



Ministry for Cities, Environment, Regions and Transport

Hamilton District Plan – Residential Provisions

Report of Investigations

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Executive Summary

This report investigates selected provisions relating to residential development in the Hamilton City Operative District Plan (ODP), under sections 360I–360L of the Resource Management Act 1991 (RMA). The provisions investigated concern deep soil area requirements, urban tree canopy requirements, building form controls for multi-unit residential development, electric vehicle charging requirements, and cycle and micro-mobility parking requirements.

This report is to be read in conjunction with the economic report undertaken by Property Economics (attached as Appendix A). Should it be considered that the provisions under investigation are negatively affecting economic growth, development capacity or employment, this report details how those provisions could be modified or removed using the regulation-making power in sections 360I–360L of the RMA.

The provisions under investigation were introduced or retained in the ODP through Plan Change 12, which implemented the Medium Density Residential Standards in response to national direction to enable greater housing supply. They were developed for legitimate planning purposes, including stormwater management, urban form, climate resilience, good urban design and low-emissions transport outcomes. Hamilton City Council considers that the provisions support these outcomes and, in some instances, assist with giving effect to Te Ture Whaimana o Te Awa o Waikato.

However, the investigation has identified that the provisions can also add complexity and design constraints on residential development. Feedback from the Hamilton planning and development community indicates that the provisions can reduce design flexibility, complicate consenting, affect site yield and make some multi-unit housing typologies more difficult to deliver. The Property Economics report similarly concludes that several provisions may affect development feasibility at the margin, particularly when considered alongside the wider planning framework.

The report finds that the deep soil area and urban tree canopy provisions duplicate, to some extent, other stormwater, landscaping and permeable surface requirements already contained in the District Plan. Further, the matters in the rules can continue to be addressed through existing objectives, policies, assessment criteria and stormwater provisions if the specific prescriptive standards were to be removed. Advice from Ministry for Cities, Environment, Regions and Transport officials also indicates that modification or removal of these provisions alone would not undermine Treaty settlement obligations associated with Te Ture Whaimana, although consultation with Waikato-Tainui and affected parties remains important.

For building form, we find that the current modulation rule is a relatively rigid way of managing building bulk and dominance effects. Those effects already fall within the matters of discretion, policy direction and assessment criteria applying to multi-unit residential resource consent applications. Removing the specific rule would allow equivalent or better design outcomes to be considered on a site-specific basis without prescribing a single design response.

Regarding electric vehicle charging, we recognise the merit of future-proofing residential car parking spaces, given the potential cost and disruption of retrofitting the associated cabling. However, we conclude that the current requirement is more prescriptive and costly than necessary. A lower-cost

“EV ready” approach, based on conduit provision, would retain future flexibility while reducing upfront development costs.

For cycle and micro-mobility parking, the Property Economics report considers that the current residential requirements may be disproportionate to likely demand and could materially affect the layout and yield of more intensive developments. Cycle parking and charging facilities are likely to be provided where there is market demand, rather than needing to be mandated through detailed residential standards.

Overall, the report recommends that the Minister determine whether the statutory threshold for intervention is met; if so, consider the amendments set out in Appendix C; seek the views of Hamilton City Council and the Hamilton planning and development community; and undertake consultation under section 360L before deciding whether to make regulations modifying the relevant District Plan provisions.

1 Introduction

The 2025 amendments to the Resource Management Act 1991 (RMA) ¹ introduced a power² for the Minister for the Environment (now delegated to the Minister Responsible for RMA Reform) to make regulations to remove or modify plan/policy statement provisions that are negatively impacting economic growth, development capacity or employment.

The Minister Responsible for RMA Reform has identified that there may be provisions in the Hamilton City Operative District Plan (ODP) relating to residential development which potentially contain restrictions that warrant investigation.

Incite has been requested to prepare an investigation report that examines these potential restrictions. This report makes recommendations on how the ODP provisions could be modified in the event that the Minister based on evidence considers there to be a negative impact on economic growth and employment while still taking into account practical and reasonable regulations for residential development. The provisions in question relate to:

- Deep soil areas as part of the required landscape area;
- Urban tree canopy requirements;
- Building Form, in particular the modulation of building lengths over 15m long in multi-unit residential development;
- Electric vehicle charging as part of multi-unit residential development car parks; and
- Electric bike charging as part of multi-unit residential developments.

In respect of specific impacts on economic growth (to the extent that they can be quantified), a separate report has been prepared by Property Economics Ltd that has informed this investigation report. This is attached as **Appendix A**.

Council's views of the provisions under investigation are provided as **Appendix B**.

Should the Minister consider that there is a negative impact on economic growth resulting from the provisions, a draft set of amended ODP provisions is attached as **Appendix C**.

1.1 Context for the Investigation

On 27 May 2026, the Minister Responsible for RMA Reform issued a press release³ highlighting that certain matters were to be investigated, with the Minister stating that:

“The concerns raised include mandatory electric vehicle charging infrastructure, powered e-bike storage requirements, deep soil planting rules, and building design controls.

In some cases, developments are reportedly being required to provide powered front-yard e-bike parking for all units without garages, regardless of whether future residents are likely to own or use e-bikes.

¹ Resource Management (Consenting and Other System Changes) Amendment Act 2025

² s360 (I) to (J)

³ <https://www.beehive.govt.nz/release/new-investigations-heritage-and-housing-rules>

The concerns also include ‘deep soil’ planting rules that can leave small townhouses with little usable outdoor space because so much of the site must be set aside for planting.

Every extra rule, report, setback and requirement adds cost. Those costs eventually get passed on to renters, taxpayers, and families waiting for housing.

At a time when New Zealand needs more homes, especially affordable and social housing, we need to be very careful that well-intentioned planning rules are not making projects slower, more expensive, or harder to deliver.

...

If the investigations show these rules are unnecessarily restricting growth or development, the Government has the ability to step in and change them.

This Government is determined to fix the basics and build the future by making it easier to build homes, grow businesses, and deliver infrastructure while still protecting what genuinely matters.”

Since the press release, through the process that the investigation has followed, and in particular feedback from the Hamilton development and planning community, urban tree canopy requirements have been identified as requiring investigation as well.

1.2 Ministry for Cities, Environment, Regions and Transport Guidance

The guidance⁴ on the regulation-making power to alter local authority plans and policy statements, provides useful direction on the scope of the investigations and outlines the safeguards proposed to ensure regulations are made responsibly and only when needed.

These are:

- Evidence first – the Minister must investigate and produce a public report that supports their decision that the statutory criteria of a negative impact on economic growth, development capacity or employment is met.
- Consultation – affected councils and parties must be consulted.
- Treaty protections – the power cannot be used to change provisions in plans or policy statements that have been included in recognition of an obligation or right under a Treaty of Waitangi settlement, the Marine and Coastal (Takutai Moana) Act 2011, the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, or a mana whakahono ā rohe or joint management agreement under the RMA.
- National direction⁵ – changes cannot be inconsistent with national direction under the RMA.
- All actions must comply with the purpose and principles in Part 2 of the RMA.

The guidance outlines that this approach ensures the Minister has sufficient discretion to make an informed judgement about whether the scale and significance of the impact on economic growth,

⁴ [Regulation-making power to alter local authority plans and policy statements | Ministry for Cities, Environment, Regions and Transport](#)

⁵ We do not consider that there are any National Direction instruments that are directly applicable.

development capacity or employment justifies intervention. There are statutory process steps⁶ that must be followed to make these regulations under the RMA. These are:

1. In accordance with s360J, the Minister must investigate to determine if the plan/policy statement provisions are having a negative impact on economic growth, development capacity and employment, and that other statutory criteria are met. The Minister must produce a report detailing the investigation and making recommendations on whether provisions should be removed or modified by regulations.
2. In accordance with s360K, this report must be provided to the council for response. The council has 20 working days to respond to the report. The report must also be made publicly available.
3. In accordance with s360L, there must also be a consultation process for affected parties, either alongside or following the council's response process.
4. As a final step, also in accordance with s360L, the Minister must consider the feedback from consultation and the council's response and make the decision as to whether to make regulations to remove or modify the provisions in the plan/policy statement.

1.3 Our approach

In order to carry out an investigation into the ODP provisions and prepare a report for wider consultation, we have taken the following approach.

- Assemble the relevant background material. This includes:
 - The ODP and specifically the provisions that apply to deep soil areas, urban tree canopy, building form/length, and electric vehicle and bike charging for residential development;
 - Plan Change 12 to the ODP (including proposals, submissions, evidence and decisions), which implemented the Intensification Planning Instrument (IPI), of which the purpose was to enable housing supply, and included each of the areas under investigation; and
 - Relevant resource consents related to the areas under investigation.
- Carry out targeted meetings with key individuals from Hamilton City Council;
- Meet with others from the Hamilton planning and development community.
- Provide options for changes to the ODP in light of the relevant planning history, the Property Economics Report received and the Minister's direction to consider provisions that are that are negatively impacting economic growth or employment.
- Prepare this report as the basis for consultation.

1.4 Assumptions and Exclusions

It is also worth noting the following:

- We recognise that we have not reviewed all documentation relating to the extensive planning history prior to the adoption of PC12 and through the PC12 hearing process. We have primarily

⁶ s360(k) and (l)

considered the most relevant outcomes from the consents granted since PC12 was incorporated into the ODP.

- There have only been targeted discussions with representatives of Hamilton City Council, as well as a wider information session with the Hamilton development community. In the time available, it was not practical to consult further in the preparation of this report. The views of parties likely to be affected by changes to the provisions will be sought as part of a consultation process that will be run by the Ministry for Cities, Environment, Regions and Transport (MCERT).
- This report is limited to the ODP provisions relating to the residential and transport matters. There has been no consideration of any rules relating to District-wide matters such as three waters, subdivision or earthworks.

2 Hamilton City Operative District Plan – Existing Context

2.1 Plan Change 12

PC12 was an Intensification Planning Instrument (IPI) process that Hamilton City Council undertook under the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 to enable housing supply. As detailed on the Hamilton City Council website, PC12 was to “*provide for more housing, and higher density housing, across the city*”⁷.

The plan change was notified in August 2022, the Independent Hearing Panel recommendations decisions notified in 2024, and the recommendations accepted by the Minister on 20 March 2025 (with the exception of a recommendation concerning financial contributions provisions for residential amenity).

Plan Change 12 is summarised on the Hamilton City Council website as follows⁸:

Plan Change 12 is Hamilton City Council’s response to central government’s direction (initiated in 2022 and supported by both major parties) to enable increased housing intensification, including an initial direction of a minimum of three homes of up to three storeys on residential sites.

From the outset, Council has been adamant it would propose and advocate for a solution that was Hamilton-appropriate and delivered on considerations such as Te Ture Whaimana o Te Awa o Waikato (Vision and Strategy for the Waikato River), fairness for ratepayers, and balancing the need for housing growth against the city’s infrastructure capacity.

Through PC12, High Density Residential Zones and Medium Density Residential Zones were introduced alongside amendments to the General Residential Zone.

^{7 7} <https://hamilton.govt.nz/property-rates-and-building/district-plan/plan-changes/plan-change-12>

Each of these residential zones contain rules that require resource consent for multi-unit residential developments.

Any development in the General Residential Zone for three or more residential units or an apartment building requires resource consent as either a restricted discretionary or discretionary activity, respectively. Any development of four or more residential units in the Medium Density Residential Zone requires resource consent as a restricted discretionary activity. Finally, any development of three or more residential units in the High Density Residential Zone requires resource consent as a restricted discretionary activity. Matters of discretion and objective and policy guidance for such consents concern design, layout, character and amenity.

In addition to these rules, there are a number of standards which require consideration, and where not met add further requirements to be considered within resource consent applications for multi-unit developments which meet the unit number thresholds for each zone.

These standards include the Medium Density Residential Standards (MDRS) that were introduced under the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (RMA-EHS). The MDRS standards prescribe matters such as building height, height in relation to boundary, setbacks, building coverage, outdoor living space, outlook space, windows to street and landscape area.

Under the RMA-EHS, a Council may have more restrictive standards than what the MDRS prescribes only where qualifying matters⁹ are met. However, standards may be omitted or made more lenient than what the MDRS prescribes to enable a greater level of development. Further, additional “restricted discretionary” standards are allowed in district plans for development that requires consent, in order to allow for a more thorough assessment for development that exceeds the MDRS standards for a permitted activity.

Turning to qualifying matters first, PC12 incorporated a number of qualifying matters. Usefully these are summarised in Council’s legal submissions to PC12 as follows¹⁰:

- a) *Matters of national importance under section 6 of the RMA;*
 - I. *Section 6(a): preservation and protection of Peat Lake and Wetlands and Peat Lake Catchment.*
 - II. *Section 6(c): protection of Significant Natural Areas (as notified in Plan Change 9 (PC9)).*
 - III. *Section 6(e): the relationship of Maori with archaeological sites (as notified in PC9).*
 - IV. *Section 6(f): protection of Built Heritage (as notified in PC9).*
 - V. *Section 6(f): protection of Historic Heritage Areas (as notified in PC9).*
 - VI. *Section 6(h): management of significant risks from Waikato River and Gully Hazard and Stability Area.*

⁹ A provision of the RMA-EHS which allows a territorial authority to have district plan standards less enabling than the MDRS, when certain matters, as listed under section 771 of the Act, are met.

¹⁰ Paragraph 64, Council Opening Legal Submissions Hearing 1, 10 February 2024

VI. Section 6(h): management of significant risks from all types of Flood Hazard Areas.

b) Matters required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure;

I. National Grid Yards and National Grid Corridors.

II. Horizontal Obstacle Limitation Surface.

III. Outer Edge Conical Obstacle Limitation Surface.

IV. Waikato Expressway.

c) The need to give effect to a designation or heritage order.

d) A matter required to give effect to Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River.

Given these qualifying matters PC12 has a much broader scope than just implementation of the MDRS. As a result, the General Residential, Medium Density Residential and High Density Residential zones include additional standards relating to:

- Impermeable surface maximums;
- Deep soil areas;
- Planting requirements for landscaped areas that form building frontages;
- Urban tree canopy requirements;
- Additional building setback requirements;
- Boundary fence requirements;
- Public interface requirements;
- Waste management and service area requirements;
- Accessory building, vehicle access and vehicle parking requirements;
- Built form requirements; and
- Universal access requirements.

In addition, PC12 included new or updated “city wide” provisions relating to:

- Solid waste;
- Three waters (including provisions relating to stormwater in residential zones¹¹);
- Transportation; and
- Urban Design.

New standards introduced to the Transportation provisions included:

¹¹ Rule 25.13.4.2A

- Cycle and micro-mobility parking requirements, including rates and provision for electric bike charging;
- End-of-journey facility requirements; and
- Electric vehicle charging requirements.

As detailed above, of these standards additional to the MDRS which are being investigated in this instance relate to:

- Deep soil areas as part of the required landscape area;
- Urban tree canopy requirements;
- Building form, in particular the modulation of building lengths over 15m long in multi-unit residential development;
- Electric vehicle charging as part of multi-unit residential development car parks; and
- Electric bike charging as part multi-unit residential developments.

These are outlined in greater detail as follows.

2.2 Residential Zones

Chapter 4 of the ODP contains the residential zone provisions, including those under investigation regarding deep soil areas and building form. The relevant provisions, and their background, are explained as follows.

2.2.1 Deep Soil Areas

Provisions requiring deep soil areas were introduced with the intent of promoting improved stormwater absorption and supporting the growth of large flora.

Deep soil areas are defined in the ODP as follows:

Means a continuous area of deep soil, with no impeding building or feature on, above, or below ground. Deep soil areas are capable of supporting woody plants and the canopy of (a) tree(s), and provide stormwater attenuation benefits to a site.

The provision is included in the General Residential Zone Chapter as 4.2.5.3(c) and (d), Medium Density Residential Zone Chapter as 4.3.4.3(c) and (d) and High Density Residential Zone Chapter as 4.4.5.3(c) and (d). The wording in each of these rules is identical, being:

- c. *At least 50% of the landscape area shall be provided as a deep soil area*
 - i. *to support shrubs and plants (but not lawn) on uncompacted soil of 400mm depth and;*
 - ii *for all trees, topsoil depth is required to increase to 1m.*
- d. *While a single contiguous Deep Soil Area (DSA) is preferred, several DSAs may be created of no less than 8m² minimum area and no dimension less than 2m.*

It is also noted that in the General Residential Zone and Medium Density Residential Zone, for a residential unit at ground floor level to be a permitted activity, it must have a landscaped area of a

minimum of 20% of the total site area. This is directly in accordance with MDRS requirements. The High Density Residential Area rules state for a residential unit at ground floor level to be a permitted activity it must have a landscaped area of a minimum of 10% of the total site area. The deep soil area requirements are not additional to this landscaped area, but direct how those landscape areas are to be provided.

Hamilton City Council has noted that deep soil provisions are connected to Te Ture Whaimana, the Vision and Strategy for the Waikato River. Te Ture Whaimana was established through the Waikato-Tainui Raupatu (Waikato River) Settlement Act 2010. It places an obligation on Hamilton City Council to work with its partners to restore and protect the health and wellbeing of the Waikato River.

As noted in Hamilton City Council's memorandum concerning deep soil areas (Appendix B):

A key concern arising from the urban intensification enabled under the MDRS is the potential for increased stormwater runoff and associated contaminants entering the river. While landscaped areas can help mitigate these effects, their effectiveness is limited where urban soils are degraded or compacted, reducing their ability to absorb, filter, and store water. Compacted or shallow soils also limit the ability to support specimen trees, which further reduces stormwater benefits.

