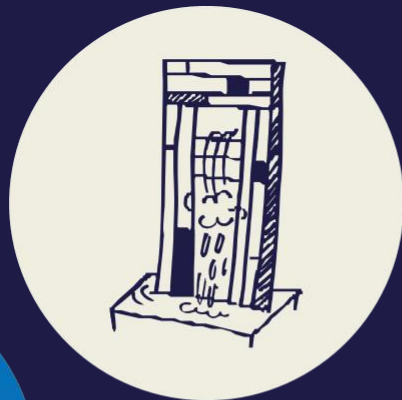


HAMILTON CITY COUNCIL SUBMISSION

Private Plan Change 15 – Tuumata

Hamilton City Council



17 May 2023



**Hamilton
City Council**
Te kaunihera o Kirikiriroa

Improving the Wellbeing of Hamiltonians

Hamilton City Council is focused on improving the wellbeing of Hamiltonians through delivering to our five priorities of shaping:

- **A city that's easy to live in**
- **A city where our people thrive**
- **A central city where our people love to be**
- **A fun city with lots to do**
- **A green city**

The topic of this submission is aligned to all of the priorities outlined above.

Council Approval and Reference

This submission was approved under delegated authority by Hamilton City Council's Chief Executive on 17 May 2023.

Hamilton City Council Reference D-4728759 - Submission # 735.

Introduction

1. Hamilton City Council would like to make a submission to Private Plan Change 15 – Tuumata (PC15) to the Operative Hamilton City Council District Plan.
2. Hamilton City Council is in principle supportive of the Proposed Plan Change and would like to acknowledge Tainui Group Holdings (TGH) willingness to engage in a collaborative and constructive manner with Hamilton City Council prior to lodging this private plan change. This submission is confined to the points that were not able to be resolved between HCC and TGH prior to the lodgement of this private plan change.
3. PC15 seeks to change industrial zoning, established through the Ruakura Board of Inquiry, to residential. Given the significance of the change, it is our view that a commensurate evidential basis is required to a) justify the change in zoning from Industrial to Residential b) demonstrate how residential activities in this location will create a well-functioning urban environment and c) how residential and business activity in this location integrate with the existing and planned urban environment, do not undermine the intended purpose of the Ruakura Structure Plan, or have an adverse effect on surrounding land uses.
4. Hamilton City Council recognises the ability for this plan change to positively contribute to housing supply in a location that is well connected to existing communities, can be serviced by a high level of public transport and is within close proximity to the Hamilton CBD.
5. We seek that the provision of business zoning on the site is done so in a manner that is consistent with the centres hierarchy of the District Plan and does not give rise to adverse effects on existing and consented business zones, and that the provisions of the Plan Change are effective and able to be clearly implemented to achieve a well-functioning urban environment on the site. Similarly, we seek that the internal site layout, urban design controls, and the sites integration with surrounding land uses are sufficiently addressed in the plan provisions.
6. The following sections outline the specific relief sought to address the matters noted above. In the 'Relief Sought' columns there are specific drafting edits sought, and some broader relief identified. This submission seeks that the identified drafting, or the broader relief, or such similar relief as is necessary to address the matters set out in the corresponding 'Commentary and Reasons' columns be granted.

Change of Zoning

7. **Zoning Change submission point, commentary and reasons, and relief sought.**

Submission Point	Commentary and Reasons	Relief Sought
The proposed zoning of the majority of the site as Tuumata Residential.	<p>The Private Plan Change proposes to change the zoning of the majority of the site from Industrial to Residential (Tuumata), to allow for Medium Density residential development on the site.</p> <p>The operative Industrial Zoning of the site was confirmed during the Ruakura Board of Inquiry process, and in part was relied upon at the time to justify the approval of the then Ruakura Plan Change and its contribution to long</p>	a) Accept the Residential zoning of the site, subject to sufficient evidence being provided that the change in zoning will not give rise to unacceptable direct and indirect economic effects to the Hamilton economy and industrial land provision. This needs to include a comprehensive assessment of the costs and benefits to Hamilton and sub-regional

