
District Plan Committee

Komiti Ture-aa-takiwaa

OPEN MINUTES

Minutes of a meeting of the District Plan Committee held via Audio Visual link on Thursday 10 March 2022 at 9.31am.

PRESENT

Chairperson Cr R Hamilton

Heamana

Deputy Chairperson Cr A O'Leary

Heamana Tuarua

Members Mayor P Southgate
Cr S Thompson
Cr R Pascoe
Cr M Gallagher
Maangai J Whetu
Deputy Mayor G Taylor

In Attendance Blair Bowcott – General Manager Growth
Mark Davey - City Planning Manager
Ben Scott - Programme Manager Housing
Paul Bowman - Team Leader City Planning

Governance Staff Tyler Gaukrodger and Narelle Waite – Governance Advisors

1. Apologies - *Tono aroha*

Resolved: (Cr Hamilton /Cr O'Leary)

That the partial apologies from Mayor Southgate, Deputy Mayor Taylor and Crs Pascoe and Gallagher are accepted.

2. Confirmation of Agenda - *Whakatau raarangi take*

Resolved: (Cr Hamilton /Cr O'Leary)

That the agenda is confirmed noting that the late attachments (Hamilton City Council – Draft 2 Submission – Enabling Local Voice and Accountability in the Future Resource – Proposal for Consideration) and (Hamilton City Council's Draft 1 Submission - Local Government Resource Management Reform Steering Group's February 2022 Proposal 'Enabling Local Voice and Accountability in the Future Resource Management System – Proposal for Consideration') for Item 7 are accepted. They were circulated under separate cover to enable the most up to date information to be included in the proposals and are attached as **Appendix 1** to these minutes.

3. Declarations of Interest - *Tauaakii whaipanga*

No members of the Council declared a Conflict of Interest.

4. Public Forum - Aatea koorero

No members of the public wished to speak.

5. Confirmation of the District Plan Committee Open Minutes of 15 December 2021

Resolved: (Cr Hamilton/Deputy Mayor Taylor)

That the Committee confirm the Open Minutes of the District Plan Committee meeting held on 15 December 2021 as a true and correct record.

6. Chair's Report

The Chair took his report as read.

Resolved: (Cr Hamilton/Cr Gallagher)

That the District Plan Committee receives the report.

7. Hamilton City Council's Draft 1 Submission – Local Government Resource Management Reform Steering Group's February 2022 Proposal 'Enabling Local Voice and Accountability in the Future Resource Management System – Proposal for Consideration'

The City Planning Manager spoke to the report, noting Member feedback received to date and key factors of local voice in democracy being detailed in the submission. He responded to questions from Members regarding Member feedback.

Resolved: (Cr Pascoe/Cr O'Leary)

That the District Plan Committee:

- a) receives the report;
- b) supports Staff's **Draft 1** submission to the Local Government Resource Management Reform Steering Group's February 2022 proposal Enabling Local Voice and Accountability in the Future Resource Management System - Proposal for Consideration;
- c) notes that the submission is based on "Hamilton City Council's **Draft 2** submission to the Ministry for the Environment's November 2021 Discussion Document Transforming Aotearoa New Zealand's Resource Management System - Our Future Resource Management System - Materials for Discussion" that was approved by the Infrastructure Operations Committee on 24 February 2022;
- d) notes that the submission will be sent via the Chief Executive's delegation to the Local Government Resource Management Reform Steering Group in order to meet the 15 March 2022 submission closing date; and
- e) notes that Elected Members have been notified of Staff's **Draft 1** submission to the Local Government Resource Management Reform Steering Group's February 2022 proposal Enabling Local Voice and Accountability in the Future Resource Management System - Proposal for Consideration via an executive update.

8. General Manager's Report (Recommendation to the Council)

The General Manager Growth introduced the report, noting Plan Changes 5, 9, 10 and 12, Enderley Partnership, and project risk evaluations undertaken. Staff responded to questions from Members regarding the National Policy Statement assuring quality design outcomes, Kāinga Ora partnership strategy, advocating for changes to the building code, considering urban corridors in a future plan change, public perception regarding density and barriers to housing affordability, inclusionary zoning, Te Ture Whaimana and maintaining waterways, and the strategy's effect on amenities.

Resolved: (Cr Hamilton/Deputy Mayor Taylor)

That the District Plan Committee:

- a) receives the report; and
- b) recommends that the Council approves the revised work programme and schedule (as detailed in paragraphs 25 to 42 of the staff report).

Mayor Southgate joined the meeting (9.58am) during discussion of the above item. She was present when the matter was voted on.

9. Resolution to Exclude the Public

Resolved: (Cr Hamilton/Cr O'Leary)

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Confirmation of the District Plan Public Excluded Minutes of 15 December 2021) Good reason to withhold) information exists under) Section 7 Local Government	Section 48(1)(a)
C2. Update on the District Plan Change Programme) Official Information and) Meetings Act 1987	
C3. Inclusionary Zoning Update)	

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item C1.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C2.	to maintain the effective conduct of public affairs through protecting persons from improper pressure or harassment to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (f) (ii) Section 7 (2) (j)
Item C3.	to maintain the effective conduct of public affairs through protecting persons from improper pressure or harassment	Section 7 (2) (f) (ii)

The meeting went into a public excluded session at 10.05am.

The meeting was declared closed at 1.42pm.

Minute Note 17/08/2022:

On 17/08/2022 the following report and resolutions were determined to be released to the public via these minutes and the quarterly update. The report is attached as **Appendix 2** of these minutes.

Update on the District Plan Change Programme

Resolved:

That the District Plan Committee:

- a) receives the report;*

That the District Plan Committee recommends that the Council:

- a) approves the 'Hamilton City Council Intensification Planning Instrument Proposed Approach' contained within this staff report (refer paragraphs 29 to 33);*
- b) notes that given the tight timeframes to meet a 20 August 2022 notification date, plan drafting must commence immediately following approval of the 'Hamilton City Council Intensification Planning Instrument Proposed Approach' and that any significant variations to the approach will not be possible if the legally required notification date is to be met;*
- c) notes that staff will bring further detail to the following District Plan Committees regarding the 'Hamilton City Council Intensification Planning Instrument Proposed Approach' as it develops;*
- d) notes that the decisions and information in relation to these matters be released at the appropriate time, to be determined by the Chief Executive.*
- e) approves the appointment of David Hill, from the Hamilton City Council approved list of commissioners, as the Independent Hearing Panel chair (refer **Attachment 1**) for Plan Change 12;*
- f) approves the appointment of David Hill as hearings panel chair for Plan Change 5 (Peacocke) and Plan Change 9 (Heritage, Significant Natural Areas, Maaori Sites of Significance and Notable Trees); and*
- g) notes that staff will work with David Hill and Waikato-Tainui to identify additional hearings panel members for Plan Changes 5, 9 and 12 and will present these options to Members at the soonest practicable meeting date – noting that Cr Wilson has already been appointed as a member to the Plan Change 5 Hearing Panel*

DRAFT 2

HAMILTON CITY COUNCIL SUBMISSION:

**Enabling Local Voice and Accountability in the
Future Resource Management System -
Proposal for Consideration**

Local Government Resource Management Reform
Steering Group



15 March 2022



**Hamilton
City Council**
Te kaunihera o Kirikiriroa

Appendix 1

Improving the Wellbeing of Hamiltonians

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

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

The topic of this submission is aligned to the priority 'Shaping a green city'.

