

## Notice of Meeting:

I hereby give notice that an ordinary Meeting of the District Plan Committee will be held on:

**Date:** Tuesday 3 May 2022  
**Time:** 9.30am  
**Meeting Room:** Council Chamber and Audio Visual Link  
**Venue:** Municipal Building, Garden Place, Hamilton

Lance Vervoort  
Chief Executive

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## District Plan Committee *Komiti Ture-aa-takiwaa* OPEN AGENDA

<b>Membership Chairperson</b> <i>Heamana</i>	Cr R Hamilton
<b>Deputy Chairperson</b> <i>Heamana Tuarua</i>	Cr A O'Leary
<b>Members</b>	Mayor Paula Southgate Cr Sarah Thompson Cr Rob Pascoe Cr Martin Gallagher Maangai James Whetu Deputy Mayor Geoff Taylor (as alternate)
<b>Quorum:</b>	<b>A majority of members (including vacancies)</b>
<b>Meeting Frequency:</b>	<b>Six Weekly</b>

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Amy Viggers  
*Mana Whakahaere*  
Governance

**22 April 2022**

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## **Purpose**

The District Plan Committee is responsible for providing Governance leadership and direction to staff to develop amendments to the Hamilton City Operative District Plan 2017.

***In addition to the common delegations, the District Plan Committee is delegated the following Terms of Reference and powers:***

### **Terms of Reference:**

1. To provide and approve broad strategic direction to inform and guide the development of the District Plan amendments programme of work.
2. To prepare and approve a draft set of District Plan amendments for the purpose of obtaining initial feedback and comment from the community, stakeholder and tangata whenua groups.
3. To recommend any proposed District Plan amendments to the Council for adoption and release for formal notification.
4. To provide regular updates to the Council on the progress of the District Plan amendments programme of work.

### **The Committee is delegated the following powers to act:**

- Approval of matters determined by the Committee within its Terms of Reference.

### **The Committee is delegated the following recommendatory powers:**

- The Committee may make recommendations to Council
- The Committee may make recommendations to other Committees.

### **Recommendatory Oversight of Policies and Bylaws:**

1. N/A

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**1 Apologies – *Tono aroha***

**2 Confirmation of Agenda – *Whakatau raarangi take***

The Committee to confirm the agenda.

**3 Declaration of Interest – *Tauaakii whaipanga***

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

**4 Public Forum – *Aatea koorero***

As per Hamilton City Council's Standing Orders, a period of up to 30 minutes has been set aside for a public forum. Each speaker during the public forum section of this meeting may speak for five minutes or longer at the discretion of the Chair.

Please note that the public forum is to be confined to those items falling within the terms of the reference of this meeting.

Speakers will be put on a Public Forum speaking list on a first come first served basis in the Council Chamber prior to the start of the Meeting. A member of the Council Governance Team will be available to co-ordinate this. As many speakers as possible will be heard within the allocated time.

If you have any questions regarding Public Forum please contact Governance by telephoning 07 838 6727.

# Council Report

Item 5

**Committee:** District Plan Committee

**Date:** 03 May 2022

**Author:** Tyler Gaukrodger

**Authoriser:** Michelle Hawthorne

**Position:** Governance Advisor

**Position:** Governance and Assurance  
Manager

**Report Name:** Confirmation of the District Plan Open Minutes of 10 March 2022

<b>Report Status</b>	<i>Open</i>
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## **Staff Recommendation - *Tuutohu-aa-kaimahi***

That the Committee confirm the Open Minutes of the District Plan Committee meeting held on 10 March 2022 as a true and correct record.

## **Attachments - *Ngaa taapirihanga***

Attachment 1 - District Plan Unconfirmed Open Minutes - 10 March 2022

## 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

<b>Chairperson</b>	Cr R Hamilton
<i>Heamana</i>	
<b>Deputy Chairperson</b>	Cr A O'Leary
<i>Heamana Tuarua</i>	
<b>Members</b>	Mayor P Southgate Cr S Thompson Cr R Pascoe Cr M Gallagher Maangai J Whetu Deputy Mayor G Taylor

<b>In Attendance</b>	Blair Bowcott – General Manager Growth Mark Davey - City Planning Manager Ben Scott - Programme Manager Housing Paul Bowman - Team Leader City Planning
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<b>Governance Staff</b>	Tyler Gaukrodger and Narelle Waite – Governance Advisors
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#### 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.**



**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

## 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.



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.