Submission Point	Commentary and Reasons	Relief Sought
	<p>term industrial land supply in Hamilton.</p> <p>It is important that before the change in zoning to Residential can be accepted, that all the potential economic implications of the change are appropriately considered, including effects on industrial land supply and the opportunity cost imposed on industries associated with the proposed zoning change.</p> <p>In that regard, Hamilton City Council is concerned that the Centres Viability Assessment and Industrial Land Supply Report provided with the Proposed Plan Change includes only limited use of data and does not provide an appropriately comprehensive assessment framework for the analysis of the potential direct and indirect economic effects of the Proposed Plan Change commensurate with the size and scale of the change proposal. This is particularly important for the analysis of the industrial land conversion to residential and the long-terms economic costs versus benefits.</p>	<p>economy from the potential loss of this industrial land supply and the costs (including time) to substitute this loss of industrial land with industrial supply elsewhere.</p> <p>b) Update the Ruakura Structure Plan based on the decisions made regarding PC15.</p>

Business 6 Zone Neighbourhood Centre

8. Business 6 Zone Neighbourhood Centre submission points, commentary and reasons, and relief sought.

Submission Point	Commentary and Reasons	Relief Sought
The proposed zoning of part of the site as Business 6 (Neighbourhood Centre) Zone.	<p>The Private Plan Change proposes to change the zoning of approximately 2ha of the site from Industrial to Business 6 (Neighbourhood Centre) Zone, with a specific provision for a supermarket of up to 3,500m² in Gross Floor Area as a Discretionary Activity.</p> <p>It is important that before the change in zoning to Business 6 (Neighbourhood Centre) can be accepted, that all the potential implications of the change on the retail hierarchy in Hamilton are considered.</p> <p>In that regard, Hamilton City Council is concerned that the Centres Viability Assessment and Industrial Land Supply Report provided with the Private Plan Change does not provide an</p>	<p>a) Decline the inclusion of the Neighbourhood Centre provisions in their current form, unless it can be demonstrated that provision of the Neighbourhood Centre (including the specific supermarket GFA provision sought) will not adversely affect the viability of other existing, consented but not yet developed, or plan enabled retail centres including but not limited to the centres of Five Cross Roads, Pardoia Boulevard, and Greenhill Park and the</p>

Submission Point	Commentary and Reasons	Relief Sought
	appropriately comprehensive assessment and analysis of the potential effects of the proposed Business 6 (Neighbourhood Centre) Zone in Tuumata on the centres hierarchy.	centres identified in the Ruakura Structure Plan.

Urban Design

9. Urban Design submission points, commentary and reasons, and relief sought.

Submission Point	Commentary and Reasons	Relief Sought
Preliminary Development Concept Master Plan - Neighbourhood Centre Layout.	<p>The indicative layout of the Neighbourhood Centre as shown on the Structure Plan is not supported from an urban design point of view for a variety of reasons. It would be more appropriate for an urban design framework/set of design principles for the neighbourhood centre to be included to provide guidance on how the future development of the Neighbourhood Centre could occur.</p> <p>The location of the neighbourhood centre within the site should maximise walkability for the PC15 residential area.</p> <p>The proposed neighbourhood area is significantly larger than other Neighbourhood centres in Hamilton.</p> <p>The applicant needs to demonstrate that the outcomes proposed, with the exception of the supermarket, will be consistent with other neighbourhood centre zones or provide information why it is appropriate that it is not consistent.</p> <p>The urban design benefits for the inclusion of a supermarket and drive through facilities are not clear.</p>	<p>If the Business 6 Zone Neighbourhood Centre zoning is retained:</p> <ul style="list-style-type: none"> a) Remove the indicative layout from the Neighbourhood Centre Zone as shown on the Structure Plan. b) Include an urban design framework/principles for the Neighbourhood Centre with supporting objectives, policies and rules. c) Better integrate the neighbourhood centre with the site. d) Undertake an urban design assessment of the proposed node-based neighbourhood centre approach and how this aligns with other neighbourhood centres as well as the zone outcomes anticipated for neighbourhood centre zones. e) Further information and urban design assessment is sought to address the benefits/effects of the proposed plan provisions. e.g., Inclusion of supermarket and drive-through facilities. We are unclear of the rationale of why a neighbourhood centre requires drive-through facilities. f) Provide further information and demonstration that the size, shape, and location of the proposed Neighbourhood centre,

