompassing.” They suggest it is amended to the following:

Objective 13.2.6: ‘Development of compact, well designed, and functional residential developments ~~that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.~~’

Submission Points Relating to Issue

128.8, 160.232, 160.233, 160.234, 160.235, 160.349, 244.1, 244.2, 244.5, and 244.6

Further Submission relating to Issue

Analysis of issue

The traffic issues within the RTCZ are acknowledged and are to be managed by the City Transportation Unit. It should be noted that the area is still developing and road closures due to this development may affect traffic. These challenges may be addressed through the further development of the RTCZ and the operational activities required to complete and manage this development.

The majority of the RTCZ is zoned for community facilities, employment, and retail with a small portion dedicated to residential mixed use. Therefore, incorporating density standards into this area is outside of the scope of what is directed under the Enabling Act, since RTCZ is not a residential area. However, the MDRZ has been applied to areas within Rototuna neighbouring this urban centre, therefore, giving effect to the objective and policies in the Act.

KO have submitted that they oppose the height in relation to boundary within the Communities Facility Zone as expressed in Rule 13.5.2 in the notified plan change and propose alternative amendments to this rule to align with the proposed HDRZ and Business Height Variation Overlay

¹³ Appendix K – Rototuna Town centre precincts

¹⁴ Appendix F – Rototuna Town Centre boundary

proposed within Appendix 2 of KO's submission. The HIRB within the Communities Facility Zone is consistent with the standards in the MDRS. The HDRZ will not be applied within the RTCZ or around the RTCZ. Therefore, the proposed HIRB rules are not consistent with this approach.

The removal of the service area (13.5.5 b) and the storage area (rule 13.5.5 c) is not recommended. These provisions are consistent with those in other chapters of the notified plan change. The support for the Outdoor Living Area provisions (13.5.5 a.) as notified is acknowledged.

It is acknowledged that the RTCZ should reflect the actual location of the roading network and the consented development for the town centre zone, as well as the potential for zoning changes (e.g., further retail or the size of the RTCZ in the case of the other submitter). However, this is outside of the scope of PC12, as the plan change seeks to specifically rezone residential zones to enable housing development. This should be looked at in a holistic way, perhaps through a separate plan change. The support for the removal of the CDP provisions is acknowledged. However, the changes to Objective 13.2.6 are not supported as it is import for objectives within the RTCZ to reflect those that are aligned within the direction of the HSAA, which pertains to the provision of social, economic, and cultural well-beings within communities (Schedule 3A, Objective 1 a).

Recommended Changes
None.