The focus of this priority is to become a sustainable city by challenging the way we grow our city and how we live within our city.

Council Approval and Reference

This submission was supported by Hamilton City Council at its District Plan Committee meeting held on 10 March 2022 and approved by the Chief Executive (under delegated authority) on 15 March 2022.

Hamilton City Council Reference D-4104556 - submission # 679.

Key Messages

1. Hamilton City Council would like to thank the Local Government New Zealand Steering Group on Resource Management Reform for the work they have done to develop the working paper *"Enabling local voice and accountability in the future resource management system: a proposal for consideration"*.
2. Hamilton City Council has previously identified significant concerns with elements of the current reform of the Resource Management system and has communicated these to central government through recent submissions on the exposure draft of the Natural and Built Environment Act, and the Ministry for the Environment Discussion Document on the Future of the Resource Management system.
3. Reform objectives for the future of the resource management system include improving system efficiency and effectiveness and reducing complexity, while also retaining local democratic input. Proposals setting out the shape of the reform have to date provided limited specificity on how local democratic input can be protected and retained through a region-wide approach to planning.
4. While Hamilton City Council agrees with the RM reform objectives, particularly those seeking to simplify and standardise processes, provide a more effective national direction, and reduce regulatory complexity, it has serious doubts that the proposed reforms will deliver on the intended objectives and questions whether wholesale change is the most effective way to achieve the objectives.
5. Notwithstanding this wholesale feedback provided to central government, Hamilton City Council recognises that a number of 'in principle' decisions have been made regarding the move to a regional approach to planning, and therefore supports the intent of LGNZ in identifying mechanisms that will ensure the preservation of local voice.
6. Hamilton City Council supports a range of avenues to enable local voice to be heard and for these voices to then be translated into higher order plans and strategies within the new RM Reform structures. Statements of community outcomes are one tool to achieve this among many. Current structures enable a range of formal and informal tools and channels for this community voice to be heard, and the new RM structures need to ensure these opportunities continue to be available.
7. Hamilton City Council supports National Spatial Strategies. We believe these offer a valuable tool to align central government agencies and funding priorities with regional and local level agendas and aspirations. Too often central government agency goals are divergent with one-another, arriving at a whole-of-government position on regional planning and investment would be beneficial. From a process point of view, these need to come ahead of lower-level plans and strategies.
8. As noted in Hamilton City Council's 24 February 2022 submission to Transforming Aotearoa New Zealand's Resource Management System - Our Future Resource Management System - Materials for Discussion - November 2021 Discussion Document (refer Section 10), Hamilton City Council believes the joint committee concept has a number of flaws. We believe the decision-making in this forum will be too far removed from local communities and will lack democratic accountability. We understand though that this part of the new RM Reform design is already settled, in which case we ask that careful thought is given to avoid the inefficiencies and that these joint committees retain a high-level of local democratic decision-making.
9. Effective implementation of these new RM Reform structures requires a range of levers working together in an integrated fashion. These include funding and financing tools, political champions who are accountable and who will drive implementation, legislative linkages, and an engaged community which can see their aspirations reflected in the plans.

Previous Submissions made on Resource Management Reform

10. Hamilton City Council takes a considerable interest in matters regarding resource management reform and has made a number of submissions in this space in recent years - for example:
 - Hamilton City Council's 24 February 2022 submission to Transforming Aotearoa New Zealand's Resource Management System - Our Future Resource Management System - Materials for Discussion - November 2021 Discussion Document - refer [here](#)
 - Hamilton City Council's 16 November 2021 submission to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill - refer [here](#)
 - Hamilton City Council's 4 August 2021 submission to the Inquiry on the Parliamentary Paper on the Exposure Draft - Natural and Built Environments Bill - refer [here](#)
 - Hamilton City Council's 3 August 2021 submission to the Government Policy Statement on Housing and Urban Development (GPS-HUD) - June 2021 Discussion Document - refer [here](#) and [here](#)
 - Hamilton City Council's 2 July 2021 submission to the New Zealand Infrastructure Commission's May 2021 Discussion Document Infrastructure for a Better Future Aotearoa New Zealand Infrastructure Strategy - refer [here](#)
 - Hamilton City Council 21 May 2021 staff feedback to the Ministry for the Environment's Early Engagement on Resource Management Reform - Opportunities to Improve System Efficiency - refer [here](#)
 - Hamilton City Council's 13 February 2020 submission to the Urban Development Bill - refer [here](#)
 - Hamilton City Council's 17 October 2019 submission to the June 2021 Discussion Document Proposed National Policy Statement for Urban Development (NPS-UD) - refer [here](#)
11. All submissions made by Hamilton City Council can be accessed [here](#)

Enabling Local Voice and Accountability

12. Hamilton City Council has continued to advocate for the fundamental role of local government and local democracy in plan-making. Splitting out plan-making functions from local authorities in New Zealand represents a significant departure from the current role and function of local authorities and signals a more wholesale redesign of local government.
13. The concept of 'local voice' means that people have a way to articulate the aspirations, priorities and concerns that are important to them as a community at a local level. Representing local voice is a key function of local government and fundamental to the democratic governance of matters affecting communities. This is a key foundation underpinning the role and purpose of local government internationally. In the context of the RM reform, the issue arises in terms of how then local voice, aspirations, priorities and concerns are then reflected and enabled within plans across regional geographies.
14. Hamilton City Council agrees that local input is key to a stable and sustainable system that has democratic legitimacy in the eyes of those with whom those entities are established to serve. It is critical to put in place well thought out and workable processes through which local voice can be considered in regional plan-making. Any new system must also be efficient for the user, those engaging with it must feel their voices are heard and their issues responded to.

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15. It is our view that, the creation of Planning Committees dilutes local representation during the plan-making process. Local councils are an effective conduit to understanding, reaching and reflecting community aspirations and desires in resource management. Under the proposed reforms, these connections appear to be significantly diluted.
16. In principle, Hamilton City Council supports the intent of the two mechanisms proposed by the LGNZ Steering Group to better enable local voice and accountability in the future Resource Management system, however, notes that the detail and mechanics of how these will work in practice needs further thought and refinement.
17. The development of a bottom-up mechanism established in the Natural and Built Environments Act (NBA) for local communities to be able to have their voice heard in development of natural and built environments plans (NBA plans) and regional spatial strategies (RSSs) is positive and should allow individual communities of interest to provide local flavour.
18. The second proposal, to develop a top-down National Spatial Strategy to sit alongside the National Planning Framework, also aligns with the feedback that Hamilton City Council has provided regarding the need for central government to align its priorities, planning, work programmes, and funding to give effect to the joint plans and strategies in the new system.
19. Hamilton City Council would caution that the proposals put forward by the LGNZ Steering Group may have the unintended consequence of increasing the complexity of the new planning system by adding additional requirements, but this needs to be weighed up against the need to maintain local voice, local democracy and accountability if the broader RM Reform planning frameworks are to be advanced as proposed.
20. The ongoing reform of the local government sector will have a significant impact on how these proposals will play out, noting that the future form and function of local government is highly likely to change. A joined-up and holistic approach to the role and functions of local government, including RM Reform, is favored over the current ad hoc approach. At the heart of this must be clear issues for which any review and consequential institutional and legislative re-design is trying to overcome.

