

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 LAURA NATALIE THOMSON

(SUBDIVISION)

Dated 26 June 2024

LACHLAN MULDOWNY

BARRISTER

P +64 7 834 4336 **M** +64 21 471 490

Office Panama Square, 14 Garden Place, Hamilton

Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240

www.lachlanmuldowney.co.nz

INTRODUCTION

1. My full name is Laura Natalie Thomson.
2. I hold the position of Planning Team Lead within the Planning Guidance Unit (**PGU**) of Hamilton City Council (**HCC**). I have been employed by HCC since 2 April 2013, where I initially held the role of Planner within PGU. Since starting at HCC, I have progressed through to Intermediate and Senior Planner positions and have held a team lead role within PGU since 26 June 2017.
3. I have a Bachelor of Resource and Environmental Planning (1st Class Honours) from Massey University and am a member of the New Zealand Planning Institute.
4. I have approximately 13 years' experience in the planning industry, including as a Planner for Rotorua Lakes Council prior to joining HCC. My experience includes working on a variety of subdivision and land use applications as well as providing advice on a wide range of District Plan matters both regulatory and in relation to planning policy processes. Central to this is the implementation and interpretation of the District Plan by PGU, as part of which I have a key role as Planning Team Lead.

CODE OF CONDUCT

5. I have read the Environment Court Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2023 and agree to comply with it. I confirm that the opinions expressed in this statement are within my area of expertise except where I state that I have relied on the evidence of other persons. I have not omitted to consider materials or facts known to me that might alter or detract from the opinions I have expressed.

SCOPE OF EVIDENCE

6. The purpose of this evidence is to:
 - a) Consider the subdivision provisions set out in Plan Change 12 (**PC12**) in light of the requirements of the Resource Management Act 1991 (**RMA**), higher order planning instruments and the Operative District Plan (**ODP**).
 - b) Highlight what I consider to be the key issues raised by submitters in relation to the subdivision provisions (**Appendix B**) and provide a recommended new set of provisions (**Appendix A**) which seeks to address Policy 3 of the National Policy Statement on Urban Development (**NPS-UD**) and the Medium Density Residential Standards (**MDRS**) matters.
7. Specifically, this evidence is structured as follows:
 - a) Summary of evidence;
 - b) Background;
 - c) Recommended changes to the notified PC12 subdivision provisions; and
 - d) Conclusion.

REFERENCE SOURCES

8. Two appendices are referenced in my evidence these being:
 - a) **Appendix A** – Officers' Recommended Amendments to pc12 Provisions.

- b) **Appendix B** – HCC Response to Submissions – Hearing Session 2: Subdivision.

EXECUTIVE SUMMARY

9. This planning evidence provides a brief background to the overarching intent of PC12 in response to the NPS-UD and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (**HSAA**) which require Tier 1 Councils to change district plan provisions to enable greater levels of housing intensification.
10. The scope of my evidence covers Chapter 23 Subdivision, as well as appendices within the District Plan covering the information requirements and assessment criteria related to subdivision.
11. I have outlined the key changes to this chapter proposed through PC12. Overall, the proposed provisions integrate with the existing framework to achieve the intent of the NPS-UD and HSAA. The changes to the chapter also respond to amendments proposed in the other chapters of the District Plan, such as the new residential framework, which influence the subdivision provisions.
12. I discuss the further recommended amendments to the provisions contained within **Appendix A**, including referencing key themes that were the focus of submissions. A thorough analysis of submissions is detailed in the format of a themes and issues report set out as **Appendix B**. It is my opinion that these recommended changes still achieve the intent of PC12.
13. In conclusion, the proposed changes to the subdivision provisions achieves the requirements of the HSAA and the NPS-UD. I consider that

the recommended changes are a more efficient, effective and optimal set of provisions than the current operative provisions, and those notified under PC12.

ANALYSIS

Introduction

14. HCC is undertaking a plan change which focuses on meeting the requirements established by the HSAA. Tier 1 Councils, including HCC are required to change their planning rules to enable more intensification in residential areas.
15. Section 77G of the RMA introduces several mandatory changes to district plans for specified territorial authorities, including implementation of the MDRS located within Part 2 of the HSAA. The MDRS includes requirements for subdivision, and other changes to the subdivision provisions are needed to respond to changes to the land use provisions within PC12.

Plan Change 12 – Subdivision Provisions

16. The primary purpose of PC12 as notified was to implement the changes required by the NPS-UD and HSAA. PC12 is not a full plan review and changes to every part of the District Plan were not within the scope of this plan change. The notified changes are intended to rapidly accelerate the supply of housing by enabling greater housing intensification in the district plan.
17. The following is a high-level summary of the key notified changes to the ODP under PC12 regarding the subdivision chapter:

- a) Changes to subdivision provisions to enable MDRS subdivision requirements;
- b) Provisions consistent with the new residential zone framework;
- c) Historic heritage response under Plan Change 9 (**PC9**);
- d) Transportation/access requirements; and
- e) Assessment criteria.

RECOMMENDED CHANGES TO THE NOTIFIED PROVISIONS

Overview

- 18. In total, 349 submissions were received for PC12. This translates to 2490 individual submission points. Of these, 4.3% (108 submission points) relate directly to the proposed amendments to the Subdivision Chapter.
- 19. When considering the primary themes identified in the received submissions, these can be summarised as follows; purpose, objectives, policies, activity status and Rules (such as subdivision suitability, allotment size and shape) and assessment criteria.

Key Themes and Issues

- 20. The following themes and issues have been identified for the Subdivision Chapter:
 - a) General;
 - b) Purpose, Objectives and Policies;

- c) Activity Status Table;
- d) Rules;
 - i. Specific Standards;
 - ii. Subdivision Suitability;
 - iii. Allotment Size and Shape;
 - iv. Access Provisions; and
 - v. Historic Heritage; and
- e) Information Requirements, Matters of Control, Matters of Discretion and Assessment Criteria.

21. The following is a summary of the key changes proposed to the subdivision chapter within the ODP under PC12 in response to submissions. A more detailed analysis of the submission and recommended changes can be found in **Appendix B**.

Objectives and Policies

22. The notified changes to the objectives and policies of the subdivision chapter under PC12 include changes to Objective 23.2.3 and inclusion of a new Policy 23.2.3b. These changes support the proposed direction to achieve comprehensive and integrated development for the High and Medium Density Residential Zones. While subdivision creating vacant allotments within these zones is enabled as part of the PC12 Chapter 23 provisions, standards such as the minimum allotment size seek to ensure that where subdivision is occurring in advance of a land use

consent, future development of the site can still occur in a comprehensive manner.

23. However, as discussed in detail within **Appendix B**, submissions noted that existing Policy 23.2.3a contained wording that was in conflict with changes to the provisions for the Medium Density Residential and Rototuna Town Centre Zones. I agree with the submissions that the policy should be amended for the reasons set out in **Appendix B**. Amendments to the policy were included within the set of amendment provisions circulated on 27 May 2024; however, upon further reflection I have included an updated amendment within **Appendix A**.

Activity Status Table

24. PC12 as notified introduced a new activity status of controlled for fee simple subdivision in the residential zones where in conjunction with an existing or proposed land use activity. This was in accordance with the MDRS requirements, with the subdivision suitability provision (Rule 23.7.1) ensuring that the controlled activity status applies only to fee simple subdivision that is in conjunction with an existing land use activity or has a land use consent applied for concurrently.
25. However, the MDRS requirements were not limited to fee simple subdivision and because of this, I recommend that the activity status for unit title subdivision also be amended to be a controlled activity. This is proposed to be applied to the General, Medium, and High Density Residential Zones as well as the Rotokauri North Residential Precinct. Unit Title subdivision can only occur in conjunction with existing buildings so it is not required to also link the controlled activity status to the subdivision suitability provision.
26. Table 23.3b as notified proposed for the activity status columns for the Medium Density Residential and Rototuna Town Centre Zones, as well

as the Ruakura and Te Awa Lakes Medium Density Residential Zone to be deleted in full. The deletion of the Medium Density Residential, Ruakura Medium Density Residential and Te Awa Lakes Medium Density Residential Zones is appropriate as these zones are being rezoned as part of the newly proposed General, Medium and High Density Residential Zones which are part of Table 23.3a.

27. However, while some parts of the Rototuna Town Centre Zone are being rezoned, and changes made to the provisions of the zone, subdivision provisions are still needed. As such, I have recommended that provisions be reinstated within Table 23.3b for the Rototuna Town Centre Zone.
28. Under the ODP the subdivision provisions include a higher level activity status where subdivision is occurring without an approved Comprehensive Development Plan. This approach was to ensure that development of the zone occurred in a comprehensive manner. The Comprehensive Development Plan provisions are proposed to be amended in PC12, so because of this I have recommended changes to the heading which references Comprehensive Development Plan to instead reference land use consent.
29. Upon review of the notified provisions of PC12 I have also identified some amendments that would assist with plan efficiency and implementation. These do not result in material change to the provisions.