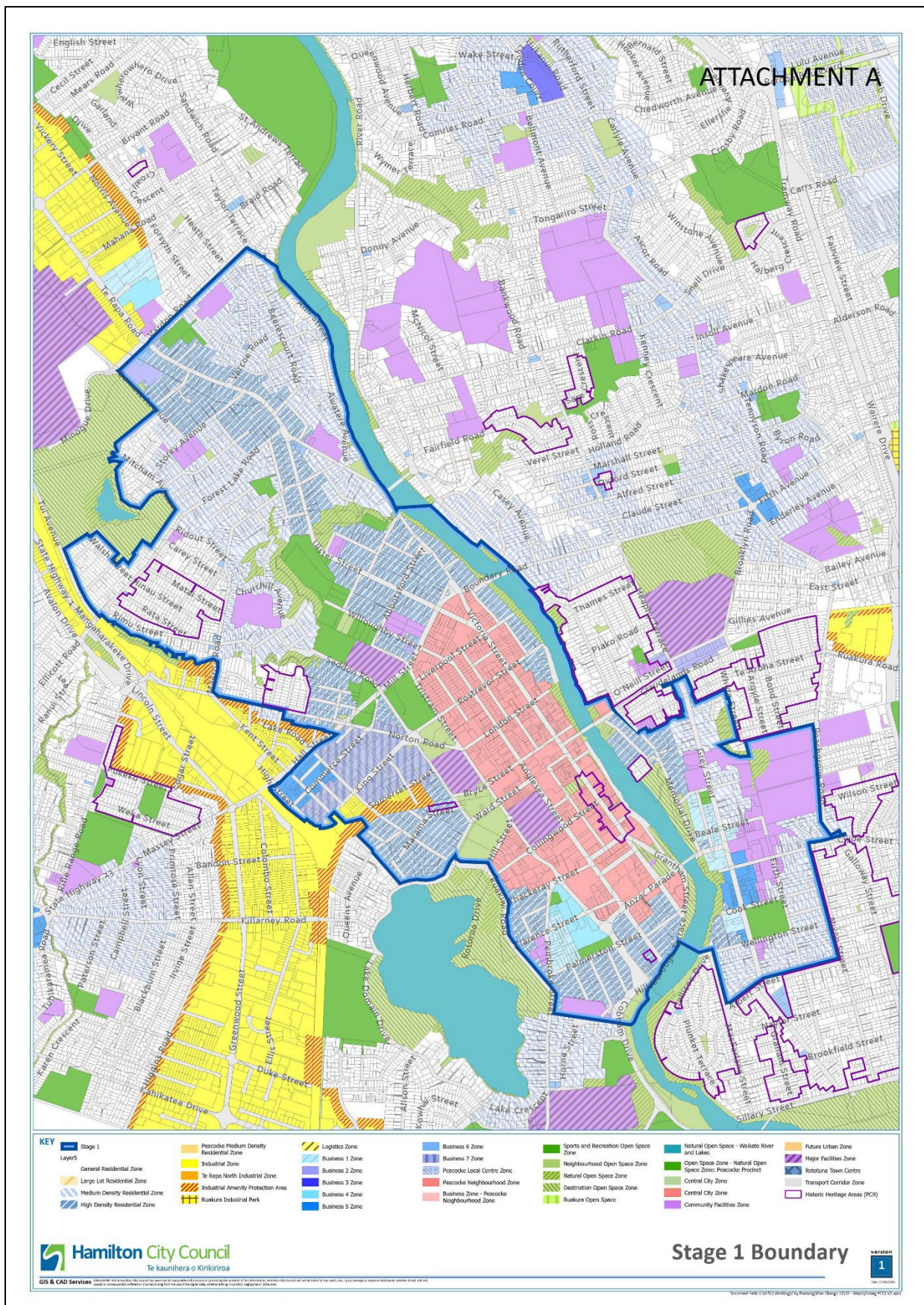
6.0 Conclusion

Based on the above analysis, it is recommended that the amendments to the PC12 provisions listed within the themes and issues, be accepted.

