

Notice of Meeting:

I hereby give notice that an extraordinary Meeting of the Council will be held on:

Date: Thursday 5 September 2019
Time: 9.30am
Meeting Room: Council Chamber
Venue: Municipal Building, Garden Place, Hamilton

Richard Briggs
Chief Executive

Extraordinary Council OPEN AGENDA

Membership

Chairperson	Mayor A King
Deputy Chairperson	Deputy Mayor M Gallagher
Members	Cr M Bunting
	Cr J R Casson
	Cr S Henry
	Cr D Macpherson
	Cr G Mallett
	Cr A O'Leary
	Cr R Pascoe
	Cr P Southgate
	Cr G Taylor
	Cr L Tooman
	Cr R Hamilton

Quorum: A majority of members (including vacancies)

Meeting Frequency: Monthly – or as required

Becca Brooke
Governance Lead

30 August 2019

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Purpose

The Council is responsible for:

1. Providing leadership to, and advocacy on behalf of, the people of Hamilton.
2. Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

Terms of Reference

1. To exercise those powers and responsibilities which cannot legally be delegated by Council:
 - a) The power to make a rate.
 - b) The power to make a bylaw.
 - c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan.
 - d) The power to adopt a Long Term Plan or Annual Plan, or Annual Report.
 - e) The power to appoint a Chief Executive.
 - f) The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan, or developed for the purpose of the Council's governance statement, including the 30-Year Infrastructure Strategy.
 - g) The power to adopt a remuneration and employment policy.
 - h) The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
 - i) The power to approve or amend the Council's Standing Orders.
 - j) The power to approve or amend the Code of Conduct for Elected Members.
 - k) The power to appoint and discharge members of committees.
 - l) The power to establish a joint committee with another local authority or other public body.
 - m) The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.
 - n) The power to amend or replace the delegations in Council's *Delegations to Positions Policy*.
2. To exercise the following powers and responsibilities of Council, which the Council chooses to retain:
 - a) Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
 - b) Approval of any changes to Council's vision, and oversight of that vision by providing direction on strategic priorities and receiving regular reports on its overall achievement.
 - c) Approval of any changes to city boundaries under the Resource Management Act.
 - d) Adoption of governance level strategies, plans and policies which advance Council's vision and strategic goals.

- e) Approval of the Triennial Agreement.
- f) Approval of the local governance statement required under the Local Government Act 2002.
- g) Approval of a proposal to the Remuneration Authority for the remuneration of Elected Members.
- h) Approval of any changes to the nature and delegations of the Committees.
- i) Approval of all Council and Committee taskforces and their terms of reference.

Oversight of Policies:

- *Corporate Hospitality and Entertainment Policy*
- *Delegations to Positions Policy*
- *Elected Members Support Policy*
- *Significance and Engagement Policy*

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1 Apologies

2 Confirmation of Agenda

The Council to confirm the agenda.

3 Declaration of Interest

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

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 three minutes or longer at the discretion of the Mayor.

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 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

Committee: Council

Date: 05 September 2019

Author: Paula Rolfe

Authoriser: Jen Baird

Position: Team Leader Implementation
& Monitoring

Position: General Manager City Growth

Report Name: Rotokauri North Private Plan Change Application

Report Status	<i>Open</i>
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Purpose

1. To inform the Council of an application for a private plan change for the Rotokauri North development and outline the options available to the Council to respond to it.
2. To seek the Council's approval to accept the private plan change and initiate the next steps of the plan change process.

Staff Recommendation

3. That the Council:
 - a) receives the report;
 - b) accepts the private plan change for the Rotokauri North development, as outlined in Attachment 2 of this report pursuant to clause 25(2)(b) of the First Schedule of the RMA, and delegates responsibility to the Chief Executive for processing the plan change in accordance with the First Schedule of the RMA;
 - c) approves limited notification of the plan change to all persons directly affected by the plan change, pursuant to Clause 5A (2) of the First Schedule of the RMA;
 - a) requires that limited notification of the plan change not proceed until such time as all staging infrastructure related requirements identified in the Private Development Agreement (PDA) between Hamilton City Council and Made Group Ltd, Green Seed Consultants Ltd and Green Seed Holdings Ltd dated 29 August 2019 (PDA) are included in a redraft of the plan change to the satisfaction of the Chief Executive;
 - e) requests staff, subject to (f) below, convene a hearings panel to hear, determine and make decisions on all submissions and matters relating to the Rotokauri North plan change once notified. The hearings panel will comprise three independent commissioners who are accredited and hold qualifications and skills in land use planning and/or urban design/ infrastructure engineering. The panel will have expertise in tikanga Maaori and one member will be appointed as a chair;
 - f) notes the delegated authority to hear and determine the plan change is subject to the performance of the PDA and in particular clause 12.1(b) and 12.8 of the PDA which requires that the plan change be withdrawn if the performance bond requirements are not met; and

- g) delegates authority to the Chief Executive to select and appoint three suitably qualified independent commissioners as per recommendation e).