Deep soil areas were introduced to provide these benefits which landscaped areas alone could not achieve. By requiring sufficient soil depth to support soakage, filtration, and healthy tree growth, the provisions help reduce the contaminant load and volume of stormwater entering waterways. This way, the deep soil provisions support Te Ture Whaimana and help Council to meet its Treaty obligations.

2.2.2 Urban Tree Canopy

Under the same rules which require deep soil areas in the general residential, medium density residential and high density residential zones, are provisions relating to urban tree canopy in these zones.

The provision appears in the General Residential Zone Chapter as 4.2.5.3(f), (g) and (h), Medium Density Residential Zone Chapter as 4.3.4.3(f), (g) and (h) and High Density Residential Zone Chapter as 4.4.5.3(e), (f) and (g). The wording in each of these rules is identical, being:

f/e. Urban tree canopy:

Each residential development shall provide sufficient trees to produce 20% site coverage by tree canopy. Tree canopy cover is calculated on the anticipatory canopy size of the tree at maturity regardless of the surface below the canopy with trees sized as below:

Tree size with corresponding height and projected canopy size

<i>Tree Size</i>	<i>Tree Height at maturity (m)</i>	<i>Tree canopy cover at maturity (m²)</i>	<i>Land area (m²) required</i>
<i>Small</i>	<i>0-5</i>	<i>10</i>	<i>3.8</i>
<i>Medium</i>	<i>6-12</i>	<i>67</i>	<i>25.5</i>
<i>Large</i>	<i>13-20</i>	<i>186</i>	<i>70.8</i>
<i>Very Large</i>	<i>20+</i>	<i>250</i>	<i>95.4</i>

Soil volume required for a tree/tree roots (m³) equals the land area (m²) x 1m depth

g/f. Tree requirements as per [4.2.5.3f/4.3.4.3f/4.4.5.3e] can be met by retaining existing mature trees on the site that either contribute fully or in-part to the tree canopy cover required for the net site area.

h/d. Specimen trees shall be planted as per [4.2.5.3f/4.3.4.3f/4.4.5.3e] at a planted size of at least 80L.

Again, these provisions are not additional to the 20%/10% landscaped area required for these zones, but direct how those landscaped areas are to be provided.

Similar to the deep soil area provisions rationale, the urban tree canopy provisions were identified by Hamilton City Council staff as part of PC12 as having a dual amenity and stormwater purpose.

2.2.3 Building Form

Provisions concerning the modulation of building form, (also known as continuous linear building controls), were contained within the ODP prior to PC12, and effectively were 'carried over' into PC12.

Building form provisions appear in the General Residential Zone Chapter as 4.2.5.13, the Medium Density Residential Zone Chapter as 4.3.4.14 and the High Density Residential Zone Chapter as 4.4.5.15.

As with deep soil and urban tree canopy standards these rules are identical, outlining that:

...no wall which is parallel to or up to an angle of 30° to any external boundary except the road frontage shall exceed 15m in length without there being a step in (or out) plan of at least 1.8m depth and 4m in length.

However, the threshold for application varies per chapter. In the General Residential Zone Chapter, Rule 4.2.5.13 applies *for developments containing three or more residential units*. In the Medium Density Residential Zone Chapter, Rule 4.3.4.14 applies *for any terrace housing or apartment development containing four or more residential units, excluding the Te Rapa Racecourse Medium Density Residential Precinct*. Likewise, in the High Density Residential Zone Chapter, Rule 4.4.5.14 applies *for any terrace housing or apartment development containing four or more residential units*.

2.3 Transportation Provisions

Chapter 25.14 of the ODP contains the city-wide transportation provisions, including in respect of this investigation, electric vehicle charging and cycle parking requirements. PC12 introduced a range of transport related provisions to respond to urban intensification directed by the National Policy Statement on Urban Development (NPS-UD). The aim of the provisions was to support a shift towards

lower-emissions transport modes. The relevant provisions, and their background, are outlined as follows.

2.3.1 Electric Vehicle Charging

Provisions relating to electric vehicle charging were introduced into the ODP through PC12.

The specific rule concerning electric vehicle charging is 25.14.4.2b, which outlines that:

- a. All new developments containing 2 or more residential units with an on-site parking space must provide one EV charging point for each residential unit, except:*
 - i. Where the number of on-site parking spaces provided for a residential development is fewer than the number of residential units, one EV charging point must be provided for each parking space, except:*
 - A. Only one EV charging point is required for parking spaces that are provided for the exclusive use of any one residential unit.*
 - ii. This standard does not apply to any on-site parking space:*
 - A. Permanently allocated for the exclusive use of visitors, or*
 - B. That is not within the net site area of the residential unit it serves in a terrace housing development.*

Note

An electric vehicle charging point excludes the charging cable that connects between a residential unit's electrical outlet and the electric vehicle. The owner or driver of the electric vehicle is expected to provide this.

As the rule sits in the city-wide provisions, it applies regardless of zone. If any proposal is for two or more residential units, the rule applies to the development.

It is also worth noting that an *EV charging point* is defined as follows in the ODP.

Means the following infrastructure installed to accommodate the future connection of a Mode 3 EV charging station as defined in NZS PAS 6011:2023:

- 1. A dedicated electrical circuit with a current carrying capacity of at least 32 Amperes between a main switchboard and the location of the proposed future EVSE; and*
- 2. An unterminated communications cable, Cat6 or later specification, to enable communications between any Mode 3 EVSE, which might be installed at any time, and a future power metering device at the main switchboard to prevent overloading of the site power supply; and*

Either a socket outlet or a Mode 3 EVSE, except that a socket outlet is not required where it could be accessed by anyone other than its owner or someone authorised by its owner.

Note

- 1. For guidance, refer to the following and any subsequent updates:*

- NZS PAS 6011:2023 Residential electric vehicle (EV) charging. This standard is available for free download at <https://www.standards.govt.nz/shop/snz-pas-60112023/>
- Electric vehicle: Charging Safety Guidelines 2nd Edition (WorkSafe New Zealand, May 2019) and Addendums which can be downloaded for free from:
 - <https://www.worksafe.govt.nz/dmsdocument/5169-electric-vehicle-charging-safety-guidelines-2nd-edition>
 - <https://www.worksafe.govt.nz/dmsdocument/22031-addendum-to-electric-vehicle-charging-safety-guidelines-2nd-edition/latest>
 - <https://www.worksafe.govt.nz/dmsdocument/35617-addendum-2-to-electric-vehicle-charging-safety-guidelines-2nd-edition/latest>
- 2. ECCA has an approved list of residential electric vehicle chargers, which can be accessed at: <https://www.eeca.govt.nz/regulations/voluntary-guidance/ev-smart-charger-approved-list/>

The definition of *EV charging point* means that a full EV charger is not required to be installed, but the wiring must be in place to allow one to be connected. This was as a result of the evidence heard by the IHP. The original proposal in PC12 was that a full EV charger is required.

2.3.2 Cycle Parking Requirements

Provisions relating to cycle parking were introduced into the ODP through PC12.

With regard to cycle parking rates for residential developments, Rule 25.14.4.2 is entitled *parking, loading spaces, on-site drop-off car spaces and manoeuvring areas*, and applies in a variety of circumstances. These include:

- when a new building is constructed on previously vacant land, or
- a new use is established on previously vacant land or within a vacant building, or
- the use of land or buildings changes to a use with a higher traffic level.

These broad descriptions capture residential development, regardless of whether it is greenfield or brownfield. The rule then refers to *Tables 15-1a to 15-1f* of Volume 2, Appendix 15-1 to determine cycle parking rates. Under this Appendix, apartment buildings¹², duplex dwellings¹³ and terraced houses¹⁴ are required to provide cycle parking as:

For residential units with one or two bedrooms – 1 space per residential unit without a garage. For residential units with three or more bedrooms – 2 spaces per residential unit without a garage.

¹² Defined in the ODP as a residential building comprising three or more attached residential units. For the avoidance of doubt, residential units physically connected by one or more accessory buildings, such as garages, will also be deemed to be attached. And, within the Residential Zones, means a residential building that contains two or more residential units where units are aligned vertically one on top of the other.

¹³ Defined in the ODP broadly as a residential building comprising two attached dwellings on one allotment.

¹⁴ Defined in the ODP as a single residential building that contains three or more residential units that aligned horizontally side by side and each unit has its own ground floor entrance.

There are no prescribed rates for a single dwelling or an ancillary residential unit, or any other form of multi-unit development that is not an apartment building, duplex dwelling or terrace. As such, there is no required cycle parking for those types of residential activities.

In relation to apartment building, duplex or terrace dwelling, Rule 25.14.4.2(s) outlines what any cycle and micro-mobility parking spaces (when required) must entail, being:

- i. Any cycle and micro-mobility parking spaces for residents must:*
 - A. Incorporate facilities for charging electrically-powered cycles and micro-mobility.*
 - B. Not be within any habitable room, entrance, or passageway*
- ii. Access between the transport corridor and any cycle or micro-mobility parking space within a residential development that contains 2 or more residential units must not pass through any habitable room.*
- ii. For any residential development containing 2 or more residential units, access between the transport corridor and any cycle and micro-mobility parking space for residents that is separate from the residential unit it serves must not pass through any residential unit.*

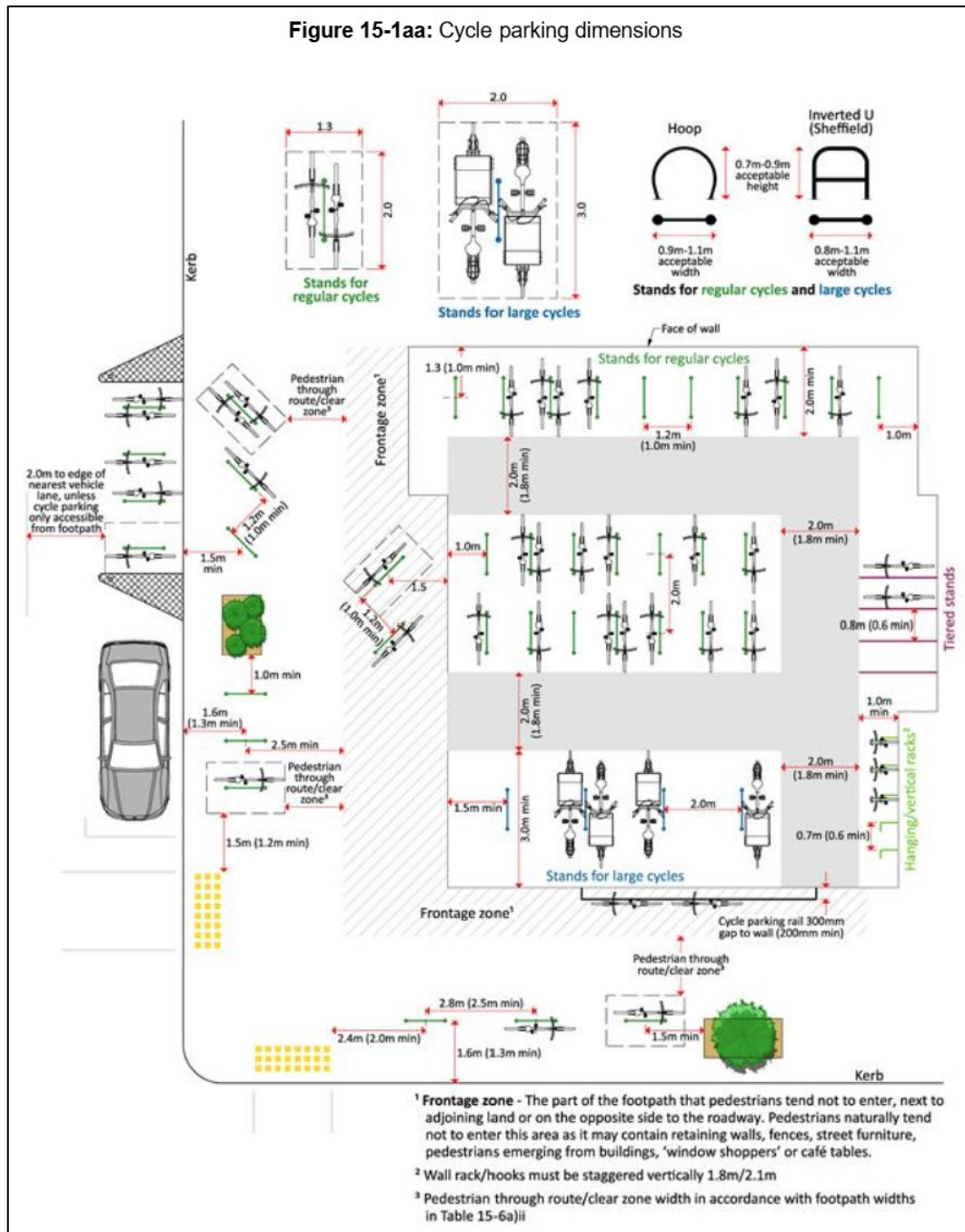
Rule 25.14.4.2(t) details the design requirements for cycle and micromobility parking spaces, with resident parking being designed as per Class A or B as specified in ODP Volume 2, Appendix 1.1.2.

Under Appendix 1.1.2 Class A and B parking classes are defined as follows:

<i>Class</i>	<i>Type</i>	<i>Description</i>	<i>Examples of Use</i>
<i>A</i>	<i>Locker</i>	<i>A lockable compartment used to store a single cycle or micro-mobility device and users gear, e.g., cycle helmet and wet-weather clothing</i>	<i>Overnight or longer storage at public transport hubs, or where more secure and individual storage is required</i>
<i>B</i>	<i>Cage</i>	<i>An enclosed, covered space or cage that the public or visitors cannot access</i>	<i>Parking at workplaces, tertiary education facilities, multi-unit developments, and apartment blocks.</i>

Rule 25.14.4.2(t) also requires compliance with Figure 15.1aa in Volume 2, Appendix 15. This is replicated as follows:

Figure 15-1aa: Cycle parking dimensions



Rule 25.14.4.2(t) also has standards for signposting and visibility, routes between the parks and transport corridor, lighting and that, when located at schools, tertiary education, libraries, supermarkets and retail (but not residential), that the spaces be covered.

Rule 25.14.4.2(u) also requires that cycle parking spaces accord with Figure 15-1aa as replicated above.

Rules 25.14.4.2(v), (w) and (x) specify standards regarding how a cycle space is to support a bike, that a percentage of parking spaces must not require the cycle to be lifted when parking, and specifications to the access route to the parking area.

It is understood that through PC12, submissions raised concerns around cycle parking rates. However, the panel recommended retaining the parking rate provision to support long-term mode shift. It also placed an emphasis on quality and usability, not just the quantum of spaces required for an activity.

3 Justification for removing or modifying provisions in the Hamilton City Operative District Plan

3.1 Property Economics Report

Attached as **Appendix A** is a report from Property Economics Ltd that undertakes a high-level evaluation of the potential economic impacts associated with the ODP provisions under investigation. The conclusions for each are as follows:

3.1.1 Deep Soil Areas and Urban Tree Canopy

Overall, the dimensional requirements impose additional design constraints where the requirement may otherwise have been satisfied in less accessible and usable areas of the site. Moreover, it represents additional compliance and earthworks costs, thereby adversely affecting the supply of affordable housing (potentially at a marginal level).

Consequently, the deep soil provision imposes an additional cost and design constraint on residential development. All else being equal, this has the potential to reduce development feasibility at the margin and, where this occurs across a sufficient number of sites, may constrain housing supply and adversely affect economic growth.

However, there may be benefits associated with stormwater management that mean, without the deep soil provision, development contributions would have to increase in order to compensate. Understanding this relative balance (and whether there exist lower cost options) requires specific investigation by a qualified stormwater expert.

Regardless, any decision needs to consider whether similar stormwater outcomes are already being achieved by the Stormwater Management provisions, or for the deep soil requirements to be relaxed where a specific on-site stormwater solution can demonstrate an equivalent or better outcome.

3.1.2 Built Form

The more [sic] material cost is likely to arise from reduced design flexibility. Where a site is already constrained by setbacks, outlook space, outdoor living areas, access requirements, stormwater, landscaping, and other development standards, any additional fixed requirement can limit the ability to optimise the site. This may result in less efficient site layouts and residual areas of land which have no practical purpose, thereby adversely impacting the economic value of the site.

It is our understanding that there are alternative means by which to achieve the same urban design outcomes. From an economic perspective, fixed prescription is likely to have

inequitable impacts on a site-by-site basis where financial costs (or capacity costs) could be significantly more relative to others. Flexibility in achieving the outcome sought has the potential to minimise cost and maximise development potential.

Practically, the net additional cost imposed by this provision alone is marginal, and therefore when considered in isolation is unlikely to have a material adverse effect on economic growth.

It is when Hamilton's District Plan rules are considered as a whole that the cumulative effect on residential development becomes more apparent. This provision represents a rigid design requirement imposed on multi-unit developments which, alongside the rest of the Plan, further narrows the available design space and flexibility. This can affect the ability of developers to respond to site-specific constraints and may make otherwise viable development options more difficult to deliver.

These costs do not occur in isolation. They may influence whether investment is directed toward Hamilton or toward alternative locations with more efficient and flexible planning settings. In this manner, inefficient and inflexible planning provisions, particularly those which disproportionately affect multi-unit development, are likely to have an increasing adverse effect on urban efficiency, housing supply, and Hamilton's economic growth.

3.1.3 E-Bike and Micromobility Parking Requirements

Although there are positive externalities associated with micro-mobility there are clear alternative options available in the market that remove the strict requirement for outside cycle parking with charging stations. Moreover, there are more significant practical barriers to micro-mobility uptake (e.g. safety concerns, distance to work, weather) that this provision has no effect on.