Rules

Specific standards

30. Rule 23.6.8 was amended as part of the notified PC12 provisions to remove clause a. which referenced the Comprehensive Development

Plan requirements for the Medium Density Residential Zones and Rototuna Town Centre Zone as well as the Land Development Plan requirements for the Te Awa Lakes Medium Density Residential Zone. The remaining clauses of the rule were not proposed to be amended. As discussed in detail in **Appendix B**, with the deletion of clause a. and changes proposed to the zone provisions regarding Comprehensive and Land Development Plan consents, Rule 23.6.8 required further amendment.

31. For the Medium Density Residential Zone, only the Te Awa Lakes Residential Precinct retains land use provisions which should be linked in the specific standards. The standard is also still applicable for the Rototuna Town Centre Zone. As the requirements for the two zones is different, I propose as part of my amendments to retain Rule 23.6.8 solely for the Rototuna Town Centre Zone. For the provisions that apply to the Te Awa Lakes Residential Precinct I have proposed that these be added to Rule 23.6.11 which contains one clause applicable for the Te Awa Lakes Structure Plan area. I consider that this allows for more efficient plan implementation.

Subdivision suitability

32. The subdivision suitability provision is a critical rule for the implementation of the subdivision chapter. Under PC12 as notified it was located in Rule 23.7.2; however, as shown in **Appendix A**, I have recommended that this provision be shifted to Rule 23.7.1 for efficiency of plan implementation. As a number of the components to this provision determine how or when the other subdivision design standards within Rule 23.7 are implemented; it is sensible that this provision be first.
33. This provision is an amalgamation of Rule 23.7.2 of the ODP, the provisions directly under Rule 23.7; as well as including wording to

implement the MDRS, specifically Schedule 3A, Part 1, clause 8. However, as part of the notified provisions under PC12 ODP Rule 23.7.2 b-d were deleted. These are key components of this provision and apply to not just the residential zones. As such, I recommend that these be reinstated to ensure changes that are not within the scope of PC12 do not occur.

34. As notified, the wording of 23.7.2 f. very closely matched the wording of Schedule 3A, Part 1, clause 8 of the HSAA. However, as identified by submissions the wording was complex and, in some respects, confusing. As discussed in more detail in **Appendix B**, I have recommended amended wording for the provisions which I consider retains the intention of the MDRS while providing more clarity.

Allotment size and shape

35. As a result of the above recommended amendment to the subdivision suitability rule which shifts this provision to being Rule 23.7.1; the allotment size and shape provision becomes Rule 23.7.2.
36. As notified, Rule 23.7.2 a. proposed a reduction in the minimum net site area for vacant lots within the General Residential Zone; however, did not alter the minimum shape factor requirement. As discussed in more detail in **Appendix B**, in response to submissions I recommend that the minimum shape factor be reduced from a 15m diameter circle to 12.5m diameter circle. I consider the reduction appropriate to continue to enable a range of allotment shapes and block depths; while still ensuring sufficient width of vacant allotments is maintained.
37. As discussed in detail in **Appendix B**, I recommend that submissions seeking a reduction in the minimum net site area for the Medium and High Density Residential Zones largely be rejected. However, I do recommend that an exemption be included for the provisions which

excludes the rule from applying to the Ruakura and Te Awa Lakes Residential Precincts of the Medium Density Residential Zone. Whilst not the subject of the submission on the rules, I have identified that while the minimum net site area for the Medium and High Density Residential Zones is both 1,200m²; the shape factor requirement is not the same. Under Rule 23.7.2 b. the shape factor for the Medium Density Residential Zone is a 15m diameter circle, under Rule 23.7.2 c. a shape factor rectangle of 15m by 20m is required in the High Density Residential Zone. To ensure consistency of implementation and assessment of subdivision within these zones, I recommend that the shape factor for the Medium Density Residential Zone be amended to require a rectangle of 15m by 20m.

38. No changes were proposed as notified to the minimum allotment size for the General Residential Zone adjoining the Waikato Expressway under Rule 23.7.2 c. However, the Rototuna North East Special Residential Zone, which adjoins the Waikato Expressway, has been rezoned to General Residential Zone (Rototuna North East Residential Precinct). Previously this minimum net site area did not apply to the Rototuna North East Residential Precinct, and I do not consider that the larger minimum allotment size needs to apply to this precinct. I have recommended amendments within **Appendix A** to reflect this.
39. I have also recommended changes to Rule 23.7.2 s. and t. to reflect changes in relation to the Rototuna North East Residential Precinct. This includes clause s. being deleted due to the fact that the restriction on land modification to 40m³ is no longer applicable for the Rototuna North East Residential Precinct.
40. The purpose of Rule 23.7.2 t. is to manage reverse sensitivity effects from the Waikato Expressway (**WEX**) and link to setback requirements within the zone provisions. The current wording of the provision references the 65m setback applied when the location of the

carriageway of the WEX was not known. As the construction of the WEX has been completed, the alternative requirement of the 55dBLAeq(24hr) contour line from the carriageway boundary is to be used. The recommended amendments reflect this.

General Residential Zone

41. To be consistent with the recommended change to the shape factor standard for the General Residential Zone, I have also recommended a reduction to the minimum transport corridor boundary length for a front site within Rule 23.7.3 a. This will prevent perverse outcomes in allotment shape.

Medium Density Residential Zone

42. As outlined in paragraph 37 above, I recommend that the minimum allotment size and shape provisions for the Medium Density Residential Zone do not apply to the Ruakura and Te Awa Lakes Residential Precincts. The proposed minimum boundary length provisions under Rule 23.7.4 are designed to work with the other allotment size and shape requirements for the zone.
43. Under the ODP for the Ruakura and Te Awa Lakes Medium Density Residential Zones only Rule 23.7.7 is the only allotment size and shape provision that applies to these zones. This rule has been amended as part of the notified PC12 provisions as Rule 23.7.4 c.; however, it has been restricted to the Te Awa Lakes Residential Precinct. I recommend this be amended to also include the Ruakura Residential Precinct.
44. I have also recommended a number of other minor amendments to Rule 23.7.4 for clarity and plan implementation. These are shown in **Appendix A.**

Access provisions

45. The notified provisions of PC12 included various amendments to the transportation provisions, including those provisions within the subdivision chapter. As outlined further in **Appendix B**, submissions were received on a number of aspects of these provisions and have been addressed within the evidence of Mr Alistair Black. I rely on the evidence of Mr Black in this regard and support the recommended amendments in response to these submissions.
46. In addition to the amendments to address relief sought by submissions, I have identified that the minimum private way width requirements for the residential zones under Rules 23.7.3, 23.7.4 and 23.7.5 have some inconsistency with the provisions within Chapter 25.14 Transportation. The rear lane requirements for the General and Medium Density Residential Zones are also missing from Rule 23.7.5 for the High Density Residential Zone. These inconsistencies will create challenges with plan implementation, and potentially unnecessary infringements of access standards for subdivision consents where compliance is achieved for the land use consent. As such, I recommend some amendments within the updated provisions in **Appendix A** to correct these inconsistencies.

Historic Heritage

47. The notified provisions of PC12 amended a number of parts of Chapter 23 in response to the Historic Heritage Areas (**HHAs**) proposed as part of PC9. This included an update to Rule 23.3a xii to include HHAs in this rule, addition of Rule 23.7.2 p. allotment size and shape, and Rule 23.7.8 for specific subdivision design standards within an HHA. As discussed in detail in **Appendix B** a number of submissions and further submissions were received regarding these provisions both in support and opposition. Following consideration of the submissions, I recommended

that the activity status of discretionary be retained, and Rule 23.7.2 p. be deleted.

48. Overall, I consider the activity status of discretionary is the appropriate response to the significance of historic heritage and the potential impacts that subdivision can have on the heritage values of a site. Deletion of Rule 23.7.2 p. is consistent with this activity status and recognises that in situations where subdivision may be appropriate for a particular site, the allotment size and shape are more appropriately determined on a case by case basis.
49. Rule 23.7.8 was not specifically covered within the submissions which sought relief to the provisions relating to HHAs. However, given the reasons for the recommended deletion of Rule 23.7.2 p. I also recommend that Rule 23.7.8 be deleted for consistency and efficiency of plan implementation. District Plan standards are a guide for discretionary activities, as opposed to compliance being required. The underlying zone for residential sites within an HHA is General Residential Zone and when Rule 23.7.8 is compared with Rule 23.7.3, the design standards are largely consistent. Should an application for subdivision in an HHA be considered appropriate, the standards within 23.7.3 would serve as a guide for requirements such as access width.

Assessment Criteria

50. To support the new activity status of controlled for fee simple and unit title subdivision within the General Residential, Medium Density and High Density Residential Zones, PC12 as notified included new assessment criteria within Rule 1.3.2 Controlled Activities – Matters of Control. As discussed in more detail in **Appendix B** in response to submissions, clause i. of the assessment criteria is proposed to be deleted and replaced.