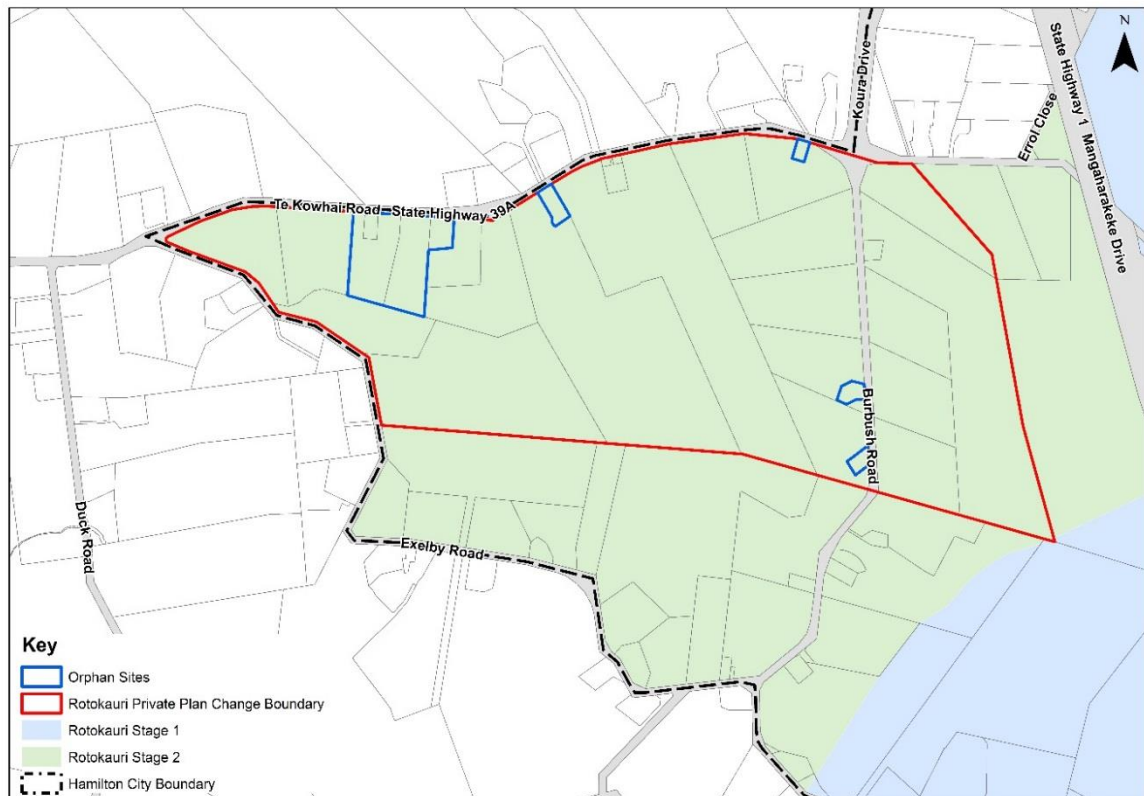
Executive Summary

4. On 30 April 2019, Greenseed Consultants Limited (Greenseed) lodged a private plan change application to the Hamilton Operative District Plan (ODP).
5. The application relates to an area of land of approximately 140 hectares located at Rotokauri North. It is more or less the same site that is the subject of an application to the Minister of Housing and Urban Development as a Special Housing Area. The Minister has granted the area as a Special Housing Area and this has been gazetted By Order of Council dated 26 August 2019. It is effective from the 30 August 2019.
6. The plan change seeks to rezone the site from Future Urban to a Medium Density Residential Zone and a Business zone to enable residential development, along with a small neighbourhood commercial centre. The application also seeks to retain the natural open zone over the significant natural area.
7. Whether the plan change should be approved and become part of the Council's Operative District Plan is not a decision for the Council at this time; at this point, the Council is concerned only with whether to reject the plan change or approve one of the process options available that would enable it to be tested and evaluated under the Resource Management Act (RMA).
8. This report outlines the four options available to the Council Under the RMA regarding how to proceed with the application:
Option 1: Reject the plan change
Option 2: Process the plan change as if it were a resource consent
Option 3: Adopt the private plan change as its own plan change and then notify it; or
Option 4: Accept the plan change for processing and publicly notify the private plan change (preferred).
9. See paragraphs 37-39 for analysis and evaluation of the options.
10. Staff recommend that the plan change should not be rejected at this stage and should proceed to be evaluated under the RMA.
11. Of the procedural options available to Council, staff recommend **Option 4 – accept the plan change for processing**.
12. If the Council resolves to accept the plan change, the next step is to decide if the plan change is:
 - fully notified to the public, or
 - notified only to those parties considered affected (limited notification).
13. Staff recommend limited notification, as all persons and agencies directly affected can be identified.
14. This report also recommends that independent commissioners be appointed to hear the private plan change application, should the Council decide to proceed with the plan change process.
15. The continuing processing of the plan change is subject to a contractual requirement in the PDA for a performance bond to be in place within 15 working days of the further submission period closing. If that provision is breached, the plan change is deemed withdrawn and will not be processed further.

16. All costs associated with processing the application by Council staff, including expert and legal costs, are recoverable from Greenseed.

Background

17. Greenseed has applied for a private plan change in the north-west of Hamilton for an area comprising approximately 140 hectares. Attachment 2 (under separate cover) contains all the documents that collectively make up the plan change application.
18. The area is bounded by Te Kowhai Road (State Highway 39) to the north, greenfield lands to the east and south, and Exelby Road to the west and south. Burbush Road runs north to south through the eastern portion of the site. This is shown in the diagram below.