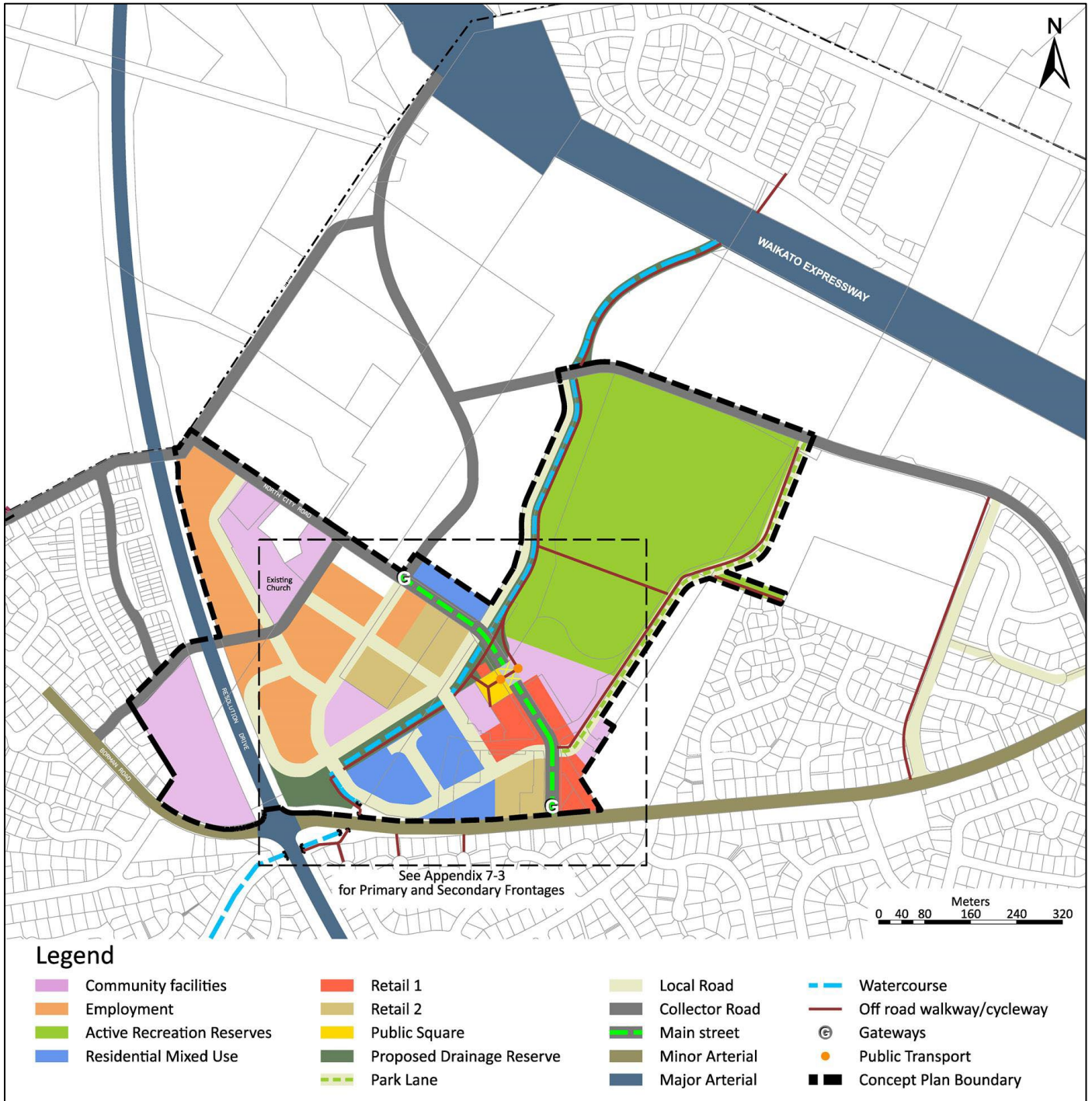
The recommended changes will improve the DP's clarity and certainty, while achieving the outcomes sought by the HSAA taking into account qualifying matters as they relate to Hamilton City.

