

**HAMILTON CITY COUNCIL AND THE  
FUTURE PROOF PARTNERS SUBMISSION  
ON:**

**Resource Management (Enabling  
Housing Supply and Other Matters)  
Amendment Bill**



16 NOVEMBER 2021

## **Council Approval and Reference**

This submission was approved at Hamilton City Council's 11 November 2021 meeting.

Hamilton City Council Reference: D-3985968; submission # 668.

## Executive Summary and Key Messages

This submission is made on behalf of Hamilton City Council and the Future Proof Waikato Councils (i.e., Hamilton City Council; Waikato District Council; Waipā District Council; Waikato Regional Council) and Waikato Tainui. Whilst Future Proof is an Urban Growth Partnership, this submission does not reflect the views of other Future Proof partners, including central government and Auckland council.

Part A of the submission also aligns with the Waikato River Authority's submission to the Bill, particularly in regard to the Vision and Strategy for the Waikato River.

**Hamilton City Council and the Future Proof Partners are aligned in their strong opposition to the Bill.**

## Key Messages

1. Hamilton City Council and the Future Proof Partners are aligned in their strong opposition to the Bill.
2. The Bill seeks to introduce amendments to the Resource Management Act 1991 (**RMA**) which are in direct conflict with the RMA's single purpose of 'sustainable management'.
3. The Bill is in direct conflict with The Waikato Tainui Raupatu (Waikato River) Settlement Act 2010 and Te Ture Whaimana o te awa o Waikato (The Vision and Strategy for the Waikato River).
4. The Bill is in direct conflict with the National Policy Statement on Urban Development 2020 in that it will fail to enable well-functioning urban environments and will create a fundamental disconnect between land use planning and infrastructure planning.
5. The Bill is in direct conflict with the strategic growth initiatives currently being implemented by Future Proof and by each of the local authority Future Proof Partners.
6. **Hamilton City Council and the Future Proof Partners acknowledge that the country is currently facing a housing crisis and that this needs to be addressed. However, the Resource Management (Enabling Supply and Other Matters) Amendment Bill is clearly not the solution to this issue.**
7. **HAMILTON CITY COUNCIL AND THE FUTURE PROOF PARTNERS OPPOSE THE PASSING OF THE BILL IN ITS CURRENT FORM. THEY CONSIDER THAT THE BILL IS SO FUNDAMENTALLY FLAWED THAT IT SHOULD BE WITHDRAWN. IF IT IS NOT WITHDRAWN, SUBSTANTIAL AMENDMENTS TO THE BILL ARE REQUIRED. THESE PROPOSED AMENDMENTS ARE OUTLINED IN BOTH PART A AND PART B OF THIS SUBMISSION.**
8. **HOWEVER, IN THE EVENT THAT THE BILL IS PROGRESSED, AND IN ORDER FOR THE PROPOSED AMENDMENTS TO WORK EFFECTIVELY AND PROVIDE THE DESIRED HOUSING OUTCOMES SOUGHT BY GOVERNMENT, ALL OF THE PROPOSED AMENDMENTS BY HAMILTON CITY COUNCIL AND THE FUTURE PROOF PARTNERS NEED TO BE IMPLEMENTED AS A TOTAL PACKAGE I.E., 'CHERRY PICKING' OR 'MIXING AND MATCHING' OF THE PROPOSED AMENDMENTS WILL JUST NOT WORK.**

## No Meaningful Engagement with Local Government or Iwi on the Bill

9. The clear lack of engagement with local government, iwi, and residents of Tier 1 high growth councils to date is incredibly disappointing. The Bill, as proposed, is sudden, will have significant impacts on place-making, land use and infrastructure planning work, as well as undermining many current committed strategic spatial planning partnerships with Central Government, such as the Hamilton to Auckland Corridor Plan, the Metropolitan Spatial Plan and the Future Proof Strategy.
10. The Regulatory Impact Statement (RIS) for the Bill makes barely a mention of Hamilton, and no mention at all of Waikato and Waipā towns yet concludes that blanket Medium Density Residential Standards (MDRS) based on rules developed for an Auckland context, would be suitable for the Waikato. The RIS itself acknowledges that there has been no opportunity for consultation with external stakeholders and that this has limited the ability to test feasibility of implementation.
11. **Clearly then there was no engagement with the local government sector or iwi when developing the RIS. Given the critical role of local government and iwi in the Bill, this is both surprising and indeed, in our view, a major flaw in the background material underpinning the Bill's development.**
12. **Hamilton City Council and the Future Proof Partners are strongly of the view that this Bill is being pushed/rushed through with no real detailed analysis or robust engagement, or any clear understanding of unintended consequences.**

## Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River

13. Te Ture Whaimana represents the strongest direction that Parliament has given in relation to any RMA planning document, and it is the pre-eminent planning instrument within the Waikato Region. The Bill does not address the conflict arising from the mandate for further housing intensification and the primacy of Te Ture Whaimana, which requires the restoration and protection of the health and wellbeing of the Waikato River.
14. The content of the Bill is irreconcilable with Te Ture Whaimana unless there is a very substantial central government investment in wastewater and stormwater infrastructure within the Waikato Region. Without this commitment from central government, the outcomes sought in the Bill are unachievable.
15. **The Bill needs to confirm the primacy of Te Ture Whaimana and provide additional time to establish the evidential requirements necessary to ensure Te Ture Whaimana is given effect to. It is critical to the Future Proof Partners that Te Ture Whaimana is expressly recognised in the Bill as a “Qualifying Matter” which will enable areas within the Waikato to be exempt from the MDRS planning standards.**
16. The timing should align with the requirements under the NPS-UD for Future Development Strategies to be completed by 2024, by which time Future Proof would have completed three-waters business case work currently underway.

## Which Territorial Authorities and Which Urban Environments Does the Bill Apply To?

17. The Bill contains some critical inconsistencies in the way that it uses terminology, which means that it is almost unworkable in its current form in the Waikato context. In the explanation to the Bill, and in the Regulatory Impact Statement, it is clear that the proposals are meant to relate to 'cities' and it is quite clear that the Bill was not intended to apply to Tier 3 urban environments. However, in the text of the Bill there are some critical inconsistencies in the way that terms are defined. As written, the MDRS could apply to all urban environments in Waikato, Hamilton and Waipā, including smaller townships outside of Hamilton City.
18. It is entirely inappropriate to impose blanket medium density rules across rural townships and the whole of Hamilton City which have a very different character to the Auckland City environment on which the rules have been based.
19. **Amendments are sought which would clarify that the Bill is not mandatory for our urban environments outside of Hamilton but that the MDRS provisions (with suitable amendments) could be used in appropriate locations by way of a plan change.**

## Concerns with the Blanket Nature of the Bill's Requirements

20. Hamilton City Council and the Future Proof Partners are concerned that the indiscriminate application of the proposed MDRS has the potential to undermine the intent of the NPS-UD to create well-functioning urban environments. The dispersed and unpredictable nature of how development can occur under this proposal is at odds with creating a compact urban form which supports public transport and makes it difficult to plan infrastructure upgrades required to support this level of additional growth.
21. A more focused, staged approach to intensification supports thriving and resilient communities which are accessible and connected to employment, education, social and cultural opportunities - a central crux of the NPS-UD in creating well-functioning urban environments and improved four wellbeings through the Government's Policy Statement on Housing and Urban Development 2021 (GPS-HUD).
22. **The Bill should not apply the MDRS as a general residential standard. The MDRS should be able to be applied through council plan changes in bespoke areas where it can be shown that this will result in well-functioning urban environments.**

## Sufficient Plan-Enabled Development Capacity Has Already Been Provided For

23. Contrary to the statement in the Regulatory Impact Statement that planning decisions are not informed by adequate evidence, in the Future Proof sub-region we have produced a Housing and Business Assessment (which has been reviewed by the Ministry for the Environment whose draft comments confirm to be in accordance with the requirements set out in the NPS-UD) which clearly illustrates that there is sufficient, feasible, capacity in the sub-region.
24. **Hamilton City Council and the Future Proof councils District Plans are not a constraint to meeting demand. There is no evidence that the interventions proposed by the Bill would have any impact on housing affordability in the sub-region.**

## Design Quality of the Built Environment

25. Hamilton City Council and the Future Proof partners want to build better urban areas, not just bigger urban areas. It's about building quality communities - not just houses. The Bill does not align with the Government's own focus on the four wellbeings and has the potential to compromise amenity and liveability for a short-term gain in housing numbers. In a sub-region such as ours, the blanket imposition of MDRS rules will be completely out of character and will create significant urban design issues.

## Significant Increase in Pressure on Existing Infrastructure

26. Increased densities of the kind enabled by the Bill will grossly exceed the capacity of existing infrastructure. Even under the provisions of the NPS-UD councils face huge challenges in terms of their ability to plan for infrastructure to meet this requirement under current fiscal constraints. The Bill will introduce densities which make the capital expenditure costs impossible to manage at the local government level.
27. The timeframes in the Bill itself provide little to no opportunity for robust infrastructure planning to even occur, never mind dealing with actual implementation/construction within an existing urban environment with an existing community that will continue to need water, wastewater, stormwater and transportation services, including the lead-in times necessary for the scale of infrastructure works required.
28. **The Bill does not address or acknowledge the infrastructure funding and financing shortfall to support a step change in intensification, which would need a step change in infrastructure to match.**
29. Under the LGA 2002 councils have an obligation to adopt a prudent financial strategy. It will be difficult for councils to fund the scale of infrastructure required to meet these new density expectations whilst still complying with financial strategies and LGA requirements around prudent debt limits.
30. **The blanket density approach set out in the Bill needs to be deleted in favour of a planned and strategic approach to determining locations for medium-density housing. Timeframes for implementation of the Bill need to be amended to allow sufficient time to plan properly. Urgent consideration of additional funding tools for councils is needed to allow councils to accelerate the delivery of infrastructure to support additional plan-enabled capacity.**

## Natural Hazard Risk and Residual Risk

31. The Bill needs to explicitly require a natural hazard risk assessment, including an assessment of residual risk, prior to the notification of intensification planning instruments to include the MDRS so that we do not face a situation where residential buildings are permitted in hazard areas or defended areas.

## Existing Plan Changes

32. Councils have spent significant time, at ratepayers' expense, in good faith, developing plan changes to give effect to the NPS-UD. The Bill could require these to be withdrawn, resulting in wasted costs, compounding the issue of land availability and ironically delaying housing land supply further as a result. Plan changes already underway should be provided with a pathway to continue.

## Timeframes

33. The timeframes do not adequately allow for the Future Proof Waikato councils to address the necessary requirements related to Te Ture Whaimana or to plan for the required infrastructure to support the proposed changes.
34. A longer timeframe is required for the implementation of the MDRS, to align with the dates for the completion of the FDS under the NPS-UD. Progress reporting could be a useful tool for government to keep abreast of progress being made on the changes.

## Climate Change and the Environment

35. The blanket application of the MDRS will not meet the NPS-UD Objective 8 that urban environments support reductions in greenhouse gas emissions and are resilient to the current and future effects of climate change. Opportunities for passive and active solar gain will also be lost.

## Plan Change Costs

36. The Future Proof Waikato councils have all been working hard to develop provisions to give effect to the NPS-UD, at significant cost to their ratepayers. This investment could effectively be wasted if existing plan change/plan review work needs to be set aside. The plan change to give effect to the MDRS will require money and resourcing, both of which have not have been provided in this year's Long Term Plan or Annual Plan. Local authorities are going to have to find money and resourcing from elsewhere to fulfil the requirements of the Bill. This action is likely to result in the removal of wellbeing focused projects and priorities.
37. Timeframes must therefore be extended to allow plan changes that have already been notified to complete their process. Alternatively, allow for plan changes that have been notified but hearings not held to be able to proceed if they incorporate the MDRS.
38. Councils have spent significant time, at ratepayers' expense, in good faith, developing plan changes to give effect to the NPS-UD. The Bill could require these to be withdrawn, resulting in wasted costs, compounding the issue of land availability and ironically delaying housing land supply further as a result. Plan changes already underway should be provided with a pathway to continue.

## ISPP Process

39. Allowing for a full consultation process excludes communities from having proper input into what will be a significant change for our urban areas. Recommend that consideration be given to allowing for joint ISPP hearing processes. This would allow councils to run their processes together or in parallel and make use of the same hearing panel.

## Specific Changes Sought

40. Hamilton City Council and the Future Proof councils have identified specific drafting changes to the Bill which would assist in addressing some of the concerns outlined above. These are set out in Part A and part B of this submission.

# PART A: HAMILTON CITY COUNCIL AND THE FUTURE PROOF PARTNER'S SUBMISSION POINTS ON THE BILL

## Introduction

41. This is a joint submission to Parliament's Environment Select Committee on the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill 2021 (**Bill**), on behalf of Hamilton City Council and the Future Proof Waikato councils (i.e., Hamilton City Council; Waikato District Council; Waipā District Council; Waikato Regional Council) and Waikato Tainui. Part A of the submission also aligns with the Waikato River Authority's submission to the Bill, particularly in regard to the Vision and Strategy for the Waikato River.
42. Hamilton City Council and the Future Proof Partners are aligned in their strong opposition to the Bill.
43. The Bill seeks to introduce amendments to the Resource Management Act 1991 (**RMA**) which are in direct conflict with the RMA's single purpose of 'sustainable management'.
44. The Bill is in direct conflict with The Waikato Tainui Raupatu (Waikato River) Settlement Act 2010 and Te Ture Whaimana o te awa o Waikato (The Vision and Strategy for the Waikato River).
45. The Bill is in direct conflict with the National Policy Statement on Urban Development 2020 in that it will fail to enable well-functioning urban environments and will create a fundamental disconnect between land use planning and infrastructure planning.
46. The Bill is in direct conflict with the strategic growth initiatives currently being implemented by Future Proof and by each of the local authority Future Proof Partners.
47. **HAMILTON CITY COUNCIL AND THE FUTURE PROOF PARTNERS OPPOSE THE PASSING OF THE BILL IN ITS CURRENT FORM. THEY CONSIDER THAT THE BILL IS SO FUNDAMENTALLY FLAWED THAT IT SHOULD BE WITHDRAWN. IF IT IS NOT WITHDRAWN, SUBSTANTIAL AMENDMENTS TO THE BILL ARE REQUIRED. THESE PROPOSED AMENDMENTS ARE OUTLINED IN BOTH PART A AND PART B OF THIS SUBMISSION.**
48. **HOWEVER, IN THE EVENT THAT THE BILL IS PROGRESSED, AND IN ORDER FOR THE PROPOSED AMENDMENTS TO WORK EFFECTIVELY AND PROVIDE THE DESIRED HOUSING OUTCOMES SOUGHT BY GOVERNMENT, ALL OF THE PROPOSED AMENDMENTS BY HAMILTON CITY COUNCIL AND THE FUTURE PROOF PARTNERS NEED TO BE IMPLEMENTED AS A TOTAL PACKAGE I.E., 'CHERRY PICKING' OR 'MIXING AND MATCHING' OF THE PROPOSED AMENDMENTS WILL JUST NOT WORK.**
49. This submission is divided into two key parts.
  - **Part A** addresses the concerns of Hamilton City Council and the Future Proof Partners at a high-level and sets out recommended amendments on key components of the Bill. Detailed drafting changes are included at the end of Part A.
  - **Part B** addresses specific provisions in the Bill by each of the Future Proof Partners and identifies a number of amendments, actions and improvements sought by each Future Proof Partner.



## Overall Comments

50. The Future Proof Strategy is a 30-year growth management and implementation plan specific to the Hamilton, Waipā and Waikato sub-region within the context of the broader Hamilton-Auckland Corridor and Hamilton-Waikato Metropolitan areas. The strategy provides a framework to manage growth in a collaborative way for the benefit of the Future Proof sub-region both from a community and a physical perspective. The Future Proof partnership is the first Crown-Iwi-Local Government Urban Growth Partnership. This submission does not reflect the views of other Future Proof partners, including central government and Auckland council.
51. The Strategy has been successful in providing a strategic, integrated approach to long-term planning and growth management in the sub-region. The settlement pattern for the Future Proof sub-region takes a compact and concentrated approach.
52. Recently, the Future Proof Strategy has been updated to reflect the provisions in the National Policy Statement on Urban Development (NPS-UD), and consultation is currently taking place on the updated strategy. Significant partner resources have been put into the Future Proof update by all partners, including central government. The Future Proof partners are satisfied that the draft updated Future Proof strategy reflects the direction set in the NPS-UD to ensure sufficient development capacity and contributes towards well-functioning urban environments.
53. Hamilton City Council and the Future Proof Partners acknowledge the bipartisan support for the Bill and commend the Government and Opposition for their commitment to trying to address the country's housing crisis.
54. However, while the outcomes sought by the Bill fit within the Government's work programme, the provisions are incongruous with well-functioning urban environments and cut across the four wellbeings approach of Government initiatives, notably the Government Policy Statement on Housing and Urban Development (GPS-HUD).
55. In summary, Hamilton City Council and the Future Proof Partners are extremely concerned that the Bill is a "one size fits all" approach that will not work in practice.
56. We have therefore outlined a number of amendments that will ensure:
  - **Better alignment between the Bill and the RMA.**
  - **Ensure that the primacy of Te Ture Whaimana/The Vision and Strategy for the Waikato River is given effect to as required by Waikato Tainui Raupatu Claims (Waikato River) Settlement Act 2010.**
  - **Provide greater safeguards and certainty for councils, iwi, developers and homeowners/residents in the country's main urban areas.**
  - **Provide significantly better housing outcomes in these urban areas for all stakeholders.**

**PLEASE NOTE: OUR RECOMMENDED AMENDMENTS ARE ONLY APPLICABLE IF GOVERNMENT DECIDES TO REJECT OUR REQUEST TO WITHDRAW THE BILL IN ITS ENTIRETY.**

## No Meaningful Engagement with Local Government or Iwi on the Bill

57. The Bill's intent is "To rapidly accelerate the supply of housing where the demand for housing is high. This will help to address some of the issues with housing choice and affordability that Aotearoa New Zealand currently faces in its largest cities".
58. The Future Proof Waikato councils and Waikato Tainui are supportive of this overall intent - the Bill (albeit in a highly revised form) could provide greater housing opportunities, which in turn could be part of the solution to address more affordable housing in the country's main urban areas. We recognise the critical housing issues being faced across the country and the need to look for solutions to address both affordability and supply. However, we have significant concerns with how the Bill was developed and communicated to local government and iwi.
59. This lack of consultation with local government and iwi has reduced our ability to meaningfully engage with our communities and further explain to them how these changes will impact on existing engagements already underway in planning for growth in the Future Proof areas. In essence, there has been no real opportunity provided by Government for any meaningful input.
60. In addition, the Future Proof Waikato councils have recently undertaken extensive Long Term Plan engagement for the likes of existing play, parks, and environmental strategies - implementation of the Bill in its current form has the potential to undermine this whole process and the projects that are already planned for.
61. Future Proof is a key partner of Government as part of the Hamilton-Auckland Urban Growth Partnership to deliver on the objectives of the Urban Growth Agenda. This relationship has been formalised through the Future Proof Partnership, and the development of the H2A Corridor Plan and Hamilton-Waikato Metro Spatial Plan. This is the first Crown-Iwi-Local Government Urban Growth Partnership in New Zealand.
62. Given this ongoing and successful partnership, the Future Proof Waikato councils and Waikato Tainui are very disappointed in how the Bill was developed in isolation from local government and iwi, noting that an explicit pillar of the Urban Growth Agenda is to build stronger partnerships with local government to address the fundamentals of land supply, development capacity and infrastructure provision.
63. The clear lack of engagement with local government, iwi, and residents of Tier 1 high growth councils to date is incredibly disappointing. The Bill, as proposed, is sudden, will have significant impacts on place-making, land use and infrastructure planning work, as well as undermining many current committed strategic spatial planning partnerships with Central Government, such as the Hamilton to Auckland Corridor Plan, the Metropolitan Spatial Plan and the Future Proof Strategy.
64. **The approach that has been taken to develop and communicate the Bill seriously compromises the spirit of the relationship that has been built up over several years. This is extremely disappointing.**
65. **Given the significant wider legislative reforms underway, it is critical that open and transparent dialogue is maintained between central and local government.**

## Detailed Comments on the Bill

### Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River

66. Te Ture Whaimana o Te Awa o Waikato/the Vision and Strategy for the Waikato River (Te Ture Whaimana) is the primary direction-setting document for the Waikato and Waipā Rivers and their catchments, which includes the Waikato River and the lower reaches of the Waipā River.