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).

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.



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?



- 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 landuse 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.

## 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](mailto: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

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# Council Report

**Committee:** District Plan Committee

**Date:** 03 May 2022

**Author:** Tyler Gaukrodger

**Authoriser:** David Bryant

**Position:** Governance Advisor

**Position:** General Manager People and Organisational Performance

**Report Name:** Chair's Report

<b>Report Status</b>	<i>Open</i>
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## Recommendation - *Tuutohu*

That the District Plan Committee receives the report.

## Attachments - *Ngaa taapirihanga*

Attachment 1 - Chair's report



## Chair's Report

We are getting to the pointy end of our District Plan Review Committee where we will all need to land on decisions that will form our position going into the Notification period and there are only about 3 scheduled formal meetings left. It is important you have some comfort with how things are shaping up. To that end I am trying to create as much visibility as possible around this work stream via these Chairs reports sent separately to the main Diligent posting and also create drop-in sessions with staff on pertinent issues or concerns. I will personally avail myself as much as possible, so you also have a political lense on how things are forming. Feel free to reach out.

1. The draft infrastructure assessment report is now out for peer review. Reaching this stage is a significant milestone not only for helping inform the DP programme but also for the organisation, it will help inform where the city focuses 3-waters brownfield investment in future LTPs. Going forward it will tie district planning and zoning much closer to infrastructure investment decision-making. Not only is this piece of work crucial from a planning and investment perspective but it goes hand in glove with our qualifying matter response to the MDRS 3x3 housing and the combination will be unique and something I believe we as a Council can be very proud of.
2. A district plan stakeholder webinar was held on the 13/4, with approximately 120 attendees. This was the first touch point for staff to bring stakeholders up to speed regarding the Enabling Housing Act (MDRS) implications for Hamilton and the wider DP programme, including the challenges which HCC have to work through in order to give effect to the legislation. A second webinar and wider comms will occur late May/early June informing the wider community of the HCC approach to the IPI. It is at this point where the implications of the Enabling Housing Act on residential development rights across the city will be released for the first time ahead of notification in August 2022.
3. We have successfully secured a very strong panel of highly regarded commissioners as approved at our recent Extraordinary Council meeting, to hear the three plan changes, PC5, PC9, PC12. Staff have also been working closely with Waipa and Waikato district councils to ensure continuity of commissioners between the three councils for the IPI hearings (HCC PC12). This will support consistent decision-making across the sub-region, and process efficiencies come hearing time. Staff have also been collaborating and sharing information so that where possible, the three Councils will have a consistent and joined-up approach to matters in common, for example Te Ture Whaimana and the possible use of financial contributions.
4. Advice from Lachlan Muldowney was sought on behalf of FutureProof Councils in regards to Te Ture Whaimana in the context of the Enabling Housing Act. This advice has now been received and finalised through FutureProof and shared with the central government officials and ministers who are party to FutureProof. The advice sets out clearly how Te Ture Whaimana is to be applied as a 'qualifying matter'. This is fundamental in the Hamilton context given our unique legal obligations to Te Ture Whaimana (unlike other Tier 1s elsewhere in the county) and the Enabling Housing Act. Until this time, there has been a lack of understanding and appreciation of how Te Ture Whaimana is to be engaged with as a qualifying matter.

### Chair's Recommendation

That the Council receives the report.

### Councillor Ryan Hamilton

# Council Report

**Committee:** District Plan Committee **Date:** 03 May 2022  
**Author:** Carmen Norris **Authoriser:** Blair Bowcott  
**Position:** Programme Manager **Position:** General Manager Growth  
**Report Name:** General Manager's Report

<b>Report Status</b>	<i>Open</i>
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## Purpose - *Take*

1. To inform the District Plan Committee of matters that need to be brought to the Members' attention, but which do not necessitate a separate report.

## Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the District Plan Committee receives the report.

## Executive Summary - *Whakaraapopototanga matua*

3. This report provides updates to Committee Members on aspects of the District Plan Change Programme (DP Programme) for which the Programme Manager and the General Manager Growth have responsibility, including but not limited to:
  - i. Communications and engagement;
  - ii. Programme / project progress against schedule;
  - iii. Emerging issues;
  - iv. Risks; and
  - v. Financial considerations.
4. This report also includes updates on:
  - i. the Fairfield-Enderley Urban Development Partnership;
  - ii. the Ruakura private plan change; and
  - iii. Plan Change 5 – Peacocke, particularly how it aligns with the NPS-UD and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act (Amendment Act).
5. Plan Change 12 (PC12), which will give effect to the NPS-UD and Amendment Act, must be notified in August 2022 using the Intensification Streamlined Planning Process (ISPP) as set out in the Act, which removes appeal rights and, depending on Council's approach, will result in the MDRS provisions having immediate legal effect from the date of notification.

6. Notification of Plan Change 9 (PC9) is scheduled to occur in July 2022 (a month in advance of PC12), introducing planning provisions to address Built Heritage, Maaori Heritage, Notable trees and Historic Heritage Areas. Some of this evidence will appear again as part of PC12 as 'qualifying matters' (QMs).
7. The public excluded part of this meeting includes a report on the proposed direction of planning provisions for PC9 and PC12.
8. Staff consider the decisions in this report have low significance and that the recommendations comply with Council's legal requirements.

### **Background - *Koorero whaimaarama***

9. On 8 December 2020, the Council approved the approach and scope for making changes to the District Plan, to be notified in August 2022.
10. This involved undertaking a plan change, referred to as PC12, to give effect to the National Policy Statement on Urban Development (NPS-UD), which would be combined with several other plan changes in the Council's work programme.
11. On 19 October 2021, the Enabling Housing Supply and Other Matters Amendment Bill (Amendment Bill) was introduced by the Government and passed into law in December 2021.
12. Together, the NPS-UD and the Amendment Act requirements are referred to as the Intensification Planning Instruments (IPIs) and require councils to notify changes to their district plans by 20 August 2022 that:
  - i. apply Medium Density Residential standards (MDRS) 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.
13. These changes must be notified using the Intensification Streamlined Planning Process (ISPP), which removes appeal rights, and – depending on council's approach to the IPIs – has immediate legal effect from the date of notification in some cases concerning MDRS.
14. Only some of the topics covered under the original 'Super' PC12 can be managed through the ISPP process. The remainder will still need to go through a Schedule 1 process under the Resource Management Act, meaning that several plan changes will now need to be notified separately (PC9 and PC10 at this stage).
15. The Council is required to notify a plan change by 22 August 2022 (PC12); a month earlier, we also plan to notify PC9.
16. The public excluded part of this meeting includes a report on the proposed direction of planning provisions for PC9 and PC12.
17. Also on 8 December 2020, the Council approved the formation of the District Plan Committee, to provide and approve broad strategic direction to inform and guide the development of the District Plan amendments programme of work. The Committee's terms of reference were subsequently approved on 4 February 2021. The remaining Committee meeting dates for 2022 are 16 June and 4 August.