51. Assessment criteria under 1.3.3 C18 of the ODP addresses fee simple subdivision of apartment buildings (ODP definition). PC12 has amended the definition of apartment buildings within the residential zones to differentiate between terrace housing and apartment buildings. As fee simple subdivision can only occur in conjunction with terrace housing, I proposed an update to the heading to reflect this change in definition.
52. The proposed activity of controlled introduced through PC12 can also apply to the fee simple subdivision of terrace housing. In order to maintain consistency of assessment, I recommend that these assessment criteria be replicated within 1.3.2 G – Subdivision.
53. I also recommend a correction to assessment criteria 1.3.3 C2d for the Rototuna North East Residential Precinct. The assessment criteria references the 65m setback from the WEX (Designation 90). The 65m setback applied when the location of the carriageway of the WEX was not known. As the construction of the WEX has been completed, the alternative requirement of the 55dBLAeq(24hr) contour line from the carriageway boundary is to be used. The proposed amendments within **Appendix A** update this reference.
54. I have also proposed a number of consequential amendments to Rules 23.8 Controlled Activities: Matters of Discretion and Assessment Criteria and 23.9 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria. These changes reflect the proposed change to activity status for Unit Title subdivision within the residential zones as well as removal of reference to matters of discretion for Special Character Zones which are removed as part of PC12.

CONCLUSION

55. Submissions were received which were in support of many aspects of the notified subdivision provisions and sought relief on a number of

matters. The relief sought has resulted in a number of recommendations of amendments to the provisions for improved plan interpretation, consistency and alignment with the overall intention of PC12.

56. All submissions related to chapter topics have been taken into consideration and captured in **Appendix B** which includes a themes and issues analysis including recommend changes to PC12 provisions.
57. The changes to the subdivision provisions of PC12 achieve the requirements of the HSAA and the NPS-UD, and ensure that the District Plan contains provisions that provide for a well-functioning urban environment. I consider that the recommended changes are a more efficient, effective and optimal set of provisions than the current operative provisions, and those notified under PC12.

Laura Natalie Thomson

26 June 2024

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: Subdivision



Prepared by: Laura Thomson

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

Contents

1.0	Introduction	3
1.1	Changes to PC12 process since notification.....	3
2.0	Scope of Report – Relevant Plan Change Provisions	3
3.0	Statutory Requirements	4
3.1	Section 32AA.....	4
4.0	Overview of Submissions Received	4
5.0	Key Themes and Issues	4
5.1	Theme 1 – General.....	5
5.2	Theme 2 – Purpose, Objectives and Policies	6
5.3	Theme 3 – Activity Status Table.....	10
5.4	Theme 4 – Specific Standards and Subdivision Design Standards	14
5.5	Theme 5 – Information Requirements, Matters of Control, Matters of Discretion and Assessment Criteria	22
6.0	Conclusion	25

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 for 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 hearings.

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.

1.1 Changes to PC12 process since notification

PC12 was notified in August 2022. Since 2022, staff have created an updated set of proposed provisions which was publicly released on 27 May 2024. The updated provisions respond to issues identified in submissions and further submissions - the responses of which are discussed further on this report.

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 PC12 Chapters	Proposed PC12 Sections
1	Chapter 23 - Subdivision	23.2 Objectives and Policies
		23.3 Rules – Activity Status Tables
		23.6 Rules – Specific Standards
		23.6.7 Subdivision Activities within the electricity National Grid Corridor
		23.6.8 Subdivision in the Medium Density Residential Zones and Rototuna Town Centre Zone(excluding Rotokauri North Medium Density Residential Zone)
		23.7 Rules – Subdivision Design Standards
		23.7.1 Subdivision Suitability
		23.7.2 Allotment Size and Shape
		23.7.3 General Residential Zone
		23.7.4 Medium Density Residential Zone (Excluding Peacocke Residential Precinct)
		23.7.5 High Density Residential Zone
		23.7.8 Within a Historic Heritage Areas
		23.8 Controlled Activities: Matters of Discretion and Assessment Criteria
23.9 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria		

2	Appendix 1 District Plan Administration	1.2 Information Requirements
		1.2.2.23a Rotokauri North
		1.3.2 Controlled Activities – Matters of Control
		1.3.2 G Subdivision
		1.3.3 Restricted Discretionary, Discretionary and Non-Complying Assessment Criteria
		1.3.3.04 Rotokauri North

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.

Since the release of updated provisions, a further s 32 report has been released which summarises the key changes and reasoning behind the latest proposed changes to PC12. The response to submissions of this report supports the s 32 evaluation dated 27 May 2024.

4.0 Overview of Submissions Received

The following table provides an overview of the submissions made for Subdivision.

Total number of submitters	29
Total number of submission points	108
Total number of further submission points	33

5.0 Key Themes and Issues

The following emerging themes and related issues have been identified:

Theme 1 – General

Issue 1 – General

Theme 2 – Purpose, Objectives and Policies

Issue 1 – Support provisions as notified

Issue 2 – Medium Density Residential

Issue 3 – Affordable housing

Issue 4 – Reverse sensitivity

Theme 3 – Activity Status Table

Issue 1 – Support provisions as notified

Issue 2 – Amendments to the Activity Status Table

Issue 3 – Minor amendments/corrections to the Activity Status Table

Theme 4 – Specific Standards and Subdivision Design Standards

Issue 1 – Specific Standards

Issue 2 – Subdivision Suitability

Issue 3 – Allotment Size and Shape

Issue 4 – Access provisions

Theme 5 – Information Requirements, Matters of Control, Matters of Discretion and Assessment Criteria

Issue 1 – Support provisions as notified

Issue 2 – Rotokauri North Residential Precinct

Issue 3 – Amendments to the Assessment Criteria

5.1 Theme 1 – General

This theme responds to the issues raised in submissions that seek relief which is not related to a specific provision in Chapter 23: Subdivision.

Issue 1 – General
Some submissions to Chapter 23 Subdivision raised more overarching matters for considerations, rather than addressing a specific provision.
Submission Points Relating to Issue
4.1, 5.2, 148.23, 148.27 290.3, 326.19
Further Submission relating to Issue
347, 349, 409
Analysis of issue
<p>Some submissions received oppose the intensification associated with the NPS-UD and the MDRS due to the potential negative impacts associated with enabling intensification. Further submissions do not agree with this position and support intensification. The submissions do not specifically reference subdivision but are inclusive of all intensification. While some submitters may have concerns about the specific requirements and provisions set out in the MDRS and/or NPS-UD, it is important to note that these standards were developed as part of a wider national strategy aimed at addressing housing affordability and supply issues across New Zealand.</p> <p>I note that the key change in approach to the subdivision provisions to enable intensification is in relation to the controlled activity status for subdivision in association with an existing or proposed land use activity. As such, I consider that the assessment of the land use provisions will appropriately respond to the concerns regarding intensification.</p> <p>Department of Conservation submit seeking amendment to the subdivision chapter to include further provisions that cover the extent that subdivision protects, enhances and restores populations of at-risk, threatened or critically endangered flora and fauna. This includes additional policy and assessment criteria, and any other amendments necessary to address the submission. At-risk, threatened or critically endangered flora and fauna would usually be addressed through the provisions relating to Significant Natural Areas (SNA) which are contained within Chapter 20 Natural Environments. Areas that qualify as being a SNA have been reassessed as part of Plan Change 9 which has had decision released regarding SNA’s on 3 May 2024. In addition to this, the subdivision chapter already includes an activity status of discretionary for subdivision occurring on a site with an SNA. This enables the potential effects on the SNA, and the flora and fauna within, to be fully assessed as part of the resource consent application. As such, I do not consider any further provision is required in response to this submission, and the submission should be rejected.</p> <p>Len Halgryn submitted identifying concern over the use of private covenants as part of the subdivision. The submission details that private covenants are being increasingly used to excessively manage occupants’ lifestyle choices and are contributing to the housing affordability issue. Whilst I do not disagree that the use of private covenants can at times be overly prescriptive, I do not</p>

consider that there is any ability to utilise District Plan provisions to prevent the establishment of private covenants. As such, I recommend the submission be rejected.

One submission (Waikato Regional Council 326) was received which generally supports Chapter 23 provisions that promote a well laid out urban environment that supports links to existing transport networks and maximises the use of the road corridor for active and public transport but seeks to add new provisions to ensure that subdivision does not occur in locations where the risk of climate change cannot be mitigated, or the resulting land use activity cannot adapt or be resilient to the effects of climate change. Further submission by Rotokauri North Holdings Limited opposes this position as it is considered the changes requested would undermine decisions made by PC7 as to the appropriateness of land for urban rezoning and development. Hamilton City has a number of obligations in respect of climate change. The primary way in which the subdivision provisions respond to the potential effects from climate change is through provisions relating to natural hazards. This can be through both District Plan identified natural hazards, as well as s106 RMA which is assessed for all subdivision. Objective 23.2.1 and policy 23.2.1a iii. includes reference to the risk to people, the environment and property not being exacerbated by subdivision and ensuring that building platforms can be accommodated within the allotment clear of natural hazards. The activity status provisions also include specific status for identified subdivision types within hazard areas. For the most common subdivision type, such as fee simple and unit title, the activity status is discretionary which I considered is an appropriate way to respond to the risk from natural hazards. I do not consider any further provisions are necessary within the subdivision chapter to respond to the risk of climate change. As such, I consider that the submission be rejected.

Recommended Changes

None.

5.2 Theme 2 – Purpose, Objectives and Policies

This theme responds to the issues raised in submissions that seek relief related to the purpose, objectives and policies in Chapter 23: Subdivision.

Issue 1 – Support provisions as notified

Identified objectives and policies are appropriate and supported as notified.