67. Te Ture Whaimana arose as a result of Raupatu in the 1860s and its consequences and the ensuing Waikato Tainui River Claim. The Vision and Strategy is detailed within the Waikato Tainui Raupatu Claims (Waikato River) Settlement Act 2010, which sets out the vision, objectives and strategy for the Waikato River. Subsequent Acts have extended Te Ture Whaimana so that it now covers the whole of the Waikato and Waipā river catchments.
68. Te Ture Whaimana requires that the health and wellbeing of the Waikato and Waipā Rivers is to be restored and protected for current and future generations. It adopts a precautionary approach towards decisions that may result in significant adverse effects on the awa. Section 12 of the River Settlement Act provides that Te Ture Whaimana prevails over RMA planning and policy instruments including National Policy Statements. Section 13 of the River Settlement Act requires that all regional and district plans must ‘give effect’ to Te Ture Whaimana.
69. A key aspect of Te Ture Whaimana is protection and restoration of the awa. Te Ture Whaimana represents the strongest direction that Parliament has given in relation to any RMA planning document, and it is the pre-eminent planning instrument within the Waikato Region. It is particularly noted that in the event of any inconsistency or conflict, Te Ture Whaimana o Te Awa o Waikato prevails over any National Policy Statement or New Zealand Coastal Policy Statement.
70. The Kiingitanga Accord (2008)<sup>1</sup> is a deed between the Crown and Waikato Tainui. Clause 3.4 of the Accord requires that:
- In the development and drafting of any new legislation, the Crown will consider whether, by analogy with the nature and subject matter of the statutes in which the Vision and Strategy has been given statutory recognition under the Waikato River Settlement, such new legislation should also include express legislative recognition of the Vision and Strategy in the same or substantially similar form to that provided under the settlement; and
  - Where appropriate, any such new legislation when it is introduced into Parliament shall include express legislative recognition of the Vision and Strategy in the same or substantially similar form to that provided under the Waikato River Settlement.
71. Whilst there is reference to ‘iwi settlement legislation’ in the Bill, there is no direct reference to Te Ture Whaimana and no clarity as to how the new Bill would interact with Te Ture Whaimana. The Bill falls squarely within the scope of the commitments in the Kiingitanga Accord and must therefore reasonably include express provisions relating to Te Ture Whaimana.
72. **The content of the Bill is irreconcilable with Te Ture Whaimana unless there is a very substantial central government investment in wastewater and stormwater infrastructure within the Waikato Region. Without this commitment from central government, the outcomes sought in the Bill are unachievable. The Future Proof partners submit that the Bill as written is not in accordance with Te Ture Whaimana and does not give effect to the Kingitanga Accord.**
73. The Bill does not address the conflict arising from the mandate for further housing intensification and the primacy of Te Ture Whaimana, which requires the restoration and protection of the health and wellbeing of the Waikato River. This objective, and others, call for an overall improvement in water quality. Increased densities of the kind enabled by the Bill will grossly exceed the capacity of existing wastewater and stormwater systems which discharge into the sensitive environment of the awa. These systems are already at capacity and cannot function in a manner which gives effect to Te Ture Whaimana without substantial ongoing investment. The Waikato councils are attempting to plan for this as best they can under their current fiscal constraints, however the Bill will introduce densities which make the capital expenditure costs impossible to manage at a local government level.
74. As a practical example, increased impervious areas will lead to increased flood events and poor-quality stormwater entering the river. With the immediate introduction of the Bill the Future Proof Waikato councils would not have time to upgrade existing wastewater and stormwater systems

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<sup>1</sup> <https://www.govt.nz/assets/Documents/OTS/Waikato-Tainui/Waikato-Tainui-Kiingitanga-Accord.pdf>

before the Medium Density Residential Standards (MDRS) provisions would be required to be notified. This would potentially result in serious effects on the awa, completely at odds with Te Ture Whaimana. It is certainly not in keeping with the precautionary approach promulgated by Te Ture Whaimana.

75. The Bill could also allow physical construction of buildings adjacent to the Waikato River with potential environmental and cultural effects.
76. The Future Proof partners are undertaking a Waikato sub-regional three waters study, which will determine an approach to three waters that is “best for river”. This study will provide the approach and evidential basis for three-waters decision-making in the Future Proof sub-region and will be a key input into the Future Development Strategy (FDS) required under the NPS-UD. The Bill would bring forward the timeframe and require this work to be done within the next six months in order to inform the plan changes required by August 2022. This is not feasible.
77. The current Bill would skip over the requirement to develop a land use pattern that gives effect to Te Ture Whaimana, and the requirement for strategic spatial planning (which will also be required under the new RMA reforms). By doing so, the Bill would set up development rights that would be hard/impossible to unpick in future if evidence shows that the pattern of urban development is not able to meet the requirements of Te Ture Whaimana. In the Waikato context, the allocable flow of the Waikato River must address Te Ture Whaimana. For example, in Hamilton, the population is expected to reach 428,000 by 2065, and this means a water demand of 184 million litres per day (MLD) for Hamilton and 217 MLD for the wider metro area by 2065<sup>2</sup>. Water is a finite resource and there is no guarantee that water take consents will be renewed at current levels in the future.
78. Whilst Te Ture Whaimana would prevail over an inconsistent NPS, it is unclear what the status of Te Ture Whaimana is in terms of the Bill once enacted.
79. It is critical to Hamilton City Council and the Future Proof Partners that Te Ture Whaimana is expressly recognised in the Bill as a “Qualifying Matter” which will enable areas within the Waikato to be exempt from the MDRS planning standards.
80. **Summary of our submission points:**
  - **Further time is needed in order to establish the evidential requirements necessary to ensure Te Ture Whaimana is given effect to whilst developing the intensification planning instrument/MDRS plan change for Future Proof councils. This cannot be completed by August 2022. The timing should align with the requirements under the NPS-UD for Future Development Strategies to be completed by 2024.**
  - **In the Waikato context, allow the three-waters business case work currently underway to be completed and to inform the FDS, rather than embed development rights through the Bill which may not be able to be serviced with stormwater, wastewater and water infrastructure in a way that meets the requirements of Te Ture Whaimana.**
  - **In the Waikato context the Bill needs to consider the allocation of scarce resources needed to support the development capacity (e.g., water takes) PRIOR to locking in development rights through the Bill.**
  - **Confirm the primacy of Te Ture Whaimana in the Bill, including but not limited to expressly recognising it as a “Qualifying Matter”.**

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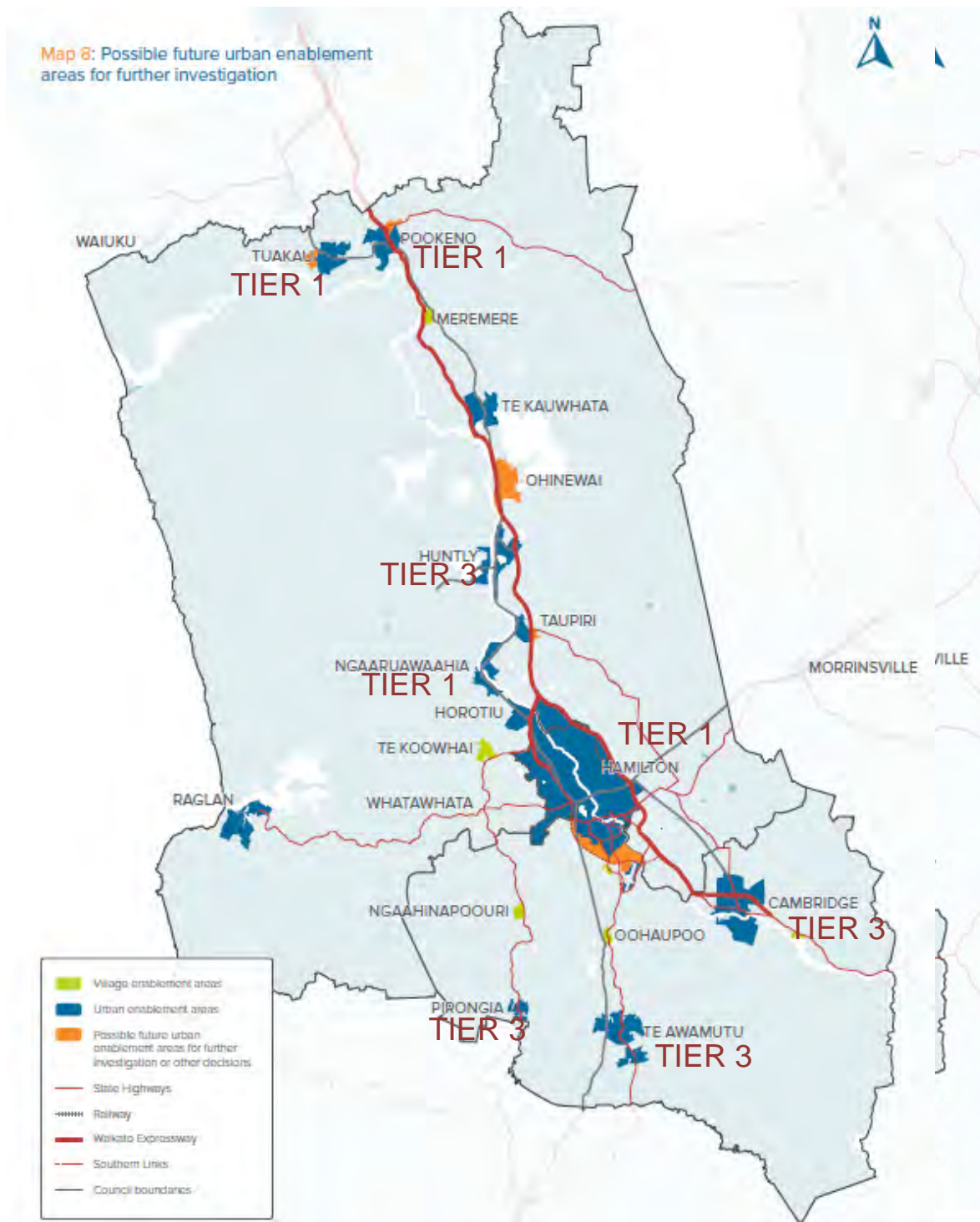
<sup>2</sup> [https://www.epa.govt.nz/assets/FileAPI/proposal/NSP000046/Evidence-Submitters-evidence/Watercare\\_Sub\\_evidence\\_HCC\\_WDC\\_IMayhew.pdf](https://www.epa.govt.nz/assets/FileAPI/proposal/NSP000046/Evidence-Submitters-evidence/Watercare_Sub_evidence_HCC_WDC_IMayhew.pdf)

## Which Territorial Authorities and Which Urban Environments Does the Bill Apply to?

81. The Bill contains some critical inconsistencies in the way that it uses terminology, which means that it is almost unworkable in its current form in the Waikato context. In the explanation to the Bill, and in the regulatory impact statement, it is clear that the proposals are meant to relate to ‘cities’ and it is quite clear that the Bill was not intended to apply to Tier 3 urban environments (emphasis added):

*This Bill requires territorial authorities in Aotearoa New Zealand’s **major cities** to set more permissive land use regulations that will enable greater intensification in urban areas by bringing forward and strengthening the National Policy Statement on Urban Development (the **NPS-UD**).*

82. The Bill uses the terms ‘Tier 1 territorial authorities’, ‘relevant territorial authorities’, and ‘urban environments’ to determine where intensification planning instruments, and the MDRS, will apply.
83. There are some critical inconsistencies in the language used in the Bill. For example:
- The requirement to use the Intensification Streamlined Planning Process (ISPP) to notify plan changes that address the NPS-UD and incorporate the MDRS (intensification planning instruments) by August 2022. This requirement applies to all urban environments (by implication, Tiers 1 and 3 urban environments) within ‘Tier 1 local authorities’, however the NPS-UD provisions referred to (policies 3 and 4) only relate to ‘Tier 1 urban environments’.
  - In the explanation to the Bill, it mentions that the MDRS will apply in all Tier 1 urban environments and that it applies to areas of Tier 1 urban environments that are zoned or being zoned residential.
  - However, in the Bill itself, the MDRS requirements are not limited to Tier 1 urban environments but would apply to the urban environment of a relevant territorial authority (the definition of ‘relevant territorial authority’ is every Tier 1 territorial authority). For example, in Section 77F it states that every relevant residential zone in an urban environment of a relevant territorial authority must have the MDRS incorporated.
84. As written, the MDRS could apply to all urban environments in Waikato, Hamilton and Waipā. This would include all urban areas that meet the definition of Tier 1 and Tier 3 urban environments.
85. Future Proof has done significant work, using Statistics New Zealand data, to determine which townships meet the definition of Tier 1 or Tier 3 urban environments. This is shown on the draft Map 7 from the Future Proof strategy (see below). Note that the strategy is open for consultation until 12 November 2021. This map shows that Hamilton, Tuakau, Pookeno and Ngaaruawaahia meet the definition of ‘Tier 1 urban environments’ under the NPS-UD. Huntly, Cambridge, Te Awamutu and Pirongia meet the definition of ‘Tier 3 urban environments’. All other townships in the three territorial authorities do not meet the definition of ‘urban environment’ under the NPS-UD. The proposed amendment to the definition of ‘urban environment’ in the Bill would not affect this interpretation.



86. In our view the Bill as drafted is inconsistent with the purpose outlined in the explanatory notes. The application to our towns undermines the work we are doing at a local level to enhance placemaking with our local communities. Whilst Hamilton is almost entirely urban in nature, Waikato and Waipā councils have a number of settlements of varying size, set in large expanses of rural land. For example, Ngaruawaahia is a settlement of less than 8,000 people which is located in the Waikato District but by virtue of its close vicinity to Hamilton’s north boundary, is considered to be part of Hamilton’s urban environment. Pookeno and Tuakau, in Waikato District, could be considered to be part of Auckland’s urban environment. Waikato District Council also contains smaller settlements such as Raglan which do not currently qualify as an ‘urban environment’. Waipā District Council contains the settlements of Cambridge, Te Awamutu, Pironia and other smaller villages. It needs to be clear where the Medium Density Residential Standards (MDRS) are to apply.

87. It is entirely inappropriate to impose blanket medium density rules across small townships which have a very different character to the Auckland City environment on which the rules have been based.
88. These towns, as do all towns set in a rural context in New Zealand, currently offer residents a distinctively different living environment to that found in city urban environments. There are also commensurately lower levels of community services (e.g., public transport) and less sophisticated supporting infrastructure. Imposing the MDRS and a blanket provision for medium density housing will be totally out of character with that distinction and undermine the very identity and community outcomes of each town. This distinction needs to be recognised and provided for in planning standards.
89. **Summary of our submission points:**
- **Amend all references to ‘urban environments’ in the Bill, and replace with ‘Tier 1 urban environments’;**
  - **Amend all elements of the Bill to clarify that the Bill is only mandatory in Tier 1 urban environments and does not apply to Tier 3 urban environments or to Tier 1 territorial authorities where they do not have a Tier 1 urban environment within them;**
  - **Amend all elements of the Bill to clarify that the requirements relating to MDRS for the Future Proof councils only apply to Tier 1 urban environments within Hamilton city and not to neighbouring townships;**
  - **Allow the application of the MDRS in Tier 1 urban environments outside of Hamilton and in Tier 3 urban environments in specific areas should the territorial authority, through a plan change process, seek to promulgate these.**

### **Concerns with the Blanket Nature of the Bill’s Requirements**

90. Hamilton City Council and the Future Proof partners are concerned that the indiscriminate application of the proposed MDRS to Tier 1 urban environments (and potentially to Tier 3 urban environments as discussed above) has the potential to undermine the intent of the NPS-UD to create well-functioning urban environments. The dispersed and unpredictable nature of how development can occur under this proposal is at odds with creating a compact urban form which supports public transport and makes it difficult to plan infrastructure upgrades required to support this level of additional growth. Of particular concern is the ability to provide the required level of service for three waters.
91. The blanket approach to the application of the MDRS will make it harder to invest in a targeted way for future infrastructure needs, and risks spreading growth over a larger area compromising the ability to reach the critical mass needed for transport interventions. This has significant cost implications – not just for councils but also for Central Government, particularly Waka Kotahi.
92. The Future Proof partnership has expended a considerable amount of time and resources to determine a settlement pattern that supports efficient and effective public transport and supports a shift from private cars to other forms of transport. The NPS-UD Objective 8 states “New Zealand’s urban environments: (a) support reductions in greenhouse gas emissions”; the Future Proof Strategy looks to achieve this in part by providing for a compact urban form that supports less carbon intensive transport modes such as active and public transport. The Metro Spatial Plan Transport Business Case is currently underway to identify a programme of interventions to give effect to this compact urban form and will be focusing on intensification around identified nodes to enable a shift in transport behaviour.