Finally, micro-mobility parking is a marketable feature. Its provision is therefore more efficiently determined by market demand than by an ideological and prescriptive planning requirement. The net result is the imposition of additional costs and compliance requirements which adversely affect potentially more efficient housing typologies. This is likely to have adverse effects on housing development patterns and economic growth.

3.1.4 Electric Vehicle Charging

Our high-level modelling suggests that, unless EV market share remains low, Council's current policy is likely to be more cost efficient than requiring households to fully retrofit EV infrastructure in the future. Given the added complexity, disruption and cost associated with future retrofitting, the cabling requirement lowers a potentially significant barrier to EV uptake.

In terms of economic growth, it is also relevant that petrol and diesel vehicles rely on imported fuel, whereas electric vehicles can be powered by electricity generated within New Zealand. Therefore, the marginal adverse effect on housing development today could be offset by increased demand for New Zealand-generated energy in the future.

However, testing would suggest that the current rule does not represent the most efficient intervention. The modelling also indicates that a lower-cost conduit-only solution achieves

the same future-proofing benefit, while avoiding the cost associated with requiring unnecessary electrical cabling.

This option minimises the upfront costs imposed on housing development while mitigating the risk of future costly upgrades. A modification to Hamilton’s current policy to align with this would lower the regulatory burden and maximise economic growth.

It should finally be noted that this assessment assumes Council’s current exemption for car parks located outside the net site area is sufficient to address the more complex multi-unit development layouts where EV-ready infrastructure may be impractical or disproportionately costly. Consideration to refine this rule has the potential to reduce some of these costs.

3.2 Hamilton City Council’s Position

Usefully, Hamilton City Council have provided memoranda identifying and discussing the matters under investigation. These memoranda are attached as **Appendix B**. For context, the conclusions for each memorandum, which essentially outline Council’s position on the matters in contention, have been replicated as follows:

3.2.1 Deep Soil Areas

In summary, the deep soil provisions were introduced through Plan Change 12 as a targeted response to the effects of intensification enabled by the MDRS. They provide benefits beyond standard landscaped area requirements by supporting stormwater infiltration and filtration, healthy tree growth, climate resilience, and wider environmental outcomes. The provisions are also connected to Council’s obligations under Te Ture Whaimana and help give practical effect to the protection and restoration of the health and wellbeing of the Waikato River.

There is no evidence that the requirement for 50% of landscaped area to be provided as deep soil has a material impact on economic growth, development capacity, or employment. Rather, the requirement shapes how landscaped area is provided and secures multiple long-term benefits. Removing the provisions would likely increase reliance on alternative stormwater solutions, shift greater cost and responsibility to public infrastructure, and reduce the wider resilience and amenity benefits that deep soil areas provide across the city. For these reasons, the deep soil provisions should be retained.

3.2.2 Building Form

- *Hamilton City consider that the built form rule must remain as it is an appropriate and simple tool to help ensure developers consider the impact of their development on neighbouring properties.*
- *The rule can also be achieved in a number of ways – this is relevant as the current Operative District Plan (ODP) was developed on the premise of providing flexibility in the consenting process, by allowing non-compliance with rules if a good design outcome was achieved.*

- *The intent of the planning framework was to recognise that good design is not always delivered by a strict adherence to bulk and location standards.*
- *The overarching goal of all urban development strategies and plans should be to improve the quality of life for residents and to help ensure that over time, the city develops in a way that supports this goal.*
- *This goal cannot be achieved without considering best practice urban design principles and approaches and this includes consideration of the external design and architectural detailing of new buildings and adequately consider methods (such as modulation, stepping, articulation, variation of roof form, fenestration and materiality) to reduce the perceived overall bulk and scale and avoid large blank, unrelieved walls.*
- *The rule does not limit private property rights and does not make the process more onerous or costly but helps ensure our cities and towns are and become places, where people want to live and are economically successful. Good design impacts everyone – people, the economy and the environment and we all deserve to live in a city or town with places that are safe, sustainable and well-considered.*

3.2.3 Electric Vehicle Charging and Cycle Parking Requirements

The EV and cycle requirements are aimed to be built-in the design and construction stage of new developments. This means the infrastructure is installed early at a lower cost while still giving developers and residents flexibility in how and when it is actually used. This approach keeps upfront costs low and avoids expensive retrofitting later.

For electric vehicle charging, Council interprets an EV charging point as being the following infrastructure installed to accommodate the future connection of a Mode 3 charging station as defined in NZS PAS 6011:2023:

- A dedicated electrical circuit with a current carrying capacity of at least 32 Amperes between a main switchboard and the location of the proposed future EVSE; and*
- An unterminated communications cable, Cat6 or later specification, to enable communications between any Mode 3 EVSE, which might be installed at any time, and a future power metering device at the main switchboard to prevent overloading of the site power supply; and*
- Either a socket outlet or a Mode 3 EVSE, except that a socket outlet is not required where it could be accessed by anyone other than its owner or someone authorised by its owner.*
- An electric charging point excludes the charging cable that connects between a residential unit's electrical outlet and the electric vehicle. The owner or driver of the electric vehicle is expected to provide this.*

The definition above shows that the EV charging requirement is only to future proof developments and does not require the actual Mode 3 charging station at the time of development. Typically, this is wiring or running of conduit to support a future EV charger. This ensures that more expensive retrofits are not needed in the future.

For cycle parking, HCC takes a pragmatic and outcome focused approach to the implementation of these provisions. The key implementation aspect is around the charging point which is required to be provided. Council have accepted applications which only provided an external power point (for example one on the exterior wall of the unit as is commonly provided for a variety of uses) or other easily accessible power point (i.e. through a window) to enable charging of the electric bike or scooter, without needing the bring this inside the unit.

The EV charging and cycle provisions in the Hamilton Operative District Plan are supported by a robust evidence base. The provisions appropriately respond to national and local policy direction.

3.3 Planning and development community feedback

MCERT staff organised an online ‘drop in session’ for the Hamilton planning and development community to provide feedback. The drop in session was advertised through the New Zealand Planning Institute, with an invitation being sent to their members based in the Waikato region.

The session outlined the investigation that was being undertaken, and feedback was provided primarily in written form to the Ministry via email.

Eight parties provided feedback which has been summarised as follows:

- Difficulties with implementation of deep soil areas, including limiting useable outdoor space and inconsistencies in wording within the deep soil areas. The deep soil areas ‘compete’ with onsite stormwater management rules, reducing dwelling yield.
- EV charging requirements are considered to be expensive and disproportionate, as well as being technology specific (and therefore do not consider occupant choice or technological change), and implementation being inconsistent. EV charging should be market and demand led, not mandated. The provisions are however perceived as assisting with the transition to EVs, and reducing the risk of overloading on the wider electricity networks.
- Cycle parking requirements do not relate to occupant behaviour, including that charging e-bikes can occur indoors by removing batteries.
- The number of trees required to meet the urban tree canopy provisions outweigh the effect created – with one person citing that in one instance 43 small trees or 7 medium sized trees were needed for a two duplex dwelling (four unit) development on a 1,012m² site. Issues raised that it can be difficult to find space to place all the required trees when considering other provisions around setbacks, stormwater management, usable outdoor space, manoeuvring space, cycle parking and so forth, cited as being *like a jigsaw that does not fit together*. The provisions are also considered to create future maintenance issues and increased development costs.
- Building design controls, including setbacks, public interface and fence and wall provisions are adding costs to developments which get passed on to renters, taxpayers and families waiting for housing.

- The requirements that PC12 has added to the ODP have created a planning framework that is significantly more complex and increasingly prescriptive, resulting in compliance being a tick box exercise where satisfying numerous standards is treated as a proxy for good urban design. The cumulative effect has increased compliance costs, reduced design flexibility and made it considerably more difficult to determine whether developments qualify as permitted activities.
- Urban design controls are subjective.

As a result of this feedback, the investigation was widened to capture the urban tree canopy provisions on top of the other matters which were identified in the Minister’s initial press release.

4 Findings

The following provides our findings on each of the provisions under investigation.

4.1 Deep Soil Area and Urban Tree Canopy Provisions

In our view, the deep soil area and urban tree canopy provisions in the ODP are essentially secondary rules, in that they apply in addition to the landscape area permitted standard that the MDRS has introduced and are embedded in the ODP through PC12.

The deep soil area provisions apply to a portion (50%) of the required landscaped area. The urban tree canopy provisions apply on a site wide area (10% site coverage by tree canopy).

The documentation that forms part of PC12 identifies both deep soil area and urban tree canopy provisions as ‘green policies’ and ‘nature based solutions’ (NBS), that assist with stormwater management. This is detailed in the evidence of Dr Juliana Reu Junqueira, Team Lead within the Urban and Spatial Planning Unit at Hamilton City Council for PC12, stated that:

49. NBS can be used to mitigate the negative impacts of urbanisation on water quality and quantity. These solutions, such as green areas (e.g., landscaped areas and permeable surfaces), green roofs and walls, and tree planting, can capture stormwater and reduce pollution. Additionally, NBS can provide a range of benefits such as enhancing public health, managing heat islands, improving air quality, and mitigating flood hazards.¹⁵

As such, NBS have a link to Te Ture Whaimana. The role of Te Ture Whaimana is summarised in the evidence of Mr Julian Williams, Director of Te Huia Natural Resources and uri of Ngaa/Makirangi (a Waikato hapuu), to the IHP for PC12 regarding the significance of the River to Waikato iwi, as follows:

13. Te Ture Whaimana is a critical part of Waikato Tainui’s Waikato River Settlement with the Crown, and is intended by Parliament to be the primary direction-setting document for the Waikato River and activities within its catchment affecting the Waikato River. Giving effect to Te Ture Whaimana is critical to delivering on these settlement obligations...¹⁶

¹⁵ Paragraph 86 of PC12 Recommendations of the Independent Hearing Panel, 11 November 2024

¹⁶ Paragraph 86 of PC12 Recommendations of the Independent Hearing Panel, 11 November 2024

It is noted that this was relied on by the IHP in their recommendations.

It is also noted that Dr Reu Junqueira's evidence for PC12 stated that, in light of Te Ture Whaimana, PC12 included a package of requirements to primarily manage stormwater, while also providing other benefits. The evidence states:

- 18. PC12 will allow for more intensification in Hamilton's residential zones. As a result, less green space is expected to be available and impermeable surfaces are expected to increase. The combination of reduced permeable surfaces and increased urbanisation are major determinants of a receiving water body's water quality. This anticipated effect may have an impact on the water quality of the Waikato River. Activities to avoid and manage negative effects on the river are a [qualifying matter] in applying medium density residential standards (MDRS) and NPS-UD Policy 3 as a matter to give effect to [Te Ture Whaimana]*
- 19. As a result of further intensification, there is a risk of increase in the adverse effects of flood hazards if not properly managed.*
- 20. This evidence outlines the policies applied in PC12 to not further deteriorate the outcomes for river water quality from intensification compared to the existing provisions in the ODP. These relate to assessing best available information on flood hazards and the impact of permeable surfaces, tree planting, landscaped areas and rainwater tanks provisions on the General Residential, Medium Density and High Density Residential Zones in PC12.¹⁷*

Under s360I(2)(c)(i) of the RMA, before recommending regulations under that section, the Minister must be satisfied that the provisions have not been included in the ODP in recognition of an obligation or right under a Treaty settlement.

Likewise, under s360I(2)(c)(ii) and (iii) the Minister must be satisfied that modification or removal of the provisions do not prevent the ODP from giving effect to a national policy statement or make it inconsistent with a national environmental standard.

The stormwater management aspect of the deep soil area and urban tree canopy provisions must also be considered in the context of the Three Waters provisions in Chapter 25.13 of the ODP. Rule 25.13.4.2A sets out stormwater standards for all residential zones. These apply to all residential development and include provision of a stormwater reticulation and disposal system and an on-site retention for all new impermeable surfaces. These standards stem from an objectives and policies framework in the Three Waters chapter which seeks to protect the health and well-being of the Waikato River from the adverse effects of stormwater run off from development.

Consequently, the key matter is whether the deep soil area and urban tree canopy provisions are needed for stormwater management in addition to Rule 25.13.4.2A and the more generic 20% landscape area standard introduced into the ODP through PC12 as an MDRS requirement.

¹⁷ Paragraphs 18 to 20 of Statement of Evidence of Dr Juliana Reu Junqueira to PC12, dated 26 June 2024

It is noted that this question was raised during the PC12 process, including through the evidence of Philip Jaggard, an infrastructure consultant who provided technical evidence on this matter for Kāinga Ora. In relation to deep soil areas, Mr Jaggard's evidence stated:

9.3 Redevelopment of sites may use a variety of stormwater tools to manage the effects of impervious coverage. In my opinion, the prescriptive rules for tree canopy and deep soil areas are not required from a stormwater management perspective. A sufficient range of methods and tools are already available to developers to manage the effects of stormwater on receiving environments.

9.4 These methods may include options such as permeable paving, as it is included in the definition of permeable surfaces as they can pass water to the ground below. Permeable paving can serve an important function, allowing water to recharge streams and groundwater systems below.

9.5 In addition, there are a range of unintended consequences whereby the placement of trees and deep soil zones (uncompacted) impact others (e.g., shade, building/foundation damage, leaf litter etc...) and/or underground infrastructure. For example, trees planted above or near underground infrastructure, can cause network blockages and a significant amount of damage to pipes as the trees and root systems grow. The root system of trees can extend beyond the width of the overhead canopy.

9.6 The addition of tree canopy and deep soil areas merely adds complexity and compliance costs to an expanding list of permitted standards in residential zones.¹⁸

The IHP in their recommendation report, determined the following:

458. We find that the Council's standards are consistent with the MDRS in terms of the minimum landscape area requirement and the inclusion of the canopy of trees in meeting that requirement. While we accept that the benefits of an urban tree canopy for climate resilience are well-recognised, we agree with Kāinga Ora that Council's evidential support for the benefits of a tree canopy for stormwater fell short of being convincing. However, that finding does not change our overall conclusion on the use of green policies.

Advice has been provided from MCERT staff regarding how Te Ture Whaimana interacts with s360I(2)(c)(i), with their consideration being that the clause is satisfied. Their advice is:

Although the deep soil area and urban tree canopy provisions at issue do link to the broad issues raised in Te Ture Whaimana, these provisions are ... introduced to facilitate several objectives. We do not consider that any modification or removal of these provisions alone (in the absence of a broader package of changes) will undermine Treaty commitments to give effect to Te Ture Whaimana. However, the importance of Te Ture Whaimana and the views of Waikato-Tainui are important considerations at the consultation stage.

Likewise, we do not consider there to be any impact on the ODP giving effect to a national policy statement (in particular the National Policy Statement for Freshwater Management 2020) or any

¹⁸ Paragraphs 9.3 to 9.6 of Statement of Primary Evidence of Philip Jaggard to PC12, dated 26 July 2024

matters which would make it inconsistent with a national environmental standard (in particular the National Environmental Standards for Freshwater 2020).

Turning to landscape matters, the deep soil area and, to a lesser extent, the urban tree canopy provisions essentially direct how applicants are to use part of the 20% landscape area required under the MDRS permitted standard. As has been identified through feedback received, from a landscape usability perspective, the deep soil area and urban tree canopy provisions have been identified by the planning and development community as truncating and dictating the amount of useable outdoor space that multi-unit type developments have. As such, there are views of some plan users that some housing may not be designed to meet the day-to-day needs of residents, which is what is sought through ODP Policy 4.1.2.3b, or achieve practical and functional external living areas or a private useable outdoor living area, which is sought through ODP Policy 4.1.2.6d.

It is stated in the Property Economics Report that the provisions have *the potential to reduce development feasibility at the margin and, where this occurs across a sufficient number of sites, may constrain housing supply and adversely affect economic growth*. This could result in an evidential basis for the Minister to modify or remove the provisions under s360I(2)(b).

As part of the consideration as to whether provisions should be retained, modified or removed, we have considered the context around what the provisions are intended to achieve, namely residential amenity/landscape and stormwater mitigation.

As detailed above, stormwater management is addressed in detail in Chapter 25.13 of the ODP. It is also part of the intent of the MDRS 20% landscape area permitted standard and also is addressed through an additional permeable area permitted standard. Further, MDRS allows for a landscape area to be used as residents require, which aligns with ODP Policies 4.1.2.3b and 4.1.2.6d.

Therefore, should the Minister consider that provisions in the ODP can be modified or removed under s360I, we have set out in Appendix C what those modifications or removals could be. Rules 4.2.5.3(c), (d), (f), (g) and (h) in the General Residential Zone Chapter, 4.3.4.3(c), (d), (f), (g) and (h) in the Medium Density Residential Zone Chapter and 4.4.5.3(c), (d), (e), (f) and (d)¹⁹ in the High Density Residential Zone Chapter could be removed, alongside the definition of deep soil area.

We do not consider there to be a need to make subsequent amendments to the objectives and policies framework. In coming to this conclusion, consideration was given to other potential amendments, including Policies 4.1.2.1b, 4.1.2.1c, 4.1.2.5a(i) and (ii), 4.1.2.5b(iii) and 4.1.2.6d(xii). These policies are as follows:

4.1.2.1b – Developments and activities in the Residential Zones must give effect to the outcomes in The Vision and Strategy - Te Ture Whaimana o Te Awa o Waikato through developments and activities being designed and operated to protect and restore the health and wellbeing of the River.

4.1.2.1c – The health and wellbeing of the Waikato River is restored and protected by controlling density, building size, site permeability and appropriate mitigation of earthworks, and by maintaining and enhancing access to the Waikato River.