Submission Points Relating to Issue

160.248, 160.249, 160.251, 160.253, 160.254, 160.255, 160.256, 160.257, 162.4, 162.41, 241.28, 241.29, 243.8, 332.5, 343.57, 344.19, 344.2

Further Submission relating to Issue

None

Analysis of issue

The issue at hand is whether the purpose, objectives, policies and explanation proposed in the notified provisions of PC12 are appropriate and supported as notified. These sections of chapter 23 are a key component that supports and underpins the other provisions of the chapter. Some submissions suggest that the changes to the purpose, objectives, policies and explanatory notes are appropriate and should remain unchanged from the proposed PC12. This is a positive assessment of the proposed changes, indicating that the current wording, structure and format are clear and comprehensive. It suggests that the proposed changes are sufficient and there is no need for further amendments or modifications.

In particular, submissions note the reference to the Peacocke Precinct in Chapter 23A as providing appropriate clarity that Chapter 23 does not apply to this precinct. Submissions also support the deletion to policy 23.2.2a iv. which references existing amenity values as well as Objective 23.2.3 which supports an integrated approach to development in the High and Medium Density Residential

Zones. Other submissions are supportive of the changes to Policy 23.2.5b which proposes an effects based approach to assessing subdivision effects on landforms, natural features and vegetation. There is also support for the changes to objective 23.2.7 and associated policies to bring these in line with the changes proposed under PC12.

As such, the submission points are accepted in part, noting the changes to the objectives and policies recommended in further issues below.

Recommended Changes

None.

Issue 2 – Medium Density Residential

Two submissions received in opposition to policy 23.2.3a, identifying that amendments are needed to this policy to reflect the changes to the land use provisions around Comprehensive Development Plans and Land Development Consents.

Submission Points Relating to Issue

160.252, 244.8

Further Submission relating to Issue

None

Analysis of issue

As part of PC12 changes have been made to the Medium Density Residential Zone and the Rototuna Town Centre Zone which removes the Comprehensive Development Plan requirements. Changes have also been made to the Te Awa Lakes Residential Zone and Ruakura Residential Zone to amend the Land Development Plan provisions. Land use consent is still required to approve land development activities; however, the wording of the provisions has been amended to ensure that what is required is a land use consent for activities and not a 'plan'.

The key issue for consideration is whether policy 23.2.3a is appropriate given the changes to the land use provisions. For the majority of the Medium Density Residential Zone, land use consent is no longer required in order for subdivision to be able to be supported. The subdivision chapter does enable subdivision creating vacant allotments in this zone to occur as a Restricted Discretionary Activity. The recommended standards include a minimum allotment size of 1200m² which is intended to ensure that where subdivision is occurring in advance of a land use consent, larger lots are created which will still enable a comprehensive and integrated approach. This is supported by objective 23.2.3 and policy 23.2.3b. As such, I agree that policy 23.2.3a does not need to reference the Medium Density Residential Zone as a whole.

However, for the Ruakura and Te Awa Lakes Residential Precincts of the Medium Density Residential Zone, provisions remain which require land use consent to be sought for development activities prior to subdivision occurring. These provisions are through the relevant chapters of the plan such as Chapter 3 Structure Plans, Chapter 4 Residential Zones and Chapter 23 Subdivision. As such, I consider it is important to include policy supporting this requirement.

With regard to the Rototuna Town Centre Zone, while the provisions are being altered to remove reference to the Comprehensive Development Plan consents, obtaining land use for a Development Area prior to subdivision occurring is important to ensure comprehensive development of this zone. Retaining policy 23.2.3a in some form to support this approach is needed; however, amendment to the policy wording is required.

As such, I recommend that the submission points be accepted in part and amendments are proposed to policy 23.2.3a.

Recommended Changes
Policy 23.2.3a
Subdivision that creates additional allotments in the Medium Density Residential Zone (excluding Rotokauri North) Ruakura and Te Awa Lakes Residential Precincts or the Rotoruna Town Centre Zone, does not occur without an approved Comprehensive Development Plan or Land Development Consents for Ruakura and Te Awa Lakes land use consent. For the Ruakura and Te Awa Lakes Residential Precincts, the land use consent is for development activities.

Issue 3 – Affordable Housing
The submission received regarding affordable housing seeks that the term ‘integrated affordable housing’ be included in several objectives and policies to encourage the provision of integrated affordable housing i.e. affordable housing that is scattered across the City rather than concentrated in one location only.
There is currently no reference to affordable housing or affordable integrated housing in the Subdivision chapter in either Objectives and Policies, or rules. The District Plan does not define affordable housing.
Submission Points Relating to Issue
287.13, 287.14, 287.15
Further Submission relating to Issue
572
Analysis of issue
One submission was received on the issue of affordable housing. The submitter Waikato Housing Initiative (WHI) seeks that the term ‘integrated affordable housing’ is included in relevant objectives and policies of the subdivision chapter to encourage the provision of this type of housing. Further submission from Kainga Ora opposes this submission on the basis that while it supports housing affordability, this is the intension of the MDRS and Housing Supply Amendment Act, such that further provisions are not required.
The term 'integrated affordable housing' is not defined in PC12, and there are no rules that specifically address the provision of integrated affordable housing. Notwithstanding this, the intention of PC12 is to provide a residential planning framework that enables a wide range of dwelling typologies in the City; catering for different demographics, price points and household types. It is therefore expected that the planning framework as set out will contribute to the provision of affordable housing over time.
It is considered that the current level of direction regarding affordability is appropriate within the District Plan. Notwithstanding this, it is noted that Council, though its Housing Strategy, has a wider role in ensuring a well-functioning housing system that meets the needs of communities.
The direction issued by the Independent Hearing Panel Direction #10 states that affordable housing is not within the scope of PC12.
Based on the above, I recommend that the submission points be rejected.
Recommended Changes
None.

Issue 4 – Reverse Sensitivity
<p>One submission (Mitchell Daysh Ltd 332) has been received with regards to the Objectives and Policies in the Subdivision chapter that seek to manage reverse sensitivity. The submissions seek broadening of the objectives and policies regarding reverse sensitivity to specifically include reference to lawfully established industrial sites.</p> <p>Another submission (WEL Network Ltd 146) seeks amendment to the objectives and policies to ensure that it is demonstrated that building platforms can be located in positions where a subsequent building can comply with the NZ Electrical Code of Practice for Electrical Safe Distances (“NZECP 34:2001”). This submission also seeks amendments to ensure that vegetation selection and location can comply with the NZECP.</p> <p>Further submission by Kainga Ora does not support reverse sensitivity type provisions that may place onerous constraints on residential intensification and development.</p>
Submission Points Relating to Issue
146.6, 332.5, 332.6
Further Submission relating to Issue
549
Analysis of issue
<p>The District Plan seeks to manage potential reverse sensitivity effects in a number of ways. Provisions in the Subdivision chapter acknowledge that it is important to manage these effects to ensure that an appropriate level of residential amenity is achieved. However, the majority of the provisions within the District Plan which manage reverse sensitivity effects are located within the land use provisions. As part of the zoning of land for residential purposes, the potential for reverse sensitivity effects is considered to ensure the zoning is appropriate and if needed provisions are included to manage reverse sensitivity effects. An example of this is rule 23.6.10 for the Rototuna North East Residential Precinct which includes requirements to manage noise effects from the Waikato Expressway.</p> <p>Submission by Mitchell Daysh is in support of Policy 23.2.1a v. however, seeks amendment to broaden the scope of the policy to include specific reference to reverse sensitivity effects on lawfully established industrial activities. The policy wording is currently all encompassing and does not restrict consideration of reverse sensitivity effects to any specific activity; however, it does include an example of noise from an arterial transport corridor or State Highway. I do not consider that the policy should be further expanded as there are a range of other examples that could also be given for reverse sensitivity effects. It is preferable to leave the policy concise as is currently worded.</p> <p>Submission by WEL Network Limited requests an amendment to policy 23.2.2a to require that subdivision demonstrate that building platforms can be located in positions where a subsequent building can comply with the NZECP 34:2001. The submission further requests that the policy require vegetation to be planted in the vicinity of electricity infrastructure comply with the Tree Regulations. Whilst compliance with the NZECP 34:2001 is important to ensure the safety of occupants of buildings and the public, I do not consider it appropriate for a policy within the District Plan to enforce another regulation. There are also no proposed land use or subdivision provisions in respect of the NZECP which would control the location of buildings established on the allotments post subdivision.</p> <p>As such, I consider the submissions are rejected.</p>
Recommended Changes
None.

5.3 Theme 3 – Activity Status Table

This theme responds to the issues raised in submissions that seek relief related to the activity status table in Chapter 23: Subdivision.