Concept service diagram only, showing connections between future growth nodes

93. The Future Proof Waikato councils have undertaken significant work already to give effect to the NPS-UD. This work has been methodical and strategically aligned, based on the original criteria within the NPS-UD and underpinned by existing Housing and Business Capacity Assessment work.
94. The current targeted approach to planning for intensification is considered better placemaking for the existing and future communities of the sub-region than the poorly integrated land-use approach the proposed Bill appears to promote.
95. The Bill adds additional work and will require elements of the work already undertaken to give effect to the NPS-UD to be reworked. This is frustrating at a time when there are already resourcing issues in the sector, and while other significant reforms are taking place. As a consequence of this Bill, some significant plan changes and district plan reviews across Tier 1 councils will be delayed and some may need to be withdrawn, compounding the issue of land availability and ironically delaying housing land supply further as a result.
96. Where relevant to each of the Future Proof councils, the consequences of the Bill's proposed transitional provisions and implications for existing plan changes underway are further elaborated upon in Part B of this submission.
97. A more focused, staged approach to intensification supports thriving and resilient communities which are accessible and connected to employment, education, social and cultural opportunities - a central crux of the NPS-UD in creating well-functioning urban environments and improved four wellbeings through the Government's Policy Statement on Housing and Urban Development 2021 (GPS-HUD).
98. Focusing growth in more targeted areas also provides councils with a manageable framework to plan for the funding and coordinated delivery of infrastructure needed to service it. The Future



Proof Strategy concentrates higher densities into targeted areas, usually around city/town centres, with proximity to current and future public transport and with good amenity. This is aligned with infrastructure roll out as identified through the Long Term Plan process under the Local Government Act 2002. Any introduction of blanket medium-density needs the infrastructure (hard and social) picture to be aligned to support healthy communities as per the NPS-UD.

**99. Summary of our submission points:**

- **The Bill should not apply the MDRS as a general residential standard. The MDRS should be able to be applied through council plan changes in bespoke areas where it can be shown that this will result in well-functioning urban environments.**

**Sufficient Plan-Enabled Development Capacity Has Already been Provided For**

- 100.** Hamilton City Council and the Future Proof partners question the timing of this Bill and the proposed blanket introduction of medium density housing enablement. The proposed amendment to the RMA seems to be a belated response to a problem that most councils are now well advanced in addressing.
- 101.** The Future Proof partners have not been reticent in planning for growth. Together we have spearheaded spatial planning for growth at a regional scale, and further with our Auckland neighbours, through the Hamilton to Auckland Corridor and Metro Spatial Plan work. This Bill effectively shifts the bar again for councils by effectively enabling the tripling (or more) of planned densities throughout the existing city and townships. These changes are also being imposed despite the Housing and Building Development Capacity Assessment (HBA) demonstrating the additional NPS-UD and Bill measures are not required to meet growth.
- 102.** It is disappointing the Ministry for the Environment's Regulatory Impact Statement (RIS) does not take into consideration the recently submitted HBA's of Tier 1 councils in its assessment of its MDRA and capacity options as they apply to individual councils.
- 103.** It is not evident where the demand is to meet the supply of this medium density housing option. The Future Proof partners have just completed their second HBA. Contrary to the statement in the Regulatory Impact Statement that planning decisions are not informed by adequate evidence – the Future Proof HBA was developed in accordance with the evidential requirements of the NPS-UD. Development capacity supply through infill in specified locations and identified greenfield development was found to be more than sufficient to meet anticipated short-, medium- and long-term demand – in fact overall in terms of plan-enabled capacity there is well in excess of what is required. The Future Proof Strategy clearly identifies a number of 'urban enablement areas' and 'potential future urban enablement areas' across the sub-region that more than meet demand within, and beyond 30 years. The Future Proof councils' district plans are not a constraint to meeting demand. Infrastructure provision is potentially more of a barrier to the development of housing than the level of supply available under current and proposed district plans in the Future Proof subregion.
- 104.** Statistics New Zealand building consent figures for September 2021 indicate that a record 47,331 new homes were consented in the year ended September 2021, up 25 percent from the year to September 2020. Multi-unit homes accounted for 46 percent of all new homes consented nationally in the year ended September 2021, up 40 percent from the year to September 2020. In Auckland, multi-unit homes accounted for two-thirds of all new homes consented in the latest year, and nearly one-third of those in the Waikato Region.
- 105.** The driver for demand has been population growth but over the last year, as evident in the latest Statistics New Zealand figures, there has been no international migration, not a lot of New Zealanders returning and little internal growth. Auckland's population fell by a 1,000 people for the first time ever. A key driver of demand has significantly reduced and it is unclear when growth will return to pre-pandemic levels.

## Design Quality of the Built Environment

106. Hamilton City Council and the Future Proof partners want to build better urban areas, not just bigger urban areas. It's about building quality communities - not just houses. The Bill does not align with the Government's own focus on the four wellbeings and has the potential to compromise amenity and liveability for a short-term gain in housing numbers.
107. Hamilton City Council and the Future Proof partners have concerns about the design quality of the built environment resulting from blanket implementation of the Medium Density Residential Standards (MDRS) rules.
108. Once passed into law, the Bill will require Hamilton City Council, and potentially Waikato and Waipā (depending on the response to our submission point above), to adopt the MDRS rules set out in the Bill. The MDRS sets seven building requirements to enable development and must be incorporated into RMA plans for current and future residential zones in Tier 1 urban environments. The requirements will enable landowners to build up to three houses of up to three storeys on their site as of right on most sites. This includes alterations to existing buildings.
109. Hamilton City Council and the Future Proof partners are of the view that the MDRS rules are very blunt, and many do not provide good urban design outcomes, particularly given the range of urban areas that we have in the Waikato, ranging from small villages and townships, through to larger townships, and the city of Hamilton. The density and heights being required have been modelled on the Auckland Unitary Plan provisions. Whilst this might work in Auckland, where there are a range of city amenities, including rapid and frequent public transport provision, it will not translate well into the Hamilton context, or into smaller townships outside of the city.
110. In terms of urban design, there are two issues – macro urban design (for example ensuring good placemaking across the board with good PT, walking, cycling, local facilities and amenity) and micro urban design (for example the design of the buildings). Whilst the Bill focuses on the micro urban design, it does nothing in terms of the consideration of macro urban design issues.
111. We recognise that Government is prioritising the provision of housing but that should not be at the expense of good urban design outcomes. We have concerns that the proposed permitted baseline for medium density housing is in conflict with the central ethos of the NPS-UD and the recently released Government Policy Statement on Housing and Urban Development (GPS-HUD), which is to create liveable communities and well-functioning urban environments.
112. Consideration does need to be given to adjoining properties and potential loss of sunlight and passive home heating. Avoiding these unintended consequences from the introduction of medium density is a crucial concern for the Future Proof partners and relates to maintaining healthy communities over time.
113. **Summary of our submission points:**
  - **Amend the Bill to allow consideration of place-based macro urban design issues so that MDRS provisions are only embedded in locations where good place making and well-functioning urban environments can be achieved;**
  - **Make changes to the medium-density rules to ensure that the provisions address urban design concerns;**
  - **Introduce standards or guidance which provide opportunities for new buildings that support climate change objectives, including opportunities for active solar collection in the future, green buildings, and on-site retention of water and re-use of greywater.**

## Significant Increase in Pressure on Existing Infrastructure

- 114.** Increased densities of the kind enabled by the Bill will grossly exceed the capacity of existing infrastructure. Even under the provisions of the NPS-UD councils face huge challenges in terms of their ability to plan for infrastructure to meet these requirements under current fiscal constraints. The Bill will introduce densities which will result in capital expenditure on infrastructure which exceeds the ability for councils to fund at a local government level.
- 115.** The Bill does not address or acknowledge the infrastructure funding and financing shortfall to support an integrated solution for a step change in intensification, which would now be required across the entire city and potentially across all townships in the sub-region which meet the Tier 1 and 3 urban environment definition. The councils' infrastructure was not designed to support the full realisation of the current infill plan enabled capacity, never mind the increased densities being anticipated under the NPS-UD and now this Bill.
- 116.** Under the LGA 2002 councils have an obligation to adopt a prudent financial strategy. It will be impossible for councils to fund the scale of infrastructure required to meet these new density expectations whilst still complying with financial strategies and LGA requirements around prudent debt limits. Even before the Government began imposing further obligations on councils to enable more housing (through the NPS-UDC and now the NPS-UD) councils have advocated for additional funding tools from Government to enable councils to deliver on these new requirements. The current opportunities for government funding are effectively ad-hoc, random and outcome-uncertain invitations to compete with other councils for funding. These initiatives are not a substitute for a proper funding toolbox. Better funding options are needed to enable high-growth councils to appropriately and sustainably plan and deliver the infrastructure needed to support growth and to avoid unacceptable adverse effects on the environment.
- 117.** There is no mention in the Regulatory Impact Statement, the explanation to the Bill, or in the Bill itself of any associated Government funding for addressing the potential impacts of increased housing density on existing urban infrastructure.
- 118.** Infrastructure for consideration needs to be more than traditional roading, three waters and parks. As an example, roading needs to be expanded to transport - it is not about moving only cars and freight between towns and cities, but public transport (PT) and active mode opportunities for all. The need for social infrastructure, usually TA-led, not by developers, is generally left out of these conversations around increasing density. Higher density will necessitate more open space and park uses (active and passive) to maintain a quality of life. High density puts pressure on community facilities (halls, pools and libraries) and how people use them. Education facilities (primary and secondary), an integral part of communities, can be overwhelmed by significant increases in population if they are not planned for in advance with land and buildings.
- 119.** Given the blanket nature of the proposed zone and high impervious surface allowance [50-60%] there will be corresponding loss of urban trees and vegetation and an increase in stormwater runoff. This has both a social and environmental effect. Where medium density is proposed there needs to be access to parks and reserves and consideration of plantings within new greenfield sites along access ways and new open spaces, to offset absence of trees within lots. Low impact design around stormwater can also add vegetation to these developments and offset impervious runoff.
- 120.** There are already significant unfunded infrastructure investments needed in the life of the Future Proof Waikato councils' 30 Year infrastructure strategies to enable further infill/intensification to support the current plan enabled capacity.
- 121.** Failure to ensure the nature, location and timing of intensification of the scale promoted by the NPS-UD and this Bill is aligned with necessary new and/or upgraded strategic and local infrastructure will lead to adverse environment, cultural and public health effects from, for example, increasing wastewater overflows and increasing volumes of untreated stormwater, and water pressure issues compromising fire-fighting supply. This fails to ensure councils are giving

effect to Te Ture Whaimana o Te Awa o Waikato, Te Mana o te Wai, and is not an indication of a liveable community and well-functioning urban environment.

122. Ad-hoc, reactionary ‘patching’ of existing infrastructure to deal with incremental growth demands is not a sustainable approach. Proper infrastructure planning involves understanding and setting a strategic approach for supporting the maximum probable development based on what district plans enable and other spatial planning, then working back in intervals to match infrastructure delivery to growth. In this way the overall infrastructure programme is aligned with growth, integrated with landuse planning, and works towards a properly planned, fit-for-purpose city-full network. Reactionary development-by-development approaches to patch infrastructure creates a failure-before-fix situation risking adverse environmental effects. It also has the real potential to result in wasted infrastructure investment, for example with pipework being replaced multiple times, before coming close to its end-of-life, to incrementally increase capacity.
123. The timeframes in the Bill itself provides little to no opportunity for robust infrastructure planning to even occur, never mind dealing with actual implementation/construction within an existing urban environment with an existing community that will continue to need water, wastewater, stormwater and transportation services, including the lead-in times necessary for the scale of infrastructure works required. This in itself represents poor integration between land use and infrastructure decisions, with the environment and existing community facing the repercussions.
124. Additionally, the Bill does not align with the direction in the Draft New Zealand Infrastructure Strategy Rautaki Hanganga o Aotearoa 2021. This strategy recognises that to achieve a thriving New Zealand, we need a world class infrastructure system. Objective 3 of the strategy is building attractive and inclusive cities that respond to population growth, unaffordable housing and traffic congestion through better long-term planning, pricing and good public transport. In addition, Objective 4 (Strengthening resilience to shocks and stresses by taking a coordinated and planned approach to risks based on good quality information) is clearly at odds with the Regulatory Impact Statement (RIS) for the Bill. As noted previously, the RIS lacks any meaningful or credible information (including nil consultation with local government) to underpin the Bill.
125. We submit that the current Bill does not assist in enabling coordinated long-term infrastructure planning that will support the intentions of the draft Infrastructure Strategy.
126. In summary, the Bill in the current form inadequately recognises the role that infrastructure plays in supporting growth and will create an irreconcilable conflict with the intent of other national directives, including the higher order Te Ture Whaimana o Te Awa o Waikato.
127. **Summary of our submission points:**
  - **Provide certainty that there will be guaranteed funding options made available for councils to fund the infrastructure required to support the level of intensification required by the Bill;**
  - **Amend the Bill to allow areas to be excluded from the MDRS where there is insufficient existing or planned infrastructure capacity to support the level of intensification;**
  - **Explicitly allow for councils to plan, stage and sequence land use changes to align with the delivery of infrastructure necessary to avoid adverse effects on the environment including recognising the need for that infrastructure to align with a strategic, city-full infrastructure network;**
  - **Ensure councils can control and/or limit development where it would otherwise lead to non-compliance with its regional abstraction and discharge consents;**
  - **Allow for councils to apply additional on-lot controls necessary to assist with managing the environmental impacts of growth, for example requiring water sensitive devices;**
  - **Re-think the timeframes for when this Bill would come into force given the NPS-UD HBA demonstrates sufficient short-and medium-term supply for growth in order to allow proper infrastructure planning, staging, and funding work to be completed;**

- Urgently provide additional funding tools to allow councils to accelerate the delivery of infrastructure to support additional plan-enabled capacity;
- Retain clause 8 (b) – “A reference to relevant engineering standards applying in the relevant residential areas to which the MDRS applies”. This may result in activities requiring resource consent where engineering standards cannot be met, which would provide an appropriate mechanism for ensuring infrastructure requirements were met.

### **NPS-UD Definition of ‘Urban Environment’**

128. Hamilton City Council and the Future Proof partners support the proposed amendment to the NPS-UD to change the definition of urban environments to include reference to ‘intended to be’ in relation to territorial authorities. This is consistent with how Future Proof have defined “urban environment” in the Future Proof Strategy.

129. **Summary of our submission points:**

- Retain the proposed definition of urban environments as set out in the Bill.

### **Natural Hazard Risk and Residual Risk**

130. The Bill does not mention what the impact of increasing intensification has on natural hazard risk and residual risk. The Waikato Region has a several settlements such as Huntly that are protected by Waikato Regional Council stopbanks. Intensification in these locations would increase the residual risk. Natural hazard risk assessments are required for any new development, however there is no guidance on risk thresholds, especially when intensifying residential development. This is particularly important for future climate exacerbated hazards. The NPS-UD Objective 8 states “New Zealand’s urban environments: (b) are resilient to the current and future effects of climate change”.

131. For example, Hamilton City Council is accelerating its programme to produce 100-year flood hazard mapping and overland flowpath info to cover the entire city - currently most of the urban environment does not have detailed flood hazard modelling information. Individual developers will generally not be sufficiently experienced or resourced to undertake the catchment-scale work needed to produce this type of information. In the absence of this information the Bill would, by default, allow significant development on land potentially affected by flood hazards. This will put people and property at risk during a flood event.

132. **Summary of our submission points:**

- Amend the Bill to explicitly require a natural hazard risk assessment, including an assessment of residual risk, prior to the notification of intensification planning instruments to include the MDRS. As above, this will mean that additional time will be required in order to undertake a natural hazard risk assessment.

### **Schedule 3 - New Part 4 Inserted into Schedule 12**

133. We suggest considering an extension to the date given in Schedule 3 for plan changes to have incorporated the MDRS as the proposed date may inadvertently capture plan changes that have had substantial work undertaken to get them to the point of notification and then have to be withdrawn in part or whole because they were notified without the inclusion of the MDRS. For example, Hamilton City Council has just notified a plan change to their district plan to update the structure plan for a long planned for greenfield area at Peacocke to the south of Hamilton. The plan change is to update the existing structure plan to reflect policy direction to create a more compact urban form well supported by multi-modal transport. Submissions on the plan change closed on 5 November 2021, after which submissions will need to be summarised, further submissions called for, and section 42 reports prepared ahead of hearings. Given the time of year, it is very unlikely that this will be completed ahead of the February 2022 deadline.

134. **Summary of our submission points:**

- Extend timeframes to allow plan changes that have already been notified to complete their

**process. Alternatively, allow for plan changes that have been notified but hearings not held to be able to proceed if they incorporate the MDRS.**

## **Timeframes**

- 135.** Hamilton City Council and the Future Proof partners have serious concerns and reservations around the Bill's projected timeframes for delivery of intensification of housing in urban areas, which is due to commence in August 2022.
- 136.** Given the climate facing the building industry, particularly regarding the current and predicted foreseeable worldwide supply chain disruption and its impact on the likes of building supplies/material, these timeframes appear to be overly ambitious in terms of the projection of delivering up to 105,500 homes over the next eight years.
- 137.** The timeframes do not allow adequately for the Future Proof Waikato councils to address the necessary requirements related to Te Ture Whaimana or to plan for the required infrastructure to support the proposed changes.
- 138.** We therefore recommend that a longer timeframe is required for the implementation of the MDRS, to align with the dates for the completion of the FDS under the NPS-UD. Progress reporting could be a useful tool for government to keep abreast of progress being made on the changes.
- 139. Summary of our submission points:**
  - **Delete the August 2022 requirement for notification;**
  - **Add a requirement to report to government on the progress being made on changes;**
  - **Align the implementation timeframe of the MDRS with the requirements for completion of an FDS under the NPS-UD.**

## **Climate Change and the Environment**

- 140.** It is unclear how the blanket introduction of MDRS aligns with the central government's commitment to address climate change and its greenhouse gas emissions targets. Objective 8 of the NPS-UD seeks to achieve urban environments that support reductions in greenhouse gas emissions and are resilient to the current and future effects of climate change. The blanket application of the MDRS will not integrate with levels of accessibility by public and active transport and could work against achieving the critical mass required to support public transport interventions. This outcome is not in accordance with the NPS-UD objective of creating well-functioning urban environments which have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport.
- 141.** Higher residential densities with reduced open space allowances will result in there being less green space and less trees in our urban environments. The reduction in green open space and trees together with the increase in hard heat absorbing surfaces, risks increasing urban heat, especially when average temperatures are rising and the number of hot days per year increases. This poses a long-term risk to health and wellbeing.
- 142. Summary of our submission points:**
  - **Ensure opportunities are provided for passive energy opportunities for each dwelling and its occupants;**
  - **Provide standards or guidance which provide opportunities for new buildings that support climate change objectives, including opportunities for active solar collection in the future, green buildings, and water retention and re-use, and low impact urban design features for stormwater.**
  - **Amend the Bill to ensure locations of MDRS areas are consistent with achieving good public transport and active transport accessibility between housing, jobs, community services,**

## natural spaces and open spaces.

### Regulatory Impact Statement for the Bill

143. Hamilton City Council and the Future Proof partners note that the Regulatory Impact Statement (RIS) for the Bill was finalised on 21 May 2021. The Bill appears to be a solution for Auckland and Wellington, but Hamilton is barely mentioned in the RIS – for example Auckland is mentioned 24 times in the RIS but Hamilton is only mentioned 4 times. The smaller towns around Hamilton are not mentioned at all. Despite this lack of analysis, the Future Proof partner councils are expected to work with the same provisions in the Bill.
144. The RIS itself makes a number of observations about its limitations. For example, in the ‘Executive Summary’, under the section entitled ‘Limitations and Constraints on Analysis’ (page 2), it states that “The analysis in this paper was produced in a short period with limited ability to undertake bespoke formal analysis. As a result, analysis is based on existing sources and largely qualitative”.
145. Similarly, the section entitled ‘Stakeholder Engagement’ (page 2) notes that “Due to time constraints, there has been no opportunity for consultation with external stakeholders. This limits the ability to test the feasibility of processes and other aspects of implementation”.
146. Clearly then there was no engagement with the local government sector or iwi when developing the RIS. Given the critical role of local government and iwi in the Bill, this is both surprising and indeed, in our view, a major flaw in the background material underpinning the Bill’s development.
147. Under the section ‘Empirical Data’ (page 3), the RIS notes that “Bespoke modelling of the pattern and magnitude of development that would result if default MDRZ is implemented has not been undertaken. Instead, qualitative insights are drawn from other recent modelling exercises”.
148. Given the above examples of patent shortcomings in the RIS, the Future Proof partners are strongly of the view that this Bill is being pushed/rushed through with no real detailed analysis or robust engagement, or any clear understanding of unintended consequences.
149. This is further emphasised in the Joint Regulatory Impact Analysis Review Panel’s assessment and comments on page 4 of the RIS i.e:
  - *“There has been no public consultation on the proposals which means that the potential consequences identified in the RIS are not fully understood.*
  - *“The Panel wishes to particularly highlight the lack of consultation with local councils, which may pose implementation risks for the policy proposals in this paper, and a broader risk to the relationship between central and local government”.*
  - *“The RIS could also better support decision making through improvements to clarity of message, presentation of information, and greater use of quantitative evidence to support options assessment”.*
150. In terms of infrastructure, the RIS makes incorrect broad assumptions on what has been funded in council 10-year plans and demonstrates a poor understanding of how infrastructure planning and implementation works in conjunction with land use planning and 10-year plan funding. This would appear to be a key source of failure in how the Bill fails to appropriately address infrastructure.