19. The site is located within the Rotokauri Structure Plan of the Operative District Plan (ODP) and is identified as Stage 2 development with a future urban zoning until the network capacity and services are available.
20. The site was historically a wetland and since the early 1990s it has been used for agriculture with some lifestyle dwellings. There is an existing significant stand of kahikatea in the north eastern corner of the site, which is identified as a significant natural area under the ODP.
21. The site is the same area (with exception of some 'orphan sites' – see diagram above), that is the subject of an application to Council as a Special Housing Area (SHA). The Council resolved on 10 May 2018 to recommend to the Government that it be approved as a SHA, subject to receiving a signed Statement of Intent (SOI) on the delivery of infrastructure and affordable housing. The Chief Executive subsequently signed the SOI which sets out at a high-level infrastructure to support the development and allocated financial responsibility between Council and the developer. The SOI set the framework for a more detailed Private Development Agreement (PDA) for water, wastewater, stormwater, transport and reserves which has been agreed to by the applicant and Council. Matters that relate to the upsizing and development of infrastructure as agreed in the PDA need to be included in the plan change to ensure that development aligns with the needs of the infrastructure.

22. The plan change is a matter to be dealt with under the RMA and it will proceed under the statutory provisions of that Act. This is the first step in that process.
23. A hard copy of all the documentation making up the plan change was also made available for elected members prior to this report being submitted for the Council meeting.

Overview of the private plan change application

24. The plan change application seeks to:
 - put in place a Rotokauri North Structure Plan
 - rezone the land from future urban to:
 - Rotokauri North Medium Residential Density Zone to enable a range of residential land uses (approximately 140ha), and
 - a Business Zone for a neighbourhood centre (approximately 1ha), and
 - retain the Natural Open Space Zone over the significant natural area.

See Attachment 1 for the zoning plan.
25. The plan change would require several amendments to the District Plan including the addition of a new structure plan area within the Structure Plan Chapter 3, the addition of the Rotokauri North Medium Density Residential Zone within the Residential Chapter, and the addition of subdivision provisions for Rotokauri North in the Subdivision Chapter.
26. In addition, changes specific to Rotokauri North would be required to the Assessment Criteria, Water and Transportation Chapters including Appendix 15 (Transportation) and Schedule 9C Significant Natural Areas.
27. While the plan change would involve changes to several rules, objectives and policies of the District Plan, the existing framework of the District Plan would be retained.
28. The plan change application encompasses those 'orphan sites' that were not part of the SHA application, as it would be unreasonable and unsustainable to plan for an area and retain spot zones on individual properties due to land ownership. We must plan for a sustainable urban form in a manner that uses land and infrastructure most efficiently.
29. The residential component of Rotokauri North would enable the construction of 1700 to 2000 residential units with a mix of dwelling types, including duplexes and apartments. Specific rules to contribute to affordable housing for first home buyers is provided for. A Medium Density Overlay is included for sites within 400m of the Business Zone (being a walkable distance). Within this overlay, a greater building height is enabled to support opportunities for intensification of housing, along with providing for a wider range of housing typologies. See Attachment 1 for the Structure Plan.
30. A neighbourhood centre of approximately 1ha is also shown on the structure plan, which utilises the Business 6 Zone provisions. This is intended to serve the day-to-day needs of the residential community with the likes of small shops, cafes, restaurants, offices (eg real estate agents), healthcare, childcare and community centres.

Matters arising from the proposal

31. Matters arising from the project include (but are not limited to) the following:
 - a. Transport impacts
 - b. Three waters (stormwater management, water and waste water supply)
 - c. Cultural effects
 - d. Visual effects
 - e. Ecological effects.

32. These matters are outlined by the applicant in the proposal and will be dealt with in detail while working through the plan change process, including those matters that relate to the upsizing and development of infrastructure as agreed in the PDA. As it is recommended that the plan change not be notified until it is updated with the staging and provision of infrastructure none of these issues is significant enough to recommend rejecting the application.

National Policy Statement on Urban Development Capacity (NPS-UDC)

33. The NPS-UDC must be considered under Clause 25, Schedule 1 of the RMA when deciding whether to accept a plan change.
34. This is national policy and must be given effect to when changing a plan. The purpose of the NPS-UDC is to improve housing supply and affordability and ensure that there is adequate supply of residential and business land over the short (1-3 years), medium (3-10 years) or long term (10-30 years).
35. A housing and business development capacity assessment was undertaken in 2017/18. This included identifying the capacity of the whole of the Rotokauri Structure Plan area in the short to medium term where infrastructure was being provided for in the Long-term Plan, and long term where infrastructure was indicated in the 30-Year Infrastructure Strategy.
36. The SHA has provided Rotokauri North an opportunity to supply some of this land earlier within the medium term, as infrastructure is to be provided by the developer. The plan change is not contrary to the NPS-UDC and supports its intent by providing housing as well as affordable housing.