Issue 1 – Support provisions as notified
Identified provisions within the activity status table and explanatory notes are appropriate and supported as notified.
Submission Points Relating to Issue
146.7, 147.8, 160.258, 162.42, 241.3, 265.51, 332.7, 342.18, 343.58, 344.21
Further Submission relating to Issue
407, 469, 565, 488
Analysis of issue
<p>Some submissions are in general support of the changes to the activity status table for subdivision, in particular the changes which identify that fee simple subdivision associated with a land use activity will be controlled and retention of vacant lot fee simple subdivision as restricted discretionary. The submissions support these changes as appropriate and in accordance with the approach to subdivision directed by the MDRS.</p> <p>WEL Network Ltd submits in support of the activity status of restricted discretionary for subdivision to accommodate a network utility.</p> <p>Mitchell Daysh Ltd submits in support of retention of the reference to the Te Rapa Dairy Manufacturing Site within Table 23.2b.</p> <p>Transpower New Zealand Limited support the exemption to the proposed controlled activity subdivision provisions for subdivision involving any allotment within the Electricity National Grid Corridor.</p> <p>It is important to note the support of components of the activity status table as the activity status table plays an important role in the successful implementation of the district plan. The submissions suggest these components are appropriate and should remain unchanged indicating a positive assessment of the proposed changes.</p> <p>As such, no changes are recommended in response to these submissions.</p>
Recommended Changes
None.

Issue 2 – Amendments to the Activity Status Table
<p>Amendments to the activity status table may be necessary to ensure that the table accurately reflects the current status of various activities or tasks related to subdivision. These amendments may include:</p> <ul style="list-style-type: none"> • Altering the activity status of some of the activities within the table (eg change 23.3a ix. to a Controlled Activity) • Submissions also seek further amendments to activity status for some activities within the activity status tables. These changes are detailed below.
Submission Points Relating to Issue
266.30, 266.31, 10.1, 10.2, 160.258, 160.259, 241.3, 265.50, 270.5,
Further Submission relating to Issue
350, 398, 488
Analysis of issue

Submissions submitted seek to alter the activity status for subdivision relating to sites with historic heritage and significant natural areas. Currently the activity status for any subdivision of an allotment containing a Historic Heritage Site or a Significant Natural Area (SNA) is a discretionary activity within the General Residential, Medium Density Residential and High Density Residential Zones. This is the activity status currently under the Operative District Plan and has not been changed as part of the notified provisions of PC12. Further submissions have also been received in response to this issue which oppose the direction of the submissions and seek to retain the current activity status.

Protection of historic heritage from inappropriate subdivision, use and development as well as the protection of areas of significant indigenous vegetation and habitats of indigenous fauna is a key consideration where intensification is being enabled, and are qualifying matters as part of PC12. Overall, the submissions do not contest the importance of the protection of historic heritage or SNA's; with the exception of Kainga Ora who submit in opposition of the inclusion of historic heritage areas. The key issue regards the appropriate method for achieving this and in particular, the elevated activity status for subdivision of these sites. The submissions propose that a lower activity status with more specific provisions would be appropriate, in particular where subdivision does not split an SNA or alter the heritage feature. Further submissions are not in support of this approach.

In response to the submissions, one factor to consider on this issue is the wide variety of historic heritage values and features on sites around the city which include; built heritage, sites of archaeological and cultural significance and sites with varying extent of SNA. This makes the development of specific controls on subdivision which are fit for purpose for all sites challenging. Another factor is that subdivision, except around existing land use on a site, will also enable further land use development potential which should be carefully considered in the context of the heritage values of the site and impact on any areas of SNA. I consider that the activity status of discretionary is a more appropriate response to these factors as it indicates that subdivision of sites with historic heritage and SNA may not be appropriate and is dependent on a case by case assessment of the characteristics of the site and the subdivision proposed. Whereas an activity status of restricted discretionary is more enabling and indicates subdivision is likely anticipated. I recommend that the submission points be rejected and no changes made to the activity status.

Submissions also seek an alteration to the activity status for Unit Title subdivision within the General Residential, Medium Density Residential and High Density Residential Zones (23.3a (ix)). Unit Title subdivision in these zones is currently provided for as a restricted discretionary activity. Unit Title subdivision can only occur where there are existing buildings, which is consistent with the intention behind enabling fee simple subdivision of lawfully established residential units with an activity status of controlled. The activity status of controlled acknowledges that in these situations the primary assessment of the development and any potential effects has occurred as part of the establishment of the land use. Provided the subdivision is in keeping with the land use and site layout, the establishment of separate records of title will not typically result in further adverse effects. I recommend that the submission point be accepted.

Rotokauri North Holdings Limited submission seek resolution of conflicting activity status within Rule 23.3c, in particular identifying that there are two different activity status for unit title subdivision. Upon reviewing Rule 23.3c I can see that rule 23.3c vi. Unit Title subdivision retains an activity status of restricted discretionary, whereas through PC12 rule 23.3c xiii. which also covers unit title subdivision of apartments or terrace housing is proposed to be altered to an activity status of controlled. While it is feasible that only the specifically identified unit title subdivision be appropriate to have an activity status of controlled, for the reasons discussed above I consider it

appropriate that all unit title subdivision for the Rotokauri North Residential Precinct be a controlled activity. I have reviewed the remainder of rule 23.3c and do not consider any other conflicts occur that require resolution.

Kainga Ora submission also seeks the provision for controlled activity subdivision for residential zones within Table 23.3b. Any residential zone which is covered by rule 23.3b under the ODP has been proposed to be deleted under PC12. I recommend that the submission point be rejected.

Waikato Racing Club Incorporated submission seeks to include the Te Rapa Residential Precinct which is the subject to Plan Change 13 within the activity status tables. I consider that the inclusion of the Te Rapa Residential Precinct in the Operative District Plan will occur as part of the decisions on Plan Change 13. As such, I consider this submission should be rejected.

Recommended Changes

Table 23.3a

Activity	General Residential, Medium Density Residential and High Density Residential	Large Lot Residential, Central City, Business 1-7, Industrial, Knowledge, Ruakura Logistics and Ruakura Industrial Park Zones	Future Urban Zone	All Open Space Zones, Major Facilities, Community Facilities, Transport Corridor Zones	All Hazard Areas
vi. v. Free simple subdivision that complies with Rule 23.7.2 b f within the General, Medium Density and High Density Residential Zones (Excluding subdivision provided in xii, xiii, and xiv <u>xi, xii and xiii</u>).*	C	-	-	-	-
ix. x. Unit-title subdivision*	RD <u>C</u> *	RD*	RD*	RD*	D

Table 23.3c

Activity	Activity Status
vi. Unit-title Subdivision*	RD <u>C</u> *

Issue 3 – Minor amendments/corrections to the Activity Status Table

Amendments to the activity status tables may be necessary to ensure that the tables accurately reference the correct provisions and correct errors.

Submission Points Relating to Issue

270.6, 332.7						
Further Submission relating to Issue						
None						
Analysis of issue						
<p>Hamilton City Council submission identifies an error in rule 23.3a vi. The rule references 23.7.2 b which relates to the Subdivision Suitability provision. This was an error in the notified version of the provisions and should have referenced rule 23.7.2 c. Further recommended changes to the provisions provided on 27 May have corrected this error.</p> <p>Submission from Mitchell Daysh Ltd has identified an error in Rule 23.3b where one of the headings in the table under the Te Rapa North Industrial Zone for ‘Te Rapa Dairy Manufacturing Site?’ has a question mark. This appears to be an error which has been in the ODP prior to PC12. While the Te Rapa North Industrial Zone is not proposed to have any changes as part of PC12, I recommend that the submission to delete the question mark be accepted.</p>						
Recommended Changes						
Table 23.3a						
Activity	General Residential, Medium Density Residential and High Density Residential	Large Lot Residential, Central City, Business 1-7, Industrial, Knowledge, Ruakura Logistics and Ruakura Industrial Park Zones	Future Urban Zone	All Open Space Zones, Major Facilities, Community Facilities, Transport Corridor Zones	All Hazard Areas	
vi. v Free simple subdivision that complies with Rule 23.7.2 b f within the General, Medium Density and High Density Residential Zones (Excluding subdivision provided in xii, xiii, and xiv xi, xii and xiii).*	C	-	-	-	-	
Table 23.3b						
Activity	Rototuna Town Centre Zone		Te Rapa North Industrial Zone			
	<u>Without an approved land use consent for a</u>	<u>As part of or after a land use consent for a</u>	Deferred Industrial outside	Within 1A without a CDP	Within Stage 1A after a CDP	Te Rapa Dairy Manufacturing Site?

	<u>Development Area</u>	<u>Development Area has been approved</u>	of Stage 1A			

5.4 Theme 4 – Specific Standards and Subdivision Design Standards

This theme responds to the issues raised in submissions that seek relief related to standards in Chapter 23: Subdivision.