### Plan Change Costs

151. The Future Proof Waikato councils have all been working hard to develop provisions to give effect to the NPS-UD, at significant cost to their ratepayers. This investment could effectively be wasted if existing plan change/plan review work needs to be set aside.
152. The plan change to give effect to the MDRS will require money and resourcing, both of which have not have been provided in this year’s LTP or Annual Plan. Local authorities are going to have to find money and resourcing from elsewhere to fulfil the requirements of the Bill. This action is likely to result in the removal of wellbeing focused projects and priorities.

### ISPP Process

- 153.** The Future Proof Waikato councils acknowledge the intention of the Intensification Streamlined Planning Process (ISPP) to provide a faster, easier and less costly plan change avenue. However, we are concerned that now allowing for a full consultation process excludes communities from having proper input into what will be a significant change for our urban areas.
- 154.** If the existing ISPP proposals are intended to remain, the Future Proof Waikato councils suggest consideration could be given to allowing for joint ISPP hearing processes. This would allow councils to run their processes together or in parallel and make use of the same hearing panel.



## Specific Changes to the Resource Management (Enabling Housing Supply & Other Matters) Amendment Bill

Suggested amendments are shown in underline and italics, and strikethrough.

RM Amendment Bill Reference	Scope of Amendment	Reasons
Whole Bill	<p>Amend all references to ‘urban environments’ in the Bill, and replace with ‘Tier 1 urban environments’</p> <p>Amend all elements of the Bill to clarify that the Bill is only mandatory in Tier 1 urban environments and does not apply to Tier 3 urban environments or to Tier 1 territorial authorities where they do not have a Tier 1 urban environment within them</p> <p>Amend all elements of the Bill to clarify that the requirements relating to MDRS for the Future Proof councils only apply to Tier 1 urban environments within Hamilton city and not to neighbouring townships.</p> <p>Allow the application of the MDRS in Tier 1 urban environments outside of Hamilton and in Tier 3 urban environments in specific areas should the territorial authority, through a plan change process, seek to promulgate these.</p>	<p>The suggested amendments would make the Bill consistent with the purpose outlined in the explanatory notes. Otherwise it would appear that Bill applies to Future Proof towns which would undermine the work being undertaken at a local level to enhance placemaking within our local communities. Whilst Hamilton is almost entirely urban in nature, Waikato and Waipā councils have a number of settlements of varying size, set in large expanses of rural land. It needs to be clear where the medium density residential standard (MDRS) are to apply.</p>
Clause 77F	<p><b>77F Medium density residential standards must be incorporated into plans</b></p> <p>(1) Every relevant residential zone in an urban environment of a relevant territorial authority must have the MDRS incorporated into that zone, <u>provided there is accessibility by existing or planned active or public transport to a range of commercial activities and community services and there is a clear demand for housing in that location.</u></p>	<p>The Bill should not apply the MDRS as a general residential standard in a blanket manner across a city or district. The MDRS should be able to be applied in areas where it can be shown that this will result in well-functioning urban environments and there is a clear need. This would also go some way towards addressing macro urban design outcomes.</p>
Clause 77G	<p><b>77G Qualifying matters in applying medium density residential standards to relevant residential zones</b></p> <p>A relevant territorial authority may make the MDRS less permissive in relation to an area within a relevant residential zone if that change is required to accommodate 1 or more of the following qualifying matters that are present:</p> <p>(a) a matter of national importance that decision makers are required to recognise and provide for under section 6:</p> <p>(b) a matter required in order to give effect to a national policy statement (other than the NPS-UD), <u>including Te Ture Whaimana – the Vision and Strategy for the Waikato River:</u></p> <p>(c) a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure:</p> <p>(d) open space provided for public use, but only in relation to land that is open space:</p>	<p>To acknowledge and confirm Te Ture Whaimana as a qualifying matter given that it is the primary direction-setting document for the Waikato and Waipā Rivers and was established under Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. Te Ture Whaimana represents the strongest direction that Parliament has given in relation to any RMA planning document and it is the pre-eminent planning instrument within the Waikato region. It is particularly noted that in the event of any inconsistency or conflict, Te Ture Whaimana o Te Awa o Waikato prevails over any national policy statement or New Zealand Coastal Policy Statement.</p> <p>To allow for limits to be applied where this could lead to</p>

	<p>(e) the need to give effect to a designation or heritage order, but only in relation to land that is subject to the designation or heritage order:</p> <p>(f) a matter necessary to implement, or to ensure consistency with, iwi participation legislation:</p> <p>(g) the requirement in the NPS-UD to provide sufficient business land suitable for low density uses to meet expected demand:</p> <p><u>(h) the need to give effect to regional abstraction and discharge consents:</u></p> <p><u>(i) no ability to connect to the urban infrastructure network or insufficient capacity within the network:</u></p> <p><del>(h)</del> <u>(i)</u> any other matter that makes higher density as provided for by the MDRS inappropriate in an area, but only if section 77I is satisfied.</p>	<p>non-compliance with regional abstraction and discharge consents.</p> <p>To acknowledge the need for development to be able to connect to urban infrastructure networks</p>
Clause 77H	<p><b>77H Requirements in relation to evaluation report</b></p> <p>(1) This section applies if a territorial authority is amending its district plan (as required by section 77F).</p> <p>(2) The evaluation report from the relevant territorial authority referred to in section 32 must, in relation to the proposed change,—</p> <p>(a) in relation to an area for which the territorial authority is proposing to make an allowance for a qualifying matter, demonstrate why—</p> <p>(i) the territorial authority considers that the area is subject to a qualifying matter; and</p> <p>(ii) the qualifying matter is incompatible with the level of development permitted by the MDRS (as specified in Schedule 3A) for that area; and</p> <p><u>(b) in the case of natural hazards, undertake a risk assessment, including an assessment of residual risk; and</u></p> <p><del>(b)</del> <u>(c)</u> assess the impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity; and</p>	<p>The suggested amendments make it explicit that where there are natural hazards (a matter of national importance under section 6 of the RMA 1991) a risk assessment is required, including an assessment of residual risk.</p>
Clause 80F	<p><b>80F Relevant territorial authority must notify intensification planning instrument</b></p> <p>(1) The following territorial authorities must notify an intensification planning instrument on or before 20 August 2022:</p> <p>(a) every tier 1 territorial authority, <u>except for Waikato Regional Council, Hamilton City Council, Waikato District Council and Waipā District Council, who have until 20 August 2023:</u></p> <p>(b) a tier 2 territorial authority that is required by regulations made under section 80E(1) to prepare a change to its district plan or a variation to its proposed district plan.</p>	<p>This amendment allows sufficient time for the Future Proof Waikato Councils to analyse the impact of the intensification planning instrument on Te Ture Whaimana</p>

	<p>(2) A tier 2 territorial authority that is required by regulations made under section 80E(2) to prepare a change to its district plan or a variation to its proposed district plan must notify an intensification planning instrument on or before the date specified in those regulations.</p> <p>(3) A territorial authority must prepare the intensification planning instrument—</p> <p>(a) using the ISPP; and</p> <p>(b) in accordance with—</p> <p>(i) clause 95 of Schedule 1; and</p> <p>(ii) any requirements specified by the Minister in a direction made under section 80I.</p>	
Schedule 1 - New Schedule 3A inserted, Clause 8 (Other Matters)	<p><b>Schedule 3A MDRS to be incorporated by relevant territorial authorities</b></p> <p><i>Other matters</i></p> <p><b>8 Other matters to be included in district plan in relation to MDRS</b></p> <p>The relevant territorial authority must include the following information in relation to the MDRS within the district plan:</p> <p>(a) the enabling objectives and policies for the MDRS; <del>and</del></p> <p>(b) a reference to relevant engineering standards applying in the relevant residential areas to which the MDRS apply; <u>and</u></p> <p><u>(c) a reference to any urban design guidelines.</u></p>	The Future Proof partners have concerns about the design quality of the built environment resulting from blanket implementation of the Medium Density Residential Standards (MDRS) rules. Incorporating urban design guidelines would go some way to ameliorating the micro urban design issues.
Schedule 1 - New Schedule 3A inserted, Part 2 – Building Standards	<p>Incorporate the following matters into the building standards:</p> <ul style="list-style-type: none"> <li>- Passive energy opportunities for each dwelling and its occupants.</li> <li>- Supporting climate change objectives, including opportunities for active solar collection in the future, green buildings, and water retention and re-use, and low impact urban design features for stormwater.</li> </ul>	These amendments would align with the central government’s commitment to address climate change and its greenhouse gas emissions targets.
Part 4, Clause 31	<p><b>Part 4 Provision relating to Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021</b></p> <p><b>31 Status of partly completed proposed plans and private plan change requests in tier 1 urban environments</b></p> <p>(1) This clause applies to the following in relation to the district plan of a tier 1 territorial authority:</p> <p>(a) a proposed district plan;</p> <p>(b) a private plan change accepted under clause 25(2)(b) of Schedule 1.</p> <p>(2) Subclause (3) applies if the instrument containing the proposed district plan or private plan change referred to in subclause (1)—</p> <p>(a) does, in whole or in part, 1 or more of the following things:</p> <p>(i) gives effect to policy 3 or 4;</p> <p>(ii) proposes changes to a relevant residential zone and those changes</p>	Like many growth area councils, the Future Proof Waikato councils have all been working hard to develop provisions to give effect to the NPS-UD, at significant cost to their ratepayers. This investment could effectively be wasted if existing plan change/plan review work needs to be set aside.

	<p>do not incorporate the MDRS:</p> <p>(iii) creates a new residential zone that does not incorporate the MDRS; and</p> <p>(b) has been notified on or before the commencement of this clause but a hearing under clause 8B of Schedule 1 is not completed on or before 20 <del>February</del> <u>May</u> 2022.</p> <p>(3) If this subclause applies, —</p> <p><i><u>(a) the territorial authority may continue with the proposed plan, but only if the MDRS is incorporated;</u></i></p> <p><del>(a)</del> <i><u>(b) otherwise,</u></i> the territorial authority must withdraw the part or whole of the proposed plan as relevant under clause 8D of Schedule 1; or</p> <p>(b) in a case where a private plan change has been accepted, the applicant must withdraw the request under clause 28 of Schedule 1.</p>	
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# PART B: HAMILTON CITY COUNCIL'S TECHNICAL SUBMISSION TO THE RESOURCE MANAGEMENT (ENABLING HOUSING SUPPLY AND OTHER MATTERS) AMENDMENT BILL

## Previous Submissions made on Resource Management Reform

Hamilton City Council takes a considerable interest in matters regarding Resource Management reform and has made a number of submissions in this space in recent years - for example:

- Hamilton City Council's 4 August 2021 submission to the **Inquiry on the Parliamentary Paper on the Exposure Draft - Natural and Built Environments Bill** - refer [here](#)
- Hamilton City Council's 3 August 2021 submission to the **Government Policy Statement on Housing and Urban Development (GPS-HUD)** - June 2021 Discussion Document - refer [here](#) and [here](#)
- Hamilton City Council's 2 July 2021 submission to the New Zealand Infrastructure Commission's May 2021 Discussion Document **Infrastructure for a Better Future Aotearoa New Zealand Infrastructure Strategy** - refer [here](#)
- Hamilton City Council staff feedback made on 21 May 2021 to the Ministry for the Environment's **Early Engagement on Resource Management Reform - Opportunities to Improve System Efficiency** - refer [here](#)
- Hamilton City Council's 13 February 2020 submission to the **Urban Development Bill** - refer [here](#)
- Hamilton City Council's 17 October 2019 submission to the June 2021 Discussion Document **Proposed National Policy Statement for Urban Development (NPS-UD)** - refer [here](#)

All submissions made by Hamilton City Council can be accessed [here](#)

### Part B Technical Submission

This second part of our submission Part B comprises an Executive Summary followed by those technical matters that Council seeks further clarification and development, primarily around the implications and applications of the MRDS, ISPP, infrastructure implications, financial contributions etc resulting from the Bill.

For ease of summary, Council have highlighted those recommendations and requests for changes in **BOLD**.

Council has also enclosed design typology images that depict the scale of potential development enabled by the Bill, illustrating some of the potential impacts of the MDRS referenced against what is enabled already in the Councils District Plan residential zones.

## Executive Summary

1. The submissions below are underpinned by the central message that Hamilton has been managing brownfield intensification for 10+ years through its existing growth strategies which balance both greenfield growth and infill. This has been successfully achieved through an approximate balance of directing 50% brownfield 50% greenfield in alignment with the Regional Policy Statement.
2. This strategic spatially planned growth is informed by an established Future Proof Partnership which has been underpinned by partner Housing and Business Assessments since 2017, extensive Metro Spatial Planning (MSP) work with central government partners, our monitoring, and updates to the existing Hamilton Urban Growth Strategy (HUGS), the MSP Transport Programme Business Case and the Metro Wastewater (North and South) Business Cases.

3. The point being at the regional and local level, the spatial planning, growth demand and integrated infrastructure response is more nuanced and better understood than a one size fits all blanket approach to enabling housing envisaged through the proposed Bill and its MDRS citywide application.
4. Furthermore, the timing, planning, and modelling evidence base needed to ensure robust planning/transport/three waters infrastructure/community integration is not considered in any way in the rushed timing of the Bill which confers a significant change to its land use response somewhat arbitrarily on Council.
5. Of further note unlike Auckland, Hamilton also provides for a range of housing typologies in close proximity to the central city through its existing removal of height controls, minimum parking requirements and relaxed building standards. Hamilton also has existing residential intensification zones within a walkable catchment of the central city and has done so in excess of 10 years.
6. Council will also highlight in its submission that the Draft New Zealand Infrastructure Strategy – is at odds with the Bill's Provisions with its objectives on building attractive and inclusive cities that respond to population growth as well taking a coordinated and planned approach to risks based on good quality information.
7. Work is already well underway to reflect the nuances of key centres in more detail through existing Area Planning to ensure consistency with the well-functioning urban environment approach of the NPDS-UD. This targeted more bespoke approach to intensification in key nodes is informed by P/T, accessibility analysis community drivers and infrastructure assessments for these catchments.
8. The attached zoning map in **Appendix A** shows the dispersed extent of all other centres captured under the amendment to Policy 3d and proposed MDRS which would cover the majority of the city in an ad-hoc fashion undermining the focus of existing Area Plan work.
9. The Future Proof Waikato councils have undertaken significant work already to give effect to the NPS-UD. This work has been methodical and strategically aligned, based on the original criteria within the NPS-UD and underpinned by existing Housing and Business Capacity Assessment work.
10. Increased densities of the kind enabled by the Bill and MDRS provisions not to mention 'Other Intensification Provisions' will grossly exceed the capacity of existing infrastructure.
11. The Ministry for Environment's Regulatory Impact Statement (RIS) significantly underplays the fact that the existing NPS-UD results in significant infrastructure challenges on its own given the requirement for 10 and 15% buffers for plan enabled capacity.
12. Councils already face huge challenges in terms of their ability to plan for infrastructure to meet this requirement (plus buffer) under current fiscal constraints. The Bill will introduce densities which make the capital expenditure costs impossible to manage at the local government level.
13. The Intensification infrastructure costs will be significant and if one of the primary mechanisms to pay for the increased densities is to pass these costs on to developers, is no clear option analysis supporting the RIS in terms of impact the local level infrastructure costs would be and how these would impact upon development viability or uptake.
14. The timeframes in the Bill itself provides little to no opportunity for robust infrastructure planning to even occur, never mind dealing with actual implementation/construction within an existing urban environment with an existing community that will continue to need water, wastewater, stormwater, and transportation services, including the lead-in times necessary for the scale of infrastructure works required.
15. The Planning submissions focus on the concerns on the erosion of community wellbeing and urban design outcomes that may result from a carte blanche one size fits all approach under the new MDRS permitted baseline.
16. Hamilton City Council is concerned that a citywide MDRS is extensive and will dilute and undermine the centres focus the existing NPS-UD is seeking to achieve in terms of encouraging greater

densities around centres with the most efficient accessibility, walkable catchments with access to community and commercial amenities.

17. Hamilton City Council's submission will show the design implications of the new MDRS provisions compared to what could occur under its existing residential zones and make alternative recommendations for what should be included as Building Standards as part of any new MDRS without hindering supply.
18. The Intensification Streamlined Planning Process (ISSP) is not clear in its application to existing Significant Natural Area assessment and scheduled Heritage assessment now required to reflect the imposition of the new MDRS citywide. Furthermore, there is no mention of the integration impacts with the rest of Schedule 1 Plan changes that will not meet the ISSP.
19. The proposed transitional provisions and timing of this Bill has also presented challenges for any Council that have their notified plan changes or are constructively working with live private plan changes, with the likelihood of, if passed having to delay/withdraw plan changes that are likely to be affected.
20. This will have the unintended consequence of stalling supply of land for residential development in specific cases – an outcome at odds with the intent of the Bill. Not to mention the significant investment in time, financial and community engagement that has gone into the existing plan change process.