## Discussion - *Matapaki*

### Communications and Engagement

Item 7

	Description	Progress against timelines/milestones
PC9	<p>Having engaged with landowners with notable trees, built heritage and/or SNAs last year to introduce PC9 and arrange site assessments, where necessary, we are now preparing phase 2 of our pre-notification engagement.</p> <p>This will see us re-engage with these landowners to share with them the outcomes of the assessments, draft provisions and information surrounding notification.</p> <p>We will also be engaging with landowners within Historic Heritage Areas, Sites and Areas of Significance to Maaori and Archaeological Sites.</p> <p>As some of these landowners have already been communicated with as part of the earlier engagement and others have not, the PC9 team is currently collating the data so that these groups can be split and dealt with appropriately.</p> <p>Other communication tactics that will be used through this phase include update website content, a webinar, social and print media advertising and a possible series of drop-in sessions.</p>	Majority of chapters in peer review and s32 well underway. Currently tracking as per timeline; however, continual Covid cases and unresolved delays in infrastructure decisions risk us continuing to meet milestones
PC12	<p>Currently we are in Stage 1 of the Comms &amp; Engagement process where we are informing stakeholders and the general public of Council's requirements to give effect to the IPIs, the challenges in doing so here in Hamilton (qualifying matters) and how we will engage through this process and the limited opportunities for feedback.</p> <p>Comms/engagement activity during this stage includes stakeholder webinars, one-on-one meetings with some key stakeholders, proactive media, a social media campaign and webpage for further information.</p> <p>Stage 2 engagement is scheduled to commence in May and will run through to notification in August. During this stage, we will look to provide more information about Council's proposed response to the IPIs, and advising that the best way to provide feedback will be through the submission process due to the tight time constraints.</p>	On track and progressing well, but conscious that we have extremely tight timeframes due to the notification date
Mana Whenua	<p>In March 2022, engagements were held with Ngaati Wairere, Te Haa o te Whenua o Kirikiriroa and Waikato-Tainui representatives to consider the SNA work. This was followed up with a paper in response to matters raised during those discussions.</p> <p>A paper was prepared for Waikato-Tainui prior to the Joint Committee hui with HCC on 16 March 2022, to prepare them for the koorero.</p> <p>We are planning to hold hui with all taangata whenua groups on 27 April 2022. Currently reviewing the draft district plan chapters against the objectives of Te Ture Whaimana.</p>	On track and progressing well



## Programme updates

18. The District Plan Change Programme consists of 4 tranches. Tranche 1 is made up of 9 projects each with its own milestones, budget and risks. Each project, except for inclusionary zoning and removal of minimum number of carparks (a work stream of carparking and mode shift), will deliver technical work and plan provisions that, staff propose, will feed into three plan changes as shown in the table below.

- i. PC12
- ii. PC9
- iii. PC10.

19. **Tranche 1 progress against deliverables**

	Project	Description	Progress against timelines/milestones
i.	Plan drafting PC12	Development of plan drafting templates to implement IPI provisions (MDRS/NPS-UD) Investigations into various topics to inform the plan change programme include: <ul style="list-style-type: none"> <li>Green policies including water demand management</li> <li>Urban design</li> <li>Infrastructure</li> <li>Vision &amp; strategy</li> <li>Transport</li> </ul>	Majority of chapters in peer review and s32 well underway. Currently tracking as per timeline however continual covid cases and unresolved delays in infrastructure assessment risks us continuing to meet milestones
ii.	Historic heritage (PC9) (PC12 QM)	<b>Built Heritage</b> Stocktake of significant built heritage undertaken since 1998 completed. 182 buildings and structures have been identified for scheduling in the DP	All site inspections completed; all inventories completed. Draft plan provisions completed; draft s.32 completed.
		<b>Maaori Heritage</b> Investigate and identify Maaori sites of significance and all archaeological sites	57 additional archaeological sites identified for scheduling. Identification of sites and areas of significance to Maaori completed.  Draft inventory completed; plan provisions and s32 in process.  Assessing the robustness of the evidence-base and options for recognition through RMA and non-RMA avenues.
		<b>Notable trees</b> Reassessment of existing scheduled trees using Standard Tree Evaluation Method (STEM)	Existing tree reassessments completed - 458 trees remain on the schedule and 1051 street trees identified for scheduling.
		<b>Historic Heritage Areas</b> Investigate and identify Historical Heritage Area (HHA) across the city (new workstream	A total of 32 historic heritage areas identified for scheduling. Draft plan