Track changes are depicted in Appendix A – Updated Plan Provisions.

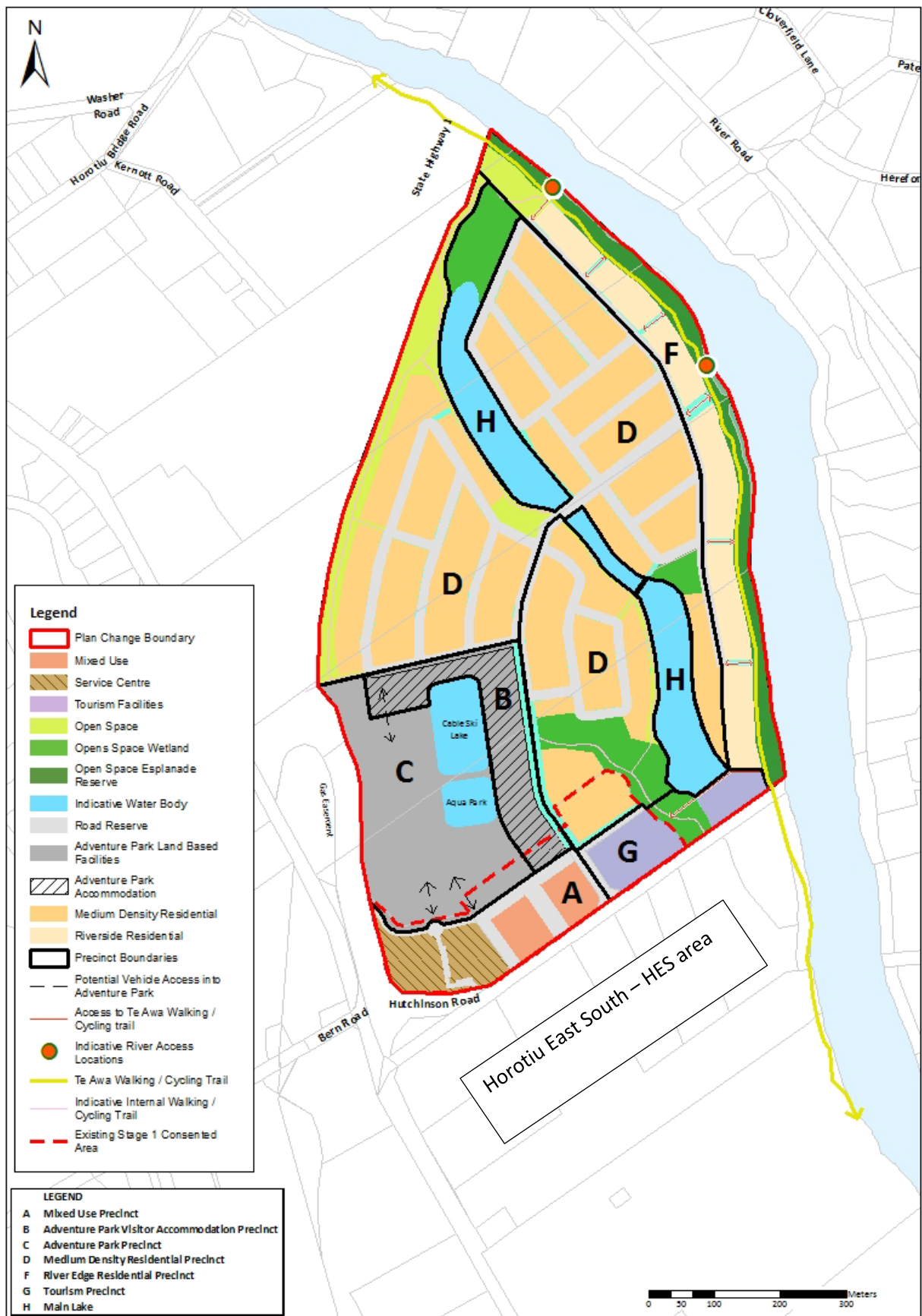
Attachment A: Stage 1 area Map



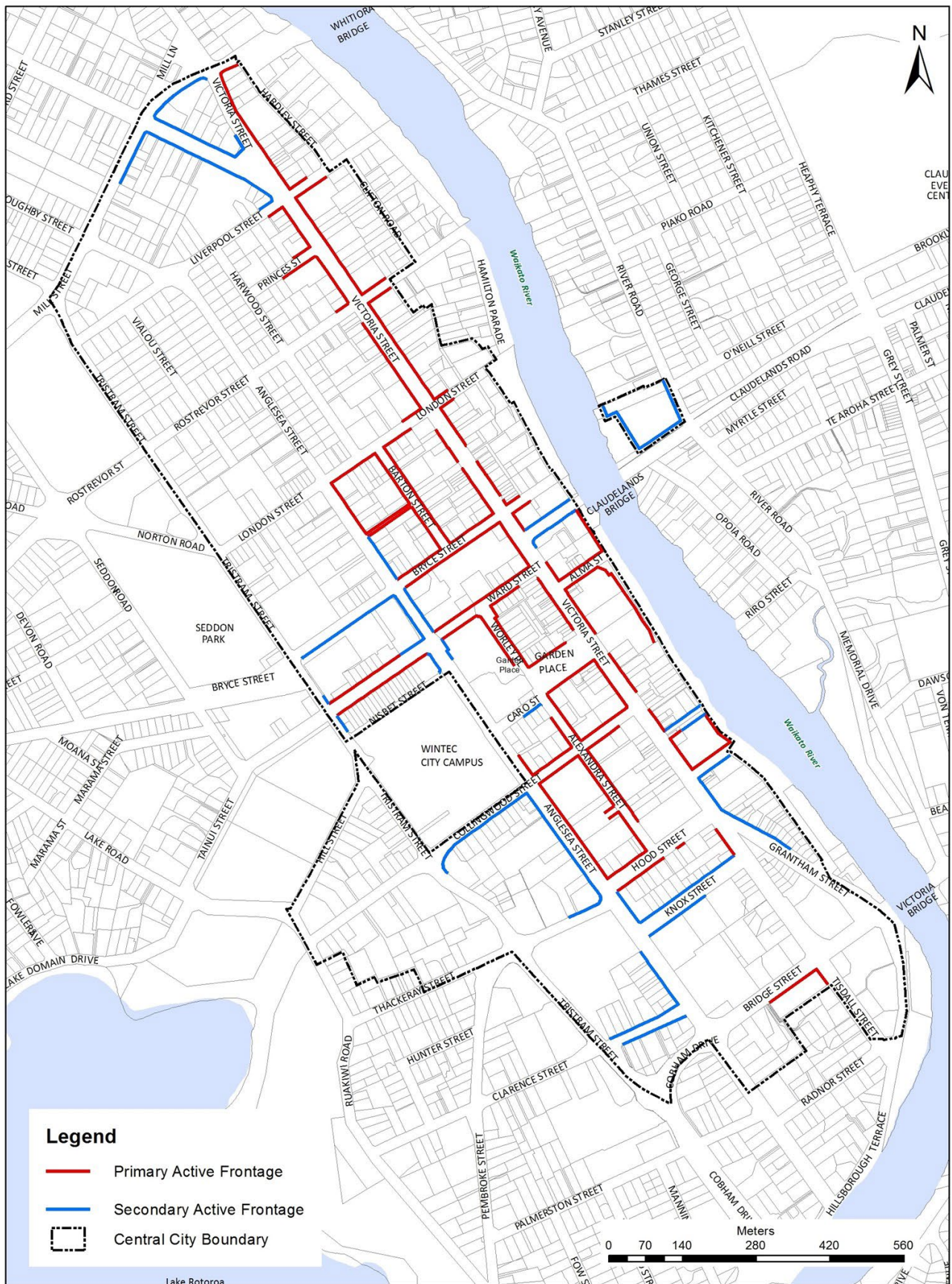
Attachment B: Rototuna Town Centre boundary