### **Medium Density Residential Standards (MDRS) and Consenting Implications**

21. The proposed building standards for permitted medium density development proposed under Section 77F of the Bill represent a significant shift to the built form settings in residential zones which will apply citywide for Hamilton.
22. As a result, Tier 1 councils will be required to respond and provide additional infrastructure capacity everywhere at once to meet potential demand that may not eventuate. This would create undue pressure on rates for our communities, and/or will result in increased costs of new developments which will be passed on to purchasers.
23. It is also likely to hinder council's ability to prioritise infrastructure development in the spatial planning that is being proposed as part of the Resource Management reforms, under the Strategic Planning Act. This is elaborated on in more detail in the infrastructure section below.
24. The Council agrees that the proposed MDRS settings with an increased potential building envelope will accordingly increase housing choice and options for homeowners and builders.
25. The Council supports the exclusion of the large lot residential zone from the application of the MDRS, as these zones are typically used in semi-rural locations.
26. The Council recognises that the Government desires developments of three units to proceed as a permitted activity. However, council disagrees with the assumption in the Ministry for the Environment's Regulatory Impact Statement that increased development under the MDRS will occur close to city centres within inner city zones.
27. Given the extent of the proposed MDRS that would apply citywide in Hamilton. Suburban residential areas are more predicated to infill redevelopment for duplexes in the current Hamilton market where this development is more likely to take place where the cost of land is lower, and where lots are typically larger without the need for costly site amalgamation or the perceived adverse effects of locating close to existing commercial zoned land in the city centre.
28. It is therefore considered there will be adverse consequences of diluting infill away from centres and precisely those integrated central P/T accessible locations the NPS-UD seeks to target growth in Policy 3.
29. Furthermore, given the current market driven typology for infill is likely to remain suburban residential duplexes for the short-medium term, the new permitted baseline will remove all

opportunities to influence important placemaking and design interface discussions with this prevalent type of built form which would otherwise be part of the consent process.

30. **Hamilton City Council request that the geographic scope of the MRDS is not applicable to all default residential zones but rather enables Council to better reflect Policy 3a)-c) criteria of city centre, walkable catchment and priority centres as determined by walkability analysis, P/T accessibility and infrastructure servicing.**

### **Amendment to Policy 3(d)**

31. The Council supports the proposed amendments to Policy 3(d) in the NPS-UD although it **seeks clarity on terminology outlined in Section 770; within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones.**
32. Whilst the intent of simplification of Policy 3d) is supported, it is considered using terminology such as *adjacent* to centres is not necessarily helpful and open to interpretation for consistent intensification zoning response.
33. Furthermore, the amendment to Policy 3d) now inserts national planning standards for business zoning which was previously not required. The unintended consequence of this may require councils to prematurely align its existing Operative Plan Business Zone Standards which may require consequential changes to the Plan that sit outside that enabled by the ISPP. **It is therefore recommended that wording is changed to include ‘or equivalent centres in current Operative Plans’.**
34. Council has invested significant time in GIS/walkable catchment modelling to assess its existing centres in the city.
35. **Councils requests a proportionate approach under amended Policy 3d) in which to weight an appropriate intensification response to centres through other intensification policies ‘OIPs’ that support targeted intensification in accessible locations – where there are ‘density enablers’ that support well-functioning urban environments.**
36. These ‘density enablers’ include proximity to public transport, connections to local schools and other social and community infrastructure, and proximity to parks and open space.
37. The attached zoning map in **Appendix A** shows the dispersed extent of all other centres captured under the amendment to Policy 3d and proposed MDRS which would cover the majority of the city in an ad-hoc fashion undermining the focus of existing Area Plan work

### **Other Intensification Policies**

38. **The Council requests that the Ministry reviews the wording of the definition of ‘other intensification policies’ in clause 77E which refers to policies 3(c) and (d) as it applies to ‘urban non-residential zones’.** Also there appears to be an error in the amended Policy 3(d) of the NPS-UD,<sup>3</sup> in that the final words should presumably be “community services” rather than “community centres,” which includes a much smaller range of activities than community services.<sup>4</sup>
39. In light of the proposed citywide reach of the intensification proposed to be enabled in the MDRS provision council do not consider that the ‘neighbourhood centres’ described in the Bill are considered to be of a proportionate scale of employment, commercial and social activities that warrants additional other intensification above 4 stories. We therefore request that the reference to neighbourhood centres is removed from the new Policy 3(d).

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<sup>3</sup> New schedule 3B

<sup>4</sup> This amendment would also be consistent with the terminology used in section 77 O (1).



## Building Standards

40. The Council is concerned with the proposed Schedule 3A clause 2(3) which states: *(3) There must be no other building standards included in a district plan additional to those set out in Part 2 relating to a permitted activity.*<sup>5</sup>
41. Additionally, the Council is concerned with ambiguity of terminology in the Schedule. The Bill is not clear on what constitutes a building standard, design standard, built form standard, engineering standard or subdivision standard, or if these standards are intended to be specific to a particular type of development.
42. Many District Plans include standards (such as regarding earthworks, transport matters (such as design of safe access ways (including pedestrian), cycle parking, accessible parking etc.), noise insulation, lighting, landscaping, setbacks from railway lines, transmission lines, water supply for firefighting etc.).
43. These standards are important to ensure houses are well-designed, safe, accessible, and resilient and contribute to a well-functioning urban environment. The Council submits that the Bill must be more specific regarding what the bar in Schedule 3A clause 2(3) does and does not cover
44. **Council would support additional standards be included as part of the proposed permitted baseline to better ensure development responds to the natural environment, contributes to an effective public private interface and shapes a well-functioning urban environment.**
45. **The Council also requests that the generous building standards described in the Bill (including the 11m height and recession planes) are limited to when a minimum of three units are developed on a site at each subdivision stage.**
46. As currently written, enabling single residential units to be built to these standards will potentially result in super-sized homes, with no resultant increase for housing supply.
47. The councils recent Housing and Business assessment does still show in the short-medium term that demand for detached single dwellings remains strong irrespective of what Government directions seeks to enable.
48. A set of fixed building standards are proposed in the Bill to which councils cannot include anything additional. They include:
  - a. building height;
  - b. height in relation to boundary;
  - c. setbacks;
  - d. building coverage;
  - e. impervious area;
  - f. outdoor living spaces (per unit); and
  - g. outlook space (per unit).
49. These standards in the Bill will significantly alter the permitted baseline for development in Tier One urban environments. That is, these standards will become the new permitted baseline for which arguments for developments that breach these standards will now be considered. This will have the effect of an easier consenting process for buildings in excess of the scale set out in the MDRS.
50. Council also questions the level of consultation and engagement the practicable implications of the new rigid MDRS standards have had. There will be implications for developments seeking strict adherence to those standards proposed.

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<sup>5</sup> RM (EHS) Bill, p.28 (new Schedule 3A), clause 2 (3)

51. For example, the proposed MDRS specify minimum building setbacks of 1m for side and rear (except on corner sites) boundaries. St John Ambulance have advised Council that a 1m setback is too narrow to accommodate St John Ambulance stretchers. One metre setbacks would make it more difficult to extract someone from the residential development and prolong the time it takes to get patients to hospital.
52. **Hamilton City Council’s suggested approach to the Bill and the MDRS is to allow for further provisions and standards to be included as long as such provisions and standards do not reduce the developable area of the site.**
53. Additional standards as a permitted activity would create more certainty around design and managing the transition of amenity as it changes to adapt with higher levels of intensification presenting opportunities to consider:
- a. **the accessibility of units** (e.g., for people with mobility issues and emergency services access);
  - b. **Sustainable construction** methods and energy-efficiency (e.g., above-Building Code specifications; inclusion of eco elements like solar panels or hot water systems; greywater recycling; permeable swales etc.) to support long term affordability and environmental quality.
  - c. **the public private interface** (e.g., does the front door face the street or have a clear focal entrance, low front yard fences, minimal blank front facades);
  - d. how a safe environment is created (e.g., through using **crime prevention through environmental design principles**, ensuring there is adequate lighting);
  - e. **landscaping and vegetation** (e.g., planting to soften increased density and encourage the retention of mature vegetation to assist with achieving urban tree coverage and climate mitigation outcomes);
  - f. how **waste management and recycling facilities** are accommodated (i.e., where are bins going to be stored, where they can be positioned to as not to block footpaths and access).
54. **The Council therefore recommends that the Government consider how it can include elements of the design principles above into the permitted activity framework.** It is not considered that these principles would stymie growth but rather contribute to the creation of communities under the four wellbeing’s approach in the GPS-UD.

### **Urban Design Standards Proposed for MDRS**

55. Council considers there are important urban design aspects where the Bill does not offer a strong and sound basis contributing to the ‘well-functioning urban environment’, as described in Policy 1 of the NPS-UD. In particular, the proposed MDRS does not automatically encourage house type variety given the new permitted standards,
56. The Bill and the proposed MDRS enable people to build up to three residential units and three storey on a site without the need of resource consent, provided that it can comply with standards outlined in Part 2 of the Bill. This will likely lead people to simply duplicate the same or similar development layout on the same or similar size sites, for the purpose of avoiding the need of resource consent. It will potentially discourage the provision of ‘enable a variety of homes’ in different scales and types as rules and standards can significantly drive repetitive outcomes.
57. The Bill and the MDRS are silent on the minimum sizes and dimensions of residential units and/or habitable rooms, which is an important aspect contributing to onsite amenity and mental health being for the occupants.
58. This is a critical component of the Bill that it would allow subdivision of residential sections to any size, as long as it could be shown that a house would fit on the site and comply with the permitted standards in the MDRA. Using a small house of 50m<sup>2</sup> for example, would mean only a minimum section size of 100m<sup>2</sup> is potentially required.

59. Taking this to conclusion, this would translate into (assuming a typical 800m<sup>2</sup> section) there could be at one extreme making allowance for access ways, seven subdivided parcels enabling 3X 50m<sup>2</sup> dwellings up to three levels on each 100m<sup>2</sup> section so 21 units in total or a more realistic 3x 100m<sup>2</sup> size dwellings up to three levels on each 200m<sup>2</sup> section so 11-12 units in total. Both of these scenarios would be a permitted activity, with no design standards.
60. In addition, the MDRS proposes to reduce the size of OLA, being 15m<sup>2</sup> per residential unit instead of determining OLA based on the size of the residential unit. This is important to provide sufficient areas and spaces for higher density living under challenging circumstance such as Covid pandemic when working from home and sufficient on-site amenity is critical in a pandemic when public gatherings are limited or could be under future alert/ traffic light settings.
61. Quality urban design is important to achieve the NPS-UD objective to create well-functioning environments and the City Vision for Hamilton. It affects the balance between natural ecosystems and built environments, and their sustainability; it affects the social and cultural nature of a locality and it can influence how people interact with each other, how they move around, and how they use a place.
62. **We submit at a minimum that robust design standards should be introduced that consider factors such as the following:**
- **The New Zealand Urban Design Protocol as used for the previous Special Housing Area legislation.**<sup>6</sup>
  - **Crime Prevention through Environmental Design principles that help to create safer environments.**
  - **the urban design standards developed by Kāinga Ora or similar could be used to modify the MDRS in the Bill.**<sup>7</sup>
63. The Council also suggests that the Government consider:
- a. **Enabling the per unit outdoor living space standard to be grouped together into communal space.** We suggest a lower space requirement is enabled where this is the case. The benefit of enabling outdoor living space to be grouped together is that it produces more usable space (eg; in the form of roof top gardens) and is more economical to construct than individual balconies. It therefore has the potential to result in units with a lower cost.
  - b. **Fencing heights and style:**
    - i. Design of front wall/fence – max 1.5m high with a min of 40% permeability
  - c. **Paving and Planting within the front yard:**
    - i. Provision of a pedestrian footpath to the front door;
    - ii. A minimum of 50% of the front yard to be landscape.
  - d. **Façade interface to the street and public realm**
    - i. Orientate habitable rooms, balconies and the primary entrance (front door) towards the street;
    - ii. The front elevation should include a mix (minimum of three) of different material claddings, include appropriate articulation, fenestration and include other architectural features (such as verandas and balconies);
    - iii. If a garage faces the street, the door should be setback by at least 0.5m and its length should be less than 50% of the front façade.
  - e. **Size and functionality of the proposed outdoor living area:**

<sup>6</sup> <https://environment.govt.nz/assets/Publications/Files/urban-design-protocol-colour.pdf>

<sup>7</sup> Kainga Ora Design guidelines are available online at: <https://kaingaora.govt.nz/publications/design-guidelines/>

- i. Up to 2 bedrooms- 35m<sup>2</sup>; plus 10m<sup>2</sup> for each additional bedroom over 2 bedrooms;
  - ii. The OLA should not be included for the storage of rubbish/recycling storage and clothes drying.
- f. **introducing a minimum net floor area standard to help ensure than residential units create quality living environments and support individual wellbeing. We suggest 35m<sup>2</sup> for studio units, 45m<sup>2</sup> for 1-bedroom units and 55m<sup>2</sup> for units 2 bedrooms and over.**
64. To better illustrate the implications of the new MRDS provisions in terms of a) interface design controls and b) built envelope and c) yield against the existing Residential provisions of the Councils operative Plan, Council has helpfully attached **Appendix B**, visual schematic of suggested housing typology modelling.
65. Illustrations in **Appendix B** show the permitted MRDS built envelope of typical three storey developments that could occur on a 400m<sup>2</sup>, 600m<sup>2</sup> and 2000m<sup>2</sup> lot size.
66. The schematics illustrate the very real risk of repetition and similarity in built form that could occur under a permitted baseline, reducing variety in house type and with the relaxed height to boundary standards the openness about a site. These schematics raise concerns about the quality of the built environment in which future occupants might live.
67. The second imagery focuses on specific front interface issues highlighted above that under a permitted MDRA would only be achieved voluntarily by the developer. In order to achieve better outcomes in how new buildings face the street and interact within the wider surrounds in which they are located, council require some ability to negotiate or at a minimum prescribe interface controls that will improve street orientation and visual appearance and front yard landscaping.
68. The final images or photographs included with this submission show very clearly real examples of poor streetscape outcomes, when there is little or no ability to influence the design of the front unit, the design of the front yard, the landscaping, and the location of vehicle parking. This is compared to pictures which show successful outcomes often the result of successful negotiation by council design staff having a degree of ability to negotiate improved outcomes given the not excessive design standards in the councils existing plan.
69. All of these things are not new and are well established key design considerations of the NZ Urban Design Protocol developed by MfE of which Council is a signatory and has invested significant time and education with the development community to accept.
70. Additional to the suggested standards identified above, implementing the NPS UD will require that new standards which apply to permitted activities are developed. These will be needed to manage qualifying matters, such as natural hazards, or where financial contributions are required.

## Consenting

71. **The Council requests that the Government provide guidance on how local authorities are to consider the MDRS from gazettal of the Bill in late 2021, until their inclusion in district plans.** While the Bill states the MDRS have no effect until incorporated into the relevant proposed plan (clause 77J(5)), this does not address the fact that developers will approach local authorities to undertake development to this scale as permitted, knowing that the standards will apply in the near future and will have legal effect from the notification of the plan change.
72. No objectives and policies are provided to create a framework for breaches of the rules standards to be considered in the resource consent process. Schedule 3A, Clause 8 states that territorial authorities are required to draft these objectives and policies. To date territorial authorities are not privy to the intent of each standard which makes it difficult and ineffective to develop policy for. For example, is the intention of the impervious area standard to achieve hydraulic neutrality or not? **The Council considers the Ministry needs to draft these provisions to ensure clarity.**

## Recession Planes

73. The proposed Recession Planes in the MDRS are significantly higher than any of the Recession Planes in the existing Tier 1 territorial authorities' district plans - in most cases they are double what is allowed in the existing district plans. This will have a significant negative impact on the shading of neighbouring properties.
74. Hamilton already has a permissive framework for its Central City where a different level of amenity in terms of a 'central city' environment is to be expected but the proposed MRDS approach to height to boundary rules and recession planes adopts a one size fits all approach across the city which does not reflect the nuances of different urban environments, their natural environments and spaciousness.

## Common Wall

75. Design testing shows allowance for common walls on adjacent development sites would allow for a continuous building to be established from the depth of the site (sausage blocks). Removing this clause would create breaks in the row of units to allow some access to sunlight, view shafts and opportunities for service access. Council suggests an alternative would be a limit on built form continuous length or a requirement for a building to be stepped over a particular length.

## Growth Approach and Infrastructure Constraints

76. Hamilton City has significant three waters infrastructure issues. Many parts of the city are at or nearing capacity and we need to make efficient use of the network. The Council is likely to need to stage investment in the network to address both present challenges and future demand from growth in a way that ensures affordability while also increasing resilience to natural hazards and climate change.
77. The planning rules outlined in the Bill will undoubtedly result in a significant increase in plan enabled capacity to support housing intensification. To date Hamilton has managed to maintain a 50/50 split between greenfield and infill growth. The City's infrastructure however was not designed to support the full realization of the current infill plan enabled capacity, never mind the increased densities being anticipated under the NPS-UD and now the citywide ramifications of the MRDS contained within the proposed Bill.
78. There are already significant un-funded infrastructure investments needed in the life of the Council's 30 Year infrastructure strategy to enable further infill / intensification to support the current plan enabled capacity.
79. The Strategy summarises the increasing challenge arising from:
  - Increasing compliance, capacity and resilience costs to deliver infrastructure;
  - Legislative requirements to enable growth;
  - Increasing requirements and expectations relating to climate change;
  - Increasing requirements and expectations for mode shift.
80. Hamilton and its Futureproof partners have not been reticent in planning for growth. Together we have spearheaded spatial planning for growth at a regional scale, and further with our Auckland neighbours through the extensive Metro Spatial Plan work of which central government has been a partner.
81. To date Hamilton has taken a well-planned and rationale approach to growth and strategic infrastructure planning with its partners to ensure we provide for the wellbeing of our Hamilton community whilst seeking to protect the Awa and managing financial constraints.
82. This Bill shifts the bar again for Councils effectively enabling the tripling (or more) of planned densities throughout the existing city. These changes are also being imposed despite Hamilton's

Housing and Building Capacity Assessment (HBA) demonstrating the additional NPS-UD and Bill measures are not required to meet current planned growth.