¹⁹ Noting that in the ODP, there are two (d)s under this provision, which appears to be a typographical error.

4.1.2.5a – Development must enable the efficient use of energy and water, such as:

- i. incorporating water-sensitive techniques;*
- ii. Mitigating the effects of loss of permeable surface.*

4.1.2.5b – Development implements methods and technologies to minimise and respond to the effects of climate change at all stages (design, construction and use of buildings) such as:

- iii. Mitigating 'urban heat island' effect through planting and providing adequate shade.*

4.1.2.6d – Building and development design achieves quality on-site amenity by providing:

- xii. High quality landscaping to add visual amenity and mitigate the negative impacts of climate change, including the urban heat island effect and negative impacts on the natural environment.*

However, retaining these policies in place allows for a site-specific implementation during any resource consent process that may be necessary, and as such we consider it appropriate that the policies be retained as is to assist with the bespoke design and assessment of residential developments. Each of the policies align with ODP/MDRS standards for landscaping which are a method by which the policies can be implemented.

4.2 Built Form Provisions

The intent of the building form provisions is to reduce the dominance of buildings on neighbouring sites. This is not a unique matter to regulate in district plans, but at the same time, not all district plans have a regulation regarding building length.

Building form Rules 4.2.5.13, 4.3.4.14 and 4.4.5.15 only apply to multi-unit residential development proposals. Multi-unit developments require resource consent in any instance (under the Rules 4.2.3.1(f) or (g) in the General Residential Zone as a restricted discretionary or discretionary activity respectively, 4.3.3.1(f) in the Medium Density Residential Zone as a restricted discretionary activity, and 4.4.3.1(h) in the High Density Residential Zone as a restricted discretionary activity).

The matters of discretion for each of the above general multi-unit residential development thresholds include matters relating to design and layout, character and amenity, which are matters which Rules 4.2.5.13, 4.3.4.14 and 4.4.5.15 seek to regulate in a targeted manner.

With respect to the matters of discretion, the residential objective and policy framework, which applies to all three residential zones which have provisions under investigation, are applicable for resource consent applications for three or four or more residential units on a site (depending on zone). In particular, Policy 4.1.2.6k outlines the following:

Ensure any development is well designed and minimises building bulk and visual dominance effects on adjoining sites, including minimising opportunities for overlooking adjoining properties.

Given that Rules 4.2.5.13, 4.3.4.14 and 4.4.5.15 are for activities that already require resource consent under other rules of the ODP, and that those resource consent applications are subject to Policy 4.1.2.6k, it is particularly relevant to assess whether Rules 4.2.5.13, 4.3.4.14 and 4.4.5.15 are needed.

Each of the relevant rules seek to modulate long facades and their actual or potential dominance effect on adjoining properties in a particular way. However, from experience, we understand that there are other design interventions that can modulate the bulk effect associated with building length. We also understand from experience that such bulk effects on adjoining properties are primarily from upper levels of buildings, as ground level is typically screened from adjoining properties by boundary treatment such as a fence or hedge.

Conversely, as is noted in the Hamilton City Council Memorandum on Built Form, Rules 4.2.5.13, 4.3.4.14 and 4.4.5.15 are a *simple tool to help ensure developers consider the impact of their development on neighbouring properties*.

We also consider that the urban design approach discussed in the Hamilton City Council Memorandum on Built Form can also be readily achieved under Rules 4.2.3.1(f)/(g), 4.3.3.1(f) and 4.4.3.1(g) and associated matters of discretion and objective and policy framework.

Turning to the Property Economics Report, it is stated that *from an economic perspective, fixed prescription is likely to have inequitable impacts on a site-by-site basis where financial costs (or capacity costs) could be significantly more relative to others. Flexibility in achieving the outcome sought has the potential to minimise cost and maximise development potential*. It is then noted that the net additional cost associated with this provision alone is marginal, and in isolation is unlikely to have a material adverse effect on economic growth, although may have a cumulative effect on economic growth when considering other plan provisions. As such, it needs to be determined whether there is a basis under s360(2)(b) to consider modification or removal of the provisions.

Should it be determined that scope exists under s360(1)(2)(b) for modifications or amendments, it is our view that Rules 4.2.5.13, 4.3.4.14(a) and 4.4.5.15(a) could be removed from the ODP with marginal benefit as the rules only apply when a resource consent is already required for a multi-unit development, and the discretion and policy direction for the resource consent requires consideration of bulk and dominance effects on neighbours.

In coming to this conclusion, we have reviewed the Objective and Policy framework, as well as the assessment criteria.

We do not consider there would be a need to make any changes to the objective and policy framework. The wording of Policy 4.1.2.6k, which applies to all residential developments that require resource consent and therefore to all residential developments which Rules 4.2.5.13, 4.3.4.14(a) and 4.4.5.15(a) would apply to is an appropriate setting in terms of bulk and dominance effects on adjoining sites. For completeness, this policy is:

4.1.2.6k – Ensure any development is well designed and minimises building bulk and visual dominance effects on adjoining sites, including minimising opportunities for overlooking adjoining properties.

Likewise, we do not consider there would be a need to make any changes to the assessment criteria framework. In this regard, we observe that the explanation to Assessment Criteria B²⁰. concerning Design and Layout, poses the question:

5. *External Appearance – does the external design and architectural detailing incorporate methods to reduce the overall bulk and scape and avoid large blank, unrelieved walls?*

Subsequently, Assessment Criteria B6(e) is:

- e. *Facades should avoid large areas of blank and/or flat wall surfaces. Variations in colour, material, and the use of recesses or projections (setbacks or set forwards) could be used to achieve this such that all buildings, irrespective of length, appear to be comprised of smaller square or vertically proportioned sections.*

The assessment criteria provide appropriate guidance to consent applicants regarding how building form should be addressed, without prescribing the design response to the specific requirements of Rules 4.2.5.13, 4.3.4.14(a) and 4.4.5.15(a). The assessment criteria give applicants the opportunity to modulate a façade as required in any bespoke circumstance. While this could be considered as removing simplicity of the ODP from a ‘design to comply’ point of view, as evident in the feedback received from the Hamilton planning and development community, greater prescription can also inadvertently rule out other, equally effective, design interventions.

4.3 Electric Vehicle Charging Provisions

Through the PC12 process, it is noted that the Electric Vehicle Charging provisions were reduced from the original proposal to provide a charger for each car park to providing the infrastructure for a future charger. This was extensively discussed in the PC12 documentation, and the ‘future-proofing’ intent of the provision in our view (and as informed by the Property Economics Report), does have merit.

Part of the reasoning for requiring any car parks proposed for any development with two or more residential units to be ‘EV ready’ is due to the expensive retrofit cost should such infrastructure not be available. This could be due to the costs and process of crossing any commonly held property within a multi-unit development site, as well as costs associated with the retrofit that is needed for such work to occur if it was not provided up front. When a car park is made ‘EV ready’ during the construction phase, these issues are alleviated, as is achieved through Rule 25.14.4.2b in its current form.

However, Rule 25.14.4.2b relies on a very specific definition of *EV charging point*, which is provided earlier in this report. That definition requires the installation, at the construction stage, of a dedicated electrical circuit with a specified carrying capacity between a main switchboard and the car park, and a specified communications cable. These come at the cost of the developer.

The point in time at which the actual electric vehicle charger for any given car park may be installed is then up to the future owner/occupier of that car park. This is an undetermined time from now. As such, it is not known whether the infrastructure specified in the definition of EV charging point would

²⁰ It is noted that any multi-unit residential development in each of the three residential zones is subject to Assessment Criteria B – Design and Layout.

remain applicable at that point in time, and, as outlined in the Property Economics Report in Appendix A, why should the developer bear the cost for something which may not be used.

However, when considering the practicalities of retrofitting such infrastructure into a multi-unit type development with common property, and what could be varying lengths between the car park and a main switchboard (to attribute the usage of the EV charger to the party charging the vehicle), we consider there to be merit in making any car parks 'EV ready'.

We have reviewed a sample of other urban plans on the issue of prescribing a requirement for EV charging. Selwyn, Christchurch, Tauranga, and Porirua have no requirements whereas Wellington, and the Hutt City PDP both contain a rule stating:

For residential on-site carparking spaces, whether covered or uncovered, be electric vehicle-charging-ready by being serviced with an electrical cable conduit from the electricity supply to the edge of the carpark.

As such, should it be determined that there is scope to modify or remove provisions under s360I regarding EV charging, we recommend that the definition of *EV charging point* be amended to *EV Ready* with subsequent changes necessary to Rule 25.14.4.2b and Policy 25.14.2.1h, as detailed in Appendix C.

4.4 Cycle Parking Provisions

The common theme in terms of the Cycle Parking provisions that has been identified by the Hamilton planning and development community as well as Property Economics, is the need for such provisions.

The space needed to provide the required level of parking is quantified in the Property Economics report. For more intensive residential developments, the cycle parking area required, particularly for apartment developments could materially affect the site yield.

There are also concerns raised regarding the proportionality of the requirements. This is best highlighted in Section 4 of the Property Economics report as follows, while also being a key theme of the development community feedback received.

If the objective of the rule is to encourage the uptake of cycling and other forms of micro-mobility, it has not been demonstrated that requiring fixed parking infrastructure is the most efficient intervention.

Such an issue also exists for the e-bike charging requirements which sit within the cycle parking provisions. It should be noted that Hamilton City Council consider compliance can be achieved with this provision either by power access on an external wall or supplied by a cable run through a window. Property Economics consider:

While this may provide a practical compliance pathway in some circumstances, it does not appear to be a universally efficient or equitable solution. For example, where all micro-mobility parking is provided in a single communal location at the front of a development, would the first unit in a row be forced to bear the cost of charging devices used by other residents? A shared power supply may require some form of body corporate, residents' society, metering arrangement, or cost-sharing mechanism, each of which introduces additional administrative and compliance costs.

It is also noted that Hamilton City Council has accepted for at least one resource consent supplied to us, that covered outdoor cycle parking be provided, but battery charging for cycles can be undertaken within the dwelling.

In this regard, the Property Economics report states:

[Charging detachable e-bike batteries within a dwelling] is a practical solution that highlights the issue with an overly prescriptive rule. All modern dwellings can charge batteries internally and if Council is willing to accept it as an appropriate compliance response, then the need for the district plan to prescribe charging facilities appears superfluous.

The cycle parking provisions are clearly trying to encourage uptake of micro-mobility. However, its provision is considered by Property Economics to be a *marketable feature* and as such is *more efficiently determined by market demand*.

Consequently, Property Economics consider the provisions in their current form are likely to negatively affect economic growth.

Should the Minister determine there to be scope to remove or modify provisions under s360I(2)(b), we have suggested a variety of modifications and removal to provisions in Appendix C. Our suggested modifications result in cycle parking rates, charging requirements and design of cycle parking spaces in the ODP do not apply to residential activities. The suggested amendments are to:

- Modifications to Table 15-1a, so that there is no requirement for apartment buildings, duplex dwellings and terraced housing. This replicates how the ODP does not have prescribed rates for a single dwelling or an ancillary residential unit, or any other form of multi-unit development that is not an apartment building, duplex dwelling or terrace.
- Removal of Rule 25.14.4.2s, which details design requirements for cycle parking spaces and their accesses.
- Modifications to Rules 25.14.4.2t, u, v, w and x so that it is clear that residential activities are not inadvertently capture by the requirements they entail.

It is noted that, should the Minister consider that the provisions are removed as we suggested, this does necessarily result in cycle parking not being provided for a residential development. Rather, cycle parking is at the discretion of the applicant not the Council. This aligns with the Property Economics report conclusion that cycle parking is more efficiently determined by market demand, and is the same principle as Policy 11 of the National Policy Statement for Urban Development, which directs that car parking is at the discretion of the applicant not the Council.

5 Conclusions

The provisions under investigation for this process have clearly been developed in a well-intentioned manner. The provisions themselves do not determine whether a resource consent is necessary or not for a proposed multi-unit residential development, rather they provide additional regulation over and above what the MDRS sets out to achieve. As such, , should it be determined that there is scope under s360I, the provisions could be modified or removed as we have suggested in Appendix C.

In coming to this conclusion, we consider that the residential matters under consideration are design related and can be appropriately considered through objectives, policies and assessment criteria that are already present in the ODP. The costs associated with establishing EV charging for any car parking spaces proposed for multi-unit residential developments can be more appropriately shared between the developer and any perspective car park user who wishes to have such facilities available to their car park. Cycle parking matters appear disproportionate to likely market demand, and when there is demand for such facilities, developers will be likely to provide them regardless of the regulatory framework

Overall, the provisions under investigation are identified broadly as obstructions with the resource consenting process for the Hamilton planning and development community. However, it is important to note that any modification or removal of the provisions as we have suggested in Appendix will not absolve multi-unit residential developments from going through a resource consent process. The Hamilton planning and development community may continue to be faced with other obstructions either in the ODP or during processing, even if it is determined that the provisions under investigation should be modified.

6 Recommendations

That the Minister:

- Determine whether there is scope under s360I to modify or remove the provisions under investigation in the ODP;
- If scope is determined, consider modifying or removing the provisions under investigation in the ODP as set out in **Appendix C**;
- Seek the views of Hamilton City Council and the Hamilton planning and development community; and
- Carry out a consultation process under s360L on the draft ODP applicable amended provisions.

Appendix A: Property Economics Report

PROPERTY **E**CONOMICS



HAMILTON DISTRICT PLAN

PLANNING PROVISIONS

ECONOMIC ANALYSIS

Client: Ministry for the Environment

Project No: 52637

Date: July 2026



SCHEDULE

Code	Date	Information / Comments	Project Leader
52637.6	July 2026	Report	Tim Heath / Stephen Ellis

DISCLAIMER

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1. INTRODUCTION

The Minister for the Environment (now delegated to the Minister Responsible for RMA Reform) has powers under section 360I of the Resource Management Act 1991 to remove or modify District Plan / policy statement provisions that negatively impact economic growth, development capacity or employment.

The Minister Responsible for RMA Reform has been contacted by social housing developers in Hamilton City, who consider that the Operative Hamilton City Council District Plan contains provisions that are difficult to comply with when delivering multi-unit housing developments and add material economic cost (time and money) and complexity.

Specifically, the Operative District Plan provisions this economic assessment considers are:

- Requirements for 50% of the landscaped area of a site to be deep soil area and associated urban tree canopy coverage provisions.
- Requirement to provide micro-mobility parking with the ability to charge electrically powered cycles and micro-mobility.
- Requirement to provide wired electric car charging abilities for on-site parking spaces.
- Requirement to break buildings longer than 15m with a minimum of 1.8m x 4m step in or out.

The purpose of this economic assessment therefore is to consider each of these requirements against their potential economic impact.

2. HOUSING GROWTH AND EXTENT OF IMPACT

The planning provisions under investigation in this report are those which directly affect the development and construction of new homes. In this regard, it is useful to outline at the outset the projected growth in Hamilton City and, therefore, the size of the affected market.

Future Proof Partners has published their assessment on housing growth and capacity for the Future Proof area, including Hamilton City¹. That report provides a breakdown of the projected demand by housing typology.

This report outlines, in Table 3-9, that Hamilton City growth over the next 30 years (2022 – 2052) is projected to be 38,000 new dwellings, of which:

- 11,700 Detached
- 20,300 Attached
- 6,000 Apartments

This averages out at just over 850 attached or apartment dwellings per year, and 390 detached dwellings per year.

¹ FINAL Residential HBA - December 2023

3. DEEP SOIL PROVISIONS

Outline of provisions and impact

In line with the Medium Density Residential Standards (MDRS), Hamilton's Medium Density Zone and General Residential provisions require 20% of the site to be landscaped. This requirement is reduced to 10% in the High-Density Residential Zone. The District Plan then requires at least half of the landscaped area to be provided as deep soil area.

Each deep soil area must have a minimum area of 8m², with no dimension less than 2m, and must be provided on uncompacted soil with a minimum depth of 400mm. The deep soil area must be capable of supporting shrubs and plants, with lawn specifically excluded from qualifying for this requirement. Where trees are provided, the required topsoil depth increases to 1m.

There are two important interactions with other planning provisions which should be considered here. Firstly, the minimum 2m dimension exceeds both the 1.5m front yard setback and the 1m side and rear yard setbacks. This means the deep soil area must either be provided in the back yard, or the house needs to be setback further than the minimum allowed for by the Medium Density Residential Standards (although it is noted that in addition to the setbacks, the Medium Density Residential Standards, and the Operative District Plan, require 20% of the site to be landscaped, and this landscape area can overlap with outdoor living area requirements).

The second consideration is that this deep-soil requirement sits alongside separate urban tree canopy provisions. Namely, Rule 4.3.4.3(f)–(h) requires each residential development to provide a tree canopy equal to or greater than 20% of the site. In the High-Density Residential Zone, the equivalent rule prescribes 10% in line with the smaller landscaping area.

Unless this canopy requirement can be satisfied through the retention of existing mature trees in locations that do not otherwise constrain development, new tree planting will generally be required.

Consequently, even if the deep soil requirement were removed entirely, the urban tree canopy provisions would still require developers to provide what is effectively a deep soil area to support tree growth.

For example, the table in Rule 4.3.4.3(f) identifies that a small tree, with an anticipated canopy cover of 10m² at maturity, requires 3.8m² of land area. This implies a land area to canopy cover ratio of approximately 1:2.6. A similar ratio applies to the medium, large, and very large tree categories identified in the table.

On this basis, the land area required to support tree planting capable of achieving 20% site coverage by tree canopy would appear to be approximately 77% of the area required under the 50% deep soil area requirement. In practical terms, this means removing the deep-soil provisions may have only limited effectiveness in lowering the landscaping cost component of development.