Submission Point	Commentary and Reasons	Relief Sought
		including the proposed plan provisions, will enable best practice urban design outcomes stated.
Preliminary Development Concept Master Plan - Interface with stormwater infrastructure and recreational open space areas.	<p>The Preliminary Development Concept Master Plan supplied for the Plan Change site shows an extensive network of stormwater treatment swales and wetlands on the site, along with the provision of a central neighbourhood recreation park. While the provision of such stormwater and recreation infrastructure is supported, there is an absence in the Plan Change of any provisions to address the interface of adjoining and adjacent residential development with the stormwater and recreation areas.</p> <p>For example, a large stormwater treatment wetland is allowed for along most of the frontage of the site with Wairere Drive. The Master Plan also shows residential development immediately adjoining the stormwater device, which will mean the device will adjoin the rear of residential sites. In turn, this will lead to sub-optimal urban design outcomes from the residential development turning its back on the large area containing the stormwater device through the inevitable fencing of the boundary that will occur. Better urban design outcomes will be produced by placing a local road along the boundary with the stormwater device, thus creating a 20m separation between residential development and the device and allowing for the road facing residential development to also overlook the device.</p>	<p>a) Amend the Preliminary Development Concept Master Plan to show a local road along the boundary with the stormwater treatment area fronting Wairere Drive.</p> <p>b) Include specific objectives and policies regarding the dual activity function of the wetland.</p> <p>c) Ensure sufficient setbacks are allowed for to enable active and passive recreation surrounding the stormwater pond.</p> <p>d) Include objectives, policies, rules, and assessment criteria to address the interface of residential development with stormwater and recreation open space areas to be developed on the site.</p>

Submission Point	Commentary and Reasons	Relief Sought
Preliminary Development Concept Master Plan - Street-block layout.	<p>The proposed structure plan and Master Plan enables a high level of double frontage lots. There is no information provided how this will be managed nor what if any plan provisions are proposed or utilised that will ensure best practice urban design outcomes.</p> <p>The structure plan enables a higher degree of certainty of urban block outcomes than otherwise possible. It also creates challenges if any deviation needs to occur to unforeseen circumstances that were not evident at the plan change stage. No information has been provided nor direction to any plan provisions that would suitably manage this.</p>	<p>a) Include planning provisions which address how the street block arrangement manages outcomes such as the avoidance of or management of double frontage lots.</p> <p>b) Address through new objectives and policies and/or alternate assessment criteria how deviation from the Structure plan can be managed to improve urban outcomes not readily apparent at this level.</p>
Subdivision: Vacant lots.	<p>The plan provisions enable a vacant lot subdivision to occur across the entire site area. A demonstration of this outcome and its assessment by the applicant is required.</p> <p>We question if such a development outcome is appropriate and consistent with the zone provisions.</p> <p>The baseline of 300m² vacant lot development as enabled by the plan provisions could lead to poor urban design outcomes.</p>	<p>a) If minimum vacant lot sizes are being used to manage density due to the effects on infrastructure, then Hamilton City Council seek an alternate management regime. We seek a net density target instead.</p>
Development yield.	<p>There is discussion regarding how the proposed zone will facilitate a mixed housing environment but there is no information of plan provisions provided to show how mixed housing could be distributed across the site and an assessment of the urban design outcomes and benefits thereof.</p>	<p>a) Provide more detailed plan provisions addressing the distribution of house/lot typologies across the site to ensure good urban design outcomes are achieved and medium density typologies are realised.</p>