- 83.** Council has significant concerns that the proposed permitted baseline established by this Bill, creating plan enabled capacity with minimalist planning controls, will create a conflict with:
- i. The central ethos of the NPS-UD and the recently released Government Position Statement on Housing and Urban Development (GPS-HUD), which is to create liveable communities and well-functioning urban environments.
  - ii. Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River established through the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 which is the the primary direction-setting document for the Waikato River and its catchments and requires that the health and wellbeing of the Waikato and Waipā Rivers is to be restored and protected for current and future generations. It is particularly noted that in the event of any inconsistency or conflict, Te Ture Whaimana o Te Awa o Waikato prevails over any national policy statement or New Zealand Coastal Policy Statement
  - iii. Te Mana o te Wai as per the NPS -FW to ensure that when managing freshwater, the health and well-being of the water is protected and human health needs are provided for before enabling other uses of water.
- 84.** Conflicts arise because the Bill does not explicitly provide for, or even acknowledge, the need to ensure adequate three waters and transport infrastructure is planned or provided for before enabling ad-hoc city-wide development at a density that is orders of magnitude above anything previously planned for.
- 85.** The Ministry for the Environment’s Regulatory Impact Statement (RIS), Section1, paragraph 4 correctly identifies inadequate infrastructure capacity as a key contributor why the country is not seeing development at a scale or pace needed to address our collective housing issues. Paragraph 5 identifies that removing planning constraints alone will not increase supply. The Council agrees with this identified tension and disconnect but highlights that the proposal does not contribute to resolving it but makes it worse.
- 86.** Council notes acknowledgement in the RIS, paragraph 11;
- ‘To realise development, these measures will require significant council investment in infrastructure in some places. As noted, these measures will not address the infrastructure funding and financing constraints which councils face and could bring forward pressures on councils to address these constraints, either through reprioritising spending or investigating alternative funding and financing mechanisms’.*
- 87.** The RIS (on pages 29 and 33) has significantly understated the prevalence and capacity of existing infrastructure, and real and practical challenges of managing the programming and sequencing of the required upgrading of infrastructure within existing areas in response to the additional capacity likely enabled by the proposed MDRZ standards. The RIS also erroneously assumes that all infill/inner city suburbs are "often well serviced" by infrastructure, the inverse is often the case for older parts of cities.
- 88.** Council disagrees with the overly simplistic and underplayed statement on infrastructure in Paragraph 120;
- ‘Impacts from the MDRZ are expected to be manageable in the short to medium term, as poorer housing stock, predominantly in inner city suburbs, is replaced gradually. These areas are as often well serviced by infrastructure and councils have the ability to signal when infrastructure capacity will be increased. Developers can be required to contribute to the costs of infrastructure upgrades required to enable the development’.*
- 89.** Council is still understanding the implications of the NPS-UD, and for mid-sized cities like Hamilton, application of the NPS-UD largely rests on the more discretionary aspects of the statement contained with the now amended – Policy 3d. That work has only just started.

90. Inner city areas are not necessarily well served with existing infrastructure. In fact, in most cases infrastructure is built for historical patterns of development, with limited capacity for growth. Inner city development where older single housing is replaced by 3 units may not occur gradually, or necessarily in a scattered pattern. Redevelopment could be fast in some areas, and in substantial amounts. Monitoring of this risk and responding to failures in a reactionary manner is not a sustainable or responsible management response.
91. Upgraded capacity for an area the size of just the central city essentially means replacement of infrastructure, not small-scale local network upgrades. Council can only recoup a small portion of these costs from new development. The bulk of costs will likely fall on current ratepayers.
92. Failure to ensure the nature, location and timing of intensification of the scale promoted by the NPS-UD and this Bill is aligned with necessary new and/or upgraded strategic and local infrastructure will lead to adverse environment, cultural and public health effects from, for example, increasing wastewater overflows and increasing volumes of untreated stormwater, and water pressure issues compromising fire-fighting supply. This fails to ensure Council is giving effect to Te Ture Whaimana o Te Awa o Waikato, Te Mana o te Wai, and is not an indication of a liveable community and well-functioning urban environment.
93. For Hamilton all municipal potable water abstraction, wastewater discharge and stormwater discharges are to or from the Waikato River. While Council currently holds consents for these activities from the Waikato Regional Council any increase in use of the river or increase in discharge characteristics from the wastewater plant would be challenging particularly in the future given the finite nature of the resource.
94. The Bill fails to recognize the need for Council itself to ensure it is compliant with its own consents which are linked to ensuring adequate infrastructure but also finite capacity of the Waikato's natural resources. Council is already feeling the compliance repercussions arising from the increasing stress on its networks and the very real threat of prosecution for wastewater overflows
95. Council (and likely other Tier 1 Councils) is unable to fund the scale of infrastructure required to meet these new density expectations whilst still complying with its financial strategy set out in its 10 Year-plan. A prudent financial strategy being an obligation placed upon them under the LGA. Even before the Government began imposing further obligations on Tier 1 Councils to enable more housing (through the NPS-UDC and now NPS-UD) Councils have advocated for additional funding tools from Government to enable Councils to deliver on these new requirements.
96. Significant work will be required to effectively redesign the entire city's infrastructure network. Initial cost estimates using broad land use, engineering and construction assumptions were prepared to inform Council's applications for the first phase of the Housing Acceleration Fund / Infrastructure Acceleration Fund process.
97. Before the Bill's MDRS proposals, for the Area Plan and Central City work currently underway by Council which was looking to stage intensification in response to the NPS-UD, covering only about 15% of the City, the scale of unfunded costs exceeds \$3.5b. These costs also do not include new or upgraded water or wastewater treatment plants, ongoing operational costs, or the further investment needed to secure additional water allocation/system resilience or to support increased discharge of treated wastewater.
98. Whilst HCC undoubtedly benefited from Government funding opportunities such as the Housing Infrastructure Fund, and potentially the Infrastructure Acceleration Fund, these are effectively ad-hoc, random and outcome uncertain invitations to compete with other Councils for funding. These initiatives are not a substitute for a proper funding toolbox.
99. Better funding options are needed to enable high growth Council's to appropriately and sustainably plan and deliver the infrastructure needed to support growth and to avoid unacceptable adverse effects on the environment.
100. It is noted that the Bill includes financial contributions as funding mechanism, but this simply codifies an existing tool which has significant deficiencies and indeed has been the subject of

proposals to be removed from the Act. The current financial contribution approach is ad-hoc and reactionary. It is an ineffective method to rely upon for funding significant lead infrastructure investment programmes needed to support the scale of growth experienced by Tier 1 Councils and these new density expectations.

101. Ad-hoc, reactionary 'patching' of existing infrastructure to deal with incremental growth demands is not a sustainable approach. Proper infrastructure planning involves understanding and setting a strategic approach for supporting the maximum probable development (city-full) based on what the District Plan enables and other spatial planning, then working back in intervals to match infrastructure delivery to growth. In this way the overall infrastructure programme is aligned with growth, integrated with landuse planning, and works towards a properly planned, fit-for-purpose city-full network.
102. The proposed Bill and blanket MDRS approach will encourage reactionary development-by-development approaches to patch infrastructure creates a failure-before-fix situation risking adverse environmental effects. It also has the real potential to result in wasted infrastructure investment, for example with pipework ends up being replaced multiple times, before coming close to its end-of-life, to incrementally increase capacity.
103. The timeframes in the Bill itself provides little to no opportunity for robust infrastructure planning to even occur, never mind dealing with actual implementation / construction within an existing urban environment with an existing community that will continue to need water, wastewater, stormwater and transportation services, including the lead-in times necessary for the scale of infrastructure works required. This in itself represents poor integration between land use and infrastructure decisions, with the environment and existing community facing the repercussions.
104. **Council also highlight that the Draft New Zealand Infrastructure Strategy is at odds with the Bill's Provisions.** Page 12 of the Draft New Zealand Infrastructure Strategy (Rautaki Hanganga o Aotearoa) states that "The Strategy is focused on five objectives to achieve a thriving New Zealand. Based on the infrastructure challenge, we have developed five strategic objectives. These are the things we need to do as a nation to achieve the vision of a thriving New Zealand".

The Draft Strategy's five objectives are:

- iv. Enabling a net-zero carbon Aotearoa through greater development of clean energy and reducing the carbon emissions from infrastructure.
  - v. Supporting towns and regions to flourish through better physical and digital connectivity and freight and supply chains.
  - vi. Building attractive and inclusive cities that respond to population growth, unaffordable housing and traffic congestion through better long-term planning, pricing and good public transport.
  - vii. Strengthening resilience to shocks and stresses by taking a coordinated and planned approach to risks based on good quality information.
  - viii. Moving to a circular economy by setting a national direction for waste, managing pressure on landfills and waste recovery infrastructure and developing waste-to-energy options.
105. Council suggest that the Bill's provisions around increased housing density, and the likely negative impact and challenges this will have on the role of councils in ensuring positive urban design and amenity outcomes for our largest urban areas, are clearly at odds with;
    - Objective 3 of the Draft Strategy i.e., Building attractive and inclusive cities that respond to population growth, unaffordable housing and traffic congestion through better long term planning, pricing and good public transport.
    - Objective 4 (Strengthening resilience to shocks and stresses by taking a coordinated and planned approach to risks based on good quality information)



- 106.** Objective 4 in particular is clearly in conflict with the RIS for the Bill. As noted previously, the RIS lacks any meaningful consultation with local government, iwi and the wider community to underpin the Bill.
- 107.** In summary, the Bill in the current form inadequately recognises the role that infrastructure plays in supporting growth (three waters, transport and community infrastructure), and will create an irreconcilable conflict with the intent of other national directives, including the higher order Te Ture Whaimana o Te Awa o Waikato.
- 108. Council strongly recommend if the intent of the Bill to enable more housing is to proceed then the following will be required:**
- i. Government support that enables councils to take a coordinated approach to infrastructure planning and delivery, within identified areas.**
  - ii. Explicitly allow for Councils to plan, stage and sequence land use changes to align with the delivery of infrastructure necessary to avoid adverse effects on the environment including recognising the need for that infrastructure to align with a strategic, city-full infrastructure network**
  - iii. This focussed approach provides Council with a framework that:**
    - a. promotes more efficient use of existing infrastructure and identifies and guides the priority, location and funding of future physical and social infrastructure services (e.g. open space, water and wastewater services, transport, recreation and community facilities);**
    - b. promotes a compact urban form by encouraging optimal use and development of land (e.g., supports comprehensive and intensive redevelopment of sites, rather than small scale patchwork development); and**
    - c. supports reducing carbon emissions and avoiding car dependent communities.**
  - iv. Ensure Council can control and/or limit development where it would otherwise lead to non-compliance with its Regional abstraction and discharge consents**
  - v. Allow for Councils to apply additional on-lot controls necessary to assist with managing the environmental impacts of growth, for example requiring water sensitive devices.**
  - vi. Rethink the timeframes for when this Bill would come into force when Council's NPS-UD HBA demonstrates sufficient short and medium term supply for growth in order to allow proper infrastructure planning, staging, and funding work to be completed through existing currently underway (Future Proof) and planned growth strategies (Hamilton Urban Growth Strategy)**
  - vii. Urgently consider and provide additional funding tools to allow Councils to accelerate the delivery of infrastructure to support additional plan enabled capacity.**

### **Intensification Streamlined Planning Process (ISPP)**

- 109.** The Council strongly supports the proposal to expedite the implementation of the intensification policies of the NPS-UD through the new ISPP. The Council had already planned to notify a proposed district plan that implements the NPS-UD by August 2022.
- 110.** The Council agrees that the absence of an appeals process in the ISPP will help to expedite the realisation of development under the intensification policies of the NPS-UD, as well as having legal effect from the notification of the instrument.
- 111.** Clause 80G(a) limits territorial authorities to notifying only one intensification planning instrument (and therefore to use the ISPP).
- 112.** The Council however are very concerned that the MfE regulatory impact statement significantly underplays the complexities of introducing the ISPP and subsequent implications for the status of qualifying matters that are not already scheduled within an Operative District Plan, for example

new Significant Natural Areas (SNAs) or heritage buildings. This will be elaborated further in the Qualifying Mater section below.

- 113. The Council requests this be amended to allow the ISPP to be used on an ongoing basis for the implementation of Policy 3 of the NPS-UD which will enable more time for application of Policy 3d) assessment citywide with existing growth strategy work.**
- 114.** It would frustrate the intent of the Bill and the Government's desire to realise the implementation of the NPS-UD sooner if plan changes that implement Policy 3 of the NPS-UD after 20 August 2022 are not able to utilise the ISPP process. Needing to follow an RMA Schedule 1 process would delay implementation and is highly likely to result in appeals on similar aspects of the Plan.
- 115. The Council requests that the Ministry examine the drafting of the definition of 'other intensification policies' in clause 77E which refers to policies 3(c) and (d) as it applies to 'urban non-residential zones'.**
- 116.** This drafting creates uncertainty whether rezoning of all residential areas within the walkable catchments of the areas specified in policy 3(c) and subject to policy 3(d) of the NPS-UD are to be progressed through the ISPP. The Council understands the Government's intention is that densification of these residential areas is to be progressed in the intensification planning instrument. This needs to be more clearly articulated in the drafting of the Bill.
- 117. Similarly, the Council requests implementation guidance is produced as soon as possible to clarify the scope of provisions in a district plan that are to be progressed through the intensification planning instrument and accordingly the ISPP.** The integrated manner in which district plans are drafted do not lend to provisions being clearly 'carved out' in a straightforward manner. For example:
  - a. are earthworks and subdivision provisions developed to enable development under the intensification policies of the NPS-UD part of the instrument?
  - b. are significant natural area or new historic heritage area provisions included as they are a qualifying matter under the NPS-UD?
- 118.** It is critical this guidance is provided as soon as possible given the significant task that councils have ahead of them to identifying the relevant provisions and consider the best way to proceed with a review of their plans. Furthermore, as provisions will have different legal weighing due to the ISPP, guidance will need to be available for plan users and the community.
- 119.** While supportive of the ISPP, the Council is concerned that the Ministry is not resourced to make directions on all Tier 1 Plans within a timely manner should the Minister choose to exercise the powers under clause 80I. Furthermore, this Council question whether Environment Court is the better avenue for decision-making on the Intensification Plan Change material that is disputed by councils.
- 120.** The Council identifies a drafting error that refers to 'community centres' in the amended Policy 3(d) of the NPS-UD (see Schedule 3B), instead of 'community services'. **The Council suggests that this clause also refer to commensurate to access to public transport services.**

### **Schedule 3, New Part 4 Transitional Provisions**

- 121.** The timing of this Bill has also presented challenges for any Council that have their notified plan changes or are constructively working with live private plan changes, with the likelihood of, if passed having to delay/withdraw plan changes that are likely to be affected.
- 122.** This will have the unintended consequence of stalling supply of land for residential development in specific cases – an outcome at odds with the intent of the Bill. Not to mention the significant investment in time, financial and community engagement that has gone into the existing plan change process.
- 123.** The imposed timeframes in Schedule 3, New Part 4, Sec 31 of the Bill directly impact upon the timely delivery of Hamilton's most significant strategic growth cell for the city, Peacocke.

124. Peacocke came into the Hamilton City Boundaries in 1989 however development of the area was only recently enabled through the Housing Infrastructure Fund (HIF) where Council received \$180.3m from Central Government for strategic waters and transport infrastructure, alongside \$110.1m funding from Waka Kotahi NZTA. The delivery of the HIF infrastructure programme commenced in 2018 and is currently on track for completion in 2024.
125. Development interest is high in the Peacocke area with current consent applications and pre-application discussions indicating development intentions for 3000 homes in the short-medium term. Many developers are intending on having their first homes consented and construction commencing from mid-2023.
126. Key enabling HIF infrastructure projects such as the bridge and wastewater pumpstation and connections will be completed in mid-2023 which is when further housing development activity is expected to commence. Much therefore depends on the timely progress of the current plan change Schedule 1 process.
127. Council has publicly notified a comprehensive plan change for the Peacocke Growth area on 24 September 2021 (Plan Change 5). The submission period closed on 5 November 2021 and 57 submissions have been received. Following a further submission period, which will conclude in early 2022, it is expected that the hearing into submissions on Plan Change 5 will be held between 1 May and 30 July 2022.
128. Based on these timeframes, under Schedule 3 of the Bill, New Part 4 section 31(2) and (3), Council will be required to withdraw Plan Change 5. This outcome will delay the provision of housing in Peacocke and seriously undermine Council's work programme. It will lead to inefficiencies, delay and unnecessary duplication of planning processes.
129. To accommodate the Bill, Council has lodged a submission to Plan Change 5 seeking to amend it as necessary to give effect to the final form of the Bill once enacted.
130. However, it is essential that the timeframe of 20 February 2022 set out in Section 31(2)(b), which is the time the hearing of any plan change must be completed, must not apply to Plan Change 5. Council requests that there be a specific 'carve out' for Plan Change 5, or alternatively, that the 20 February date be extended to 31 July 2022.
131. More broadly, it is likely that other councils are in a similar position. In addition to the specific relief in terms of Plan Change 5, to address this wider issue, **Council proposes that the Bill provides an avenue for current notified plan changes to continue on their current First Schedule trajectory and be amended so that the withdrawal of plan changes is not required, but rather a process should be enabled that plan changes can be automatically updated to incorporate the MDRS.** This will avoid any perverse outcome of slowing down the supply of housing that would result from the withdrawal plan changes delivering significant strategic growth cells for the city.

### Qualifying Matters – Significant Natural Areas and Historic Heritage

132. The implications for Vision and Strategy, Te Ture Whaimana te tui as a qualifying matter has already been addressed in **Part A** of this submission on behalf of the Future Proof Partnership and will not be relitigated in this section of the submission.
133. It is however noted that within the timeframes proposed by the Bill, it will be difficult to assess through Section 77H Evaluation Requirements whether any intensification plan change is consistent with Te Ture Whaimana, and to undertake an assessment as to whether there should be areas excluded from the MDRS on the basis of Te Ture Whaimana as a qualifying matter.
134. The intensification streamlined planning process, scope of this process, and status of qualifying matters that are not already scheduled within an Operative District Plan, for example new Significant Natural Areas (SNA) and future scheduled Heritage items, is unclear.
135. It is expected that work well underway by Council to identify new SNA, that are yet to be scheduled in the district plan through a First Schedule plan change process, will justify limited application of

intensification requirements under Section 77H of the Bill for implantation of MDRS or Policy 3 NPS-UD criteria on certain residential properties, as a qualifying matter.

