Property Council New Zealand

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Submission on the provisions in the Hamilton City Operative District Plan

4 September 2026

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4 September 2026
Ministry for Cities, Environment, Regions and Transport
Via email: s360regulationsengagement@mfe.govt.nz

Submission on the provisions in the Hamilton City Operative District Plan

1. Summary

1.1. Property Council New Zealand ("Property Council") welcomes the opportunity to provide feedback to the Ministry for Cities, Environment, Regions and Transport ("MCERT") on the Report of Investigations into Restrictive Residential Provisions ("The Report") in the Hamilton City Operative District Plan ("ODP").

1.2. Property Council strongly supports the findings of the Report and agrees that a number of the provisions investigated are unnecessarily prescriptive and have the potential to increase development costs, reduce design flexibility and constrain development capacity.

1.3. Our members support good urban design, environmental outcomes and future-proofed infrastructure but this does not necessarily require prescriptive one size fits all requirements. Good development needs to be able to respond to site characteristics, market demand, construction technology and the needs of future residents.

2. Recommendations

2.1. At a high level, Property Council recommends the following:

- Removing the prescriptive deep soil and urban tree canopy standards as proposed in Appendix C of the report;
- Removing the fixed modulation rule, as drafted in Appendix C of the Report;
- That no EV charging requirements are prescribed, allowing the market to allocate EV charging capacity as required;
- That the existing defined term "Residential activities" is used consistently across Rules 25.14.4.2(t)–(x);
- Removing the cycle and micro-mobility requirements, as drafted in Appendix C of the Report; and
- Retirement villages are included within the proposed modifications to Table 15-1a and therefore are not required to provide resident cycle parking spaces.

3. Introduction to Property Council New Zealand

3.1. Property Council is the leading not-for-profit advocate for New Zealand's most significant industry, property. Our organisational purpose is, "Together, shaping cities where communities thrive."

3.2. The property sector shapes New Zealand's social, economic and environmental fabric. Property Council advocates for the creation and retention of a well-designed, functional and sustainable built environment, in order to contribute to the overall prosperity and well-being of New Zealand.

3.3. Property is the Waikato's second largest industry. There are around $197.5 billion in property assets across the Waikato, with property providing a direct contribution to GDP of $2.9 billion and employment for 22,100 Waikato residents.

3.4. Property Council is the collective voice of the property industry. We connect property professionals and represent the interests of 104 Waikato companies (and their teams) across the private, public and charitable sectors.

3.5. This document provides Property Council's feedback on MCERT's investigation into planning provisions within the Hamilton City Operative District Plan, with comments and recommendations on issues relevant to our members. Reflecting the diversity of our membership, Property Council members may wish to comment in greater detail on issues specific to their business. Accordingly, we support individual members providing separate submissions addressing those matters.

4. Support for Government's findings

4.1. Property Council supports the overall conclusion that the provisions under investigation should be modified or removed where they impose unnecessary regulatory costs without delivering outcomes that could not otherwise be achieved through the existing planning framework. Property Council's previous submission on Plan Change 12 in 2022 raised many of these concerns directly.

4.2. The Report appropriately recognises that the provisions enacted in Plan Change 12 sit alongside the Medium Density Residential Standards ("MDRS") and other district plan requirements. The cumulative impact of this regulatory framework is particularly important from a developer perspective. For our members, development feasibility is dependent on the interaction of land costs, construction costs, financing, infrastructure costs, consenting requirements and the amount of development capacity that can be realised. Where regulatory constraints increase compliance costs, development no longer becomes feasible.

5. Deep Soil and Urban Tree Canopy

5.1. The Report identifies that Hamilton's ODP requirements on deep soil and urban tree canopy sit in addition to the requirements laid out in the MDRS landscaping and stormwater provisions. Stormwater management and climate resilience outcomes can be addressed through these existing objectives, policies and assessment criteria.

5.2. Our members report that the implementation costs of deep soil and tree canopy requirements often fall onto homeowners in the form of increased house prices.

Good urban design outcomes often require site-specific solutions, which these requirements do not allow.

5.3. We recommend MCERT remove the prescriptive deep soil and urban tree canopy standards as proposed in Appendix C of the report.

6. Building form provisions

6.1. Property Council strongly supports the proposed removal of the mandatory 15-metre building modulation requirements. The Report correctly identifies that multi-unit developments already require resource consent where they are subject to objectives, policies and criteria relating to design, layout, character, amenity, bulk and visual dominance.

6.2. We recommend removing the fixed modulation rule, as drafted in Appendix C of the Report, to allow better design responses to be assessed on a site-specific basis.

7. Electric Vehicle Charging requirements

7.1. We note the Report's findings that an "EV ready" approach is preferable to the current prescriptive requirements of having electric charging point infrastructure in place. Whilst we support this finding, we would encourage MCERT to go further.

7.2. We are concerned that mandating installation of any EV cabling/equipment is over and above the current demand for EVs. This requirement could be considered disproportionate for social and affordable housing, retirement villages, etc, where EV ownership rates are low. These requirements also have flow-on impacts for the levels of grid capacity and could require the installation of sub-stations to meet demand for electricity in residential development.

7.3. An "EV Ready" approach remains structurally difficult to deal with for stacked parking solutions as there is no fixed, identifiable location with an accessible "edge" to run a conduit to. We encourage MCERT to further test compatibility of an "EV Ready" approach with car-stacking systems.

7.4. We recommend that no EV charging requirements are prescribed, allowing the market to allocate EV charging capacity as required.

8. Cycle and micro-mobility parking

8.1. Property Council supports the proposed removal of mandatory cycle and micro-mobility parking requirements. We agree with the Report that the market is best placed to assess demand and note that removing requirements does not mean cycle parking will disappear.

8.2. We support clarity in drafting and note the proposed amendments under Rule 25.14.4.2 use the term "residents" in Rule (t) and "residential development" in Rules (u)–(x). Neither of these terms are defined in the ODP. There is already an existing defined term, "Residential activities", which means: *"the use of land and* *buildings by people for living accommodation (whether or not any person is subject to care or supervision)."* Property Council recommends that the existing defined term "Residential activities" is used consistently across Rules 25.14.4.2(t)–(x).

8.3. We recommend removing the cycle and micro-mobility requirements, as drafted in Appendix C of the Report. We recommend retirement villages also be included within the proposed modifications to Table 15-1a so that there is no requirement to provide resident cycle parking spaces.

9. Conclusion

9.1. Property Council largely supports the Government's assessment and considers the proposed changes an important step towards a more enabling, flexible and proportionate planning framework for Hamilton.

9.2. Property Council members invest, own, and develop property across New Zealand. We thank MCERT for the opportunity to submit our views on the Report**.**

9.3. For further enquiries, please do not hesitate to contact Bella Leddy, via email: bella@propertynz.co.nz

Yours Sincerely,

Morgan Jones
Chair of Central Regional Committee
Property Council New Zealand