Options

37. The Council must decide how it wishes to deal with this private plan change application. Schedule 1, Clause 25 (2-4) of the RMA gives the Council the following options for processing of the private plan change:
- Option 1:** Reject the plan change
- Option 2:** Process the plan change as if it were a resource consent
- Option 3:** Adopt the private plan change as its own plan change and then notify it; or
- Option 4:** Accept the plan change for processing and publicly notify the private plan change.
38. Each option is assessed and evaluated in the table below.

Option	Assessment
Option 1 – Reject the request	<p>The Council can only reject the request outright if it satisfies one or more of the grounds for rejection set out in Clause 25(4) of Schedule 1 of the RMA as assessed below:</p> <p><i>a. The request is frivolous or vexatious</i></p> <p>The request is a legitimate request as most of the area (approx. 133 ha) falls within the land holdings under Green Seed Consultants Ltd. The applicant and its consultants have engaged with City Planning staff during the preparatory phases of developing the formal request to identify key issues in relation to the proposal. Those matters have been addressed in the plan change application at a sufficient level to enable the matter to be tested through the plan change process. As such, staff have determined that the plan change should not be rejected claiming it is frivolous or vexatious.</p> <p><i>b. The substance of the change request has been dealt with within the last</i></p>

	<p><i>two years by Council or the Environment Court.</i></p> <p>The substance of the plan change request involves a new land use proposal for the site as anticipated by the District Plan through a Future Urban Zoning. It has not been dealt with within the last two years by the Council or the Environment Court.</p> <p><i>c. The request is not in accordance with sound resource management practice</i></p> <p>The term ‘sound resource management practice’ has no specific legal definition in the RMA. However, the Environment Court has found that the concept of sound resource management practice is tied to the purpose and principles of the RMA being the sustainable use, protection and development of natural and physical resources.</p> <p>The applicant has submitted a thorough assessment of the environmental effects of the application and presents a robust evaluation of the proposal in RMA terms.</p> <p>Expert reports on urban design, transportation, landscape and visual effects, ecological effects, hazards and contamination, archaeological, cultural effects, economic effects and stormwater, water and wastewater have been provided with the application.</p> <p>The reports are in support of the application and the level of detail provided is in accordance with sound Resource Management practices for the purposes of accepting the plan change and notifying the request in accordance with the First Schedule of the RMA.</p> <p>There are no features of the proposal that are considered not in accordance with sound resource management practice. In saying that, this is not to be taken as a staff endorsement of the plan change. There may be aspects of the proposal that staff do not agree with, and these aspects will need to be tested in the evaluation process, through hearing evidence and submissions, should the Council resolve that the plan change should proceed further.</p> <p><i>d. The request would make the plan inconsistent with Part 5 (Standards, Policy Statements and Plans) of the RMA.</i></p> <p>The relevant Part 5 matters are discussed in i-vi below:</p> <ol style="list-style-type: none"> i. National Environmental Standard (NES) for Assessing and Managing Contaminants in Soil to Protect Human Health (NES). The plan change application addresses the above NES by including a Preliminary Site Investigation. This concluded that specific sites within the plan change area may potentially contain sources of contamination therefore further detailed investigations are required at the time of future development. These matters will be subject to resource consent requirements under the NES at the time of subdivision, earthworks or development. ii. Te Ture Whaimana o Te Awa o Waikato Vision and Strategy for the Waikato River is the primary direction-setting document for the Waikato River and its catchments. If there are any inconsistencies with the Regional Policy Statement (RPS), the Vision and Strategy prevails. The relevant matters have been considered within the ICMP whereby water quality targets have been set.
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	<p>iii. The NPS-UDC is working towards improving housing supply and affordability in New Zealand as well as ensuring there is an adequate supply of business land. A Housing Development Capacity Assessment 2018 for the Hamilton Urban Area, which includes Hamilton, Waipa and Waikato, included accounting the capacity of the whole of the Rotokauri Structure Plan area in the medium term (2021-2026) where infrastructure was being provided and longer term where infrastructure wasn't provided for in the longer term. The Plan Change is not contrary to the NPS-UDC and supports its intent by providing for housing as well as affordable housing through the plan provisions.</p> <p>iv. The NPS for Fresh Water Management 2014 (NPS-FM) helps to minimise the impact on fresh water. The Waikato River is identified under the NPS. The proposed plan change is within the catchment of the Waikato River and requires an outlet for stormwater into the catchment. The applicant has submitted ecological and stormwater reports with the application. The first schedule process will ensure that the plan change is consistent with the NPS-FM.</p> <p>v. The RPS aims to achieve planned and co-ordinated subdivision land use and development and adopt the Future Proof land use pattern. The plan change application recognises this by enabling a compact urban form by releasing land already identified for urban growth through the Future Urban Zone and the Rotokauri Structure Plan. Releasing land for development enables people to provide for their socio-economic wellbeing through the provision of additional housing supply. Growth being provided in an area already identified relieves pressure on surrounding rural areas and other less desirable areas to accommodate development and growth.</p> <p>As outlined within Table 6-1 of the RPS, the land area is out of sequence and is not earmarked for development until 2041. As such, an assessment has been provided against the Development Principles of 6-A which identifies that:</p> <ul style="list-style-type: none"> • The plan change is within the identified urban limit. • Exelby Road and SH39 create a clear boundary for zoned rural and urban areas. • Installation of new infrastructure to service the area will not compromise the safe and efficient operation of any existing or planned infrastructure. • Water demand and availability have been considered, and the efficient use of water has been considered as part of the ICMP. • The development is not located adjacent to or near any significant mineral resources, energy transmission corridors, regionally significant industry or high-class soils. • Natural hazards have been considered and the effects of flooding and liquefaction can be managed. • Opportunities are provided for walking and cycling and in time will be connected to other areas as the wider network develops. The development also allows for public transport (buses) infrastructure. • Cultural heritage and values have been considered with a Tangata Whenua Working Group.
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	<ul style="list-style-type: none"> • The existing Significant Natural Area will be retained, and public access will be provided along streams. • Sustainable design technologies have been identified in the ICMP eg dual plumbing for re-use tanks for the larger lots; and the effects of climate change considered for stormwater management. <p>In summary, Rotokauri North is planned for greenfield development, and utilising the opportunity for development is appropriate under the RPS.</p> <p><i>e. The District Plan has been operative for less than two years</i></p> <p>The District Plan became partly operative in October 2016 and subsequently became fully operative in October 2017 when the Ruakura variation/plan change was settled.</p> <p>The planning provisions for Rotokauri have been in place since October 2016, therefore it is considered that the plan affecting this area has been in place for two years.</p> <p>Staff consider that there are no fundamental flaws in the private plan change as lodged. Any shortcomings in the above information can be considered prior to notification of the plan change or during the First Schedule process.</p> <p>Overall, there is no compelling reason to reject the plan change based on the criteria set out in Clause 25(4) of the First Schedule to the RMA.</p>
<p>Option 2 – Resolve to deal with the request as if it were an application for a resource consent</p>	<p>Under Clause 25(3) of the First Schedule to the RMA, the Council may decide to deal with the request as if it were an application for resource consent.</p> <p>If the proposal were processed as a resource consent, it would require consent as a non-complying activity under the District Plan. For a non-complying resource consent to be approved under section 104D of the RMA, it needs to either have no more than minor adverse environmental effects or be consistent with the objectives and policies of the District Plan.</p> <p>The plan change is not consistent with the objectives and policies of the Future Urban Zone, which seeks to avoid subdivision and development which is compatible with the existing rural character of open pasture, predominantly farming activities and low-density development.</p> <p>In addition, it is not appropriate for a resource consent application to be granted for such a large area which will be developed over a 10-year period or longer. Also, a resource consent application is required to have a very high level of detail and an application of this size is not suited to the resource consent process.</p>
<p>Option 3 – Adopt the request</p>	<p>The Council has the option to adopt the plan change request as if it were made by the local authority itself, under clause 25(2)(a) of the First Schedule to the RMA. This means the Council would accept the responsibility for the processing and costs associated with processing the plan change. This option would suit a situation where Council wants to assume complete control of the plan change, such as when the plan change is critical to the Council's strategic objectives. This is not</p>