Transport

10. Transport submission points, commentary and reasons, and relief sought.

Submission Point	Commentary and Reasons	Relief Sought
Preliminary Development Concept Master Plan – unformed road link to Wairere Drive.	A roading link to Wairere Drive is shown on the Preliminary Development Concept Master Plan as unformed Road. Given the major arterial status of Wairere Drive and the proximity of the 5th Avenue/Wairere Drive intersection it is extremely unlikely that such a link would be approved in the future. Accordingly, the Unformed Road link should be removed from the Structure Plan.	a) Delete the unformed road link to Wairere Drive as shown on the Preliminary Development Concept Master Plan.
Preliminary Development Concept Master Plan - roading connection to Fifth Avenue Extension.	The Preliminary Development Concept Master Plan shows one roading connection from the Tuumata site to the Fifth Avenue Extension. Hamilton City Council supports this single access point approach in order to manage traffic safety and efficiency on the future Fifth Avenue extension.	a) Retain the single roading connection to the Fifth Avenue Extension as shown on the Preliminary Development Concept Master Plan.
Preliminary Development Concept Master Plan - roading connection to Fairview Downs.	<p>The Ruakura Structure Plan and current zoning anticipated industrial activities occurring on this site and therefore limited integration with the surrounding residential areas were anticipated or accommodated for in the plan provisions and structure plan layout. Given the change in zoning to residential being sought, greater integration with surrounding land uses is required.</p> <p>This integration will provide for improved accessibility and movement. It will improve the accessibility for residents to amenities, including the neighbourhood centre, park and existing and potential future schools.</p>	<p>a) Identify on the Preliminary Development Concept Master Plan a linkage to Fairview Downs in the north.</p> <p>b) Include objectives, policies and rules requiring the site to integrate with complementary surrounding land uses.</p> <p>c) Specifically include a rule that requires, prior to the completion of the Fifth Avenue Extension, that a walking-cycling and vehicular linkage is provided for into Fairview Downs.</p>

Submission Point	Commentary and Reasons	Relief Sought
<p>Figure 2-14B Ruakura Tuumata Structure Plan: Transport Corridor Cross Sections.</p>	<p>Cross-sections for Roads and Streets are provided with specific dimensions.</p> <p>Providing the dimensions within the plan provisions removes flexibility for both the applicant the Hamilton City Council to efficiently design and approve future detailed design plans that may for sound reasons deviate from the dimensions.</p> <p>Accordingly, it would be more efficient for the dimensions to be removed from the cross-sections and replaced by annotations specifying desired outcomes for each class of street/road (for example, specifying that the street is to provide two vehicle lanes, and a shared use walking and cycling path).</p>	<p>a) Remove the dimensions from the roading cross-sections shown in Figure 2-14B and replace them with annotations of the desired outcomes for each status of street/road.</p> <p>b) Ensure that the relevant objectives and policies in the Proposed Plan Change provide adequate linkages to the roading cross-sections.</p> <p>c) Ensure design controls respond to the relevant streetscape layout. This includes but not limited to the building line relative to the street, the continuity of building line, the orientation of buildings and front doors to the street, the building mass (height and width) relative to the street.</p>
<p>Rule 3.7.4.3.6</p>	<p>This rule in part provides a limit (430) on the number of residential lots or units that can be established at the Tuumata site prior to the construction and operation of the Fifth Ave extension connecting to the Eastern Transport Corridor (ETC). The rule also prevents the establishment of any new buildings in the Business 6 Neighbourhood Centre Zone prior to the construction and operation of the Fifth Ave extension connecting to the ETC with the exception of events and sales/activation related buildings. The exceptions include <i>“a single temporary café not exceeding 100m2 in area”</i>.</p> <p>This rule is important to manage the traffic effects of the progressive development of the site on the existing transportation network, and recognises the capacity</p>	<p>a) Accept Rule 3.7.4.3.6 (i) and (ii) subject to the deletion of reference to <i>“a single temporary café not exceeding 100m2”</i> in clause (ii).</p>

Submission Point	Commentary and Reasons	Relief Sought
	<p>limitations that exist at the adjacent Wairere Drive/Fifth Avenue roundabout until such time as the ETC to the immediate east of the site is constructed and operational.</p> <p>Accordingly, Hamilton City Council supports retention of the rule but is concerned that the traffic effects of the café exception have not been explicitly assessed in the Integrated Transport Assessment provided with the Proposed Plan Change.</p>	

3 Waters

11. 3 Waters related submission points, commentary and reasons, and relief sought.