Statements of Community Outcomes

21. Hamilton City Council is supportive of the intent to identify mechanisms to ensure that local voice and aspiration is clearly embedded in the new Resource Management system.
22. The proposed bottom-up mechanism of Statements of Community Outcomes (SCOs) is good in theory, however Hamilton City Council notes that councils (in conjunction with their partners) have often undertaken significant planning work that could better fulfill this role and be incorporated into the development of NBA plans and RSSs.
23. Hamilton City Council supports that the method for providing local voice should not be limited to a legislated 'statement of community outcomes' but could also include local spatial and/or other planning documents. In the Hamilton context, the recent work through the Future Proof Partnership to develop and embed the Metro Spatial Plan in Resource Management documents is a good example.
24. This work clearly identifies a shared, long-term vision (set out spatially) for the future of the metro area. This is a much more tangible statement of the desired future for the sub-region than might otherwise be developed if a new and additional process is required to be undertaken to develop a statement of community outcomes.
25. Also of relevance is the current approach to identifying and using community outcomes in the development of council long-term plans. These community outcomes are the outcomes that a local authority aims to achieve in order to promote the social, economic, environmental, and cultural well-being of its district or region. These generally take the form of high-level statements that do not always lend themselves to articulating a clear spatial direction.

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26. For example, Hamilton's current community outcomes are:
 - A city that's easy to live in.
 - A city where our people thrive.
 - A central city where people love to be.
 - A fun city with lots to do.
 - A green city.
27. Underneath these outcome statements, our Long-Term Plan (LTP) then aligns our investment in projects to give effect to these and does not necessarily translate into the long-term desired future form for a geographical area.
28. The current use of community outcomes for the purpose of developing a LTP has the potential to add a layer of confusion should these also form the basis of the proposed 'statement of community outcomes' that feeds into the development of new Resource Management Plans.
29. Smaller scale planning exercises such as neighborhood and town center planning should not be lost. These help to translate community aspirations for their place into tangible planning outcomes which in turn inform future district plans and funding decisions. These are key 'non-statutory' planning tools and processes which provide significant voice and local insight to these communities which in turn inform the plan-making process.
30. Hamilton City Council is of the opinion that for 'statements of community outcomes' to be useful in a spatial planning and land use context, they need to be identifying areas suitable for development; areas that should be protected; areas that require infrastructure; and areas that are vulnerable to climate change effects and natural hazards, and outcomes for the natural and built environments. This again reinforces the usefulness of the work already undertaken on a metro scale for Hamilton and the surrounding areas.
31. We note the recommendation from an efficiency point of view, and to make the joint committee and secretariats' reconciling roles manageable, that it would be preferable for councils to create consolidated SCOs which draw on other planning documents as is deemed appropriate.
32. This presents a challenge for local government to resource an entirely new strategic planning process. There appears an inherent likelihood given the arms-length nature of these SCOs from the joint committees and the lack of democratic voice on the joint committees, that the communities voices will be lost, not reflected, or take too long to materialize in terms of on-the-ground outcomes. This runs the risk of further disenfranchising the communities from the bureaucracy and plan-making process.
33. In terms of the legislative mandate for local input, Hamilton City Council supports that the RSS and NBA plans would need to 'give effect to' the content of local SCOs (or whatever the final form of local input ends up being). Anything less than 'give effect to' would lessen local confidence in the new legislation and planning system.

National Spatial Strategies

34. Hamilton City Council is supportive of the proposal to introduce spatial planning into the new resource management system, and for central government agencies to participate in decision-making on RSSs. This collaboration between local and central government, and Iwi, has been successful through the Future Proof Partnership.
35. However, Hamilton City Council shares the Steering Group's concerns that central government agency priorities for regions are often misaligned, and we need to avoid a situation where central government agency participants on joint committees fail to come to the table with a coherent central government view on the outcomes it seeks to achieve for a region (or multiple regions).

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36. We agree that a National Spatial Strategy could provide a coherent, spatial view on the Government's priorities, particularly in relation to Crown investment in a region. This would help ensure that all parties to the new NBA plans and RSSs have buy-in and therefore increase the likelihood of implementation.
37. Hamilton City Council would like to highlight that although a national spatial strategy should provide clarity, the ability for this to be developed in a timely and integrated fashion may be challenging.
38. We believe a national spatial strategy needs to be developed in advance of the preparation of NBA plans and RSSs. We acknowledge this would add additional time when transitioning to a new system, but it would provide the sequential cascade of plan development.

Role and Makeup of the Joint Committee

39. Hamilton City Council has concerns that the shift to joint committees will result in the loss of local democratic decision-making and input into the plan-making process. Associated with this we believe that local voices could be lost as there will be a blurring of the line of sight to the locally elected member and the planning process.
40. Overall, we see this as an inefficient and undemocratic form of planning and plan-making. Planning (and for that matter the provision of services) is best delivered closest to the person or community for which it relates. This allows community participation, a higher level of local involvement and buy-in and self-determination for that local community.
41. From experience with combined planning processes in the Waikato between local authorities, resourcing and management is a key constraint and can be an issue. Joint committees and the supporting secretariats are likely to become unwieldy and expensive to run.
42. Partner local authorities rightly become skeptical when large sums of money are being contributed to arm's length agencies for which they have little to no influence over and limited visibility of the how their money is being spent. These types of arrangements are inherently expensive to run, create accountability issues and lead to inefficient spending and wastage. This leads to discontent, lack of buy-in at a staff level and ultimately poor political buy-in among civic leaders whose role it is to champion the implementation of these plans. The proposal that joint committees should be autonomous further worsens this situation and heightens the risk of implementation failure.
43. Again, we understand that an 'in principle' decision has been made to progress with the move to a Joint Committee structure. In this case, Hamilton City Council strongly supports that all councils need to be represented on the Joint Committees for both RSSs and NBAs – it is unlikely that there will be any support for a process that excludes any local government entities, especially as we interpret that councils will be responsible for implementation.
44. Hamilton City Council notes that MfE officials are still working through the issue of whether there will be separate JCs for RSSs and NBA plans. Hamilton City Council supports the Steering Group's preference for a single JC that sits across both the RSS and NBA plan for a region (with central government representatives brought in for matters relating to the RSS).
45. We agree that a single JC will help to:
 - Ensure the RSS and NBA plan are integrated.
 - Better reflect the current capacity of the resource management system.
 - Help to drive and embed the culture change that will be needed across the new RM system.

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46. We note that any decisions made by JCs will need to be informed by robust technical evidence. We think the interaction of technical staff and political decision makers needs to be thought through in more detail.
47. We strongly suggest that councils should be mandated to provide input into RSSs (and NBAs) before they are finalised. Any less would compromise local buy-in or support.
48. We support that both the RSS and the NBA will require robust public consultation processes – these details need to be developed before we can comment further.
49. Hamilton City Council agrees that there is a significant risk of intra-council conflicts at the JC level, and this may undermine the Government's dual objectives of efficiency and ensuring local democratic input.
50. From our experience (Waikato Plan, Hamilton 2 Auckland, Waikato Metro Spatial Plan), these are significant undertakings, and having the right people and the tools with delegated authority to act in the collective regional interest is vital. There is also the very real factor of the end-product reflecting a series of compromises to get each party over the line. This posed a significant challenge for the Waikato Plan exercise and resulted in trade-offs between the local authorities, a blurring of what the plan was intended to achieve and ultimately diluted its value.
51. There is a significant amount of technical and relationship work that goes on 'behind the scenes' to operate effectively across regions.