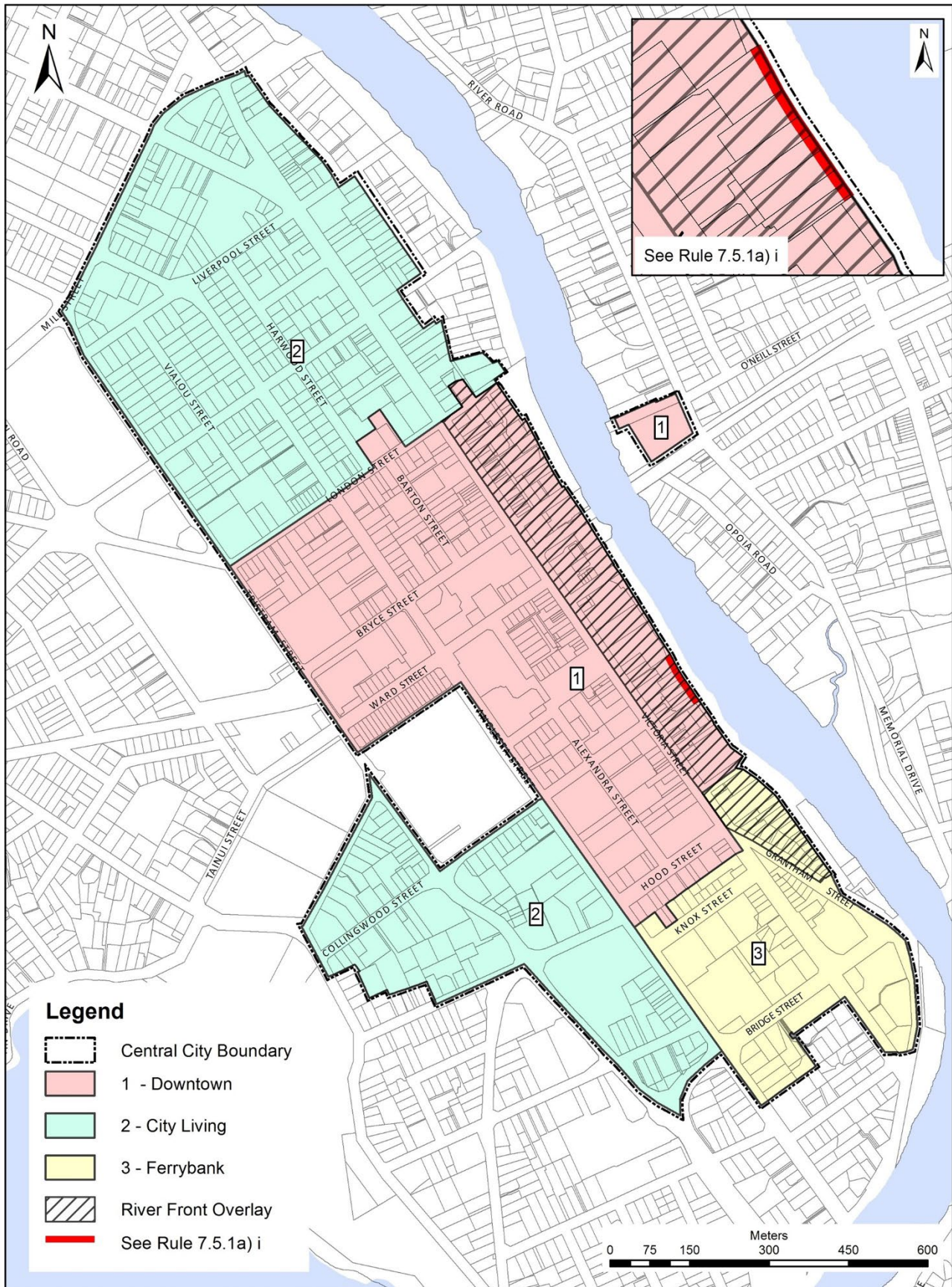
Attachment C: Te Awa Lakes Land use



Attachment D: Central City Active Frontages



Attachment E Central City Precincts



Attachment F: West Town Belt



Attachment G: Rototuna Town Centre precincts