# Item 7

		as part of PC9)	provisions completed, draft s32 with peer reviewer.
iii	SNA/biodiversity (PC9) (PC12 QM)	Technical review and identification of SNA including significant habitat of indigenous fauna. Includes the consideration of appropriate district plan provisions relating to the protection of indigenous biodiversity and habitat of indigenous fauna.	Amendments to the proposed SNA identified through the desktop assessment have occurred following feedback from landowners and site visits being undertaken. Following internal and external consultation with key stakeholders, the draft planning provisions and draft s32 are with legal for an initial review.
iv	Te Rapa North PC10	Removal of deferred status of industrial land in Te Rapa North. Delivery timeframes have been reprioritised until early 2023.	Technical investigations progressing to support the plan change.
v	Area plans (will inform PC12)	Prepare Area Plans for Chartwell, Eastern Hamilton, Five Cross-Roads, Central City North to provide recommendations for DP Change 12, placemaking, and infrastructure	Quality assurance reviews underway alongside graphic design, then final plans to be prepared. Quality control check will then be done and plans finalised. On track to complete by end of April/early May. Some Covid illness delays may affect timing of components required to finish – monitoring this risk
		Centres approach – new workstream under the area plan project looking at how the Amendment Act changes to the intensification required under the NPS-UD across the city in relation to commercial centres. Will make zoning recommendations for the district plan. Strongly relates to HUGS and MSP transport work underway now and will influence infrastructure master plans.	Centres assessment is complete and incorporating final review comments
vi	Carparking (notified Feb 22) Mode shift (PC12)	Remove requirements for a minimum number of car parks and introduce changes to support transport mode shift.	Completed. The Planning Guidance Unit is reviewing the mode shift provisions for PC12.
vii	HBA Assessments (PC12)	Delivery of three pieces of work: i. Re-base of our housing capacity assessment based on the proposed land use from areas plans and for 'rest of city' ii. Land use survey – site-by-site classification to understand types of businesses operating in Hamilton's commercial areas iii. Centres assessment – assessment of the	HBA rebasing work continues to be dependent on completion of provisions and s32 for residential chapters and qualifying matters including Vision & Strategy. Delays completing this will impact delivery of capacity modelling.

		role and function of commercial centres and any changes required due to residential land use change	
viii	Inclusionary zoning (Further plan changes)	Investigate options and then develop provisions to include inclusionary zoning policies in the District Plan	Assessments of policy options are progressing.
ix	Vision & Strategy as a qualifying matter (PC12)	Understand Te Ture Whaimana in the context of the Amendment Act and how the former is accommodated as a Qualifying Matter.  This includes investigation of how the required levels of intensification as per legislation will impact the River.  This will include infrastructure assessments and stormwater modelling to ensure Vision and Strategy matters are addressed in land use change.	An assessment of the performance of the city's 3 waters infrastructure using criteria that align with Te Ture Whaimana - Vision & Strategy for Waikato River is being prepared. Staff are now working through how this work informs application as a qualifying matter.

### **Schedule**

20. Overall, the programme is running behind the revised schedule, largely due to staff absences and resulting delays in receiving critical information due to Covid 19. Timeframes are now very tight for both PC9 and PC12.

### **Emerging issues**

21. There are currently no emerging issues to bring to the attention of the Committee apart from the timeframe and resourcing risk to delivery noted above.

### **Fairfield-Enderley Urban Development Partnership update**

22. On 29 March 2022, staff were welcomed onto Hukanui Marae by Ngaati Wairere to meet with their Trustees and provide an overview of the Fairfield-Enderley Urban Development Partnership. As mana whenua, Ngaati Wairere has representatives on the partnership's Steering Committee, and there is a strong desire from Ngaati Wairere and the Partnership to collaborate more closely, particularly with the Trustees as a collective.
23. The Steering Committee met on 12 April 2022 to further workshop the short-, medium- and long-term collective opportunities of the partnership and identify some key priorities to be featured in the Plan.
24. Kāinga Ora has indicated that through their current regional funding and planning processes, approximately 100 of their existing properties could be redeveloped, delivering up to 300 homes throughout the Fairfield and Enderley communities by 2024.
25. Kāinga Ora, Council staff and consultants continue to work closely with Te Papanui Enderley Community Trust and community and social-impact funders in the development of a business case and funding plan for the Enderley community facility project. The Fairfield-Enderley Steering Committee see this project as a flagship opportunity for the Partnership to leverage significant collective impact and investments.
26. These discussions have also led into a broader conversation on innovative ways to fund other social infrastructure, as well as affordable housing.
27. Likewise, with Council's planned redevelopment of the front of the Fairfield Hall building, and Te Kōhao Health and Te Rūnanga o Kirikiriroa developments in Enderley, the Partnership Plan will likely prioritise development in and around the Fairfield and Enderley Parks, recognising these parks as the hearts of the community.