136. However, it is unclear in the Bill the degree to which the ISPP process has scope to consider the newly identified qualifying matters and whether the ISPP process would involve an examination of expert technical assessments undertaken, and / or confirmation of new scheduled items.
137. Council assumes that for newly identified Section 6(c) matters, such as SNA or scheduled heritage building, a concurrent First Schedule plan change will be required for these to be scheduled in the ODP. The concern is that having two processes considering the same technical inputs may result in misalignment, duplication or undermining of process, particularly where appeals may be received on the First Schedule plan change on matters that have informed decisions through the ISPP.
138. When applying the medium density residential standards (MDRS) to the existing ODP residential zones Council must now modify all existing relevant residential zones in an urban environment (new Section 77F).
139. Council to date, has not been focused on considering that the existing scheduled heritage items or Heritage Areas in the ODP that either need to be included into the plan change or modified. That approach may now, due to the Bill, be problematic. AND if fact all citywide features that affect the application of the MDRS must now be reviewed and either removed or assessed as being a qualifying matter.
140. Key points Council wish to raise in interpretation of the Bill in so far as they relate to Heritage are as follows:
  - i. The existing structure of the ODP's residential zones and applicable citywide rules need a full reassessment or through the ISPP will be able to be challenged.
  - ii. The subtle language changes between those from the 2020 NPS-UD qualifying matters (clause 3.32) and the proposed Bill (new sections 77G, H & I and 77N) seem to have eroded that clarity of how applicable qualifying matters actually are.
  - iii. Proposed Section 77H(2)(a) in the Bill now requires councils to apply a higher test to demonstrate why there is the need to "make an allowance" for a qualifying matter –meaning existing/scheduled items/sites and those proposed to be implemented via a plan change process could be challenged.
  - iv. As Historic Heritage under Section 6(f) RMA is for the protection of historic heritage from inappropriate subdivision, use, and development. The wording in the Bill seems to guild that as a 'S6 matter' this does not trigger the need for a 'site specific' assessment (whereas under 'Other Matters' it will require a site-specific assessment). Nevertheless, it is unclear if the intent that Historic Heritage is considered an item on a site or if it also covers Historic Heritage Areas?
141. **Given the uncertainty above, council seeks that further and greater consideration be given to scope of the ISPP and alignment with other plan changes where required to recognise and provide for the matters of national importance outlined in s6(c).**

## Housing and Business Assessment

142. It is disappointing the Ministry for the Environment's Regulatory Impact Statement (RIS) does not take into consideration the recently submitted HBA's of Tier 1 councils in its assessment of its MDRA and capacity options as they apply to individual councils.
143. Hamilton's HBA<sup>8</sup> has recently received draft feedback and assessment from MfE in which it shows that it is already currently meeting its short, medium and long-term sufficiency in housing land capacity which includes the Demand + margin' of demand based on the University of Waikato April

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<sup>8</sup> Table 8.1-2, Future Proof Housing and Business Assessment, 2021

2021 projection (high-series) and an additional margin of feasible capacity, over and above the projected demand, of at least 20% in the short and medium term (Figure 1 below).

**Figure: 1 Summary of Hamilton City Council - Housing Development Capacity Results (2021)**

	Short Term	Medium Term	Long Term (Growth Scenario 1)	Long Term (Growth Scenario 2)
<b>Housing Demand (including margin)</b>	4,200	14,300	43,100	43,100
<b>Reasonably Expected to be Realised Capacity</b>				
Greenfield	2,500	7,600	15,200	15,700
Infill/Intensification	1,800	10,500	29,600	30,500
<b>Total</b>	4,300	18,000	44,900	46,200
<b>Sufficiency</b>	90	3,700	1,800	3,100

Note totals may not sum due to rounding

144. The MfE's own commentary on Council's HBA advises that it provides detailed tables outlining sufficiency by area, over short, medium and long terms. This is further disaggregated where this capacity will be released from existing estates, existing urban area, greenfield and additional future developments.
145. The city also has a large range of feasible development options within the existing urban area beyond those projected to be taken up as 'reasonably expected to be realised capacity'.
146. For the long-term, Hamilton is sufficient under two modest growth scenarios that apply a reasonable adjustment to costs and revenue, simulating market growth which makes infill development more feasible through time.
147. The work Council is doing in response to Policy 3 of the NPS-UD to enable greater density in the central city, walkable catchment and other areas that are highly accessible or with relatively high demand will improve the potential for a wider range of typologies and more relatively affordable dwellings to be delivered by the private market.
148. Council considers Plan capacity enablement is just one tool to support more affordable housing outside of private market priced housing. There are others, such as working with the Waikato Housing Initiative on their affordable housing pipeline, partnering with Kāinga Ora and working alongside iwi, mana whenua and existing communities e.g., the Fairfield Enderley Urban Development Partnership.
149. Given the above surplus capacity already enabled under the existing HBA plan enabled requirements it is considered premature to bring forward the MDRS citywide.
150. **Council request that evaluative recognition be given to the additional existing Tier 1 HBA capacity that will be brought forward quicker through the proposed ISPP.**

## Financial Contributions

151. Hamilton City Council supports the introduction of new and efficient mechanisms to fund infrastructure to service growth, particularly in brownfield areas. This supports Hamilton City Council's strategic direction and NPS-UD.
152. **Council request clarification as to the method for determining Financial Contributions (FCs) and the purpose for which they can be required.**
153. To be useful, these FCs need to not offset or reduce Council's current ability to recover Development Contributions (DCs).

154. We note that DCs are typically insufficient to cover the cost of required growth infrastructure in brownfield areas.
155. **Council request that FC rule(s) should have legal effect from the same time as when the Medium Density Residential Standards have legal effect.**
156. Hamilton City Council will be investigating and pursuing the option of expanding its use of FCs as proposed in the Bill.

### **Other Matters**

157. The housing system is complex and it is simplistic to assume it just resolved through a regulatory consenting fix proposed in the Bill. The building and construction sector faces serious resourcing and supply issues that pose risks to realisation of the outcomes of the NPS-UD and the Bill.
158. **The Council requests the Government take a whole of housing systems approach and continue to take steps to address labour shortages and issues with the supply and costs of building materials.**

## **Further Information and Hearings**

159. Should Parliament's Environment Select Committee require clarification of this submission from Hamilton City Council and the Future Proof Partners, or additional information, please contact **Blair Bowcott** (General Manager Growth), phone 07 838 6742 or 021 775 640, email [blair.bowcott@hcc.govt.nz](mailto:blair.bowcott@hcc.govt.nz) in the first instance.
160. Hamilton City Council and the Future Proof Partners **do wish to speak** at the Environment Committee hearings in support of this submission.

Yours faithfully



**Lance Vervoort**  
**CHIEF EXECUTIVE**

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 /HamiltonCityCouncil

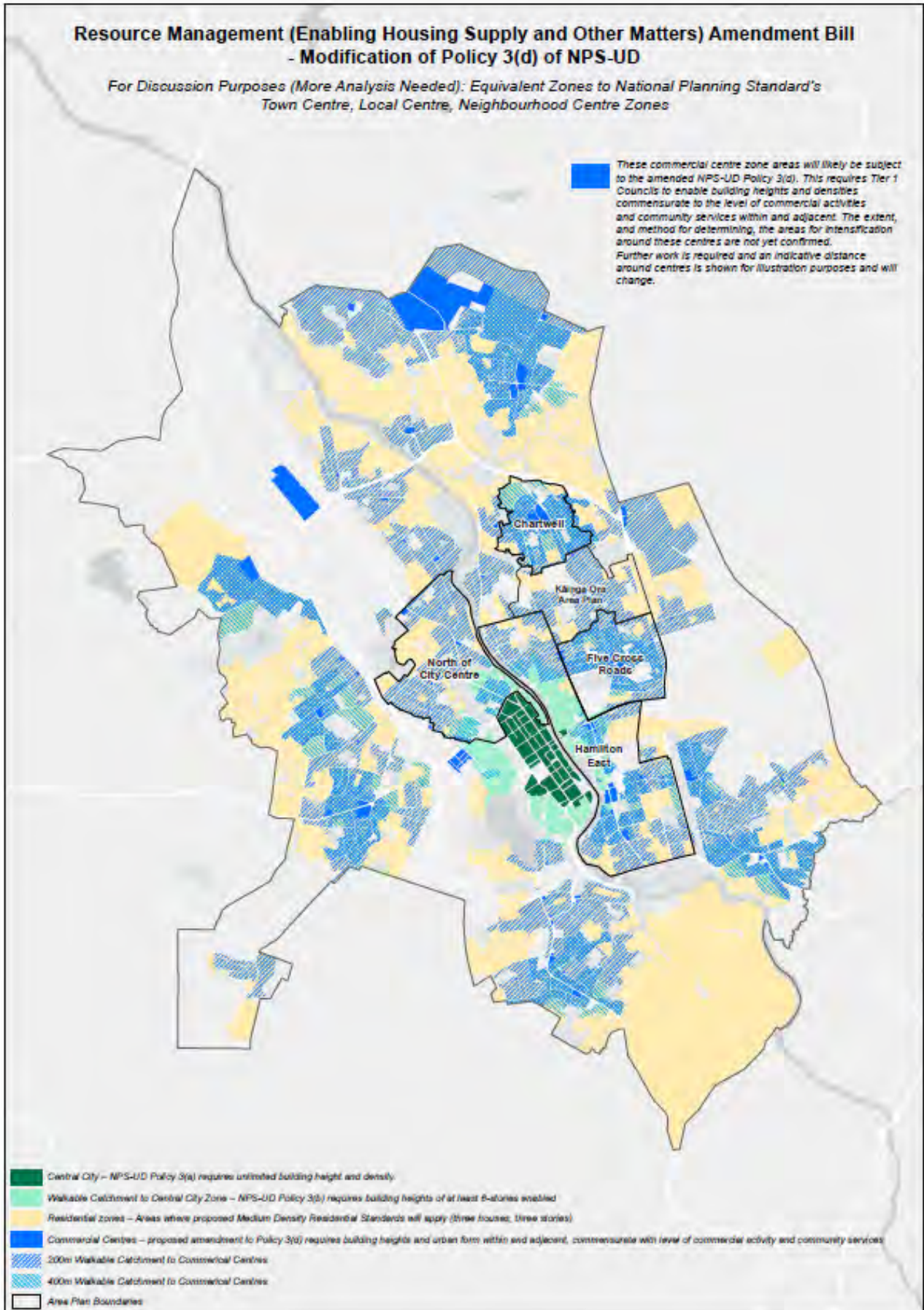
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# Appendix A

## Area Plan and Amendment Bill Intensification Zone Comparison Map





## Appendix B

# Visual Schematic for Development Scenario under Medium Density Residential Standards

Prepared as part of Hamilton City Council Submission to the Resource Management (Enabling Housing Supply And Other Matters) Amendment Bill

## MDRS – 400m<sup>2</sup> lot

- Without pre-subdivision or concurrent subdivision, as a permitted activity, the site can potentially be developed:
  - Three detached dwellings (Fig 1);
  - One detached dwelling and one duplex dwelling (2x residential units) (Fig 2);
- If choose to subdivide the subject site into 2 lots (2x200m<sup>2</sup>), then develop one duplex dwelling on each lot as permitted activity then overall will result in four residential units (Fig 3).
- If choose to develop three storey walk-up apartment, it is possible to firstly subdivide the site into 4 lots (4x100m<sup>2</sup>), then construct one apartment building with three residential units on each lot. This will give a total of 12 units (Fig 4)
- There is no control or standard encouraging development variety.
- There is no control or standard in relation to residential unit sizes or habitable room sizes. These units can be as small as 50m<sup>2</sup> (see Table below)

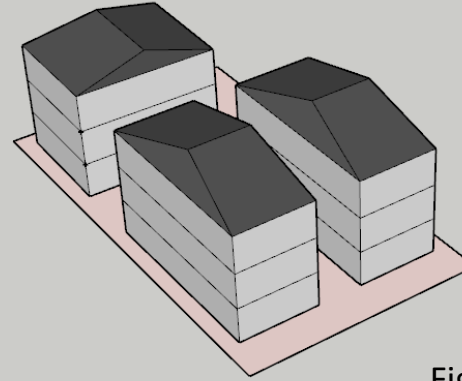


Fig 1

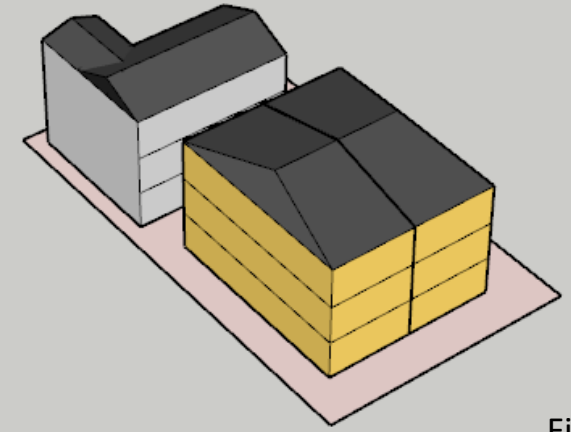


Fig 2

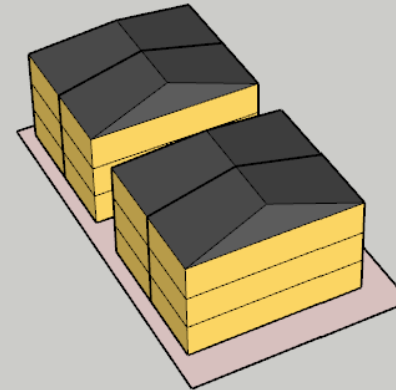


Fig 3

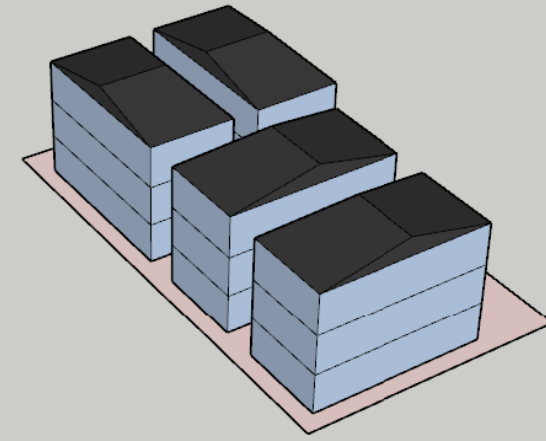


Fig 4

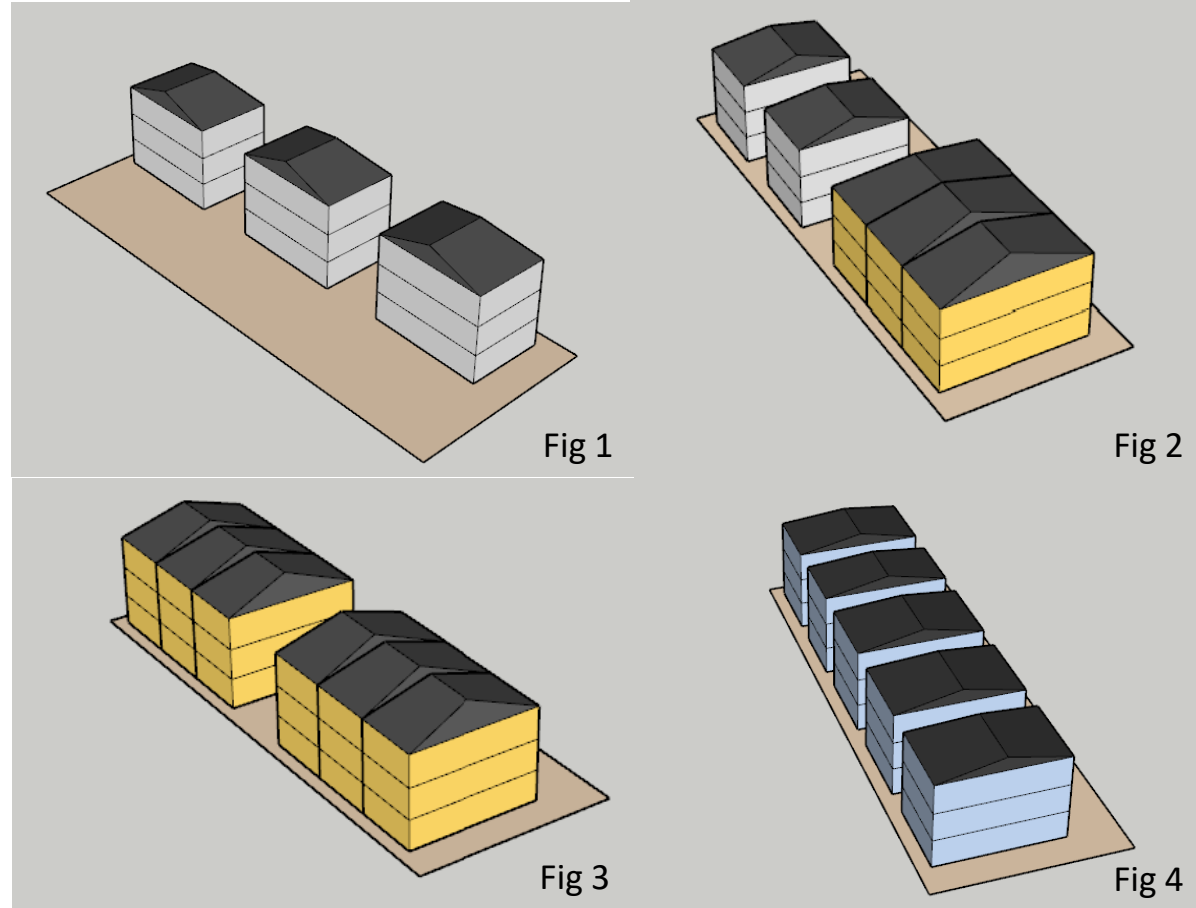
### Notes and Assumptions:

- Grey building represents single detached dwelling
- Yellow building represents duplex dwellings and/or townhouses
- Blue building represents 3 storey walk-up apartment buildings
- Average storey height assumes as 2.3m
- Residential unit width assumes no less than 5m as general design practice
- Noting that without the requirement of providing car park onsite, access way can be reduced which then to maximise the developable areas.

MDRS	Typology	Dimension (L x W x H)	GFA (each residential unit)
Min allotment size: n/a	Detached Dwelling	9m x 7m x 8.5m	63m <sup>2</sup> x 3 = 189m <sup>2</sup>
Max site coverage: 50%	Duplexes	12m x 5m x 8.5m	60m <sup>2</sup> x 3 = 180m <sup>2</sup>
Max building height: 11m or 3 storey		12m x 10m x 8.5m	
HIRB: 6m+5deg;	Apartment	10m x 5m x 8.5m	10m x 5m = 50m <sup>2</sup>
Min setback (front): 2.5m			
Min setback (others): 1m			

## MDRS – 600m<sup>2</sup> lot

- Without pre-subdivision or concurrent subdivision, as a permitted activity, the site can potentially be developed with three detached dwellings (Fig 1).
- If choose to subdivide the subject site into 2 lots (2 x 300m<sup>2</sup>), then develop one townhouse (3x residential units) on one lot and develop two detached dwellings on another, both as permitted activity then overall will result in five residential units (Fig 2).
- If choose to subdivide the subject site into 2 lots (2 x 300m<sup>2</sup>), then develop one townhouse (3x residential units) on each lot as permitted activity then overall will result in six residential units (Fig 3).
- If choose to develop three storey walk-up apartment, it is possible to firstly subdivide the site into 5- 6 lots (5x120m<sup>2</sup> or 6x100m<sup>2</sup>), then construct one apartment building with three residential units on each lot. This will give a total of 15 - 18 units (Fig 4).
- There is no control or standard encouraging development variety.
- There is no control or standard in relation to residential unit sizes or habitable room sizes. These units can be as small as 50m<sup>2</sup> (see Table below)



### Notes and Assumptions:

- Grey building represents single detached dwelling
- Yellow building represents duplex dwellings and/or townhouses
- Blue building represents 3 storey walk-up apartment buildings
- Average storey height assumes as 2.3m
- Residential unit width assumes no less than 5m as general design practice
- Noting that without the requirement of providing car park onsite, access way can be reduced which then to maximise the developable areas.