	<p>necessarily the case here.</p> <p>This approach is not recommended because:</p> <ul style="list-style-type: none"> a. While the applicant advocates there is a strong and immediate need for additional housing supply, the Council has zoned and enabled sufficient housing in the short to medium terms, as outlined in the Housing Development Capacity Assessment 2017. It is not necessarily a site that Council staff would promote as a priority housing area when compared to other sites in Hamilton, as the area is not yet serviced by Council and is not forecast to be serviced in the immediate to medium term. b. Whilst the proposal is subject to a gazetted SHA, the applicant has not demonstrated an immediate need for housing in the short term. Given the Housing Infrastructure Fund and growth development at Peacocke and Rotokauri South, if the plan change was not submitted or if it was withdrawn, it would not materially impact the Council's growth programme or its growth aspirations in the medium term. c. Adopting the plan change would mean having to defend the matter with third party entities, which represents an unwarranted degree of legal and financial risk. d. No funding is available for the Council to adopt this plan change as its own. <p>For the reasons above, there is no benefit in the Council adopting the plan change as its own and this approach is not recommended.</p>
<p>Option 4 – Accept the request (recommended option)</p>	<p>The Council has the option to accept the plan change request under clause 25(2)(b). Accepting the plan change does not mean the Council supports or endorses the plan change – it simply means that it deems the plan change worthy of being properly tested and evaluated.</p> <p>Accepting the plan change will enable Greenseed to take the proposal through the RMA First Schedule process (including notification, submissions and hearings) at its cost.</p> <p>This will enable Council to test and evaluate the proposal, where it can consider the views of all parties, including neighbours and affected parties.</p> <p>This option represents a balanced approach. Accordingly, staff recommend this option.</p> <p>It is important to note that staff have not formed an opinion on the merits of the plan change application and whether it should be approved – only that the application is sufficient to be accepted for the plan change process to commence.</p> <p>For these reasons it is recommended that the application be accepted for processing.</p>

39. Accepting the plan change is consistent with the provisions of the RMA. The First Schedule plan change process will address any potential issues with the application and enable community participation in the process and evaluation.