28. Kāinga Ora are currently reviewing the draft of their Area Plan for the Fairfield-Enderley area between the Five Crossroads and Chartwell Area Plans. Regular meetings between Council and Kāinga Ora staff have ensured there is transparency, collaboration, and consistency in their approach.
29. The Waikato Sub-Regional Three Waters project (Future Proof) is using the geographical area of the Fairfield-Enderley area plan as a brownfields/infill case study to test future design principles.
30. In collaboration, Kāinga Ora's development teams will develop a high-level spatial plan of the wider Fairfield-Enderley partnership area to inform the staging of their developments and identify key opportunities for urban redevelopment. The spatial plan is due to be completed by July 2022 and will complement the Partnership Plan's outcomes and aspirations.
31. The draft plans are expected to be presented at the next Steering Committee, scheduled for Wednesday 13 July 2022.

#### **Ruakura private plan change**

32. As noted in the previous report to the District Plan Committee, the Ruakura rezoning is being funded by Tainui Group Holdings (TGH) and managed by an external consultant, Grant Eccles.
33. Council and TGH continue to give effect to the Tramway Block MOU. A workshop was held in March 2022 that brought Council staff from various units together with the TGH team to discuss how the residential development could be arranged.
34. Discussions were wide ranging and both Council and TGH have reached alignment on a number of topics that will inform the Private Plan Change application.

#### **Plan Change 5 – Peacocke**

35. The Peacocke Structure Plan Change (PC5) notification in September 2021 was a significant milestone for the programme. The new structure plan will help guide the development of the area and considers transport connections (public transport, cycling and walking), parks and open spaces, commercial areas, housing style and density, environment and cultural heritage. It will help balance the need for new homes with social, cultural, environmental and economic outcomes for the growing community.
36. The Council approved the notification of PC5 on 12 August 2021. Hamilton's time in Alert Levels 3 and 4 caused a slight delay to public notification which started on 24 September 2021 and closed on 5 November 2021.
37. The public notification process, as outlined in Schedule 1 of the RMA, provides the opportunity for landowners and the wider community to make a formal submission on the plan change to show support, opposition or to seek changes. A total of 58 submissions were received with the majority generally supportive of PC5.
38. Following the initial public notification process, further submissions have been sought to gauge support or opposition to submissions received in the first round. The further submission period opened on 16 February 2022 and closed on 16 March 2022. A total of 18 further submissions were received.
39. With the closure of the submission process, staff have now begun reviewing the submissions with an aim of engaging with key submitters to understand their submission points over the next few months and ultimately hold a hearing on PC5 in late October or early November of this year.

### Impacts of Amendment Act on PC5

40. For plan changes which are underway in Tier 1 urban areas (such as Hamilton) are impacted by the requirements and timeframes set out in the Amendment Act, this includes PC5. While PC5 is generally aligned to the NPS-UD, the new requirements in the Amendment Act to enable more medium density homes are not fully reflected in the proposed plan change provisions.
41. Staff are now working through options regarding how the MDRS can be incorporated into PC5. Council has the option of aligning PC5 with the NPS-UD requirements through the HCC's submission on PC5 or making a separate variation to this plan change.
42. To align PC5 with the MDRS, HCC are required to introduce new objectives and policies to the residential provisions as well as amending the provisions to allow for one to three dwellings on a site as a permitted activity along with minor changes to height in relation to boundary, outdoor living space, and front yard setback.
43. The subdivision rules also need to be amended to allow for subdivision that occurs concurrently with land use as a controlled activity.
44. The table below indicates where PC5 needs to be amended to align the provisions.