MDRS	Typology	Dimension (L x W x H)	GFA (each residential unit)
Min allotment size: n/a	Detached Dwelling	9m x 6m x 8.5m	54m <sup>2</sup> x 3 = 162m <sup>2</sup>
Max site coverage: 50%	Duplexes	10m x 5m x 8.5m	50m <sup>2</sup> x 3 = 150m <sup>2</sup>
Max building height: 11m or 3 storey		10m x 10m x 8.5m	
HIRB: 6m+5deg;	Apartment	10m x 6m x 8.5m	10m x 6m = 60m <sup>2</sup>
Min setback (front): 2.5m			
Min setback (others): 1m			

## MDRS – 2000m<sup>2</sup> lot

- Given the lot size, to maximise the potential of the site, it is unlikely the developers would choose to build three residential units without pre-subdivision, as a permitted activity.
- Instead of undertaking an integrated development approach, to avoid the need of resource consent process, it is likely people will subdivide the site into smaller lots then construct up to three dwellings as a permitted activity.
- If choose to develop detached dwellings and townhouses, it is possible to firstly subdivide the site into 6 lots (6x330m<sup>2</sup>), then construct a mixture of typologies with two – three residential units on each lot. This will give a total of 16+ units (Fig 1)
- If choose to develop only three storey walk-up apartment, it is possible to firstly subdivide the site into 15 lots (15x130m<sup>2</sup>), then construct one apartment building with three residential units on each lot. This will give a total of 45 units (Fig 2).
- There is no standard or control on encouraging the mixture of typologies and an integrated development approach on larger sites.

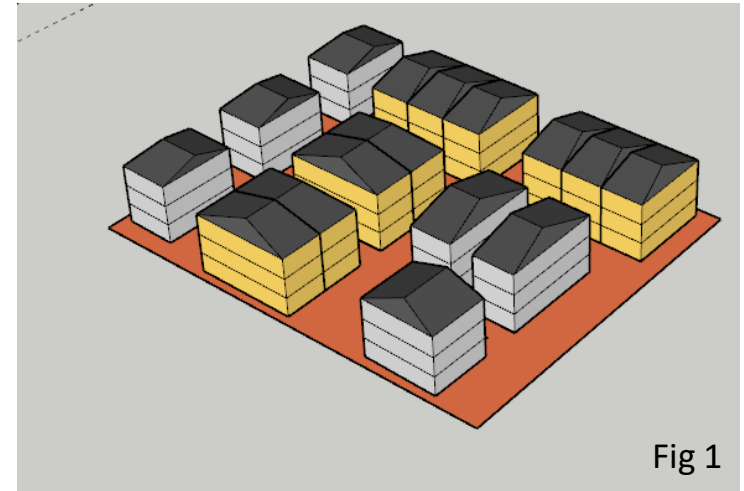


Fig 1

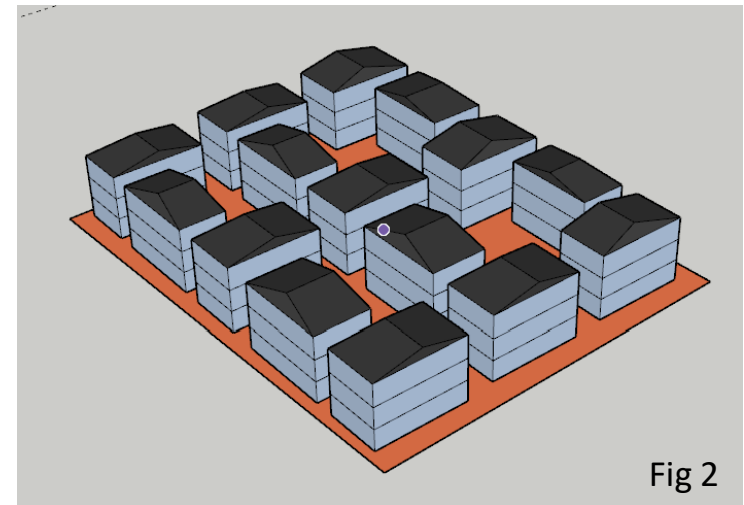


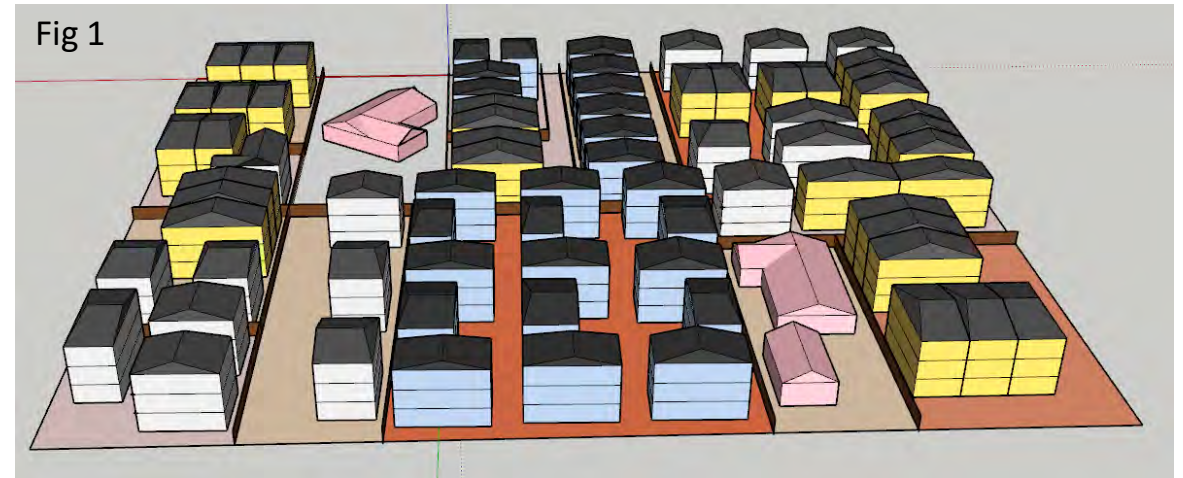
Fig 2

### Notes and Assumptions:

- Grey building represents single detached dwelling
- Yellow building represents duplex dwellings and/or townhouses
- Blue building represents 3 storey walk-up apartment buildings
- Average storey height assumes as 2.3m
- Residential unit width assumes no less than 5m as general design practice
- Noting that without the requirement of providing car park onsite, access way can be reduced which then to maximise the developable areas

## Potential Residential Block Development under MDRS

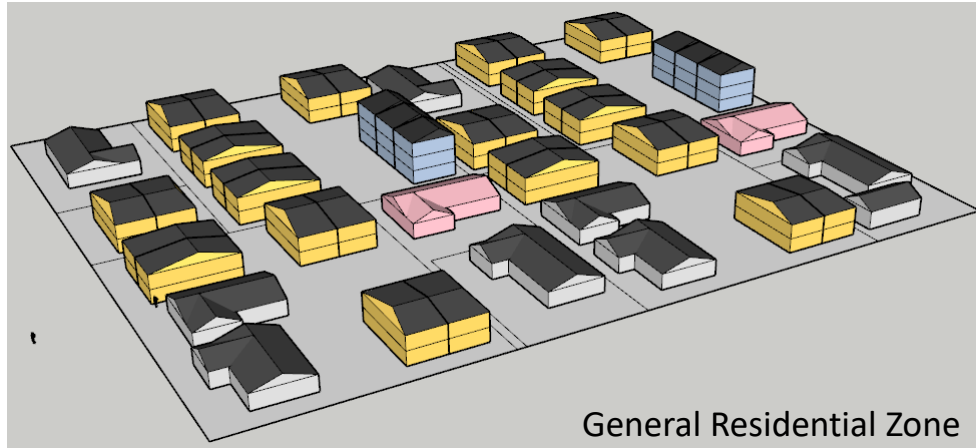
- Not limit to either General Residential Zone or Special Character Zone, but applicable to all residential zones (Fig 1).
- No standard or control on having a variety of housing types or having variety of housing designs. There is high possible of having repetitive outcomes. There is a possibility of having more smaller apartment units, instead of having a variety of housing choices.
- There is no control or standard in relation to residential unit sizes or habitable room sizes. The building footprints of these units can be as small as 50m<sup>2</sup>.
- Smaller building footprint also leads to greater building heights, which potentially result in the majority of the building heights as 3 storey. This will lead to the lack of variety on building scales.
- MDRS greatly reduce the spatial openness between sites. Privacy and overshadowing will be two obvious concerns:
  - Fig 2 – 21 June 10.30am
  - Fig 3 – 21 December 4pm



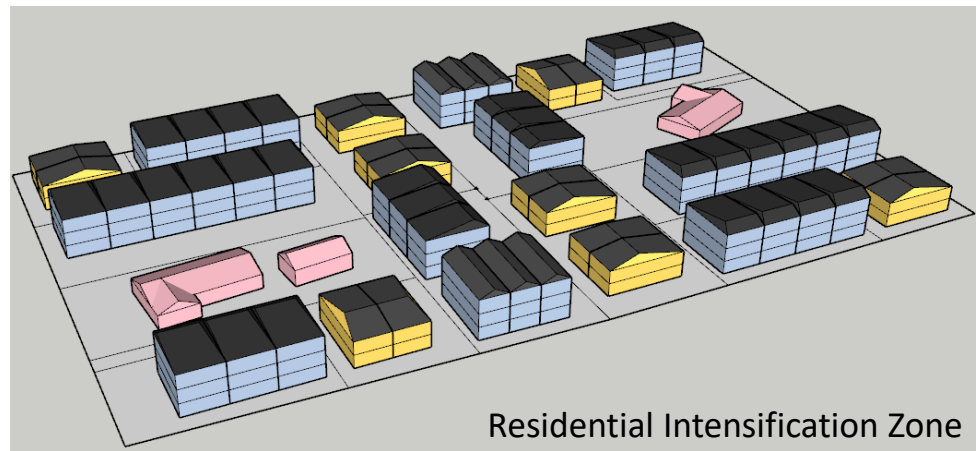
### Notes and Assumptions:

- Pink dwelling represents typical existing dwelling
- Grey building represents single detached dwelling and/or ancillary residential unit
- Yellow building represents duplex dwellings and/or townhouse
- Blue building represents walk-up apartment buildings
- Average storey height assumes as 2.3m
- All buildings have been designed to be 3 storey for the purpose of this study
- Residential unit width assumes no less than 5m as general design practice
- Noting that without the requirement of providing car park onsite, access way can be reduced which then to maximise the developable areas

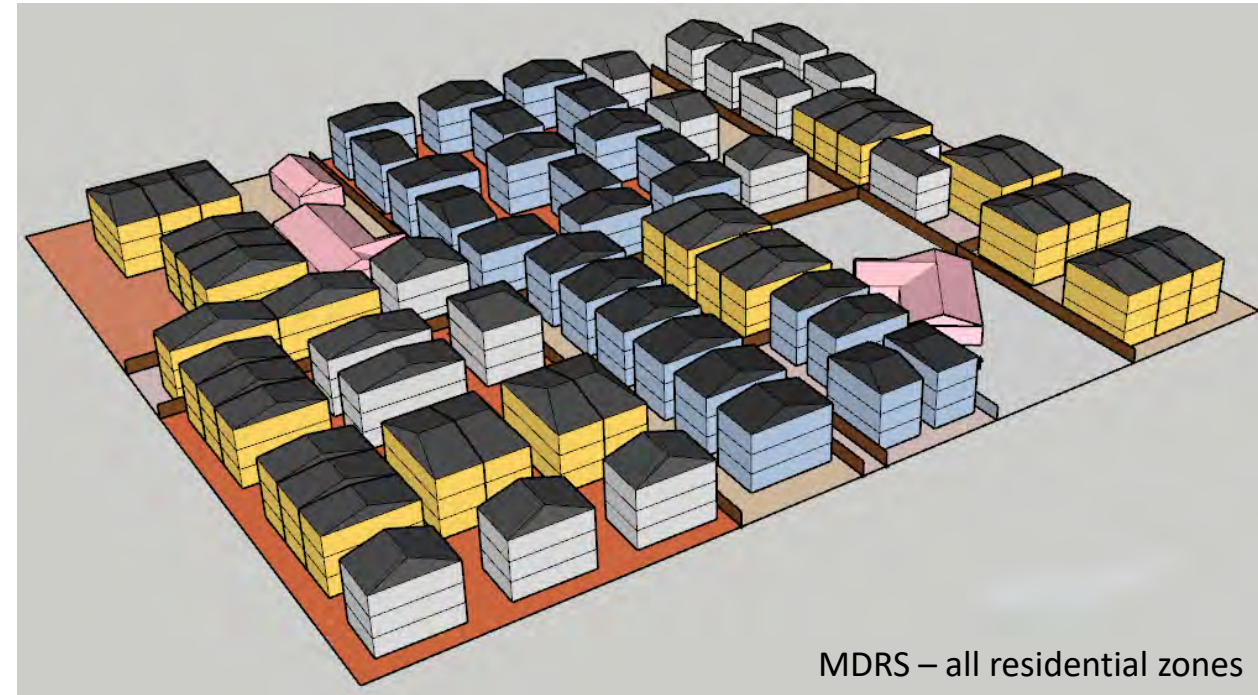
## Comparison between General Residential, Residential Intensification and MDRS



General Residential Zone



Residential Intensification Zone



MDRS – all residential zones

### Notes and Assumptions:

- Pink dwelling represents typical existing dwelling
- Grey building represents single detached dwelling and/or ancillary residential unit
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- Average storey height assumes as 2.3m
- All buildings have been designed to be 3 storey for the purpose of this study
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# Visual Schematic Comparison between MDRS with design control and MDRS

Prepared as part of Hamilton City Council Submission to the Resource Management (Enabling Housing Supply And Other Matters) Amendment Bill

### Typical duplexes development

- MDRS with alternative design controls (Left);
- MDRS with no design control (Right).
- Same scale of development as three storey with total building height of approx. 8.5m;

The front elevation should include a mix (more than three) of different material claddings, include appropriate articulation, fenestration and include other architectural features (such as verandas and balconies);

There is no control to orientate habitable rooms, balconies and the primary entrance (front door) towards the street.

The front elevation could include singular material claddings, and there is no articulation or fenestration.

Orientate habitable rooms, balconies and the primary entrance (front door) towards the street

Having provision of a pedestrian footpath to the front door and a minimum of 50% of the front yard to be landscaped

Design of front wall/fence – max 1.5m high with a min of 40% visual permeability

Design of front wall/fence could be 1.8m high with no visual permeability

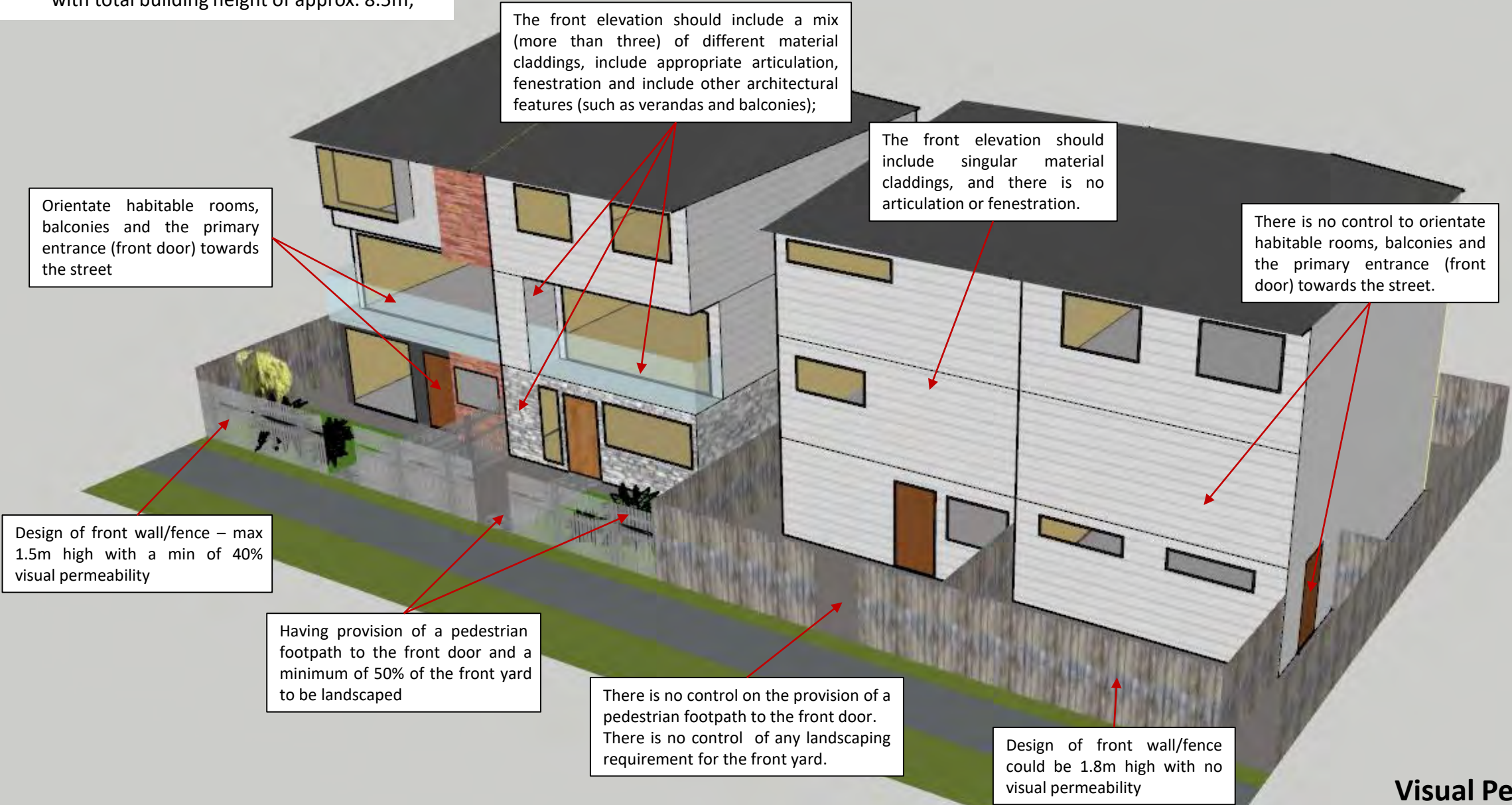
There is no control on the provision of a pedestrian footpath to the front door  
There is no control of any landscaping requirement for the front yard.

Front Façade View



### Typical duplexes development

- MDRS with alternative design controls (Left);
- MDRS with no design control (Right).
- Same scale of development as three storey with total building height of approx. 8.5m;



**Visual Perspective 1**

### Typical duplexes development

- MDRS with alternative design controls (Left);
- MDRS with no design control (Right).
- Same scale of development as three storey with total building height of approx. 8.5m;



Street Level Perspective

## Poor Outcomes

The examples below illustrate poor streetscape outcomes, when there is little or no ability to regulate or influence the design of the front unit, the design of the front yard, the landscaping and the location of vehicles.



## Improved Outcomes

The examples below illustrate improved streetscape outcomes that can be achieved by having a relatively simple set of standards relating to the design of the front unit, the design of the front yard and the landscaping.