Limited Notification

40. If the Council resolves to accept the application, it can give limited notification of the proposed plan change provided it can identify all persons directly affected by the proposed change.
41. With this plan change, it is possible to identify all persons who may be directly affected. The land is already zoned Future Urban Zone and is subject to the Rotokauri Structure Plan; both have previously been through robust submissions and hearing processes in accordance with Schedule 1 of the RMA. This has identified that the land is appropriate for urban development.
42. This plan change is about implementing this development, rather than revisiting the issue as to whether the land should be used for residential purposes.
43. A comprehensive suite of expert assessments outlining the potential effects of the proposed re-zoning and how these are proposed to be addressed are provided with the application. Through these it is possible to identify the immediately adjacent landowners and other key stakeholders who may be directly affected.
44. Staff are confident that this application can be dealt with through limited notification. No provision for objecting or appealing the Council's decision is available under the RMA. The only legal avenue is to challenge the Council's decision via an application to the High Court for judicial review.

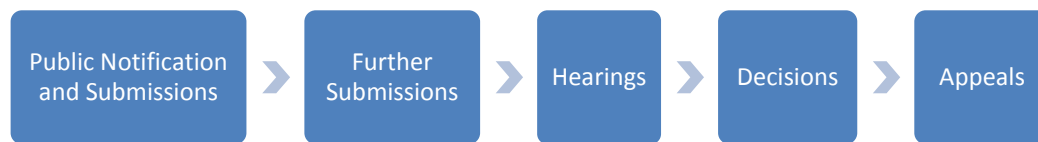
Appointment of independent Hearing Commissioners

45. If Council approves the recommendation to accept the plan change, it is also prudent for the Council to consider whether to hear the matter itself, or to delegate the hearing and subsequent decisions to independent commissioners. Section 39B of the RMA requires that the hearing commissioners be accredited as decision makers by the Ministry for the Environment.
46. In this instance, staff recommend that the matter be referred to independent commissioners. This is due to the complexity of the plan change and the technical understanding required to fully evaluate and make any decisions in relation to it, and then produce a detailed written report.
47. Staff recommend appointing three commissioners with adequate skills and experience in the areas of land use planning and/or urban design/infrastructure engineering.
48. Section 34A(1A) of the RMA requires that where a local authority appoints one or more hearing commissioners, it must appoint one commissioner with an understanding of tikanga Maaori and who has perspectives of local iwi or hapu. At least one of the three commissioners will need to have this understanding.

Next Steps

49. If the Council rejects the plan change application, the land will stay zoned as Future Urban and any development will be limited to avoid the fragmentation of land, as fragmentation and inappropriate land uses make it difficult for conversion to urban land use. Farming will be allowed to be continued.
50. If the plan change application is rejected the applicant has a right of appeal to the Environment Court.
51. If the plan change is accepted, the Council has up to four months to publicly notify the application. Staff will work collaboratively with the applicant to notify the application as soon as reasonably possible, which is at this stage is estimated to be sometime between mid-September and the end of November 2019, with a hearing expected early in 2020.

52. The simple diagram below illustrates the process of a plan change following acceptance:



Financial Considerations

53. Council has no budget allocation in the current Long-term Plan to process the plan change. Staff have estimated that the costs of processing the plan change, if adopted, would be at least \$170,000. This cost includes staff time, legal costs, external consultant costs, venue hire, and independent commissioners.
54. If the plan change is accepted, the Council can recover the administration, processing, hearing and decision costs of processing the plan change, irrespective of the outcome.
55. If the plan change is adopted (rather than accepted) the Council will be responsible for covering the costs.
56. If the plan change is accepted as recommended, any subsequent decision on the plan change has the potential to be appealed. Additional budget will be required to cover the costs of any appeals to the Environment Court.

Legal and Policy Considerations

57. The decision on whether to accept, adopt or reject a plan change application for processing must be made in accordance with Clause 25, Schedule 1 of the RMA.
58. As discussed in this report, the decision to accept the private plan change for processing is consistent with Clause 25, Schedule 1 of the RMA.
59. The decision to limit notification as discussed above is sound, and is in accordance Clause 5A, Schedule 1 of the RMA.
60. Appointing a commissioner with an understanding of tikanga Maaori and of the perspectives of local iwi or hapu is required under Section 34(1A) of the RMA.
61. The resolution to accept, limited notify, hear and determine the plan change is subject to the PDA requirement (clause 12) that a performance bond be in place within 15 working days of the further submission period closing. Under clause 12.8 of the PDA, if the performance bond is not in place within that time period, the plan change is deemed to have been withdrawn and HCC will not process the plan change any further.

Well-being

62. All the well-beings will be dealt with in full through providing engagement and investigation through the RMA process.

Social Considerations

63. At present the locality is rural and rural-residential in character and consistent with the Future Urban Zoning of the area. The proposal is for up to 2000 dwellings and will result in the transformation of the area from rural to a mixed-density urban residential area, creating a high level of amenity to provide for the well-being of the community.
64. Social well-being will be enhanced by providing a small neighbourhood centre to support the day-to-day needs of residents. Neighbourhood reserves are also proposed to be provided; these will be connected through a green network based on the enhanced stream works. The Ministry of Education is also advancing land purchases within the locality for the development of a primary school.

Economic considerations

65. The proposal will enhance the economic well-being of the city through providing for more housing in a city which is growing and likely to continue to grow.