Implementation

52. We are supportive of the focus on looking at implementation as this is one of the biggest gaps we have identified in the proposed process. Implementation the Waikato sub-region predominantly revolves around funding. We note that the RM reform is not addressing this at all which we argue is missed opportunity.
53. Certainty of funding is required, with access to central government funding simplified. Current funding and financing tools provided to local government are inadequate to deliver on region-shaping infrastructure which RSSs are likely to identify. We strongly support central government being a co-funder of 'first resort' rather than continuing with ad hoc and contestable funding opportunities such as 'shovel ready' or the 'IAF'.
54. There are also a number of unanswered questions related to funding and investment including:
 - It is intended that these agreements will connect key private and public parties and sequence infrastructure - how do private investors get locked into the plan or agreement?
 - Is there any change to how funding is allocated by the partners to each agreement?
 - Are commitments made in the implementation plan taken back to each partner to be re-debated in their individual funding rounds?
 - The work required to get detailed funding and timing/scope for large infrastructure projects is significant – how will this be developed? For example, if each party is to commit to funding – who does the work to determine the actual cost of the projects? Or is a commitment made with recognition that costs will be finalised as the project is developed?
 - What is the cost sharing arrangement? Or is that negotiated for every individual project and plan?
 - Does putting the specific detail from the RSS into the implementation plan and subsequent agreements actually make the implementation parts more critical and useful?

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- Does having implementation plans at a regional scale, and then implementation agreements at smaller scales add additional layers of work? Who prepares these? Are they essentially joint Long-Term Plans (LTPs)?
 - Does this process create an entity solely in charge of developing and tracking implementation agreements?
55. For councils to align their LTP and Infrastructure Strategy funding with the RSS, elected members will need to have 'bought in' to the strategies and their outcomes otherwise implementation is unlikely to occur as anticipated. For individual councils, this means more than being able to comment on draft RSSs through a consultative procedure. Elected members will view themselves as the conduit between the community and these regional strategies and will want to feed into them.
56. Additionally, more detailed thinking is required about how RSSs are given effect to within existing LGA planning and funding processes. For example, LTPs and infrastructure strategies and the powers of local elected members to develop and consult on these.
57. Funding cycles will need to be aligned across central and local government agencies along with clarity with respect to the linkages. For example, council LTP timing does not align with National Land Transport Plan (NLTP) preparation or timing, Regional Land Transport Plans (RLTPs), central government funding of health and education. If these new RSSs (and NBA plans) are introduced, careful thought needs to be given on hierarchy, order and timing of how everything fits together across the Land Transport Management Act (LTMA), LGA, SPA, and NBA.
58. We note that RSSs are not going to be binding but act as a guide for NBA plans. This is concerning if central and local government invest significant time and resource into these plans and they have no real weight. This heightens the risk of implementation failure and in turn disenfranchising the community if they contribute to a plan that doesn't come to fruition. We recommend officials revisit the lessons learned in Auckland during the 1990s with respect to the Auckland Regional Growth Strategy and the failed attempts to align the seven local authorities.
59. Early indications are that these RSSs will be relatively high level in nature and will not be planning at a parcel level, this will be left to the NBAs. However, at the same time it is envisaged that the RSSs will be setting the funding priorities. In our view this will be significantly challenging.
60. It is our view that only high-level funding discussions can meaningfully occur at the RSS stage. Robust funding discussions and decision-making are best had at an LTP level. These would ideally follow the land use plan and the cyclical relationship between the two would be strengthened.
61. Only at the time that land use plan/zoning (NBA) is arrived at that is there sufficient certainty and understanding of funding supply and funding need to align to the land-use. This then provides the required certainty to the local authority to carry out the detailed planning, make funding provision with their Annual Plans and LTPs, and ultimately borrow and deliver, knowing that there is a high degree of certainty that they will be able to recoup some of the capital cost of infrastructure.

Staffing and Resourcing Challenges

62. Hamilton City Council agrees that resourcing regional plan-making (including secretariat staff) is likely to centralise planning staff away from local councils towards regional main centres. Over time, this risks leaving local councils with only minimal planning and consenting staff, exacerbating existing staffing challenges already faced by small and/or remote councils.
63. We support the recommendation that consideration be given to developing a workforce plan, to identify the long-term resourcing and skill needs, and help support implementation.

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Further Information and Opportunity to Discuss Our Submission

64. Should the Local Government Resource Management Reform Steering Group require clarification of the submission from Hamilton City Council, or additional information, please contact Mark Davey (City Planning Manager - Growth Group) on 021 242 8024, email mark.davey@hcc.govt.nz in the first instance.
65. Hamilton City Council staff would welcome the opportunity to discuss the content of our submission with the Local Government Resource Management Reform Steering Group in more detail.

Yours faithfully

Lance Vervoort
CHIEF EXECUTIVE

Appendix 1

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Council Report

Item C2

Committee: District Plan Committee **Date:** 10 March 2022
Author: Mark Davey **Authoriser:** Blair Bowcott
Position: City Planning Manager **Position:** General Manager Growth
Report Name: Update on the District Plan Change Programme

Report Status	<i>This report is taken as a publicly excluded item to maintain the effective conduct of public affairs through protecting persons from improper pressure or harassment; AND to prevent the disclosure or use of official information for improper gain or improper advantage.</i>
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Purpose - Take

1. To inform the District Plan Committee on the change of approach to the District Plan Change Programme in response to the new Resource Management (Enabling Housing Land Supply and other matters) Amendment Act, and the existing intensification Area Plan work.

Staff Recommendation - *Tuutohu-aa-kaimahi* (Recommendation to the Council)

2. That the District Plan Committee:
 - a) receives the report;
 - b) approves the 'Hamilton City Council Intensification Planning Instrument Proposed Approach' contained within this staff report (refer paragraphs 29 to 33);
 - c) notes that given the tight timeframes to meet a 20 August 2022 notification date, plan drafting must commence immediately following approval of the 'Hamilton City Council Intensification Planning Instrument Proposed Approach' and that any significant variations to the approach will not be possible if the legally required notification date is to be met;
 - d) notes that staff will bring further detail to the following District Plan Committees regarding the 'Hamilton City Council Intensification Planning Instrument Proposed Approach' as it develops;
 - e) notes that the decisions and information in relation to these matters be released at the appropriate time, to be determined by the Chief Executive.
3. That the District Plan Committee recommends that the Council:
 - a) approves the appointment of David Hill, from the Hamilton City Council approved list of commissioners, as the Independent Hearing Panel chair (refer **Attachment 1**) for Plan Change 12;
 - b) approves the appointment of David Hill as hearings panel chair for Plan Change 5 (Peacocke) and Plan Change 9 (Heritage, Significant Natural Areas, Maaori Sites of Significance and Notable Trees); and

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- c) notes that staff will work with David Hill and Waikato-Tainui to identify additional hearings panel members for Plan Changes 5, 9 and 12 and will present these options to Members at the soonest practicable meeting date.