Importantly, this is not to suggest that the provision imposes no economic costs. The specific dimensional requirements, in combination with the other prescriptive elements of the Plan, work together to create a cumulatively restrictive design space. However, this does limit the extent to which we can attribute a specific quantified cost to this provision in isolation.

Economic Costs

- Overly prescriptive size requirements constrain design options that might better suit the shape of the site. This specifically relates to the 2m minimum dimension and 8sqm minimum area, which, as we highlighted above, means the planting area cannot be fit within the baseline setbacks.
- Reduced usable lawn space for households (e.g. with pets or children), thereby potentially lowering the marketability of the property and reducing overall housing choice.
- Although, theoretically, the remaining 50% of the landscaping area could be allocated to lawn, the prescriptive rules mean that it may not be practical to provide a single contiguous backyard space without losing development yield. Therefore, there is potentially an adverse effect on the supply of affordable housing for families.

It should be acknowledged that some households may prefer planted garden areas over lawn. However, economic costs arise where this balance is prescribed and regulated through the District Plan, rather than determined through market demand.

- Additional earthworks costs. Based on an example 500sqm site where you develop four new units, the additional deep-soil requirement (specifically excluding the area required for trees) is estimated to cost approximately \$1,000 or \$250 per house.
- Compliance Costs including both the design elements and proving compliance.

Economic Benefits

- The primary positive economic benefit is the increased soil permeability. This can reduce the volume and speed of stormwater runoff entering the public network, particularly during smaller or more frequent rainfall events. Consequently, removing the deep soil rules may necessitate increasing the stormwater requirements.

It should also be noted that part of this stormwater benefit is already accounted for through the general landscaping requirement, as well as the stormwater management provisions in the Operative District Plan (which are not under investigation).

The additional benefit of the deep soil requirement is therefore the incremental benefit associated with requiring part of that landscaped area to be uncompacted and provided at a specified soil depth.

However, the relative significance of this on stormwater management is difficult for us to quantify without detailed stormwater modelling evidence from a relevant expert.

Conclusion:

Overall, the dimensional requirements impose additional design constraints where the requirement may otherwise have been satisfied in less accessible and usable areas of the site. Moreover, it represents additional compliance and earthworks costs, thereby adversely affecting the supply of affordable housing (potentially at a marginal level).

Consequently, the deep soil provision imposes an additional cost and design constraint on residential development. All else being equal, this has the potential to reduce development feasibility at the margin and, where this occurs across a sufficient number of sites, may constrain housing supply and adversely affect economic growth.

However, there may be benefits associated with stormwater management that mean, without the deep soil provision, development contributions would have to increase in order to compensate. Understanding this relative balance (and whether there exist lower cost options) requires specific investigation by a qualified stormwater expert.

Regardless, any decision needs to consider whether similar stormwater outcomes are already being achieved by the Stormwater Management provisions, or for the deep soil requirements to be relaxed where a specific on-site stormwater solution can demonstrate an equivalent or better outcome.

4. E-BIKE AND MICRO-MOBILITY PARKING REQUIREMENT

Outline of provisions and impact

It should firstly be noted that the provision has two distinct components, each with different economic considerations:

- the requirement to provide micro-mobility parking; and
- the requirement to provide charging facilities for electric bikes and other micro-mobility devices.

Appendix 15 sets out the parking requirements for activities within the District Plan. Following the removal of minimum car parking requirements under the NPS-UD, Hamilton City Council appears to have introduced micro-mobility parking requirements as an alternative form of access-related parking provision, with one space per residential unit, or two spaces for units with three or more bedrooms.

This applies to all attached typologies without a garage, but not single dwellings. For residential units, the micro-mobility parking is required to have charging facilities for electric bikes and other micro-mobility devices.

As an example, a four-unit, three-bedroom development on a 500m² site would require approximately 10.4m² of micro-mobility parking. This equates to approximately 2% of the total site area. On paper, this could theoretically be accommodated within the site area without adversely affecting the development yield, at least not on regularly shaped flat sites. It does however represent a design constraint and an allocation of land towards a requirement which may or may not be utilised by the occupants.

On the other hand, the proportional impact is likely to be greater for apartment developments. The same 500m² site, if located within the High-Density Residential Zone, could theoretically accommodate 18 three-bedroom apartments within a six-storey building. This would generate a requirement for 36 cycle spaces, equating to approximately 46.8m² of cycle parking area. In practice, this parking would likely need to be provided within the ground floor of the building or within a dedicated secure storage area. Consequently, the cycle parking requirement does have the potential to adversely affect development yield for apartment developments.

There are additional construction costs associated with providing covered micro-mobility parking, including the bike stand, hardstand area, access, and any associated security or lighting requirements. One developer has anecdotally suggested that the cost of providing this infrastructure may exceed the cost of purchasing a foldable bike for each new household, which could otherwise be stored within the dwelling itself.

The cost of installing a basic single bike-stand area including concrete pad, galvanised hoop and shelter is estimated to be approximately \$2,000 to \$4,000. This excludes any site specific factors such as a concrete path from the road or dwelling to the bike stand, as well as lighting, security, drainage, or e-bike charging infrastructure.

In comparison, foldable bikes can cost as little as \$600 depending on the make, specification, and brand. It is however acknowledged that a single cycle stand is designed to accommodate two bicycles and is likely to have a longer useful life than a bicycle itself.

Nevertheless, the comparison is relevant because it highlights a proportionality issue. If the objective of the rule is to encourage the uptake of cycling and other forms of micro-mobility, it has not been demonstrated that requiring fixed parking infrastructure is the most efficient intervention.

There are options available in the market today, including foldable bicycles and foldable electric scooters, which allow some households to address storage issues without imposing additional construction costs on new homes for a facility that may not be utilised by the eventual occupants. This includes not only households that do not own bicycles or scooters, but also households with legitimate security concerns about storing valuable micro-mobility devices in an external or publicly accessible location.

Charging Facilities

The other element of the requirement that warrants consideration is the need to provide charging facilities for e-bikes. The practical effect of this requirement is unclear. According to a memorandum from Hamilton City Council, Council has accepted applications where power access is provided either on the exterior wall of the residential unit, or where power can be supplied by a cable run through a window.

While this may provide a practical compliance pathway in some circumstances, it does not appear to be a universally efficient or equitable solution. For example, where all micro-mobility parking is provided in a single communal location at the front of a development, would the first unit in a row be forced to bear the cost of charging devices used by other residents? A shared power supply may require some form of body corporate, residents' society, metering arrangement, or cost-sharing mechanism, each of which introduces additional administrative and compliance costs.

Alternatively, Council's review noted that approval was granted, on the basis of partial compliance, for 13 Alanbrooke Place, which provided covered outdoor cycle parking but allowed bike batteries to be charged inside the dwelling. This reflects the practical reality that many modern e-bikes have removable batteries, and residents may prefer to charge these inside the dwelling rather than leave them attached to a bicycle stored in an external location where it may be more vulnerable to theft.

This is a practical solution that highlights the issue with an overly prescriptive rule. All modern dwellings can charge batteries internally and if Council is willing to accept it as an appropriate compliance response, then the need for the district plan to prescribe charging facilities appears superfluous.

Economic Costs

- Compliance Costs including both the design elements and proving compliance.
- Reduces the maximum theoretical development capacity of high-density apartment developments. This could fundamentally alter the composition of future development typologies (making denser residential less competitive). The typologies more likely to be affected by these provisions are also the ones that have greater propensities to offer affordable options and greater economic benefits.
- Increases construction costs associated with providing micro-mobility parking, including the stand, hardstand area, access, charging facilities, and any associated security or lighting requirements.
- Requires land to be allocated to a land use which may or may not be utilised by its occupants.

Overall

Although there are positive externalities associated with micro-mobility there are clear alternative options available in the market that remove the strict requirement for outside cycle parking with charging stations. Moreover, there are more significant practical barriers to micro-mobility uptake (e.g. safety concerns, distance to work, weather) that this provision has no effect on.

Finally, micro-mobility parking is a marketable feature. Its provision is therefore more efficiently determined by market demand than by an ideological and prescriptive planning requirement. The net result is the imposition of additional costs and compliance requirements which adversely affect potentially more efficient housing typologies. This is likely to have adverse effects on housing development patterns and economic growth.

5. EV CHARGERS FOR OUTSIDE CARPARKING SPACES

Outline of provisions and impact

According to NZTA guidance, a Mode 3 EV charging station costs approximately \$2,000–\$4,000 to install. However, council's review of the standards clarifies that the rule does not require the EV charger itself to be installed at the time of development. Rather, the requirement is to provide the necessary cable and circuit infrastructure so that a future Mode 3 EV charging station can be installed. Specifically, for all sites with two or more dwellings and an on-site parking space without a garage, the rule requires the installation of a:

- Dedicated 32A electrical circuit
- Cat6 Communications cable.
- Socket outlet or EVSE.

The cost of the required cabling would be approximately \$40 per metre where cabling is installed under concrete, plus the cost of installing an outdoor socket. For developments where the car park is located within 5–10m of the dwelling, this suggests an upfront cost of approximately \$350–\$550 per unit.

However, for multi-unit developments where parking is located within a shared parking court at the front of the site, or is otherwise separated from the dwelling it is intended to serve, the upfront enabling installation cost can increase significantly. In these cases, longer cable runs, coordination with common access areas, and more complex electrical arrangements may be required. It has been indicated to us that in some cases, connecting the parking lot directly to the house is impractical, thereby potentially requiring a new connection at the cost of \$5,000.

For this reason², the council added an exemption for on-site parking spaces which are “...not within the net site area of the residential unit it serves in a terrace housing development.” (25.14.4.2b(ii)(B)). Although it is unclear if this rule solves the concern in all cases given the complaints MFE has received, the remainder of the assessment focuses on the more common instance where this rule is enforced.

Including both battery electric vehicles and plug-in hybrids, plug-in vehicles currently represent only around 3.86%³ %⁴ of the registered passenger cars and vans. . Although this

² Generic Court Template - para 17

³ According to the national vehicle fleet register as at 30 June 2026 for registered passenger cars and vans. Obtained from National vehicle fleet status | NZ Transport Agency Waka Kotahi

⁴ EVs on the Road

proportion is increasing, with plug-in vehicles accounting for 17.4%⁵ of private passenger vehicle registrations between January and June 2026, the existing vehicle fleet is large and will take a long time to materially transition⁶. It should be noted that while electric vehicles account for almost 30% of new vehicle registrations, their share of used imports remains significantly lower at only 5.6%. This year-to-date share also appears elevated relative to 2025, when plug-in vehicles accounted for only 7.8% of newly registered vehicles, likely reflecting short-term fuel market conditions associated with the US / Iran conflict.

It would appear the economic argument Council addressed in Plan Change 12 reporting, for this requirement, is that retrofitting sites for EV compatibility in the future is prohibitively expensive. Therefore, although the current market is small, the district plan needs to accommodate future demand.

In order to investigate this claim, Property Economics has modelled the present value of future cashflows over the next 30 years, comparing the cost of requiring upfront cabling and installing the EV charger when the demand rises against the cost of retrofitting with a charger in the future. Some of the key assumptions of this modelling are as follows:

- Cabling costs \$40 per m plus \$150 fixed cost.
- The EV charger costs \$3,000 to install with existing cabling, compared to \$3,000 plus \$300 per m to retrofit cabling later.
- Present value discount rate of 8%.
- The demand for EV chargers in affected multi-unit developments is equal to the market share of private vehicles.

Future growth scenarios in EV market share are uncertain.

Although it may be reasonable to assume EV's market share will grow over the long term as supporting infrastructure and technology improves, it is also possible that future innovation, market conditions, or policy settings could shift demand toward alternative technologies.

With this in mind, we consider a range of market growth scenarios for our analysis. These are shown on Figure 1 below and are as follows:

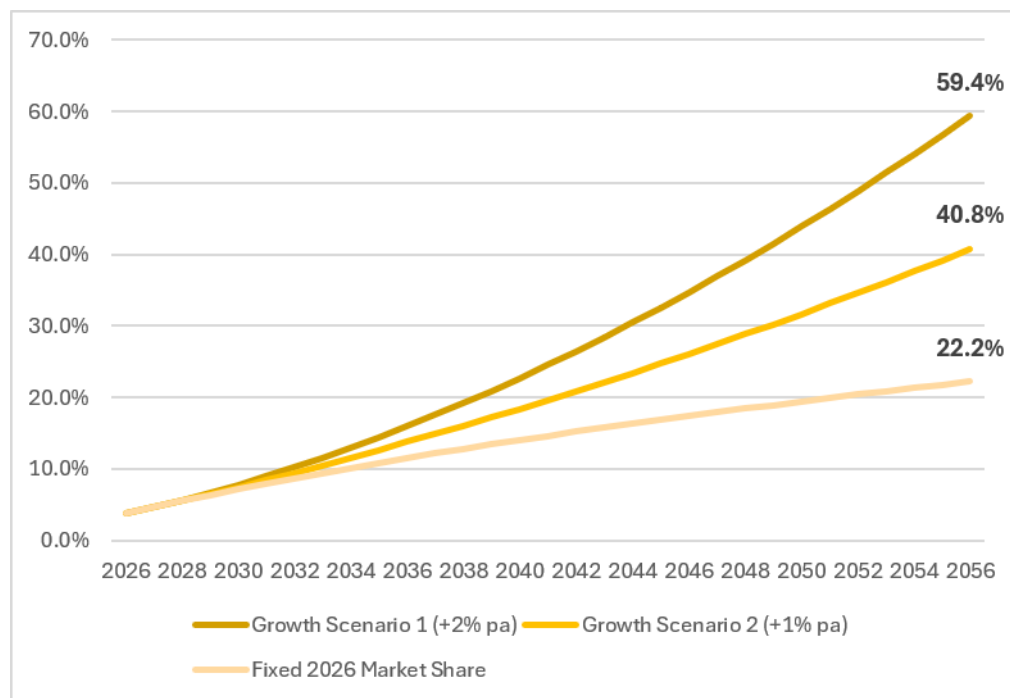
- Scenario 1: EV market starts at 17% and grows by 2% per annum resulting in plug in's representing almost 60% of the market fleet by 2056.

⁵ *QAP Sheet – Filtered for Private, passenger Car/Van's*

⁶ *Hamilton City appears to broadly reflect the national position, with only a marginal difference in the share of registered vehicles that are EVs, at 16% compared with 17.4% nationally.*

- Scenario 2: EV's market starts at 17% and grows by 1% per annum, resulting in plug-in's representing just over 40% of the market fleet by 2056.
- Scenario 3: fixed market share of 17%, with no growth⁷.

FIGURE 1: GROWTH OF EV'S AS A PROPORTION OF TOTAL PASSENGER VEHICLE FLEET



Source: Property Economics

Under these scenarios, we get the following results.

- If the market share of EV's remains fixed at 17% (i.e. 2026 current market share), then the cost of future retrofits is 10% lower than Council's policy if the average distance is 5m or only 3% if the distance is 10m.
- With an average distance of 10m, the annual average growth rate in EV market share would only need to be 0.2% per annum in order to breakeven between retrofitting and council's policy.

⁷ Note that the modelled 2056 light vehicle fleet is still higher than this percentages would suggest because EV's are a higher proportion of new rather than used vehicles and will therefore retire more slowly than the balance of the existing fleet.

- Conversely, if the market share grows by 2% per annum, retrofitting in the future costs 15% more if the average distance is 5m or 33% more if the average distance is 10m.

The alternative option proposed is to reduce the requirement to the provision of conduit only. This would allow an electrician to install the necessary cabling in the future without needing to remove concrete, paving or other hardstand areas. The cost of providing conduit is estimated at approximately \$5–\$10 per metre.

Our testing indicates that this conduit-only option is the lowest-cost alternative across all scenarios, even where no future EV market share growth is assumed. Specifically, allowing for a small increase in total costs at the end, the conduit-only option is still 13% cheaper than Council's current policy under the high (+2% per annum) EV market growth scenario, and 38% cheaper with no market share growth.

Economic Benefits

- Reduces future retrofitting costs for owners of EV's who require on-site charging.
- Reduces potential barrier to EV uptake, which is understood to have positive environmental benefits.

Economic Costs

- The rule imposes an upfront economic (construction) cost across all qualifying developments, regardless of whether the eventual occupants own, or are likely to own, an electric vehicle.
- The additional cost may be sufficient in some cases to reduce project feasibility for housing providers.
- This provision adds cost to a specific typology that has a greater potential to be a lower cost option. There is potential for this provision to alter typology provision in the market and therefore housing affordability and choice.

Overall

Our high-level modelling suggests that, unless EV market share remains low, Council's current policy is likely to be more cost efficient than requiring households to fully retrofit EV infrastructure in the future. Given the added complexity, disruption and cost associated with future retrofitting, the cabling requirement lowers a potentially significant barrier to EV uptake.

In terms of economic growth, it is also relevant that petrol and diesel vehicles rely on imported fuel, whereas electric vehicles can be powered by electricity generated within New Zealand.

Therefore, the marginal adverse effect on housing development today could be offset by increased demand for New Zealand-generated energy in the future.

However, testing would suggest that the current rule does not represent the most efficient intervention. The modelling also indicates that a lower-cost conduit-only solution achieves the same future-proofing benefit, while avoiding the cost associated with requiring unnecessary electrical cabling.

This option minimises the upfront costs imposed on housing development while mitigating the risk of future costly upgrades. A modification to Hamilton's current policy to align with this would lower the regulatory burden and maximise economic growth.