Environmental considerations

66. Environmental well-being is proposed to be enhanced through the continued protection and enhancement of an existing Significant Natural Area. Consideration of ecological values, water quality and transportation will occur through the RMA process.
67. The RMA promotes the sustainable management of natural and physical resources on land, air and water. The first schedule plan change process will ensure that sustainability is adequately considered.

Cultural Considerations

68. The RMA recognises the relationship of Maaori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. The first schedule plan change process will ensure that cultural matters are adequately covered.
69. The Rotokauri North Tangata Whenua Working Group has been working through the application and is developing a Cultural Impact Assessment which will be considered through the RMA process.
70. Appointing a commissioner who understands tikanga Maaori will ensure that the relationship of Maaori with their ancestral lands, waters and sites is adequately considered.

Risks

71. If the application is rejected there is a risk that the decision could be appealed to the Environment Court. It is important that whatever decision Council reaches, its decision rationale is sound.

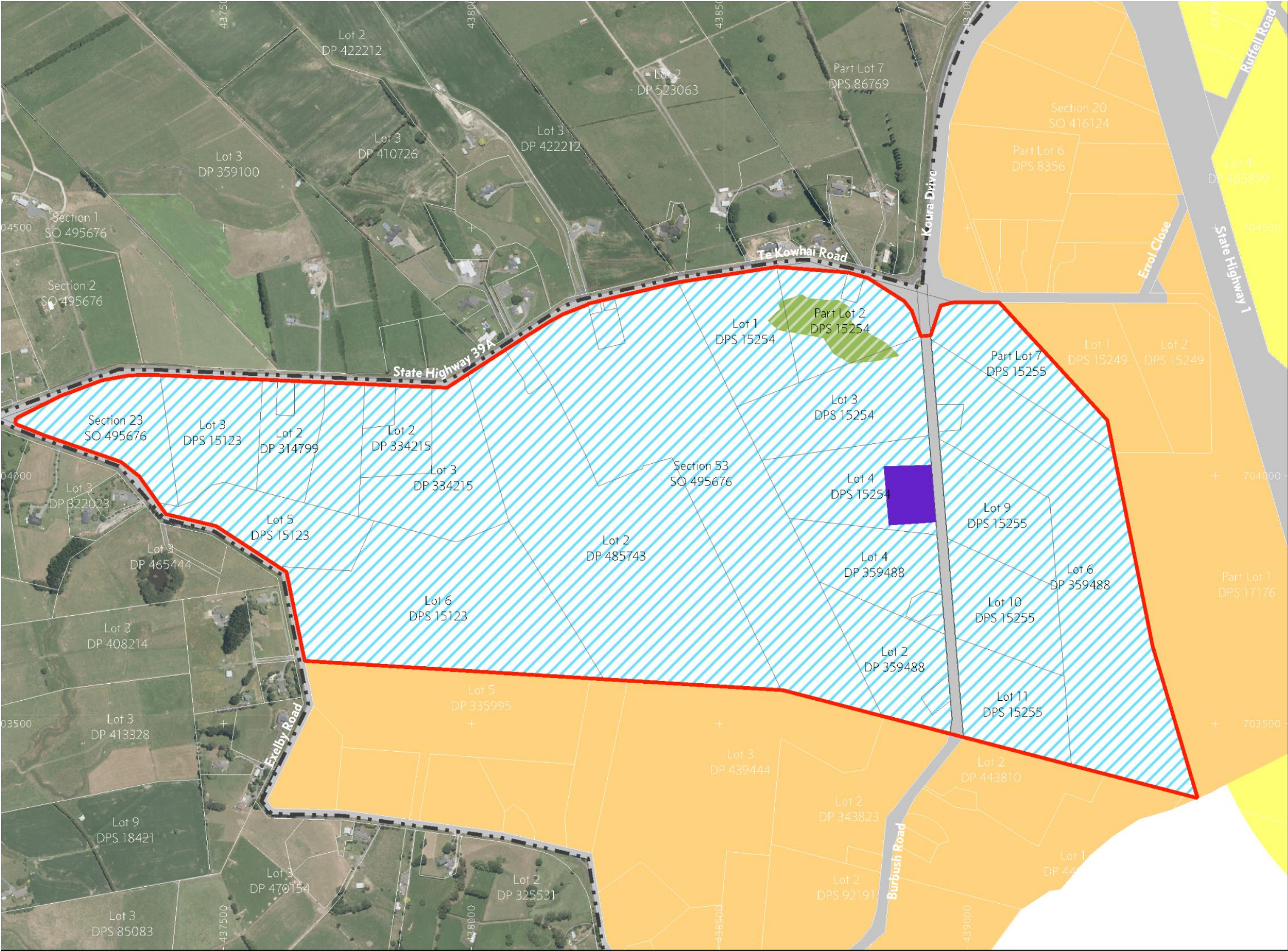
Significance & Engagement Policy

72. Consultation and engagement has been undertaken in the preparation of the plan change, and the Schedule 1 process under the RMA ensures that an appropriate level of engagement is undertaken through the processing of the application, be it a limited notification or full Schedule 1 process.