Executive Summary - *Whakaraapopototanga matua*

- 4. This report covers:
 - i. Hamilton City Council's proposed approach to IPI (intensification planning instruments):
 - a. Vision and Strategy (V&S) as a qualifying matter (QM)
 - b. How we accommodate V&S as a QM
 - c. Notification date
 - d. Use of additional tools;
 - ii. Independent Hearings Panel (IHP) members for the ISPP (intensification streamlined planning process);
 - iii. Continuity of hearings panel across plan changes 5, 9, 12;
 - iv. Findings and insights from the Area Plan project.
- 5. Staff have assessed the requirements on Hamilton City Council with respect to The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act (2021) (Amendment Act) combined with the National Policy Statement - Urban Development (NPS-UD) (2020). In general, the legislation requires Hamilton to intensify city-wide throughout all residential zones. On top of this, it requires additional residential density to be enabled around centres. Together, these are referred to as the Intensification Planning Instruments (IPI), as set out in the Amendment Act.
- 6. The Amendment Act makes specific reference to Te Ture Whaimana - the Vision and Strategy for the Waikato River, which we 'must give effect to'. Given the requirements of the Amendment Act, NPS-UD and Te Ture Whaimana (The Vision and Strategy), staff have developed an approach, set out in Paragraphs 28-32, which we believe meets the legislative requirements to intensify Hamilton while 'giving effect to' (accommodating) The Vision and Strategy requirements.
- 7. To accommodate the Vision and Strategy, staff recommend the introduction of a new general residential zone city-wide to replace the existing general residential zones. This will enable higher densities than the existing general residential zone but not to the full extent of the Medium Density Residential Standards (MDRS) as set out in the Amendment Act. These will be supported by 'green policies' which require certain interventions which manage 3-waters impact of increased density. These interventions include such things as rainwater tanks, grey-water re-use, permeable paving, retention and enhancement of tree cover, water demand management (e.g. water meters on new development) to off-set the effects of intensification on the river.
- 8. Additionally, in areas where infrastructure deficits exist, intensification will be limited in order to avoid adverse effects on the river, and in doing so meeting our obligations to The Vision and Strategy.
- 9. Around centres, the direction set out in the NPS-UD will be followed, supplemented by green policies, and moderated where infrastructure capacity is limited. Where enabled, this will likely mean 3-5 storeys residential development within a walkable catchment from suburban centres.
- 10. Staff will also investigate the use of financial contributions and the strengthening and implementation of the 3-waters connections policy and bylaw. It is envisaged that these tools will help off-set the effects of intensification and help manage where growth can occur given infrastructure constraints.

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11. The approach noted in paragraphs 6-9 introduces a unique set of policies reflecting a bespoke Hamilton City Council response to the Amendment Act in light of The Vision and Strategy. These policies form a suite of measures which can be called 'eco-density'. These will help Hamilton balance intensification and housing supply needs with environmental bottom-lines.
12. The legislative requirements require Hamilton City Council to notify a plan change (Plan Change 12) by 20 August 2022 to implement the IPI requirements to be heard by an Independent Hearing Panel. The changes that Plan Change 12 look to introduce need to be aligned to Plan Change 5 (Peacocke) and Plan Change 9 (significant natural areas, sites of significance, heritage and notable trees).
13. Given the number of local authorities which are required to notify changes to their district plans at the same time there is likely to be a shortage of suitably qualified independent hearing commissioners and chairs. As such, staff are recommending the appointment of David Hill, from the Hamilton City Council approved commissioner panel, as chair of the Independent Hearing Panel (IHP) to hear Plan Change 12 along with plan changes 9 and 5. This will provide consistency and continuity between these important plan changes which are progressing in parallel. Staff will bring forward recommendations for the appointments of members to these panels at the soonest practicable time following consultation with Waikato-Tainui and the hearing panel chair.
14. Given the statutory requirement to consult, staff have not considered the key considerations under the Significance and Engagement Policy to assess the significance of the matter(s) in this report and staff note that the recommendations comply with the Council's legal requirements.

Background - *Koorero whaimaarama*

15. The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act (2021) (Amendment Act) combined with the National Policy Statement - Urban Development (2020) (NPS-UD) requires that Tier 1 councils (including Hamilton) notify changes to their district plans by 20 August 2022 that:
 - i. Apply Medium Density Residential (MDRS) standards across existing residential zones. These standards enable, as a permitted activity, up to 3 storeys and 3 dwellings on existing sites provided specific bulk and location requirements are met. They do not include any minimum density controls;
 - ii. Intensify residential zoning around neighbourhood, local and town centre zones commensurate with the size of that centre.
16. Together, these required changes to the District Plan are referred to as the Intensification Planning Instruments (IPIs).
17. The NPS-UD introduces a concept of 'qualifying matters'; these were subsequently applied to the MDRS through the Amendment Act. This enables councils to moderate their zoning response under i. and ii. above relative to the qualifying matter (QM) provided robust evidence is presented which supports the level of moderation. The original QMs under the NPS-UD did not include The Vision and Strategy as a qualifying matter. The Future Proof Partners' submission to the MDRS Enabling Bill sought the inclusion of The Vision and Strategy. This submission was accepted.
18. Hamilton City Council is unique with respect to its QMs compared to other Tier 1 councils due to The Vision and Strategy. Its existence as a QM by law provides the Council with the ability to 'accommodate' it within the IPIs. This means we can modify the requirements of the IPIs if they are demonstrated to be not 'giving effect to' the objectives of The Vision and Strategy.
19. The Vision and Strategy must be given effect to in an RMA context. Case law has established that The Vision and Strategy sets a higher hurdle for environmental protection of the Waikato

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River than simply avoiding, remedying and mitigating effects on it (as per the RMA). The Vision and Strategy is about restoration and protection, or 'betterment'. Where there is inconsistency between the requirements of the Amendment Act and The Vision and Strategy, the objectives of the Vision and Strategy prevail. In the context of The Vision and Strategy, new planning policies are required to demonstrate how they are

- i. not creating additional adverse effects and
 - ii. contributing to 'betterment'.
20. In the case of the implementation of IPIs in the Hamilton context, we therefore must show how the new policies which we are moving to are bettering the river compared to those legacy policies we are moving from.
21. We acknowledge that The Vision and Strategy has 13 objectives. Not all of these are strictly about the betterment of the Waikato River itself; some seek community wellbeing outcomes. However, notwithstanding this, in the context of decision-making on the IPIs and whether these give effect to The Vision and Strategy, the objectives for which we need to pay closest attention to and are of highest relevance in the Vision and Strategy are those related to river quality because of the potential effects of the IPI policies. The Vision and Strategy provides an opportunity for Hamilton City Council to moderate the IPI policies to ensure the outcomes give rise to are 'bettering' the Waikato River and not making it worse.
22. The City Development team is currently undertaking an infrastructure assessment across stormwater, wastewater and water networks (3-waters) city-wide for delivery in mid-March 2022. However, it will be an ongoing piece of work. It will form the core evidence base to inform how the IPI policies are to be modified to accommodate The Vision and Strategy requirements. This will include area specific planning responses. The infrastructure assessment will divide up the city into a number of geographic areas (suburbs) and provide a 'traffic-light' rating across the 3-waters in these areas highlighting the state of the respective networks, what capacity exists and what interventions might be required overtime to increase capacity and mitigate adverse effects on the River.
23. Given the timeframes available to completed the infrastructure assessment, it will be based upon existing information and strategic planning that has been completed for the city. Further, more detailed work will be needed to comprehensively assess the implications of different land use scenarios on our networks and consequential infrastructure investments needed to respond to those increased demands.