Submission Point	Commentary and Reasons	Relief Sought:
Sub-Catchment ICMP.	<p>The sub-catchment ICMP that supports the Plan Change has an inappropriately narrow extent of assessment and does not adequately assess the likelihood or magnitude of effects from stormwater discharges from the site on the downstream receiving environment. In order to be fully comprehensive, it should address downstream effects and propose provisions to address those effects.</p> <p>In addition to the above, insufficient options assessment has been undertaken to identify appropriate stormwater management approaches for upstream areas of the sub-catchment. Of particular concern is the proposal to re-direct secondary flows from the eastern external catchment into the existing municipal reticulation network.</p>	<p>a) That the Sub-Catchment ICMP be amended to also assess effects of stormwater discharge from development on the plan change site on downstream receiving environments.</p> <p>b) That the sub-catchment ICMP be amended to assess Best Practicable Options (BPOs) for upstream areas within the sub-catchment.</p> <p>c) Include any amendments to the Plan Change provisions that are consequential from the downstream assessment sought in relief points a. and b. above</p>
Sub-Catchment ICMP - Stormwater Management Report	<p>The runoff modelling documented in the Stormwater Management Report utilises a different methodology to that recommended in WRC guidance and RITS. This could result in differences in infrastructure requirements.</p>	<p>a) That the sub-catchment ICMP be amended to demonstrate consistency between the adopted runoff modelling approach and that documented in the relevant WRC guidance (TR20-06).</p>

Sub-Catchment ICMP	The proposed provisions as part of as-notified Plan Change 12 require some level of onsite retention of stormwater. At a minimum this would require provision of rainwater reuse tanks. No retention is currently proposed. It is also noted that WRC also require a minimum retention requirement of the Initial Abstraction volume.	a) That the sub-catchment ICMP be amended to consistent with the retention requirements in the Proposed Plan Change 12 provisions.
Sub-Catchment ICMP - Stormwater Management Report	The Stormwater Management Report indicates that the proposed constructed wetland could experience long durations of elevated water levels (refer Figure 17). Frequent elevated water levels can affect wetland plant health.	a) That the sub-catchment ICMP and associated Stormwater Management Report be updated to demonstrate that frequency and duration of inundation of the constructed wetland will not affect plant health.
Sub-Catchment ICMP - Stormwater Management Report	Currently no defined engineered secondary flow paths exist downstream of the plan change area. There is concern that there could be effects on downstream properties in a primary network failure scenario. RITS requires functional OLFPs in a primary	a) That the sub-catchment ICMP and associated Stormwater Management Report be updated to include a quantitative assessment of impacts to downstream overland flowpaths under a primary system blockage event.

Integration with Plan Change 12

12. Plan Change 12 Integration related submission points, commentary and reasons, and relief sought.

Submission Point	Commentary and Reasons	Relief Sought
The format and content of the rules in the Private Plan Change with regards to development density and bulk and location.	<p>The content of the rules concerning density and bulk and location in the Tuumata Residential Zone have been modelled for consistency purposes on the as-notified provisions of Proposed Plan Change 12 to the Hamilton City District Plan.</p> <p>Should the PC12 provisions be subject to change through the submissions and hearing process, then it would be appropriate for the relevant PC15 provisions to be amended to remain consistent with the remainder of the District Plan.</p>	That any necessary amendments are made to the Private Plan Change 15 provisions to ensure consistency with Proposed Plan Change 12 provisions.