Attachments

Attachment 1 - Zoning Map and Structure Plan

Attachment 2 - Rotokauri North Private Plan Change Application (*Under Separate Cover*)



LEGEND

- Rotorua North PPC Area
- Proposed Land Use Zones**
 - Medium Density Residential Zone
 - Business 6 Zone
- HCC Zones**
 - Future Urban
 - Industrial
 - Residential
 - Transport Corridor Zone
 - Natural Open Space Zone
 - WDC/HCC TA Boundary

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Map Projection:
NZGD2000 / Mount Eden 2000 (EPSG: 2105)

Drawn By: **AJSH** Date: **04/04/2019** Signed: _____
Checked By: _____ Date: _____ Signed: _____
Approved By: _____ Date: _____ Signed: _____
Print Date: **04/04/2019**

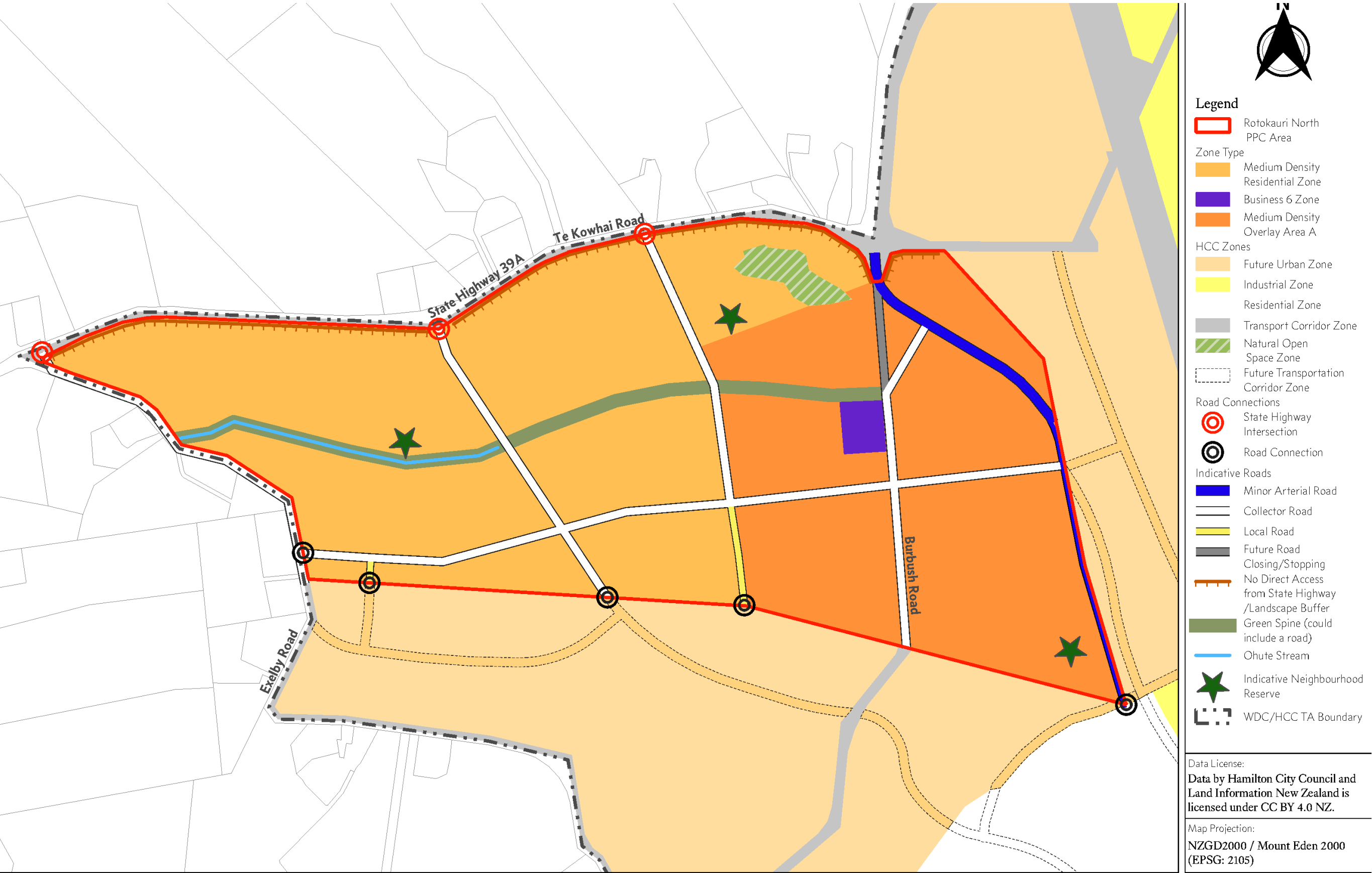
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Project:
ROTORUA NORTH
PRIVATE PLAN CHANGE (PPC)
GREEN SEED CONSULTANTS LIMITED

Title:
ZONE MAP



Issue Status: **For Information**
Project Number: **1693**
Drawing Number: **010**
Revision: **G**
A3 Scale: **1:2500**



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Checked By:	Date:	Signed:					Project Number:	1693
Approved By:	Date:	Signed:					Drawing Number:	011
Print Date: 15/04/2019							Revision:	1
							A3 Scale:	1:5000

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. Rotokauri North Private Plan Change Application) Good reason to withhold) information exists under) Section 7 Local Government) Official Information and) Meetings Act 1987)	Section 48(1)(a)

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 enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)
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