What The Vision and Strategy means for IPIs

24. The new IPI policies Council introduces must demonstrate that they are improving river quality and not creating further degradation as a result of human activities.
25. Currently, throughout the residential zone, duplex typologies are a restricted discretionary (RD) activity enabling a lot size down to 200m², 400m² for stand-alone houses. The starting point of the MDRS provisions is for zero density, i.e. no minimum lot size regardless of typology. This will have two key effects with respect to The Vision and Strategy:
- i. It will increase the number of developable sites in the residential zone city-wide and permit zero density as of right which has the potential of overwhelming already strained infrastructure networks, which were not designed to manage the level of density now being proposed.
 - ii. Increased impermeable surface and removal of vegetation to accommodate more dense building typologies in the residential zone city-wide will lead to greater on-site run-off in wet weather events, carrying higher quantities of water and contaminant load into the Waikato River and its tributaries (the duplex policy enables 200m² lot size, but for standalone dwellings this is still 400m²).

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- iii. increased wet weather wastewater flows arising from increased impermeable surfaces and additional wastewater demand will increase the frequency and severity of spill over events into the river (both direct and indirect)
 - iv. increased wastewater flow may result in dry weather overflows as a result of inadequate network capacity
 - v. increased water demand on our networks may result in inadequate system pressures, high system head loss or inadequate fire fighting flows which in turn impacts on the economic and social well-being of our communities.
- 26. Combined, the effects of what these policies are permitting will significantly degrade river quality both directly (e.g. increased site run-off) and indirectly (failing infrastructure which has knock-effects for the river).
- 27. Hamilton City Council already breaches (from time to time) its stormwater consent with Waikato Regional Council. Hamilton City Council has been prosecuted for wastewater overflows and illegal discharges to the Waikato River. This demonstrates that current district plan policies are failing to meet a minimum permitted threshold of effect on the river set through these consents. Higher rates of urban intensification will only serve to exacerbate these effects. Unless there is a very substantial investment in renewing, replacing and extending the city's stormwater and wastewater network, these additional adverse effects on the Awa will continue to increase commensurate with the rates of intensification. If that occurs, Council will be in breach of its obligations to The Vision and Strategy. Indications from City Development are that the level of investment necessary to properly respond to the level of intensification delivered under the IPIs is very substantial, potentially running to billions of dollars over the mid to longer term. It is also recognised that engineering solutions and interventions alone – if they can be funded and delivered – cannot entirely substitute the benefits of natural environmental processes with respect to the health and wellbeing of the river.
- 28. Hamilton City Council is also facing a water supply shortage. While Council's water take consent from the Waikato River does not expire until 2045, on current levels of demand, the consented water take volume will be exceeded by 2034 without significant intervention in water demand management. If growth rates exceed the current estimates based on increased density opportunities, this potential shortage may be accelerated. Based on this evidence, in the context of The Vision and Strategy and implementing new IPI policies, Council has a requirement to take account of this evidence when introducing new policies. The MDRS standards do not include water demand measures that would reduce overall water take per household on the river. When Council introduces new policies (where relevant) these must support reducing water demand on the river, for example rainwater tanks for use in grey water systems.
- 29. The discharge contaminant load from our wastewater treatment plants must also demonstrate "betterment" to the river. Council's wastewater discharge consents expire in 2027, and renewal of those consents will need to provide for significant improvements in treatment of wastewater quality to give effect to The Vision and Strategy and provide capacity for additional growth.

Hamilton City Council Intensification Planning Instrument - proposed approach

- 30. We set out below our proposal for how we can accommodate The Vision and Strategy as a QM with respect to IPI. Staff refer to this bespoke approach, which contains a range of policies, as 'eco-density'.

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31. In terms of accommodating the MDRS requirements as part of the IPI, the recommended approach to doing this is through the creation of a new general residential zone city-wide to replace the existing general residential zone, based on the MDRS, which includes the following:
 - i. Introducing minimum residential density controls of 200m² (no worse than existing duplex policy). We are envisaging that some residential activities will move to a 'permitted' activity status from a 'restricted discretionary' thereby making the consenting pathway easier for developers (in accordance with the intent of the legislation);
 - ii. Addition of mandatory 'green policies' which require for example on-site stormwater measures such as permeability and tree cover, rainwater detention and re-use, water demand management (these will also positively contribute to lowering the impact of the city in terms of water take from the river) for all new residential developments. This will help manage the effects of intensification but will not negate the need for significant ongoing 3-waters infrastructure investment;
 - iii. Implementation of financial contributions to recoup funds to invest in local infrastructure, and potentially (yet to be confirmed), public realm upgrades (eg street trees) and such things as gully restoration to off-set the effects of development;
 - iv. Revise and more actively administer 3-water connections policy. This is intended to provide Council, in areas where infrastructure constraints are greater, an additional safeguard to refuse connections and/or require certain upgrades to occur before development can take place; and
 - v. In areas where the infrastructure assessment identifies infrastructure constraints ('traffic light' rating) we further restrict density, for example, 400m², and 200m² becomes restricted discretionary or a discretionary activity (supported by a connections policy).
32. As part of the IPI, Council is also required to increase density within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent). This is the NPS-UD component the Amendment Act.
33. The requirement is that increases in density occur in a form (height and extent) commensurate with the level of commercial activity and community services in the given centre. Our approach to this, while accommodating the Vision and Strategy as a QM is as follows:
 - i. A bespoke treatment of Business 3 (Sub-regional Centre) and Business 5 (Suburban Centre) Zones where higher density residential development will be enabled within either an approximately 200m or 400m walkable catchment, depending on the services and facilities available to the community up to a height of 3-5 storeys.
 - ii. In centres which fall under a red or orange traffic light we will assess these on a centre-by-centre basis to determine a) the additional controls which might be required to mitigate the effects or b) determine not to up-zone until some point in the future when sufficient infrastructure investment has been made.
 - iii. Around a number of neighbourhood centres, we propose not to increase the density beyond the moderation of MDRS approach noted in Paragraph 29 above.
 - iv. NPS-UD up-zoning around centres will also consider the application of 'green policies' and financial contributions as noted in Paragraph 29 above.

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34. Plan Change 12 will also include changes to transport provisions as a response to the IPI requirements. The provisions will aim to support the uptake of public, active, and micro-mobility transport to give effect to the NPS-UD. The provisions will help manage adverse environmental effects on the transportation network resulting from intensification of development and the removal from the district plan of requirements for provision of minimum numbers of car parking spaces. It will include new or increased requirements relating to a Road User Hierarchy, end-of-journey facilities, travel plans for activities generating significant trip numbers, urban design aspects of property access, public transport facilities, management of waste and recycling storage and collection, green policies, and access for emergency services.