It should finally be noted that this assessment assumes Council's current exemption for car parks located outside the net site area is sufficient to address the more complex multi-unit development layouts where EV-ready infrastructure may be impractical or disproportionately costly. Consideration to refine this rule has the potential to reduce some of these costs.

6. DESIGN REQUIREMENTS

Outline of provisions and impact

Hamilton's District plan requires a break of 1.8m x 4m for every length of building over 15m long, except the road frontage. Although this type of rule is a common urban design provision, there are councils that apply this rule to multi-storey buildings only, and others where they are not applied. Hamilton City Council's rule applies to single-level buildings, which we are led to understand has only a minimal adverse visual impact.

There are inherent difficulties in isolating the direct economic cost of the provision. Given the wider suite of District Plan provisions that already influence site layout, it is difficult to identify a specific design scenario where this requirement, in isolation, directly reduces developable floorspace or dwelling yield.

However, this does not mean the provision is costless. The requirement introduces additional design constraints that need to be resolved through the architectural and engineering process. This may increase design complexity, require additional coordination between building layout, access, landscaping, services and parking, and result in additional costs during both the design and construction phases.

Discussion

The more material cost is likely to arise from reduced design flexibility. Where a site is already constrained by setbacks, outlook space, outdoor living areas, access requirements, stormwater, landscaping, and other development standards, any additional fixed requirement can limit the ability to optimise the site. This may result in less efficient site layouts and residual areas of land which have no practical purpose, thereby adversely impacting the economic value of the site.

It is our understanding that there are alternative means by which to achieve the same urban design outcomes. From an economic perspective, fixed prescription is likely to have inequitable impacts on a site-by-site basis where financial costs (or capacity costs) could be significantly more relative to others. Flexibility in achieving the outcome sought has the potential to minimise cost and maximise development potential.

Practically, the net additional cost imposed by this provision alone is marginal, and therefore when considered in isolation is unlikely to have a material adverse effect on economic growth.

It is when Hamilton's District Plan rules are considered as a whole that the cumulative effect on residential development becomes more apparent. This provision represents a rigid design requirement imposed on multi-unit developments which, alongside the rest of the Plan, further narrows the available design space and flexibility. This can affect the ability of developers to respond to site-specific constraints and may make otherwise viable development options more difficult to deliver.

These costs do not occur in isolation. They may influence whether investment is directed toward Hamilton or toward alternative locations with more efficient and flexible planning settings. In this manner, inefficient and inflexible planning provisions, particularly those which disproportionately affect multi-unit development, are likely to have an increasing adverse effect on urban efficiency, housing supply, and Hamilton's economic growth.

Appendix B: Hamilton City Council Memoranda on Provisions under Investigation

Memo

Urban and Spatial Planning Unit

To: Unit Director

From: Kiri Crossland – Senior Planner

Subject: Hamilton Operative District Plan Deep Soil Requirements

Date: 23 June 2026 File:

1.0 Purpose of this Memo

This memo provides additional information on the deep soil provisions in the Hamilton Operative District Plan in response to the investigation by the Minister under section 360I of the Resource Management Act.

2.0 Background

Provisions requiring deep soil areas were introduced into the District Plan through Plan Change 12 in response to the requirements of the MDRS¹. The deep soil requirement was an amendment to the notified landscaping rules post-notification in order to promote better stormwater absorption and support the growth of large flora.

The MDRS requires that a minimum of 20% of a site (for general and medium density zones) or 10% of a site (for high density zones) be landscaped with grass, other plants or tree canopy. Hamilton City Council introduced landscape provisions which align with this requirement. The deep soil provisions in Hamilton build on the MDRS landscaping requirement by requiring 50% of landscaped area has a minimum soil depth of 400mm and be capable of supporting additional depth for specimen trees. This additional requirement was seen to provide great additional benefits at little cost, as set out in this document.

Rule	Wording	Impact
4.2.5.3 General Residential	b. A residential unit at ground floor level must have a landscaped area of a minimum of 20% of the total site area. c. At least 50% of the landscape area shall be provided as a deep soil area (i) to support shrubs and plants (but not lawn) on uncompacted soil of 400mm depth and; (ii) for all trees, topsoil depth is required to increase to 1m. d. While a single contiguous Deep Soil Area (DSA) is preferred, several DSAs may be created of no less than 8m² minimum area and no dimension less than 2m.	Applies to all residential units. 50% of the landscaped area must be provided as uncompacted soil. This equates to 10% of the total site area.

¹ [Plan Change 12 2024 Evidence of Dr Reu Junqueira](#)

4.3.4.3 Medium Density Residential	b. A residential unit at ground floor level must have a landscaped area of a minimum of 20% of the total site area. c. At least 50% of the landscape area shall be provided as a deep soil area (i) to support shrubs and plants (but not lawn) on uncompacted soil of 400mm depth and; (ii) for all trees, topsoil depth is required to increase to 1m. d. While a single contiguous Deep Soil Area (DSA) is preferred, several DSAs may be created of no less than 8m² minimum area and no dimension less than 2m.	Applies to all residential units. 50% of the landscaped area must be provided as uncompacted soil. This equates to 10% of the total site area.
4.4.5.3 High Density Residential	b. A residential unit at ground floor must have a landscaped area of a minimum of 10% of the total site area. c. At least 50% of the landscape area shall be provided as a Deep Soil Area (DSA). (i) To support shrubs and plants (but not lawn) on uncompacted soil of 400mm depth and; (ii) For all trees, topsoil depth is required to increase to 1m.	Applies to all residential units. 50% of the landscaped area must be provided as uncompacted soil. This equates to 5% of the total site area.

3.0 Deep soils contribution to Te Ture Whaimana

Per section 360I(c)(i), in order to modify or remove a provision, the Minister must be satisfied that provision have not been included in the plan in recognition of an obligation under a Treaty settlement. The deep soil provisions are connected to Te Ture Whaimana and were included in recognition of obligations arising from that framework. Te Ture Whaimana, the Vision and Strategy for the Waikato River, was established through the Waikato-Tainui Raupatu (Waikato River) Settlement Act 2010. It places an obligation on Hamilton City Council to work with its partners to restore and protect the health and wellbeing of the Waikato River.

A key concern arising from the urban intensification enabled under the MDRS is the potential for increased stormwater runoff and associated contaminants entering the river. While landscaped areas can help mitigate these effects, their effectiveness is limited where urban soils are degraded or compacted, reducing their ability to absorb, filter, and store water². Compacted or shallow soils also limit the ability to support specimen trees, which further reduces stormwater benefits.

Deep soil areas were introduced to provide these benefits which landscaped areas alone could not achieve. By requiring sufficient soil depth to support soakage, filtration, and healthy tree growth, the provisions help reduce the contaminant load and volume of stormwater entering waterways. This way, the deep soil provisions support Te Ture Whaimana and help Council to meet its Treaty obligations.

² Urban Soil Landcare Research: <https://soils.landcareresearch.co.nz/topics/soil-quality/urban-soils>

4.0 Climate resilience

Deep soil areas make an important contribution to climate resilience in the face of extreme weather conditions³. Deep soils provide resilience against increased rainfall events by providing natural stormwater drainage, retention and filtration. The specimen trees supported by deep soil areas also help mitigate flooding effects by slowing runoff, increasing interception, and improving infiltration.

Conversely, during periods of drought, deep soil areas support moisture storage within the soil profile. This helps maintain the health of urban trees during extended dry periods. In turn, healthy urban trees provide shade during hot summers and help mitigate the urban heat island effect.

5.0 Impact on development capacity

Under section 360I(b), in order to modify or remove a provision, the Minister must be satisfied the provisions have a negative impact on economic growth, development capacity, or employment. Council is not aware of any evidence that the requirement for 50% of landscaped area to be provided as deep soil is having any material impact on economic growth, development capacity, or employment.

The provisions do not impact development yield on a site, as they fit within the landscaped area already required under the plan. The deep soil requirement influences how the required landscaped area is configured, rather than reducing the amount of development that can occur. Appendix 1 to this memo illustrates how deep soil areas can be accommodated on a range of sites for a range of typologies in different zones of the city without impacting housing yield.

Council applies the interpretation that if the deep soil is being provided for a tree (eg land area required for the tree by 1m in depth), the surface of this deep soil area does not also have to support shrubs and plants. This area needs to be permeable to allow for good water and air infiltration for the health of the tree; however, could be in lawn. If the deep soil is not to support a tree, then it needs to be support shrubs or plants (not lawn). This interpretation allows for better use of space and for outdoor areas on the site to be usable for the residents of the development. This has been the interpretation from early on following decisions on Plan Change 12 and typically most developments are able to design good outcomes when it comes to landscaping and deep soil.

6.0 Consequences of removing deep soil requirements

Requiring deep soil areas throughout the city is a practical and effective way of providing decentralised stormwater mitigation while enabling intensification. Deep soil areas help to manage stormwater at source through infiltration, filtration, and temporary storage, reducing pressure on the public stormwater network.

Without deep soil areas, alternative solutions would be needed. This could involve greater reliance on centralised or engineered infrastructure. This may increase long-term costs to Council who must maintain these assets, and may impact the development contributions which must be collected to fund their construction. It may also reduce the distribution of broader benefits such as urban tree health, shading, cooling and drought resilience throughout the city.

7.0 Conclusion

In summary, the deep soil provisions were introduced through Plan Change 12 as a targeted response to the effects of intensification enabled by the MDRS. They provide benefits beyond standard landscaped area requirements by supporting stormwater infiltration and filtration, healthy tree growth, climate resilience, and wider environmental outcomes. The provisions are also

³ [Plan Change 12 2024 Evidence of Mr Graham](#)

connected to Council's obligations under Te Ture Whaimana and help give practical effect to the protection and restoration of the health and wellbeing of the Waikato River.

There is no evidence that the requirement for 50% of landscaped area to be provided as deep soil has a material impact on economic growth, development capacity, or employment. Rather, the requirement shapes how landscaped area is provided and secures multiple long-term benefits. Removing the provisions would likely increase reliance on alternative stormwater solutions, shift greater cost and responsibility to public infrastructure, and reduce the wider resilience and amenity benefits that deep soil areas provide across the city. For these reasons, the deep soil provisions should be retained.



Plan Change 12

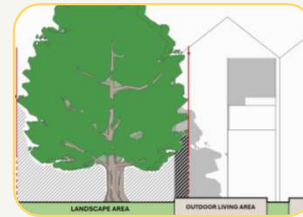
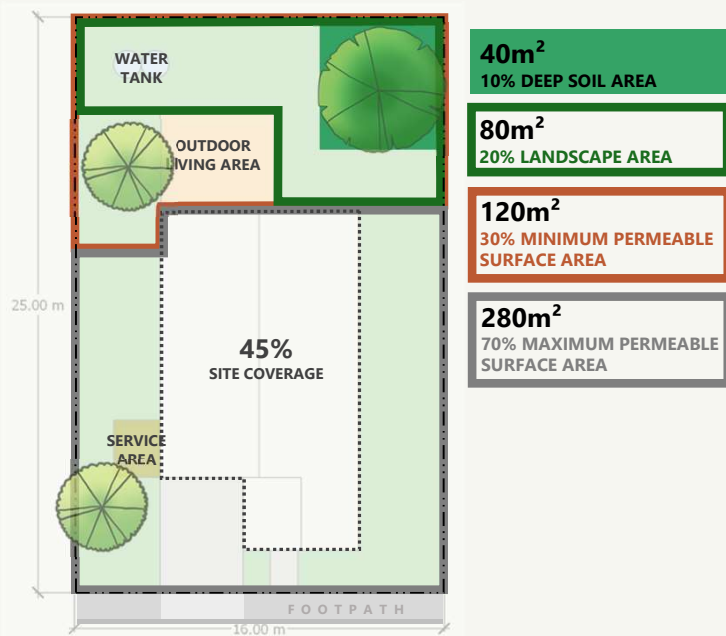
Deep Soil Areas

GENERAL RESIDENTIAL ZONE

On smaller sites

This scenario explores where and how many trees at the minimum are achievable in typical residential lot cuts ranging from 100m² to 400m² in the General Residential Zone.

SCENARIO: **400m² SITE AREA,**
Detached, 1-storey (180m² GFA)



- ✓ Tree canopies may overlap outdoor living areas, service areas, driveways, and parking.

- ✓ **20% Site Canopy Cover**
Trees don't have to be within the landscape area, given that their canopy projections add up to 20% of the total site area.

- ✓ **20% Landscape Area**
Does not have to be contiguous, at least 20% of the total site area will be dedicated to landscape area.

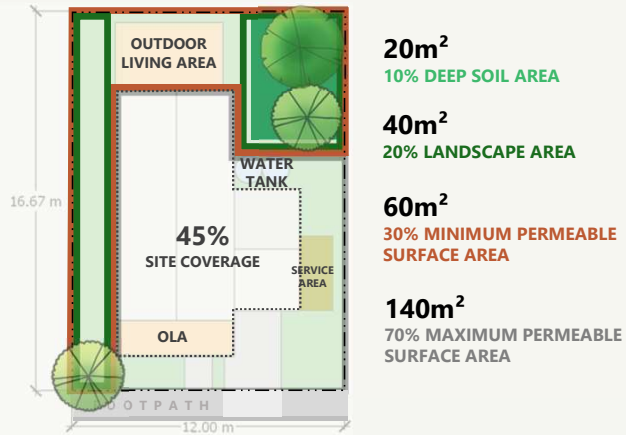
- ✓ **10% Deep Soil Area**
At least 10% of the total site area or 50% of the landscape area (20% of total site area) dedicated to Deep Soil Area at 400mm to support tree growth.

LANDSCAPE AREA

GENERAL RESIDENTIAL ZONE

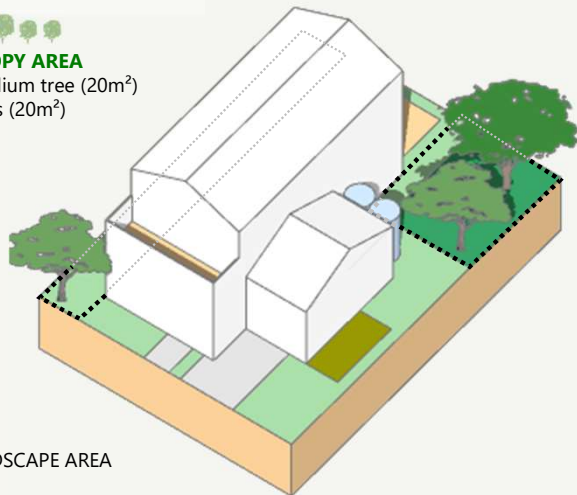
200m² SITE AREA

Detached, 2-storey (180m² GFA)



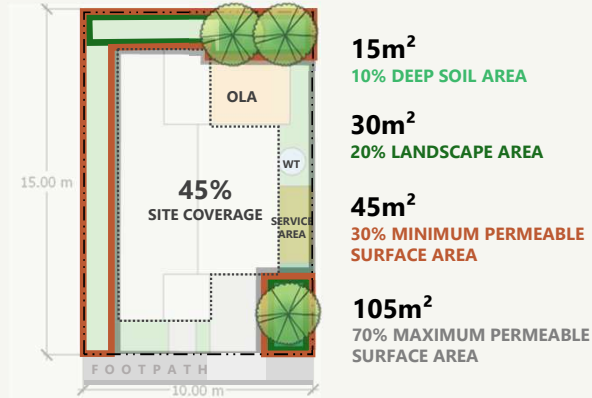
40m² TREE CANOPY AREA

1 small-medium tree (20m²)
2 small trees (20m²)



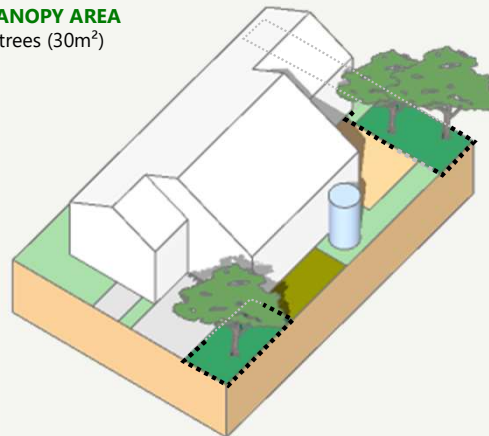
150m² SITE AREA

Detached, 1-storey (67.5m² GFA)



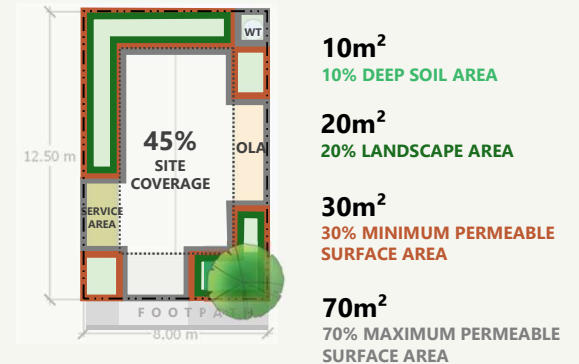
30m² TREE CANOPY AREA

3 small trees (30m²)



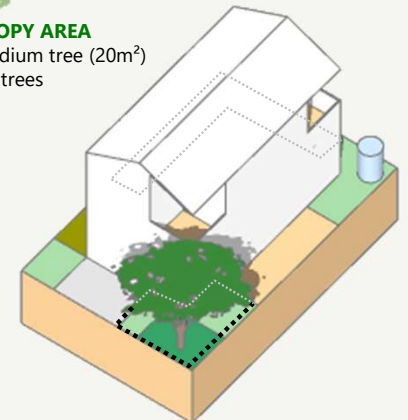
100m² SITE AREA

Detached, 2-storey (90m² GFA)



20m² TREE CANOPY AREA

1 small-medium tree (20m²)
OR 2 small trees



LANDSCAPE AREA

GENERAL RESIDENTIAL ZONE

Larger sites

While there is a requirement for 20% of the site for tree canopy cover, there is space for more trees on larger sites.