Issue 1 – Specific Standards
Submissions seek further changes to parts of rule 23.6 - Specific Standards. Multiple submissions seek amendments to Rule 23.6.8 for subdivision in the Medium Density Residential Zone and Rototuna Town Centre Zone. Submission from WEL Network Limited supports rule 23.6.7 as well as seeking additions. Submission from Pragma Holdings Limited is in support of changes to rule 23.6.10.
Submission Points Relating to Issue
244.9, 265.52, 343.59, 146.8, 147.16, 249.6, 160.260, 203.6
Further Submission relating to Issue
384, 569
Analysis of issue
<p>Submissions included comments regarding rule 23.6.8 which relates to subdivision in the Medium-Density Residential Zones and Rototuna Town Centre Zone (excluding Rotokauri North Medium Density Residential Zone). This rule includes provisions intended to ensure that subdivision is undertaken in accordance with the relevant land use provisions for the zones, where land use is required to ensure comprehensive development in these areas. Clause 23.6.8 a was proposed to be deleted as it references the Comprehensive Development Plan and Land Development Plan processes which are also being deleted or amended as part of PC12. Submissions supported removal of the Comprehensive Development Plan requirements; however, some noted that deletion of clause a. created an error as clause e. includes reference to clause a.</p> <p>Te Awa Lakes Unincorporated Join Venture, Perry Group and Horotiu Farms Limited submitted specifically on clause e. seeking that this be deleted as they submit that this component has been resolved through the approved consent for Land Development Plan for the Te Awa Lakes Residential Precinct. Further submission from Fonterra Limited opposes this submission and seeks that the clause be retained.</p> <p>This provision has linkages to a number of other provisions with the ODP and as such, must be carefully worked through. For the Medium Density Residential Zones (with the exception of the Ruakura Residential Precinct and Te Awa Lakes Residential Precinct) the land use provisions proposed as part of PC12 do not have any requirements for comprehensive land use consents. The amended subdivision provisions are no longer solely reliant on land use to determine whether the development is acceptable; as such, I consider that Rule 23.6.8 is no longer relevant for the Medium Density Residential Zones (with the exception of the Ruakura Residential Precinct and Te Awa Lakes Residential Precinct), and reference to this zone in the heading should be deleted.</p> <p>For the Te Awa Lakes Residential Precinct, land use consent provisions for Land Development Activities are still relevant and as such, the timing of these consents in relation to subdivision remains important. While a land use consent for the Land Development Activities has been</p>

approved, I do not consider removal of the provisions to be appropriate. The provisions provide the background and reinforce the reasoning for the approach for this precinct, which is important for future consents or any potential changes to the land use consent for the Land Development Activities. However, I do agree that with the removal of 23.6.8 a. the other parts of the provision require amendment. As such, I recommend changes to the provisions of Rule 23.6.8 as detailed below.

In addition to this Kainga Ora submission seeks that clause c. of the provisions be deleted which requires that a consent notice be registered as part of the subdivision to ensure compliance with the approved land use consent. The submission details that consent notices are not needed to enforce land use conditions and should be limited to matters relating to the subdivision only. Proposed changes recommended for rule 23.6.8 limit the provisions to the Rototuna Town Centre Zone. Subdivision of sites in this zone is reliant on the land use consents to determine how subdivision can occur in a suitable way; as such, I consider that a consent notice is a suitable mechanism to ensure that land use activities on the proposed allotments are limited to that approved through the land use consent.

Other submissions are in support of provisions in 23.6. Submission by WEL Network Limited requests an addition to 23.6.7 required any subdivision demonstrate that building platforms can be located in positions where a subsequent building can comply with the NZECP 34:2001. The submission further requests that the standard require vegetation to be planted in the vicinity of electricity infrastructure comply with the Tree Regulations. Whilst compliance with the NZECP 34:2001 is important to ensure the safety of occupants of buildings and the public, I do not consider it appropriate for a rule within the District Plan to enforce another regulation. There are also no proposed land use provisions in respect of the NZECP which would control the location of buildings established on the allotments post subdivision.

Submission by Pragma Holdings Limited is in support of the amendment to rule 23.6.10 which removes clause a. This is consistent with changes in the approach for this zone and removal of the focus on maintaining the ridgeline character landform.

Recommended Changes

23.6.8 Subdivision in the ~~Medium Density Residential Zones~~ and Rototuna Town Centre Zone (excluding Rotokauri North Medium Density Residential Zone)

a. Subdivision shall only take place in conjunction with, or following approval of, a land use consent for the applicable Development Area.

b. Allotment area and configuration shall conform to the allotment areas approved as part of the land-use consent.

c. A consent notice shall be registered against the title of each allotment to ensure compliance with the terms of the land-use consent.

d. The standards in Rule 23.6.8.a & ~~b~~ c. do not apply to subdivision to accommodate a network utility service or transport corridor.

~~**e. Subdivision in Development Areas Q and R and Area X in the Business 6 Zone, shown on Figure 2-21 in Appendix 2 Structure Plans, that does not comply with a. above is a prohibited activity.**~~

Note

~~**1. Refer to Rule 23.6.1 for Medium Density Residential Subdivision in the Ruakura Structure Plan area**~~

23.6.11 All Subdivision in the Te Awa Lakes Structure Plan area

- a. A consent notice shall be registered against the title of each allotment to ensure compliance with the terms of the land use consent relating to the management and eradication of alligator weed.
- b. Subdivision shall only take place in conjunction with a land use consent for development activities within a Development Area or after a land use consent has been granted.**
- c. Subdivision in Development Areas Q and R and Area X in the Business 6 Zone, shown on Figure 2-21 in Appendix 2 Structure Plans, that does not comply with b. above is a prohibited activity.**

Issue 2 – Subdivision Suitability

Rule 23.7.1 Subdivision Suitability is supported in general; however, amendments are needed to improve clarity.

Submission Points Relating to Issue

160.262, 265.55, 281.13, 344.23, 146.9, 241.32, 266.35

Further Submission relating to Issue

None

Analysis of issue

Submissions are in general support of the proposed provision which allows subdivision to be a controlled activity, and not be subject to listed design standards where in conjunction with a land use activity or consent. However, submissions note that the wording of the provision as notified is not clear and potentially more onerous than intended. I agree with the submissions and have recommended proposed changes to the wording of the provision to reflect this.

Recommended Changes

23.7.21 Subdivision Suitability

a. All subdivisions creating fee simple allotments shall ensure that new allotments (excluding any utility, road or reserve allotment, or allotment subject to amalgamation) are of a size and shape to enable activities anticipated in the zone and the applicable overlays.

b. Where allotments are proposed that contain existing development on the existing title,

- i. **The applicable general and specific standards for the zone and activity under consideration shall be complied with for each allotment; and**
- ii. **The applicable standards in Chapter 25 – City Wide shall be complied with for each allotment.**

Note

For the avoidance of double, Rule 23.7.2.b does not apply to an infringement that has existing use rights or was approved under a Land Use Resource Consent.

c. Where allotments are proposed that contain development that has been approved under separate land use consent, compliance with the approved layout shall be achieved as part of the subdivision.

d. Where b. or c. is not complied with, a concurrent application for land use consent for the identified areas of non-compliance with the applicable general and specific standards, or the approved layout shall be made.

~~b. e.~~ The standards of Rule 23.7. shall not apply to the subdivision of land to accommodate a network utility service.

~~e. f.~~ The standards of Rule 23.7.1, Rule 23.7.3 a. b and c, Rule 23.7.4 a, b, c, d and e, and Rule 23.7.5 a and b shall not apply to:

1. The unit title of existing lawfully established buildings; or
- ~~2. The fee simple subdivision of an existing residential unit, if—~~
 - ~~i. Either the subdivision does not increase the degree of any non-compliance with the rules within The Residential Zones (Chapter 4) or land use consent has been granted; and~~
 - ~~ii. No vacant allotments are created;~~
- ~~4. The fee simple subdivision of any allotment with no existing residential unit, where a subdivision application is accompanied by a land use application that will be determined concurrently if the applicant for the resource consent can demonstrate that:~~
 - ~~i. It is practicable to construct on every allotment within the proposed subdivision, as a permitted activity, a residential unit; and~~
- ~~5. Each residential unit complies with the rules within the Residential Chapter; and~~
- ~~6. No vacant allotments are created.~~
2. **The fee simple subdivision of an existing lawfully established residential unit where no vacant allotments are created, if—**
 - i. Either the subdivision is in accordance with an approved land use consent and is compliant with the approved layout, or**
 - ii. Where all relevant rules are met in relation to the proposed boundaries around the residential unit;**
3. **The fee simple subdivision of any allotment with no existing residential unit, where a subdivision application is accompanied by a land use application for residential unit/s that will be determined concurrently; and the subdivision is consistent with the proposed land use layout.**

Issue 3 – Allotment Size and Shape

Identified provisions within rule 23.7.2 Allotment Size and Shape are appropriate as notified; while other provisions may need amendments to better implement the overall outcomes of the subdivision chapter.