General

13. General submission points, commentary and reasons, and relief sought.

Submission Point	Commentary and Reasons	Relief Sought
Preliminary Development Concept Plan - Extent of Residential Zoning.	The Preliminary Development Concept Master Plan shows a pocket of residential zoning adjoining Wairere Drive immediately to the south of the stormwater treatment device fronting Wairere Drive. That pocket of residential development is also traversed by overhead electricity transmission lines. Given its dimension, setting and constraints that part of the site is not well suited to creating a well-functioning residential environment.	<p>a) Amend the Preliminary Development Concept Master Plan to remove residential development in the area of the site immediately south of the stormwater treatment fronting Wairere Drive.</p> <p>b) Alternatively include objectives, policies, rules, and assessment criteria that address the reverse sensitivity effects that will arise from the provision of such residential development in close proximity to Wairere Drive and the existing overhead electricity transmission lines.</p>
Rule 6.3(jj) Drive Through Service in Business 6 Zone in the Ruakura Tuumata Structure Plan Area.	<p>Rule 6.3(jj) provides for Drive Through Services in the Business 6 Zone in the Ruakura Tuumata Structure Plan Area as a Restricted Discretionary Activity. Drive Through Services are a Non-Complying Activity in the Business 6 Zone elsewhere in Hamilton.</p> <p>From a review of the Integrated Transport Assessment provided with the Private Plan Change it does not appear that the traffic effects of the drive-through service provision in the zone rules have been assessed, meaning that the relatively permissive Restricted Discretionary Activity status has not been justified.</p>	<p>a) If the Business 6 Zone Neighbourhood Centre zoning is retained: Delete the provision for a drive-through service in the Business 6 Neighbourhood Centre provisions as a Restricted Discretionary Activity in Rule 6.3(jj) and replace it with Non-Complying Activity status, unless sufficient evidence can be provided that the potential traffic effects of a drive-through service have been assessed and are acceptable.</p>
Affordable housing.	<p>The plan change documentation refers to affordable housing, but there are no planning provisions which ensure affordable housing outcomes will be achieved.</p> <p>There is precedent within Hamilton City Council for new plan change areas, particularly where industrial uses are being transferred to residential that affordable housing provisions are included.</p>	<p>a) Include affordable housing objectives, policies and rules modelled off Te Awa Lakes and Rotokauri North. For example, Rotokauri North provisions are as follows:</p> <p>Objective: To promote availability of affordable housing to First Home Buyers.</p> <p>Policy: For new developments containing 15 or more individual</p>

Submission Point	Commentary and Reasons	Relief Sought
		residential housing units or involving the creation of 15 or more fee simple titled sections, 10 percent of the new individual residential housing units should be affordable for First Home Buyers, with the purchase price to be set relative to the average QV house price in Hamilton at the time of sale to the First Home Buyer.
Infrastructure delivery responsibility.	HCC is supportive of the public infrastructure identified in the Preliminary Development Concept Master Plan. However it seeks plan provisions that ensure that the responsibility for the delivery of that infrastructure, at specifications approved by HCC, rests with the developer, not HCC.	That any necessary amendments are made to the Private Plan Change 15 to ensure that the responsibility for the delivery of the infrastructure, at specifications approved by HCC, as identified in the Preliminary Development Concept Master Plan, and PC15 more generally, rests with the developer, not HCC.

Further Information and Hearings

14. Should others make a similar submission, Hamilton City Council **will not** consider presenting a joint case.
15. Should Hamilton City Council require clarification of the points outlined in this submission, or additional information, please contact **Mark Davey** (City Planning Unit Manager) on 838 6995 or email mark.davey@hcc.govt.nz in the first instance.
16. Hamilton City Council representatives **do wish to speak** at the hearings in support of this submission.

Yours faithfully



Lance Vervoort
CHIEF EXECUTIVE

Hamilton City Council
Garden Place, Private Bag 3010, Hamilton

 /HamiltonCityCouncil

 @hamiltoncitycouncil

 07 838 6699

hamilton.govt.nz