SCENARIO: 1200m² SITE AREA, Terraces

120m²

10% DEEP SOIL AREA

240m²

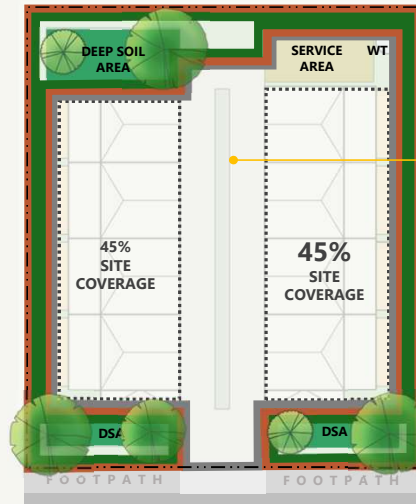
20% LANDSCAPE AREA

360m²

30% MINIMUM PERMEABLE SURFACE AREA

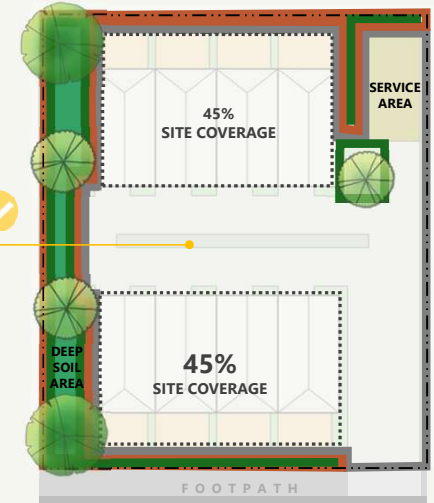
840m²

70% MAXIMUM PERMEABLE SURFACE AREA



Semi-Permeable surface areas

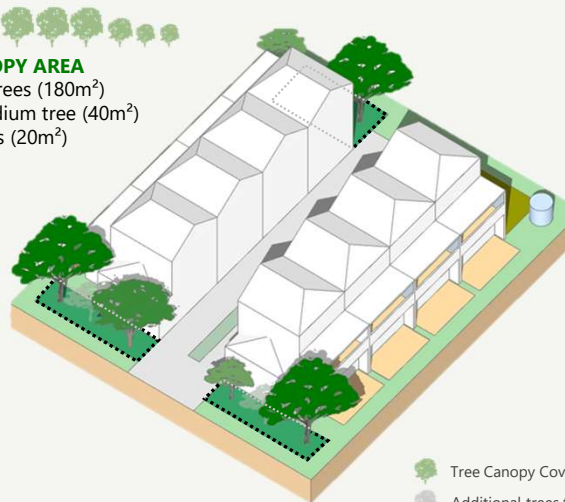
Can be incorporated to break up continuous impermeable surfaces such as shared driveways.



240m²

GREEN CANOPY AREA

3 medium trees (180m²)
1 small-medium tree (40m²)
2 small trees (20m²)



240m²

TREE CANOPY AREA

2 medium trees (120m²)
3 small-medium trees (120m²)



MEDIUM DENSITY RESIDENTIAL ZONE

20% Tree canopy cover

Developments in the medium density residential zone are required to have 20% tree canopy coverage in site area.

SCENARIO: 1200m² SITE AREA, Terraces

120m²

10% DEEP SOIL AREA

240m²

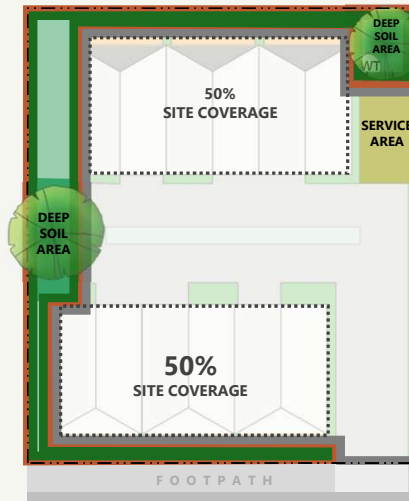
20% LANDSCAPE AREA

360m²

30% MINIMUM PERMEABLE SURFACE AREA

840m²

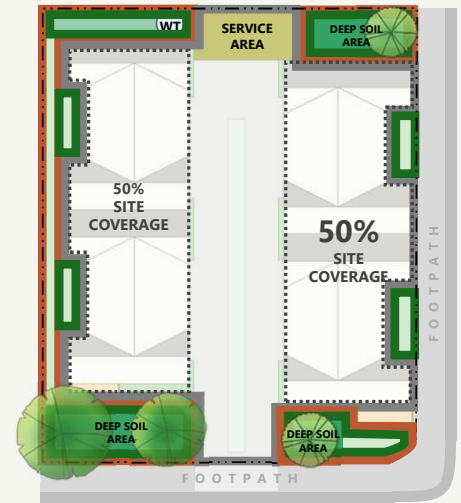
70% MAXIMUM PERMEABLE SURFACE AREA



240m²
TREE CANOPY AREA
1 large tree (180m²)
1 medium tree (60m²)



Tree Canopy Cover recommended
Additional trees that can fit on site



240m²
TREE CANOPY AREA

1 large tree (180m²)
1 small-medium tree (40m²)
2 small trees (20m²)



MEDIUM DENSITY RESIDENTIAL ZONE

Increasing density

Higher density developments often mean Apartment buildings which have consolidated parking areas; where there is great potential for more trees and semi-permeable surfaces to aid in stormwater management.

SCENARIO: 1200m² SITE AREA,
Apartment building

120m²

10% DEEP SOIL AREA

240m²

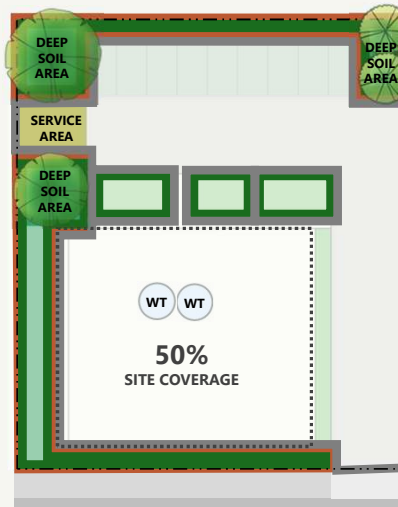
20% LANDSCAPE AREA

360m²

30% MINIMUM PERMEABLE SURFACE
AREA

840m²

70% MAXIMUM PERMEABLE
SURFACE AREA



240m²

TREE CANOPY AREA

1 large tree (180m²)

1 small-medium tree (40m²)

2 small trees (20m²)



Maximizing the site

Larger sites with extensive landscape areas have the opportunity to introduce more trees enhancing amenity benefits.

HIGH DENSITY RESIDENTIAL ZONE

10% Tree canopy cover

With the highest site coverage (60%), high density residential developments often won't have space for extensive landscape areas and will have the least tree canopy cover requirement.

SCENARIO: 1200m² SITE AREA, Apartment building

60m²

10% DEEP SOIL AREA

120m²

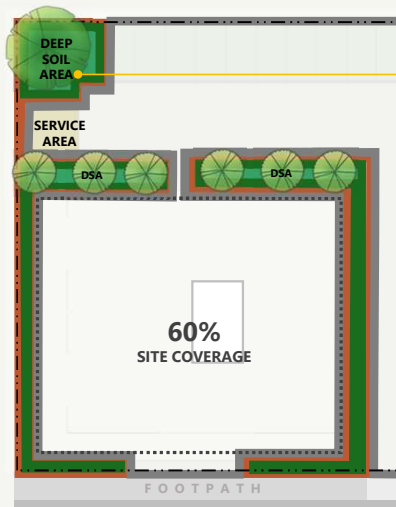
20% LANDSCAPE AREA

180m²

30% MINIMUM PERMEABLE SURFACE AREA

420m²

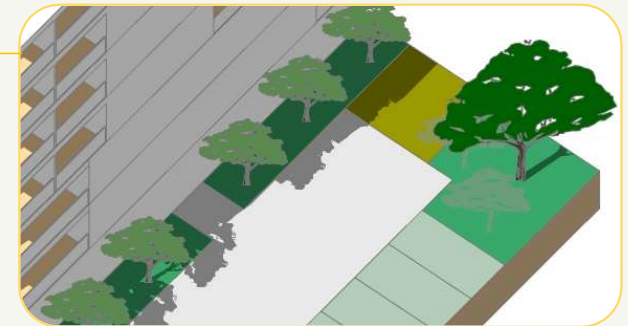
70% MAXIMUM PERMEABLE SURFACE AREA



120m² TREE CANOPY AREA
1 medium tree (60m²)
6 small trees (60m²)



Tree Canopy Cover recommended



Think viability

Placing larger trees in consolidated **deep soil areas** will help a site with tight landscape space achieve the required tree canopy cover.



Green Roofs

Maximize space within the site.

Urban & Spatial Planning Unit

To: Unit Director

From: C Hattingh, Snr Urban Designer

Subject: Hamilton Operative District Plan – Built Form Rule

Date: 23 June 2026

File:

Summary	
Location and Wording	- Location - Volume 1, Chapter 4 (Residential Zones) of the Operative District Plan (ODP). - Specifically rules 4.2.5.13; 4.3.4.14 and 4.4.5.15. - Wording - <i>“For developments containing three or more residential units no wall which is parallel to or up to an angle of 30° to any external boundary except the road frontage shall exceed 15m in length without there being a step in (or out) plan of at least 1.8m depth and 4m in length”.</i>
Genesis	Carried over from the previous District Plan (16 Augst 2024) where the rule applied to properties in Hamilton East (those within the residential intensification zone).
When does it apply?	- Applies to any new terrace or apartment development containing three or more residential units within the general residential zone, and terrace housing or apartments developments containing four or more residential units within the medium and high-density residential zones. - Within these zones, terrace and apartment developments containing 3 or more residential units are generally listed as either restricted discretionary or discretionary activities. - This rule only applies to activities which are already restricted discretionary activities, so non-compliance does not impact the overall activity status of an application. - Council takes a pragmatic approach and provides flexibility when assessing non-compliance of single-storey buildings, particularly where there is a boundary fence between properties. Discretion is also used to allow for non-compliance when alternative design methods achieve the same outcome for a development.
Why is it Needed?	- Rule is part of the normal suite of standards (found within District Plans throughout New Zealand) that control the bulk, form and location of structures. - It is aimed at reducing the impact that new development (in this case multi-storey, unbroken terrace and apartment typologies) will have on adjoining properties. - Is one way in which long elevations can be broken or divided into smaller sections or parts, thereby reducing the visual bulk and scale. - Other relevant standards in the suite include site coverage, setbacks, building heights, height in relation to boundary, density and so on.

	• The standards are always supported by various objectives and policies and assessment criteria. • It aligns with guidance in the National Medium Density Design Guide document published by MFE in 2022. This guidance suggests stepping back or projecting building features is an effective way to break up larger expanses of wall to create visual relief.
PC 12	
Submissions Related to Rule	• Yes
Requested Outcome	• Submitters sought the deletion of the rule as they considered it did not align with other MDRS standards and/or that the built form outcomes could be controlled by other standards.
Hearing Response	• In summary, Council response was that the rules will provide additional certainty to help ensure that new development projects will contribute positively to an area. • Changes to the rule were made (including the number of terraced units permitted within a single continuous development and building setback above a given height) to improve alignment with the provisions for the Medium Density Zone in Peacocke (Chapter 4A). • Councils position was that the provisions help assist in the management of visually dominant building blocks.
Discussion	
Urban Design Approach (ODP)	• The approach articulated in the ODP is that the design and layout of residential units and buildings are critically important. • All residential development must address potential adverse environmental effects and ensure a well-functioning urban environment is ultimately achieved. • Good standards of amenity create a pleasant and attractive living environment, and in doing so contribute to wider neighbourhood amenity. • Residential amenity means the many qualities and attributes that allow people to enjoy living where they do – such as visual attributes, sunlight, good access, low noise levels and a safe environment including the provision of usable, practical and functional living spaces, both internally and externally. • The standards (read together) are important given the recent shift to and focus on more intensive housing forms (infill and intensification). • The rules are valuable for both private developers and Council officials, to help ensure a consistent approach is followed. • The provisions seek to address and minimise the inevitable negative environmental and social outcomes that will occur as a result of people having to live closer together. • Built form refers to the physical shape, size, and design of buildings. In the context of intensification, built form standards are important to help ensure that new developments are compatible with existing neighbourhoods, including that they contribute positively to the urban environment. • Development that is well-designed and integrated will enhance the value of an area, make it more liveable and contribute to an improved sense of community.

Supporting Provisions	- The ODP includes objectives and policies that specifically relate to the built form rule. For example: - Objective 4.1.2.6 – “Residential developments are designed and developed to create an attractive and safe urban environment, providing a level of amenity consistent with the planned urban environment: on site for residents; on adjoining sites; and for the transport corridor and public open spaces”. - Policy 4.1.2.6k – “Ensure any development is well designed and minimises building bulk and visual dominance effects on adjoining sites, including minimising opportunities for overlooking adjoining properties”. - The built form rule is one way to help ensure that the overall bulk and scale of new terrace and apartment developments (traditional not typically found in the general residential zone) is mitigated or reduced.
Well-Functioning Urban Environments	- In December 2021 the Resource Management (Enabling Housing Supply) Amendment Act was passed into law. The Act introduced a suite of amendments to the Resource Management Act (RMA) and the National Policy Statement on Urban Development (NPS-UD). - The NPS promotes the creation of well-functioning urban environments that: “enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future”. - Good design is critically important to on-site and off-site amenity, especially where there is higher-density housing. - The policies identify the features important for residential development, regardless of what form the dwelling may take, e.g. single, duplex or apartment. - These features include access to sunlight, outdoor living space, storage space, space for waste and recycling, visual connectivity to public spaces such as the street, and privacy. Incorporation of these features will ensure functional and quality living environments for the occupants.
Conclusion	
	- Hamilton City consider that the built form rule must remain as it is an appropriate and simple tool to help ensure developers consider the impact of their development on neighbouring properties. - The rule can also be achieved in a number of ways – this is relevant as the current Operative District Plan (ODP) was developed on the premise of providing flexibility in the consenting process, by allowing non-compliance with rules if a good design outcome was achieved. - The intent of the planning framework was to recognise that good design is not always delivered by a strict adherence to bulk and location standards. - The overarching goal of all urban development strategies and plans should be to improve the quality of life for residents and to help ensure that over time, the city develops in a way that supports this goal. - This goal cannot be achieved without considering best practice urban design principles and approaches and this includes consideration of

	the external design and architectural detailing of new buildings and adequately consider methods (such as modulation, stepping, articulation, variation of roof form, fenestration and materiality) to reduce the perceived overall bulk and scale and avoid large blank, unrelieved walls. • The rule does not limit private property rights and does not make the process more onerous or costly but helps ensure our cities and towns are and become places, where people want to live and are economically successful. Good design impacts everyone – people, the economy and the environment and we all deserve to live in a city or town with places that are safe, sustainable and well-considered.
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Urban and Spatial Planning Unit

To:	Unit Director	
From:	Denzil Govender – Senior Planner	
Subject:	Hamilton Operative District Plan - Electric Vehicle Charging and Cycle Space Requirements	
Date:	23 June 2026	File:

1.0 Purpose of this Memo

This memorandum provides information on Electric Vehicle (EV) charging and cycle provisions within the Hamilton City Operative District Plan (ODP), in response to the investigation by the Minister under section 360I of the Resource Management Act 1991.

2.0 Background

Plan Change 12 (PC12) introduced a range of transport related provisions to respond to urban intensification directed by the National Policy Statement on Urban Development (NPS-UD). The provisions aim to support a shift towards lower-emissions transport modes.

The requirements relating to EV charging and cycle infrastructure have been informed by national policy direction and local strategies such as Access Hamilton and the Council's climate strategy. The provisions have also been tested through submissions and further refined through technical evidence provided by Council's transport planning¹ and engineering experts.²

3.0 Electric Vehicle Charging Provisions

Table 1: EV charging provision summary

EV Charging	
Key Provision	Rule 25.14.4.2b - Electric Vehicle (EV) Charging
Genesis of provision	Introduced through PC12 to respond to: • Removal of minimum car parking requirements (NPS-UD) • National and local emissions reduction objectives • National EV Charging Strategy which directs that EV charging should be enabled at the earliest stage of development, and Council's climate strategy supporting low-emissions transport systems.
Submissions and key hearing points	Key themes raised: • Cost and lack of justification (Kāinga Ora, developers) • Electricity network capacity constraints (Property Council, WEL networks) • Overly prescriptive requirement (1 charger per parking space) • Preference for market-led provision • Risk of technology obsolescence and under-utilisation

¹ HCC. Plan Change 12. Proponent evidence. Statement of evidence of Paul Ryan. 26 June 2024.

² HCC. Plan Change 12. Proponent evidence. Statement of evidence of Alastair Black. 26 June 2024.

