

30 April 2020

Hamilton City Council
PO Box 3010
Hamilton 3240

Email: Luke O'Dwyer, City Planning Manager - luke.o'dwyer@hcc.govt.nz

Re: Hearing – Plan Change 6: Regulatory Efficiency & Effectiveness Programme (REEP)

Dear Luke

Thank you for the opportunity to hear Property Council of New Zealand's submission on Plan Change 6 ("PC6"). Our main interest in PC6 relates to matters of residential density and infill standards which have been withdrawn. We have reviewed the s42A report and we are generally supportive of the recommendations, except for those relating to access standards contained within Chapter 23 (Subdivision) and Appendix 15 (Transportation). In the circumstances we ask that you please table this correspondence at the hearing in lieu of our attendance.

Withdrawn Parts

Property Council has expressed disappointment with Hamilton City Council's ("HCC") decision to withdraw the sections relating to residential density and infill in PC6, in that the Council's request for a comprehensive review appears to disregard work done to date whilst the lack of review timeframe adds to increased uncertainty in the residential development market of Hamilton.

We acknowledge that the review will likely give rise to a future plan change that deals with residential density, and hope that the results will provide positive outcomes for Hamilton generally, and of course, the development community which will implement it.

The withdrawn sections of PC6 sought to effectively address the housing crisis and align with the Government's National Policy Statement on Urban Development calling for high growth councils to intensify. We are concerned that HCC's decision to delay changes could directly contradict council's growth projections and the Government's housing affordability targets.

As HCC has emphasised on a number of occasions, the Plan Change process under the RMA provides a robust framework for different views to be aired and considered based on evidence. Property Council is unsure what robust evidence has been considered in withdrawing those parts of PC6. In addition, we presume the result of this comprehensive review will be another plan change, returning us to a process that could have been worked through under PC6.

Property Council is keen to work with HCC during its comprehensive review into residential density (both in relation to infill and greenfield development). We share Council's vision for compact living environments and good urban design outcomes.

Changes supported by Property Council

Property Council is supportive of many proposed changes being promoted in PC6. These changes will make the Hamilton Operative District Plan (“HODP”) more enabling and workable. They will also reduce instances of needing resource consent for minor rule infringements that are typically approved by HCC as a matter of course. This will reduce compliance costs and make Hamilton a more attractive place to invest in.

The changes in PC6 which are supported by Property Council and are recommended for adoption in the s42A report are listed below:

- Rule 4.4.3 – permeable surface
- Rule 4.4.5 – height to boundary
- Rule 4.4.6 – building setbacks
- Rule 4.4.8 – fences and walls
- Rule 4.4.10 – outdoor living area
- Rule 4.4.11 – service areas
- Rule 6.3.1 – gymnasiums
- Rule 6.4.7 c) & d) – residential development
- Rule 6.4.7 e) – outdoor living
- Rules 7.3 b & 7.5.7 – alterations and additions
- Rule 7.4.2 – building intensity
- Rule 7.4.3 – maximum height control
- Rule 7.4.14 – veranda cover
- Rule 7.5.3 a) b) & c) – residential density
- Rule 7.5.3 d) – outdoor living
- Rule 9.3 – activity status
- Rule 9.5.3 – building on sites adjoining major arterial transportation corridors
- Rule 9.3.3 – comprehensive development plans
- Rule 9.4.1 – building setbacks
- Rule 23.6.4 – cross lease subdivision
- Rule 23.7.1 – average minimum net site area
- Rule 23.7.2 – subdivision suitability

Access Standards

PC6 proposes several changes to Rule 23.7.3 which provides standards for lot access at the time of subdivision. Property Council are supportive of well-designed compact living environments as they minimise urban sprawl and reduce infrastructure establishment costs and future maintenance costs.

Property Council supports the change to Rule 23.7.3 e) which allows for up to 6 residential allotments to be served from a 3.6m wide private way. Property Council also supports the change to Rule 23.7.3 j) which increases the maximum length of a private way to 100m. These changes are sensible and encourage compact living outcomes. Arguably, private ways could extend further.

Property Council however does not support the changes to Rules 23.7.3 f) and g). Under a unit title subdivision, between 7-20 principal units can be served by a 6m wide private way, while more than 7 fee-simple lots would need to be served by a 16m wide public road that is vested in HCC.



The s42A report states that the reason for requiring access serving 7 or more fee simple lots to vest as public road reflects the on-going management and maintenance issues with multiple owners; waste collection issues; and aligns with the maximum number of dwellings off a private way. It is not clear to Property Council how these issues cannot be addressed under a fee simple tenure like they can under a unit title tenure. For example, the Property Law Act 2007 specifies that a jointly-owned access lot shared by 7 or more fee simple owners will be subject to legislative provisions relating to owner responsibilities. In addition, an access lot can be subject to an easement (whether voluntary or compulsory under section 243 of the RMA) recording the maintenance responsibilities of owners; or in some an access lot can be owned by a residents' society or other body with on-going management and maintenance responsibilities. HCC's approach to these issues should be tenure-neutral to reflect the range of available housing tenures and typologies.

Property Council is of the view that requiring a public road to vest for 7 or more fee simple lots will not encourage efficient subdivision design and compact living outcomes. This will be at odds with Objective 2.2.1 of HODP which seeks an increasingly sustainable and compact urban form for Hamilton. The proposed change will also result in HCC and ultimately the ratepayer having to meet the upkeep and maintenance costs for more publicly vested road assets. Property Council is concerned about the added financial burden to Council and to future generations of ratepayers.

Property Council respectfully requests that the proposed changes to Rules 23.7.3 f), g) and h) be rejected in part, and seeks the amendments shown below **red**.

The proposed 9m width retains the existing standard from the HODP. Council's concerns about on-going management and maintenance can be resolved without requiring public road or a wider width.

f) Minimum private way width serving 7 – 20 principal units where access forms common property under a unit title arrangement.	6.0m
g) Minimum private way width of vehicle access (to be formed and vested as public road) serving 7 - 20 fee simple or cross lease lots.	16m 9.0m
h) Minimum width of vehicle access to be formed and vested as public road:	
ii. Serving more than 20 allotments (Local road)	20.0m
iii. Serving more than 20 allotments (Collector Road on structure plan)	23.0m

Thank you again for the opportunity to submit on PC6.

Yours faithfully

Kind regards,

Brian Squair
Waikato Branch President
Property Council New Zealand.