Process

35. Staff are targeting the 4 August 2022 District Plan Committee to seek final resolutions to endorse Plan Change 12 for notification on 20 August 2022. Once notified, a submission phase will commence, like that which exists currently for any changes to the district plan, allowing public the opportunity to provide their feedback on the plan. Once this submission phase is completed, we will then move into hearings.
36. The hearings for Plan Change 12 must be heard by an independent hearings panel (IHP) (i.e. not consisting of sitting Elected Members). Unlike a normal Schedule 1 RMA plan-making process, there will be no appeal rights to the Environment Court. Decisions by the IHP will come in the form of recommendations for Council to adopt following the close of hearings. Any recommendations which are not adopted by Council are then referred to the Minister to make a final decision. Staff will provide more details on this part of the process at subsequent District Plan Committee meetings.
37. The timing for the start of the hearings is not yet set. However, given the implications for residential zoning city-wide, it is critical that we align these with Plan Change 5 (Peacocke) and Plan Change 9 (Heritage, SNAs). Once panel members are appointed, staff will be able to begin to work with them to determine the schedule of hearings. Hence the need for consistency of hearings panel chair across all three plan changes.
38. It will also be advantageous to reach some alignment between Future Proof councils (Waipa and Waikato districts) with respect to hearings panel composition and timings so that there is consistency between Future Proof councils regarding decision-making and approach given the existence of The Vision and Strategy. Staff will work on this.
39. Because Hamilton City Council is proposing to accommodate The Vision and Strategy as a QM city-wide across all residential zones, the new controls (whatever is ultimately recommend by the IHP and adopted by Council and/or the Minister) will not have legal effect until Council approves the recommendations from the IHP. Council's requirement to accommodate the Vision and Strategy and therefore modify the MDRS provisions as provided for in the legislation means that there would be no changes to the development rights associated with the Amendment Bill until such times as either a) Council approves the recommendations by the IHP or b) the minister makes a final determination. If Hamilton City Council were to adopt the MDRS as set out in the legislation, then these would have immediate legal effect following notification (i.e. from August 2022).

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Independent Hearing Panel (IHP) – appointment of chairperson

40. The Amendment Act places the requirement on a number of territorial local authorities to notify plan changes at the same time. This will create a shortage of suitably qualified commissioners and panel chairs. The chair of the IHP will set the direction and guide the process post-notification (20th August 2022). The competence of the chair and panel members and how effectively they work together will have a significant impact on how the process runs. Ultimately, the panel, led by the chair, will be tasked with providing the recommendations regarding the changes to the district plan to Council for approval following the end of hearings. On this basis, we believe it critical that Hamilton City Council move to secure a highly capable IHP as soon as possible, starting with the chair, followed by additional panel members.
41. Staff recommend the appointment of David Hill as chair of the IHP. David has had an extensive career in resource management throughout New Zealand and for over the past 15 years has been a full-time planning commissioner. Notably, David sat on the Independent Hearings Panel for the Auckland Unitary Plan. He also has significant Waikato and Hamilton-specific experience most recently as chair of Plan Change 7 (Rotokauri North) and Plan Change 2 (Te Awa Lakes) hearings panels. David's biography is attached (see **Attachment 1**).
42. Staff recommend a panel of no more than four for the Intensification Streamlined Planning Process (ISPP) process, including an iwi appointee/nomination. At the soonest practicable time staff will bring forward recommendations for the additional panel members for PC12, 9 and 5.
43. Staff will provide a verbal update at the meeting regarding the above points.

Plan change 5 and 9

44. As the ISPP process will need to run in parallel with PC5 and PC9, staff recommend the same panel (where possible) also hears these two plan changes.
45. PC5 and PC9 do not require an IHP, we recommend an additional suitably qualified Council appointee to these two hearings panels in addition to the IHP members selected for Plan Change 12.
46. As covered in the General Manager's Report in the open part of this District Plan Committee agenda, PC5 and PC9 are also progressing concurrently with PC12. The changes to the residential zoning as a result of PC12 will have a direct impact on PC5 (Peacocke) with respect to the residential zones within it. Similarly, the content of PC9 will inform PC12 with respect to QMs (e.g. heritage).
47. Staff are working pro-actively to manage these three plan changes to ensure alignment where possible, including the avoidance of re-work and conflict between the three processes. Given the scale these three pieces of work both individually and collectively, it is likely changes to the programme might be required throughout the delivery of these.

Implications

48. Council is required by law to give effect to the Amendment Act by 20 August 2022. This requires significant resource on the part of the City Planning Unit and City Development Teams to respond within this timeframe in a manner that will give effect to The Vision and Strategy, the Amendment Act and provide positive long-term outcomes for the city form of Hamilton.
49. The Vision and Strategy has been in existence for over a decade and pre-dates the previous District Plan review. Having now seen the effects of intensification on the city's infrastructure networks and the river since 2017, our level of understanding has greatly increased. The evidence which we now have demonstrates that ongoing and higher levels of intensification in parts of the city where the infrastructure networks are deficient will lead to poor outcomes for the river and therefore not meet our obligations to The Vision and Strategy.

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50. What we propose in the approach, as set out in Paragraphs 28-32, will in some parts of the city mean that in-fill development becomes easier. In some parts of the city, where infrastructure deficits are identified, and where further development in these areas would have an adverse effect on the river, the levels of development will be limited until such time as sufficient infrastructure provision becomes available. We are proposing that in areas of the city where development is limited, these controls be reviewed 3-yearly and align with Long-Term Plan funding decisions. These funding decisions will provide certainty that the adverse effects on the river from intensification in these areas will be mitigated.
51. The proposed approach is considered the best way to accommodate the IPI requirements, enable more development while also meeting Hamilton City Councils requirements under The Vision and Strategy.
52. Staff will continue to refine the approach and will report back at following District Plan Committee meetings.
53. The new planning provisions in response to the Amendment Act must be notified by 20 August 2022 to meet the legislative requirements.
54. As with all district plan changes, Elected Members should be mindful that the notified planning frameworks put forward by staff will not necessarily become the new plan. The IHP might take alternate views based on evidence presented to them and adjust the planning provisions accordingly before recommending these back to Council for approval following the close of hearings.
55. Staff note the complexity and resourcing challenges presented by progressing PC5 and PC9 along with PC12. We believe the programme, as set out in the GM Report of this agenda, best deals with the complexities and resourcing challenges faced. Staff will continue to update this committee on progress and if, for any reason, we identify a need to alter the programme, we will inform this committee and recommend necessary changes.

Area plan update

56. The Area Plans project will finish in April 2022. The Area Plans present an integrated infrastructure / land use approach and potential for those high-growth brownfield areas of the city in Chartwell, Five Cross Roads, City Centre North, and Eastern Hamilton that were selected by this Committee in 2021 for detailed placemaking analysis. The Area Plans originally intended to include a high degree of public face-to-face engagement; however, this was not possible due to Covid-19.
57. The recommendations from the Area Plans will likely influence and inform some of the thinking for PC9 and PC12 and present an early understanding of future infrastructure strategy updates for these areas. They will provide examples of the infrastructure-related challenges of infilling existing communities, with reference to The Vision and Strategy outcomes. An update on preliminary recommendations and findings of area plans will be provided by staff at the meeting.

Financial Considerations - *Whaiwhakaaro Puutea*

58. The District Plan Programme is funded through the 2021-31 Long Term Plan. Finances are reported quarterly in the General Manager's report to this Committee.

Legal and Policy Considerations - *Whaiwhakaaro-aa-ture*

59. Staff confirm that the staff recommendation complies with the Council's legal and policy requirements.

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60. Staff are taking on-going legal advice with respect to these plan changes, the requirements on Hamilton City Council as set out in the Amendment Act, and the Hamilton City Council Intensification Planning Instrument Proposed Approach

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

61. The purpose of Local Government changed on 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
62. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report as outlined below.
63. The recommendations set out in this report are consistent with that purpose.