Submission Points Relating to Issue

249.6, 241.33, 10.3, 132.4, 160.261, 160.263, 160.264, 160.265, 162.43, 233.1, 241.31, 249.6, 265.53, 265.54, 266.32, 266.33, 281.12, 310.24, 343.61, 344.22, 266.34, 342.19, 343.6
Further Submission relating to Issue
384, 394, 438, 488, 350
Analysis of issue
<p>Submissions were received both in support of and in opposition of the minimum allotment size provisions for the residential zones. The retention of the minimum allotment sizes for the Rotokauri North Residential Precinct (rule 23.7.2 o.) is supported. Submissions were both in support of and in opposition to the proposed minimum allotment size for vacant lots in the General Residential Zone (rule 23.7.2 a) which is a reduction from the current provision in the ODP and is consistent with the Housing Supply Act. Submissions in opposition requested removal of the minimum allotment size and propose instead that reliance be placed on land use rules to ensure suitable development outcomes. Creation of a vacant allotment through subdivision results in the expectation that a land use activity that is provided for within the zone will be able to establish on that allotment. Allowing allotments to be created of potentially small size would limit the options for land use activities which would ultimately comply with the zone building provisions. I do not agree that this is an appropriate way for subdivision to occur. I consider that the proposed provisions which exclude the minimum allotment size from applying to subdivision in conjunction with a land use activity or land use consent provides sufficient flexibility for allotment size within the residential zones.</p> <p>Submissions seek amendment to the shape factor provision for the General Residential Zone. Rule 23.7.2 a. includes both a minimum net site area for vacant lots as well as a minimum shape factor. As part of PC12 the minimum net site area is proposed to reduce to 300m²; however, the minimum shape factor was not proposed to be amended from the 15m diameter circle required under the ODP. Submissions have identified that retaining this shape factor circle with a reduce net site area will result in less variability in lot shape and block depth, resulting in an almost square allotment. Survey and Spatial NZ submit that this will result in a width to length ratio of 1:1.3, whereas a more typical and still functional lot ratio is between 1:2 and 1:3. I agree with these points and consider that a lesser shape factor will still ensure an allotment width that is sufficient for development of a compliant residential unit. I consider the submission should be accepted and propose amendment to the shape factor provision.</p> <p>Submissions oppose the minimum net site area of 1200m² for vacant lots within the Medium and High Density Residential Zones. The submissions propose that the large lot size is not necessary and will unreasonably restrict subdivision within the zones, forcing superlot style subdivision and comprehensive developments. Specific submissions reference the Te Awa Lakes Residential Precinct and the Te Rapa Residential Precinct. With regard to the Te Rapa Residential Precinct, this is the subject of PC13 and as such will be dealt with separately through this process. In order to consider the appropriateness of the minimum lot size, it is important to consider the objectives for the Medium and High Density Residential Zones. Within Chapters 4.3 and 4.4 it is clear from the objectives and policies that it is intended that development in these zones occur comprehensively and in an integrated way to achieve the higher densities provided for with high quality amenity. This is supported by objective 23.2.3 and associated policies within the subdivision chapter.</p> <p>With respect of the Te Awa Lakes Residential Precinct, when reviewing the land use provisions for this precinct, I can see that while amendments have been made to some of the terminology under PC12; the structure plan and zone provisions still require development activities to be consented prior to subdivision occurring. These development activities include earthworks, vegetation removal, constructions of roads, pedestrian and cycle connections, three waters infrastructure and open space establishment. These provisions are consistent with the approach for this zone under the ODP and I consider that they will ensure development occurs appropriately and</p>

comprehensively. I also note that the ODP does not currently include a minimum net site area for this precinct except for lots adjoining an existing or proposed esplanade reserve adjacent to the Waikato River. This provides support for the specific provisions relating to this area being sufficient to achieve the objectives and policies without a minimum net site area for subdivision. As such, I recommend the submission in relation to the Te Awa Lakes Residential Precinct be accepted and an exclusion be included for this precinct from rule 23.7.2 b. While, submission has not specifically pointed to the Ruakura Residential Precinct of the Medium Density Zone, I consider that the provisions regarding the structure plan and development activities are similar to the Te Awa Lakes Residential Precinct and also recommend that an exclusion from rule 23.7.2 b. be included for the Ruakura Residential Precinct.

The remaining parts of the Medium and High Density Residential Zones do not have provisions as apply to the precincts discussed previously. However, the objectives and policies for these zones still need to be achieved. Land use consent, or permitted land use activities, are the preferred methods to achieve the type and level of development that is sought within these zones. This is promoted through the subdivision provisions via the controlled activity status for subdivision associated with an existing or approved land use. Enabling vacant lot subdivision to occur with a smaller net site area will reduce the ability to develop the zone in a comprehensive manner, and promote establishment of more of a lower density, single detached typology. As such, I recommend that the submissions be rejected as they relate to this matter.

Submissions and further submissions were also received regarding rule 23.7.2 p. which sets out the allotment size and shape requirements for General Residential Zone within a Historic Heritage Area (HHA). Some are in opposition to the minimum net site area and seek to have these removed or reduced. Other submissions seek retention of the provisions. The primary basis to the submission points is regarding the appropriateness of subdivision with an HHA and what allotment size might be suitable. The opposing positions and submission points demonstrate that the potential for subdivision within an HHA is varied and dependent on the specific heritage values of an HHA and characteristics of a particular site. I also note that the subdivision on a site within an HHA is a Discretionary Activity where specific standards are not applicable and typically only a guide. As such, I recommend that rule 23.7.2 p. be deleted as it is more suitable for each application for subdivision to be determined on a case by case basis.

Station Corner Limited submit opposing 23.7.1 t which is a shape factor provision for the Industrial Zone. The track changes for this provision in the notified documents for PC12 appear to be an error as this provision is existing and not proposed to change. The submission is recommended to be rejected.

Kainga Ora submission includes a number of points regarding the minimum boundary lengths standards included within Rule 23.7.3, 23.7.4 and 23.7.5. The submission questions how the minimum boundary lengths have been justified as a qualifying matter, and whether they have been identified as such. The MDRS includes a requirement to establish subdivision as a controlled activity where it is associated within an existing or proposed land use activity. The MDRS also details that there shall be no minimum lot size, shape size or other size-related subdivision requirements for subdivision of this nature. In accordance with proposed Rule 23.7.1 f. the minimum boundary length standards in Rules 23.7.3, 23.7.4 and 23.7.5 do not apply to subdivision which meets the criteria within 23.7.1 f. The minimum boundary length standards would apply to other subdivision such as, subdivision to create vacant allotments which is a restricted discretionary activity in the residential zones. As such, the minimum boundary length standards do not need to be established as a qualifying matter and I recommend that the submission points be rejected.

Recommended Changes			
23.7.12 Allotment Size and Shape			
Zone	Minimum Net Site Area	Max Net Site Area	Min Shape Factor
a. Vacant lot - General Residential Zone (unless otherwise stated)	300m ²	-	15m-12.5m- diameter circle
b. Vacant Lot - Medium Density Residential Zone (Except within the Rotokauri North Residential Precinct then Rule 23.7.1 q. applies) and except within the Ruakura and Te Awa Lakes Residential Precincts)	1200m ²	-	15m – diameter circle Contain a rectangle of 15 metres by 20 metres
p. General Residential Zone within Historic Heritage Area (unless otherwise stated)	Front, corner or through site – 600m² Rear site – 400m²	-	15m diameter circle 15m diameter circle

Issue 4 – Access provisions
Identified provisions relating to access and transportation may require amendments for clarity, and consistency.
Submission Points Relating to Issue
162.44, 162.45, 254.7, 254.8, 254.9, 254.1, 265.56, 265.57, 265.58, 276.24, 276.25, 276.26, 276.27, 343.62, 343.63
Further Submission relating to Issue
548
Analysis of issue
<p>Submissions received opposing the minimum private way width for 1-6 allotments or residential units under Rules 23.7.3, 23.7.4 and 23.7.5 for the General, Medium and High Density Residential Zones which is proposed to increase from 3.6m to 4m. The submissions also oppose the minimum width for a vehicle access serving 7-20 fee simple allotments or residential units which is proposed to increase from 16m to 16.8m. The submissions propose that the increase is overly onerous, will unnecessarily reduce the useable net site area for a development without resulting in better access. Jones Lands Limited and Hamilton Campground Limited submitted in opposition to the increase in vest road standards due to the resulting land inefficiencies for developments. Fire and Emergency New Zealand submission addresses a number of aspects of the access provisions within the subdivision chapter, including the width of private ways and passing bay requirements.</p> <p>These matters are discussed further in the evidence of Mr Alistair Black and as such, I do not consider further assessment is warranted. The submissions are recommended to be rejected.</p> <p>Blue Wallace Surveyors Ltd has submitted regarding Rule 23.7.3 regarding the number of users which can be served by a private way without being within a unit title arrangement. The submission proposes to increase this to 10 fee simple allotments or residential units. Under the ODP up to 9 allotments or residential units can be served by a private way; however, PC 12 proposed to reduce</p>

this to a maximum of 6. Upon reviewing the access provisions within Chapter 25 the number of residential units able to be served by a private way has not been reduced. There should be consistency between the land use provisions and subdivision provisions. As there does not seem to be any reason for the changes proposed to the subdivision provisions, I recommend that the submission be accepted in part.

Jones Lands Limited and Hamilton Campground Limited submit regarding the rear lane length, identifying that this differs from the total block length standard. I consider that rear lane length should match the total block length, as such the submission should be accepted.