Hearing response/refinements:	• Shift from full EV chargers to enabling infrastructure only (cabling + socket) • Change from per parking space to per residential unit • Exemptions for visitor parking and shared arrangements • Retain requirement to futureproof developments and avoid costly retrofits		
Intended implementation	• Applies to new developments with on-site parking • Requires installation of: – 32A electrical circuit – Communications cable (Cat6) – Socket outlet or EVSE • Does not require immediate installation of EV charger (EVSE) • Timing of charger installation left to developer/resident (market-led) • Supports staged EV uptake and grid management (e.g. smart charging)		
Specific Issue	Related Provision	HCC Response	Impact
Mandatory EV charging for all units (cost vs low uptake)	Rule 25.14.4.2b	• Provision has been significantly reduced from original proposal (full chargers to enabling infrastructure only) • Cost limited to cabling, circuit, socket, not full EV charger installation • Evidence shows home charging is primary method, requiring early provision • Low current uptake acknowledged, but provision is forward-looking (future-proofing)	• Minimal upfront cost • Avoids expensive retrofitting later • Supports managed transition to EVs
Electricity network capacity concerns	Rule 25.14.4.2b (and definition)	• Infrastructure aligns with managed charging systems (e.g. smart chargers, demand management) • Cat6 cable requirement supports future load management and grid protection • EECA modelling confirms grid can accommodate EV growth if managed	• Supports grid resilience • Enables staged EV uptake without overloading network

4.0 Cycle Provisions

Table 2: Cycle provision summary

Cycle Provisions			
Provision	Cycle parking, micro-mobility parking, and end-of-journey facilities (Rules 25.14.4.2 a-z, Appendix 15)		
Genesis of provision	Introduced through PC12 to support: • Mode shift following removal of minimum car parking (NPS-UD) • National and regional direction (GPS, Vision Zero, NPS-UD) • Local strategies (Access Hamilton, Climate Strategy) • Evidence that lack of secure, convenient parking is a key barrier to cycling uptake • Transport Mode Hierarchy prioritising active modes		
Submissions and key hearing points	Key themes raised: • Cycle parking numbers are too high • Feasibility for certain typologies (e.g. retirement villages) • Appropriate cycle rates requirements in Appendix 15 questioned		
Hearing response / refinements:	• Retained higher provision levels to support long-term mode shift • Recognition that some typologies may require flexibility • Emphasis placed on quality and usability (not just quantity) • Reinforced need for end-of-journey facilities and safe access		
Intended implementation	• Minimum cycle parking rates required under Appendix 15 (activity-based) • Design standards mandated (dimensions, accessibility) • End-of-journey facilities required for staff (showers, lockers) • Charging facilities required for e-bikes/micro-mobility • Integrated into wider ITA and development design requirements • Supports long-term mode shift and reduced car dependence		
Specific Issue	Related Provision	HCC Response	Impact
Covered e-bike/ cycle parking required for all units	Rules 25.14.4.2(s-t), Appendix 15	• District Plan does not require cycle parking for every residential unit in all cases, rates are activity-based (Appendix 15) • Covered requirement applies only to specified non-residential activities (e.g. schools, retail), not to all residential units • Residential provision focuses on secure and accessible parking, not mandating covered structures across all units, • Charging requirement relates to future-proofing for e-bikes.	• Avoids over-provision in some residential typologies • Supports gradual shift to e-bikes without requiring universal uptake • Ensures developments can accommodate future demand without retrofit
Requirement for charging of e-bikes and construction costs	25.14.4.2(s)	• Charging provision is power supply only • Low-cost intervention at build stage • Avoids future retrofit costs • Does not require purchase of e-bikes	• Low-cost intervention at build stage • Avoids future retrofit costs • Increases accessibility to alternative transport over time

Cycle parking location (e.g. front yard, loss of usable space)	Rules 25.14.4.2(s), (t)	• Focus on accessibility and safe connection to transport corridor • Flexibility remains in design • Requirements ensure parking is usable and visible.	• Improves actual usability
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5.0 Implementation

The EV and cycle requirements are aimed to be built-in the design and construction stage of new developments. This means the infrastructure is installed early at a lower cost while still giving developers and residents flexibility in how and when it is actually used. This approach keeps upfront costs low and avoids expensive retrofitting later.

For electric vehicle charging, Council interprets an EV charging point as being the following infrastructure installed to accommodate the future connection of a Mode 3 charging station as defined in NZS PAS 6011:2023:

- a. A dedicated electrical circuit with a current carrying capacity of at least 32 Amperes between a main switchboard and the location of the proposed future EVSE; and*
- b. An unterminated communications cable, Cat6 or later specification, to enable communications between any Mode 3 EVSE, which might be installed at any time, and a future power metering device at the main switchboard to prevent overloading of the site power supply; and*
- c. Either a socket outlet or a Mode 3 EVSE, except that a socket outlet is not required where it could be accessed by anyone other than its owner or someone authorised by its owner.*
- d. An electric charging point excludes the charging cable that connects between a residential unit's electrical outlet and the electric vehicle. The owner or driver of the electric vehicle is expected to provide this.*

The definition above shows that the EV charging requirement is only to future proof developments and does not require the actual Mode 3 charging station at the time of development. Typically, this is wiring or running of conduit to support a future EV charger. This ensures that more expensive retrofits are not needed in the future.

For cycle parking, HCC takes a pragmatic and outcome focused approach to the implementation of these provisions. The key implementation aspect is around the charging point which is required to be provided. Council have accepted applications which only provided an external power point (for example one on the exterior wall of the unit as is commonly provided for a variety of uses) or other easily accessible power point (i.e. through a window) to enable charging of the electric bike or scooter, without needing the bring this inside the unit.

6.0 Conclusion

The EV charging and cycle provisions in the Hamilton Operative District Plan are supported by a robust evidence base. The provisions appropriately respond to national and local policy direction.

Appendix C: Draft Potential Amendments to the Residential Development Provisions in the Hamilton City District Plan

Suggested changes to Operative Hamilton City Council District Plan

Amendments to the Operative Hamilton City Council District Plan provisions shown in green text and underlined for additions and ~~red text and strike through~~ for deletions.

Note, any consequential changes to numbering within provisions have not been shown.

Deep Soil Area and Urban Tree Canopy Provisions

Chapter 4.2 General Residential Zone

Rule 4.2.5.3 Impermeable surface and Landscaping

- ~~c. At least 50% of the landscape area shall be provided as a deep soil area~~
- ~~i. to support shrubs and plants (but not lawn) on uncompacted soil of 400mm depth and;~~
- ~~ii. for all trees, topsoil depth is required to increase to 1m.~~
- ~~d. While a single contiguous Deep Soil Area (DSA) is preferred, several DSAs may be created of no less than 8m² minimum area and no dimension less than 2m.~~

~~f. Urban tree canopy:~~

~~Each residential development shall provide sufficient trees to produce 20% site coverage by tree canopy. Tree canopy cover is calculated on the anticipatory canopy size of the tree at maturity regardless of the surface below the canopy with trees sized as below:~~

~~Tree size with corresponding height and projected canopy size~~

Tree Size	Tree Height at maturity (m)	Tree canopy cover at maturity (m²)	Land area (m²) required
Small	0-5	10	3.8
Medium	6-12	67	25.5
Large	13-20	186	70.8
Very Large	20+	250	95.4

~~Soil volume required for a tree/tree roots (m³) equals the land area (m²) x 1m depth~~

- ~~g. Tree requirements as per 4.2.5.3f can be met by retaining existing mature trees on the site that either contribute fully or in part to the tree canopy cover required for the net site area.~~
- ~~h. Specimen trees shall be planted as per 4.3.4.3f at a planted size of at least 80L.~~

Chapter 4.3 Medium Density Residential Zone

Rule 4.3.4.3 Impermeable surface and Landscaping

- c. ~~At least 50% of the landscape area shall be provided as a deep soil area~~
 - i. ~~to support shrubs and plants (but not lawn) on uncompacted soil of 400mm depth and;~~
 - ii. ~~for all trees, topsoil depth is required to increase to 1m.~~
- d. ~~While a single contiguous Deep Soil Area (DSA) is preferred, several DSAs may be created of no less than 8m² minimum area and no dimension less than 2m.~~

f. ~~Urban tree canopy:~~

~~Each residential development shall provide sufficient trees to produce 20% site coverage by tree canopy. Tree canopy cover is calculated on the anticipatory canopy size of the tree at maturity regardless of the surface below the canopy with trees sized as below:~~

~~Tree size with corresponding height and projected canopy size~~

Tree Size	Tree Height at maturity (m)	Tree canopy cover at maturity (m²)	Land area (m²) required
Small	0-5	10	3.8
Medium	6-12	67	25.5
Large	13-20	186	70.8
Very Large	20+	250	95.4

~~Soil volume required for a tree/tree roots (m³) equals the land area (m²) x 1m depth~~

- g. ~~Tree requirements as per 4.3.4.3f can be met by retaining existing mature trees on the site that either contribute fully or in part to the tree canopy cover required for the net site area.~~
- h. ~~Specimen trees shall be planted as per 4.3.4.3f at a planted size of at least 80L.~~

Chapter 4.4 High Density Residential Zone

Rule 4.4.5.3 Impermeable surface and Landscaping

- c. ~~At least 50% of the landscape area shall be provided as a deep soil area~~
 - i. ~~to support shrubs and plants (but not lawn) on uncompacted soil of 400mm depth and;~~
 - ii. ~~for all trees, topsoil depth is required to increase to 1m.~~
- d. ~~While a single contiguous Deep Soil Area (DSA) is preferred, several DSAs may be created of no less than 8m² minimum area and no dimension less than 2m.~~

e. ~~Urban tree canopy:~~

~~Each residential development shall provide sufficient trees to produce 20% site coverage by tree canopy. Tree canopy cover is calculated on the anticipatory canopy size of the tree at maturity regardless of the surface below the canopy with trees sized as below:~~

~~Tree size with corresponding height and projected canopy size~~

Tree Size	Tree Height at maturity (m)	Tree canopy cover at maturity (m ²)	Land area (m ²) required
Small	0-5	10	3.8
Medium	6-12	67	25.5
Large	13-20	186	70.8
Very Large	20+	250	95.4

Soil volume required for a tree/tree roots (m³) equals the land area (m²) x 1m depth

- f. ~~Tree requirements as per 4.4.5.3e can be met by retaining existing mature trees on the site that either contribute fully or in part to the tree canopy cover required for the net site area.~~
- d. ~~Specimen trees shall be planted as per 4.4.5.3e at a planted size of at least 80L.~~

Volume 2 – Appendix 1: District Plan Administration

1.1.2 Definitions Used in the District Plan

~~Deep Soils: Means well-structured nutrient holding soils with a range of particle sizes, and gradation in soil properties with depth. Ranging from 400 mm to 1 m in depth, they offer space for healthy root development, nutrient absorption, and moisture retention. The depth and extent of deep soil is critical to ensuring the long-term health, stability, and growth of woody plants and trees.~~

~~Deep Soil Area: Means a continuous area of deep soil, with no impeding building or feature on, above, or below ground. Deep soil areas are capable of supporting woody plants and the canopy of (a) tree(s), and provide stormwater attenuation benefits to a site.~~

Building Form Provisions

Chapter 4.2 General Residential Zone

~~Rule 4.2.5.13 Built Form~~

~~Activity~~

- a. ~~For developments containing three or more residential units no wall which is parallel to or up to an angle of 30° to any external boundary except the road frontage shall exceed 15m in length without there being a step in (or out) plan of at least 1.8m depth and 4m in length.~~

Chapter 4.3 Medium Density Residential Zone

Rule 4.3.4.14 Built Form

Activity

- a. ~~No wall which is parallel to or up to an angle of 30° to any external boundary except the road frontage shall exceed 15m in length without there being a step in (or out) plan of at least 1.8m depth and 4m in length.~~
- b. All parts of a building less than 11m in height shall be setback from the side and rear boundary as required by Rule 4.3.4.6;

- c. All parts of a building greater than 11m in height shall be setback from the side and rear boundary by a minimum of 4 metres.

Chapter 4.4 High Density Residential Zone

Rule 4.4.5.14 Built Form

For any terrace housing or apartment development containing four or more residential units

- a. ~~No wall which is parallel to or up to an angle of 30° to any external boundary except the road frontage shall exceed 15m in length without there being a step in (or out) plan of at least 1.8m depth and 4m in length.~~
- b. All parts of a building less than 11m in height shall be setback from the side and rear boundary as required by Rule 4.4.5.6 b & C;
- c. All parts of a building greater than 11m in height shall be setback from the side and rear boundary by a minimum of 4 metres.

Electric Vehicle Charging Provisions

Chapter 25.14 Transportation

Policy

Parking and loading

25.14.2.1h

Manage the design, location, quantity, and pricing of any parking or loading infrastructure so that it is provided in a way that:

- v. ~~Provides~~ Enables charging facilities ~~and their associated electricity infrastructure~~ for electric powered vehicles and micro-mobility devices to be easily installed, ~~where required including for communal use.~~

Rule 25.14.4.2b EV Charging Capability

- a. All new developments containing 2 or more residential units and ~~with an~~ on-site parking spaces must make each parking space EV Ready ~~provide one EV charging point for each residential unit,~~ except:
 - i. ~~Where the number of on-site parking spaces provided for a residential development is fewer than the number of residential units, one EV charging point must be provided for each parking space, except:~~
 - A. ~~Only one EV~~ Ready charging point parking space is required ~~for~~ where more than one parking spaces ~~that~~ are provided for the exclusive use of any one residential unit.
 - ii. This standard does not apply to any on-site parking space:
 - A. Permanently allocated for the exclusive use of visitors, or
 - B. That is not within the net site area of the residential unit it serves in a terrace housing development.

Note

An electric vehicle charging point excludes the charging cable that connects between a residential unit's electrical outlet and the electric vehicle. The owner or driver of the electric vehicle is expected to provide this.

Volume 2 – Appendix 1: District Plan Administration

1.1.2 Definitions Used in the District Plan

EV CHARGING POINT READY

Means the ~~following infrastructure installed~~ installation of a conduit to accommodate ~~the~~ a future connection of an electric vehicle charger ~~a Mode 3 EV charging station as defined in NZS PAS 6011:2023:~~

The conduit must be between ~~A dedicated electrical circuit with a current carrying capacity of at least 32 Amperes between~~ a main switchboard and ~~the~~ each car park location ~~of the proposed future EVSE;~~ and

~~An unterminated communications cable, Cat6 or later specification, to enable communications between any Mode 3 EVSE, which might be installed at any time, and a future power metering device at the main switchboard to prevent overloading of the site power supply; and~~

~~Either a socket outlet or a Mode 3 EVSE, except that a socket outlet is not required where it could be accessed by anyone other than its owner or someone authorised by its owner.~~

Note

~~For guidance, refer to the following and any subsequent updates:~~

~~NZS PAS 6011:2023 Residential electric vehicle (EV) charging. This standard is available for free download at <https://www.standards.govt.nz/shop/snz-pas-60112023/>~~

~~Electric vehicle: Charging Safety Guidelines 2nd Edition (WorkSafe New Zealand, May 2019) and Addendums which can be downloaded for free from:~~

~~<https://www.worksafe.govt.nz/dmsdocument/5169-electric-vehicle-charging-safety-guidelines-2nd-edition>~~

~~<https://www.worksafe.govt.nz/dmsdocument/22031-addendum-to-electric-vehicle-charging-safety-guidelines-2nd-edition/latest>~~

~~<https://www.worksafe.govt.nz/dmsdocument/35617-addendum-2-to-electric-vehicle-charging-safety-guidelines-2nd-edition/latest>~~

~~2. ECCA has an approved list of residential electric vehicle chargers, which can be accessed at:~~

~~<https://www.eeca.govt.nz/regulations/voluntary-guidance/ev-smart-charger-approved-list/>~~

Cycle Parking Provisions

Volume 2 – Appendix 15: Transportation

Table 15-1a: Number of bus parking, queuing, accessible car park, drop-off, maximum car parking, loading, and cycle parking spaces required.

Activity	Staff and resident cycle parking spaces
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ai. Apartment buildings	For residential units with one or two bedrooms — 1 space per residential unit without a garage. For residential units with three or more bedrooms — 2 spaces per residential unit without a garage.
gi. Duplex dwellings and Terraced housing	For residential units with one or two bedrooms — 1 space per residential unit without a garage. For residential units with three or more bedrooms — 2 spaces per residential unit without a garage.

Chapter 25.14 Transportation

Rule 25.14.4.2 Parking, Loading Spaces, On-Site Drop-off Car Spaces and Manoeuvring Areas

Cycle and Micro-Mobility Parking

~~s. Cycle and micro-mobility parking spaces for residents~~

- ~~i. Any cycle or micro-mobility parking spaces for residents must:

 - ~~A. Incorporate facilities for charging electrically-powered cycles and micro-mobility.~~
 - ~~B. Not be within any habitable room, entrance, or passageway~~~~
- ~~ii. Access between the transport corridor and any cycle or micro-mobility parking space within a residential development that contains 2 or more residential units must not pass through any habitable room.~~
- ~~iii. For any residential development containing 2 or more residential units, access between the transport corridor and any cycle and micro-mobility parking space for residents that is separate from the residential unit it serves must not pass through any residential unit.~~
- t. The design of all cycle and micro-mobility parking spaces (except for any cycle and micro-mobility parking spaces for residents) must...

Cycle Parking Spaces

- u. Cycle parking spaces (except for any cycle parking spaces for a residential development) must comply with the relevant dimensions and layouts in Figure 15-1aa of Volume 2, Appendix 15-1.
- v. A cycle parking space (except for any cycle parking spaces for a residential development) must support the cycle frame and at least one wheel.
- w. At least 20% of all cycle parking spaces (except for any cycle parking spaces for a residential development) provided must not require the cycle to be lifted when parking.
- x. All access routes to cycle parking (except for any cycle parking spaces for a residential development) must be at least 1.8m wide, or at least 2.0m wide where large cycle parking is required by Rule 25.14.4.2aa.