Social

64. Social wellbeing is defined as the capacity of individuals, their families, whaanau, iwi, haapu and a range of communities to set goals and achieve them.
65. The proposed approach aligns with the recently adopted Our vision for Hamilton Kirikiriroa, which provides direction for shaping a city that's easy to live in, where people love to be, a central city where people love to be, and a fun city with lots to do.

Economic

66. Economic wellbeing is defined as the capacity of the economy to generate employment and wealth necessary for present and future financial security.
67. The NPS-UD recognises the national significance of providing sufficient development capacity to meet the different needs of people and communities and adequate opportunities for land to be developed to meet community business and housing needs.
68. This includes ensuring that plans make room for growth both 'up' and 'out', and that rules are not unnecessarily constraining growth. The intensification directed by Central Government will have a direct impact on housing pressure in Hamilton.

Environmental

69. Factors that make our cities more liveable (e.g. accessible public transport, great walking and cycling opportunities, ample green spaces and housing with access to services and amenities) can also help reduce our carbon footprint, increase resilience to the effects of climate change and protect ecosystems.
70. Members recently agreed the vision to shape Hamilton as a green city.

Cultural

71. The NPS-UD requires councils to plan well for growth and ensure a well-functioning urban environment for all people, communities, and future generations. This includes ensuring urban development occurs in a way that considers the principles of the Treaty of Waitangi (te Tiriti o Waitangi) and issues of concern to hapū and iwi.

Risks - *Tuuraru*

72. Risks are currently tracked at project and programme level and are reported in the General Manager's report in the open agenda of the meeting. The programme utilises the Council's risk management framework.

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Significance & Engagement Policy - *Kaupapa here whakahira/anganui*

Significance

73. Given the statutory requirement to consult, staff have not considered the key considerations under the Significance and Engagement Policy to assess the significance of the matter(s) in this report.

Engagement

74. A communications and engagement update is provided in the General Manager's report in the open session of this meeting.

Attachments - *Ngaa taapirihanga*

Attachment 1 - David Hill Biography 2021

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David Hill

BA, MA (1st Hons), MNZPI (ret)

Brief Curriculum Vitae

David currently practices exclusively as an independent hearings commissioner and holds appointments with more than 20 city, district, regional and national authorities throughout NZ. He has been appointed to 2 Government Boards of Inquiry, the Rugby World Cup Authority, the EPA's Decision Making Committee on Chatham Rock Phosphate; chaired the OMV Ltd's Great South Basin EAD and Beach Energy Ltd's Canterbury Basin ODP; chaired the EPA Board of Inquiry into Tamarind Taranaki; and was a member of the Independent Hearing Panel for the Auckland Unitary Plan, (the latter all ministerial appointments) as well as reviews of the RMA, and acted as an independent reviewer for the Productivity Commission's 2017 inquiry into urban planning.

David recently completed his appointment to the Ohinewai Foam Factory fast track expert consenting panel, is currently on the Drury East fast-track ECP, and has just completed chairing the Board of Inquiry on Tui Field Decommissioning under the EEZ Act.

David was appointed a Freshwater Commissioner in 2021.

David has authored or co-authored some 500+ RMA decisions, and has chaired in excess of 300 statutory hearings, numbers of which involved significant multi-party, multiple-consent and plan change matters – and including substantial cost objections. He has also chaired hearings and authored decisions under the Housing Accords and Special Housing Areas Act, the Reserves Act and the Local Government Act - including for the Minister of Internal Affairs with respect to Motiti Island.

A summary listing of these is available if required (**note** – runs to 30+ pages).

David also works as a mediator and expert conference facilitator – recently involving expert water quality scientists regarding the Waikato River; ecological experts regarding kauri dieback in the Waitakere Ranges; and coastal experts regarding sand extraction at Pakiri – and is retained by the Ministry for the Environment as a recertifier for the Making Good Decisions chairs' course presenters.

Prior to 1 April 2012 when he commenced as a full-time independent hearings commissioner, David was a founding Director of Hill Young Cooper Ltd, a strategic resource management and environmental policy and planning consultancy with offices in Auckland and Wellington. David has over 30 years experience in public policy development, strategic and environmental assessment, and management in New Zealand and overseas. David is a qualified social scientist (social anthropology / psychology), resource management planner, and certified hearing commissioner with a chairing endorsement. He received the NZ Planning Institute's Distinguished Service Award in 2005.

In addition, David has been commissioned on a regular basis to undertake wider review roles – these are as diverse as his appointment in 1994 as one of the three independent auditors on the Auckland Water Shortage Review (that deferred the then proposed Waikato bulk water



Specialist Capabilities

- Strategic planning
- Resource management planning
- Infrastructure policy
- Environment and heritage
- Cultural policy
- Hearings Commissioner
- Mediation
- Expert conference facilitation

Professional Experience

- Independent Hearings Commissioner and Chair: 2012 - present
- Director, Hill Young Cooper Ltd: 1995 - 2012
- Environmental Group Manager, Tonkin & Taylor Ltd: 1993-1995
- Auckland Regional Manager, Ministry for the Environment: 1986-1993
- Social Scientist and EP&EP Audit team leader, Commission for the Environment: 1982-1986
- Social Worker, Department of Social Welfare: 1979-1982
- Lecturer, Department of Anthropology, University of Auckland: 1976-1979

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supply pipeline); his appointment as one of two independent Hearing Commissioners (panel of 8) on amendments to the Auckland Regional Policy Statement and seven District Plan changes arising from requirements of the Local Government (Auckland) Amendment Act 2004; and to the Auckland Unitary Plan Independent Hearing Panel. For the latter David's role included facilitating the expert working group developing the model and outputs for the housing deficit and urban development policies – and which subsequently formed the basis for the 2016 NPS on Urban Development Capacity.

Other commissioned roles have included reviews of strategic and financial management plans; financial and development contribution policies; water, wastewater and stormwater reviews; comprehensive and specific bylaws; policy and plan provisions; open space policies; Maori freehold land rating policies; statutory hearings and processes. These matters have often required a close association with cognate legislation such as the Local Government Act and the Land Transport Management Act.

As an advisor, David has been involved in the scoping, environmental management and design, assessment and review of significant numbers of projects throughout New Zealand, the Pacific (he has worked in 10 of the island nations and has written resource management policy, procedures and draft legislation for a number of those – for both natural and physical resources) and China.

David was a senior manager with the Ministry for the Environment during the development stages of the RMA from 1986-1993 and oversaw the development of policies and plans during the first implementation phases across the upper North Island regional, city and district councils from Rotorua to Northland and across to the East Coast.

David is a past-Chairman of the Auckland Museum Trust Board (2000 – 2009) appointed by the Territorial Electoral College, during which period the \$103 million Stage II development was initiated and completed and a new organisational structure and director appointed; and past-Chairman of the Auckland Conservation Board (1996 – 2003) appointed by the Minister of Conservation. He recently sat as an appointee to Tauranga City Council's Greenfields Project Advisory Board.

A full, detailed, CV is available on request.

Contact: d.hill@xtra.co.nz or +64 21 822 321.

Updated: February 2022