Recommended Changes

23.7 Subdivision Design Standards

23.7.3 General Residential Zone

The following will apply to all subdivisions

i. h. Maximum private way length	100m (with passing every 50m)
ha. Minimum number of passing bays on private ways:	0
i. Private way length of 50m or less	
ii. Private way length of 51m to 100m	1
j. i. Minimum legal width of a rear lane	7m
k. j. Maximum length of a rear lane	150m 250m

23.7.4 Medium Density Residential Zone (Excluding Peacocke Residential Precinct)

The following will apply to all subdivisions

	Medium Density Residential (Excluding Rotokauri North and Peacocke Residential Precincts)	Rotokauri North Residential Precinct
j. Maximum private way <u>and rear lane</u> gradient	1:5	1:5
k. Maximum private way length	100m with passing every 50m	100m with passing every 50m
ka. Minimum number of passing bays on private ways:		
i. Private way length of 50m or less	0	0
ii. Private way length of 51m to 100m	1	1
t. Maximum length of a rear lane	150m 250m	-

23.7.5 High Density Residential Zone

The following will apply to all subdivisions

ha. Minimum number of passing bays on private ways:	0
i. Private way length of 50m or less	
ii. Private way length of 51m to 100m	1

5.5 Theme 5 – Information Requirements, Matters of Control, Matters of Discretion and Assessment Criteria

This theme responds to the issues raised in submissions that seek relief related to the information requirements and assessment criteria in Appendix 1: District Plan Administration and matters of control or discretion in Chapter 23: Subdivision.

Issue 1 – Support provisions as notified
Identified provisions within the matters of control and matters of discretion are appropriate and supported as notified.
Submission Points Relating to Issue
332.8, 332.9
Further Submission relating to Issue
None
Analysis of issue
Submissions support changes to Rule 23.8 and 23.9 to reflect the changes in subdivision activity status.
Recommended Changes
None.

Issue 2 – Rotokauri North Residential Precinct
Rotokauri North Holdings Limited submission includes two related submission points. The submission points seek deletion of provision 1.2.2.23a in the Information Requirements as well as assessment criterion 1.3.3 O4 which both relate to a specific activity involving subdivision of a duplex dwelling in accordance with Rule 4.7.12a within the Rotokauri North Medium Density Residential Zone.
Submission Points Relating to Issue
241.53, 241.54
Further Submission relating to Issue
None
Analysis of issue
The issue is whether provisions 1.2.2.23a and 1.3.3 O4 should be deleted. Under the ODP rule within Table 23.3d xii. provides for subdivision of a duplex which meets Rule 4.7.12 a. to create fee simple titles as a restricted discretionary activity. Rule 23.9 xiv. sets out the matters of discretion for this activity being assessment criteria O4 – Rotokauri North, which considers whether the sites can be appropriately serviced for infrastructure and access. Within Appendix 1.2 Information Requirements, provision 1.2.2.23a includes an exclusion of the subdivision information requirements for this activity.
Rule 4.7.12a under the ODP includes a set of standards for a duplex dwelling to be established as a permitted activity. The intention of this set of related provisions is to provide for the subdivision of these permitted duplex dwellings, without requiring significant information requirements and with very constrained matters of discretion. As part of the proposed changes under PC12 for the Medium Density Residential Zone (Rotokauri North Residential Precinct), up to 3 residential units is a permitted activity. This is not restricted to typology and would include duplex dwellings. I can also see from a review of the standards that Rule 4.7.12a is not part of the amended provisions; however, many of the specific standards that apply to the Rotokauri North Residential Precinct have been included in Rule 4.3 for the Medium Density Residential Zone.
Proposed changes to rule 23.3d xii result in subdivision for an existing duplex dwelling having a status of controlled as opposed to restricted discretionary. The assessment criteria that would now

apply to this activity is G – Subdivision in accordance with rule 23.8 i. As part of the proposed change in activity status, the original intention to provide for subdivision of compliant duplex dwellings is maintained. I also consider that, as a result of the change in activity status, provision 1.2.2.23a and assessment criteria 1.3 O4 can be deleted. Whilst not requested by the submission points I also note that rule 23.9 xiv. is also now redundant and should be deleted. As such, I recommend that the submission points be accepted.

Recommended Changes

Appendix 1.2 Information Requirements

1.2.2.23 Rotokauri North

a. ~~Subdivision of a Duplex~~

- i. ~~For any restricted discretionary activity subdivision of a permitted activity duplex (which meets Rule 4.7.12.a), applicants need not provide a site analysis (otherwise provided for in 1.2.2.2.c above).~~**

Appendix 1.3 Assessment Criteria

1.3.3 Restricted Discretionary, Discretionary and Non-Complying Assessment Criteria

O	Rotokauri North
O4	For any subdivision of a duplex which meets Rule 4.7.12.a, the Council will restrict its discretion to the following matters:
a.	Whether the sites can be appropriately serviced for infrastructure and access.

23.9 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3)
xiv. Subdivision of a duplex which meets Rule 4.7.12.a – Rotokauri North only	O4 – Rotokauri North

Issue 3 – Amendments to the Assessment Criteria

Amendments may be required to ensure that the assessment criteria within rule 1.2 and 1.3 of Appendix 1, Volume 2 are clear, and accurately reflect the direction of the provisions within the subdivision chapter.

Submission Points Relating to Issue

146.24, 160.267, 266.38, 332.8

Further Submission relating to Issue

None

Analysis of issue

Submission by WEL Network Limited seeks addition to assessment criteria 1.3.2 G for subdivision to demonstrate that building platforms can be located in positions where a subsequent building can comply with the NZECP 34:2001 and ensure vegetation is planting in compliance with the Tree Regs. Whilst compliance with the NZECP 34:2001 is important to ensure the safety of occupants of buildings and the public, I do not consider it appropriate to include an assessment criterion where there are no provisions requiring compliance with the NZECP 34:2001. As detailed above it is recommended to not include a rule within the District Plan to enforce this regulation. There are also no proposed land use provisions in respect of the NZECP which would control the location of buildings established on the allotments post subdivision.

Waikato Racing Club Incorporated submits in opposition to assessment criteria 1.3.2G in relation to clause i. The submission seeks for the clause to be deleted as non-compliances with the standards

in the Residential Chapter should be dealt with through land use consent. I agree with the submission that compliance with land use provisions is not something that should be considered as part of an assessment criteria. As part of updated provisions it is recommended to reintroduce Rule 23.7.1 b, c and d which will ensure that subdivision does not alter compliance with land use provisions for existing developments on a site unless land use consent is applied for concurrently. I recommend that the submission be accepted and clause i be deleted; however, further recommend that this be replaced by new assessment criteria.

Kainga Ora submission seeks additional assessment criteria for subdivision associated with historic heritage or Significant Natural Areas, in line with its submission to change the activity status from discretionary to restricted discretionary. As detailed above, I recommend that this submission not be accepted and as such, additional assessment criteria is also not required.

Submission by Mitchell Daysh Ltd is in support of reference to reverse sensitivity effects within assessment criteria 1.3.3 C – Character and Amenity, and seeks that consideration of reverse sensitivity effects be included in assessment criteria 1.3.2 G – Subdivision. The criteria within 1.3.3 C regarding reverse sensitivity effects are existing assessment criteria under the ODP and the only changes proposed under PC12 are updating the references to Te Awa Lakes Medium Density Residential Zone to be Te Awa Lakes Residential Precinct. These criteria are not specific to subdivision and are part of the wider assessment criteria 1.3.3 C which applies to land use activities also. With regard to including reference to reverse sensitivity within assessment criteria 1.3.2 G, this applies to controlled activity subdivision for unit title subdivision and fee simple subdivision that complies with Rule 23.7.1 f. As such, subdivision in these cases will be in accordance with an established or approved land use activity. I consider that it is through the land use activity consideration that reverse sensitivity will be assessed where appropriate. The subdivision will not be materially changing the activity on the site or enabling further land use activity which could result in reverse sensitivity effects. As such, I recommend that the submission point in this respect be rejected.

Recommended Changes

Appendix 1.3 Assessment Criteria

1.3.2 Controlled Activities – Matters of Control

G.	Subdivision
a.	Subdivision within the General Residential, Medium Density and High Density Residential Zones.
i.	The extent to which the subdivision does not increase the non-compliance with the Standards within the Residential Chapter.
ii. i.	The subdivision contains an existing lawfully established residential unit or a land use consent has been granted or is accompanied by a land use consent.
ii.	<u>The extent to which the subdivision is consistent with the intent of the land use of the existing, consented or proposed activity; and does not introduce any new infringements of relevant rules or standards.</u>
iii.	No vacant allotments are created.

6.0 Conclusion

Based on the analysis, it is recommended that the amendments to the PC12 provisions listed in Table 2 as set out in more detail earlier in this report and shown in the Officers Recommendation Version of PC12¹ be accepted:

Table 2 PC12 provisions this report recommends be amended

DP Volume	Proposed PC12 Chapters or Appendices	Proposed PC12 Sections
1	Chapter 23 Subdivision	23.2.3a Policy
		23.3 Activity Status Tables
		23.6.8 Subdivision in the Medium Density Residential Zones and Rototuna Town Centre Zone(excluding Rotokauri North Medium Density Residential Zone)
		23.6.11 All Subdivision in the Te Awa Lakes Structure Plan area
		23.7.1 Subdivision Suitability
		23.7.2 Allotment Size and Shape
		23.7.3 General Residential Zone
		23.7.4 Medium Density Residential Zone (Excluding Peacocke Residential Precinct)
		23.7.5 High Density Residential Zone
		23.7.8 Within a Historic Heritage Areas
23.9 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria		
2	Appendix 1.2 Information Requirements	1.2.2.23a Rotokauri North
	Appendix 1.3 Assessment Criteria	1.3.2 G Subdivision
		1.3.3.04 Rotokauri North

¹ The Officers Recommendation Version of PC12 can be accessed on Appendix A.