Provisions	Proposed Medium Density Residential Standards (MDRS)	Plan Change 5 (as notified)
Dwellings permitted	3	1
Setback	Front - 1.5	3m
Height in relation to Boundary	6m+60°	3m+45°
Outdoor Living Space	20m <sup>2</sup> + 3m (Ground floor Units)	Single dwelling, Duplex and Terrace Housing 35m <sup>2</sup> + 4m Apartments 20m <sup>2</sup> + 2.5m
	8m <sup>2</sup> + 1.8m (Upper floor units)	Two or more bedrooms 12m + 1.8m

45. The NPS-UD provides the ability for Council to undertake a variation to PC5 to include the MDRS where submissions to PC5 do not have scope to allow for this. Considering the options available, legal advice is that a variation to PC5 is Council's best option once a hearing for PC5 has been completed, to enable alignment with any outstanding provisions with the MDRS.
46. Staff at this stage intend for the variation to PC5 to be heard in parallel with PC12 to ensure alignment. Hearings are tentatively set down to commence early 2023 for PC12.

### Risks - *Tuuraru*

47. Risks are tracked at both project and programme level. Risks were reviewed and updated mid-January 2022 with the wider team and key stakeholders. Key programme risks are outlined below.

Risk ID	Risk Description	Likelihood (residual)	Consequence (residual)	Risk rating	Owner
	<b>Resourcing</b> Due to the condensed timeframes, Covid/Omicron way of working and other reforms impacting Council e.g. Three Waters, there are inadequate resources available to complete the plan changes leading to plan not being	Likely (4)	Major (4)	Very High 16	Mark Davey

	delivered or of low standard.				
	<b>Meeting statutory obligations</b> The plan change processes are challenged on the basis it doesn't comply with the Amendment Act and broader RMA and statutory requirements, which could require a rework of plan provisions resulting in a negative impact on reputation, budget, and stakeholder expectations.	Possible (3)	Major (4)	Very high 12	Mark Davey
	<b>Staff engagement</b> Due to heavy workload pressures and rapidly changing government directives staff engagement may decline.	Possible (3)	Major (4)	Very high 12	Mark Davey
	<b>Adverse reaction by affected property owners</b> There are numerous aspects to the various plan changes that are likely to alter existing property rights, which is likely to result in adverse reactions from some landowners.	Almost Certain (5)	Serious (3)	Very high 15	Mark Davey
	<b>Balancing competing priorities</b> Due to the legislative requirements and trade-offs required the agreed plan change approach, Council may not be seen to support other organisational priorities such as affordable housing leading to negative publicity	Possible (3)	Major (4)	Very High 12	Mark Davey

### Financial Considerations - *Whaiwhakaaro Puutea*

48. The District Plan Programme is funded through the 2021-31 Long Term Plan. The overall budget for the 10-year period is \$13 million. A quarterly financial update will be presented in the 16 June 2022 report.

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

49. Staff confirm that this matter complies with the Council's legal and policy requirements.

### Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

50. The purpose of Local Government changed on the 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').
51. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report.
52. The recommendations set out in this report are consistent with that purpose.

### Social

53. 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.

54. The proposed approach aligns with '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**

55. Economic wellbeing is defined as the capacity of the economy to generate employment and wealth necessary for present and future financial security.
56. 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.
57. The NPS-UD and the Amendment Act require that district 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**

58. 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.
59. Members have agreed the vision to shape Hamilton as a green city.

### **Cultural**

60. The NPS-UD and Amendment Act require 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 e.g. Te Ture Whaimana – the Vision & Strategy for the Waikato river.

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

61. Having considered the Significance and Engagement Policy, staff have assessed that the report has a low significance, and no engagement is required.

### **Attachments - *Ngaa taapirihanga***

There are no attachments for this report.

## Resolution to Exclude the Public

### 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 10 March 2022	) Good reason to withhold ) information exists under ) Section 7 Local Government	Section 48(1)(a)
C2. General Manager's Report - Private Plan Change	) Official Information and ) Meetings Act 1987 )	
C3. Update on the District Plan Change Programme		

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 protect information which is subject to an obligation of confidence where disclosure would likely damage the public interest to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (c) (ii) Section 7 (2) (j)
Item C3.	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)