

Notice of Meeting:

I hereby give notice that an ordinary Meeting of the Regulatory and Hearings Committee will be held on:

Date: Thursday 3 August 2017
Time: 9.30am
Meeting Room: Council Chamber
Venue: Municipal Building, Garden Place, Hamilton

Richard Briggs
Chief Executive

Regulatory and Hearings Committee (Draft Special Housing Areas Policy) OPEN AGENDA

Membership

Chairperson: Cr Angela O'Leary

Deputy Chairperson: Cr Leo Tooman

Membership: The Mayor and all Councillors
(The composition of any Regulatory Hearings Committee for quorum purposes to be determined by the Chairperson)

Meeting frequency: As required

Quorum: Three members

Claire Guthrie
Committee Advisor

26 July 2017

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Purpose:

1. To conduct fair and effective hearings and make determinations on a range of the Council's quasi-judicial functions under legislation and other matters as referred to the Committee.
2. To convene and coordinate Task Force groups on matters referred by other Committees.

The Committee is delegated the following Terms of Reference and powers:
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Terms of Reference:

1. Hear and determine any statutory or regulatory hearings under relevant legislation unless otherwise delegated by Council, including (but without limitation):
 - objections under the Dog Control Act 1996;
 - matters regarding drainage and works on private land under the Local Government Act 1974 and Local Government Act 2002;
 - proposals for temporary closure of any road.
2. Consider and determine changes to the registers and parking restrictions in the Traffic Bylaw 2015, including hearing any submissions relating to those proposed changes.
3. Hear and determine matters arising under current bylaws, including applications for dispensation from compliance with the requirements of bylaws, unless such matters are otherwise delegated by Council.
4. Hear and determine other matters that require hearings or submissions, as referred by Council or other Committees.
5. To convene Task Force groups and carry out the terms of reference approved and referred by Council or other Committees.

The Committee is delegated the following powers to act:

- Approval of matters determined by the Committee within its Terms of Reference.
- Approval of activities and expenses relating to Task Force groups consistent with their terms of reference and approved Task Force group budget.

The Committee is delegated the following recommendatory powers:

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

Special Notes:

- The Committee may request expert advice through the Chief Executive when necessary.
- The Committee may appoint additional members for hearings where the relevant terms of reference specify the requirement for expert or external representation.

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1 Apologies

2 Confirmation of Agenda

The Committee 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.

Council Report

Item 4

Committee: Regulatory and Hearings Committee

Date: 03 August 2017

Author: Claire Guthrie

Authoriser:

Position: Committee Advisor

Position:

Report Name: Regulatory and Hearings Committee Open Minutes 22 June 2017

Report Status	<i>Open</i>
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Staff Recommendation

1. That the Regulatory and Hearings Committee confirm the Open Minutes of the Regulatory and Hearings Committee Meeting held on 22 June 2017 as a true and correct record.

Attachments

Attachment 1 - Regulatory and Hearings Committee Open Minutes 22 June 2017

Regulatory and Hearings Committee

OPEN MINUTES

Minutes of a meeting of the Regulatory and Hearings Committee held in Council Chamber, Municipal Building, Garden Place, Hamilton on Thursday 22 June 2017 at 9.30am.

PRESENT

Chairperson: Cr Angela O'Leary

Deputy Chairperson: Cr Leo Tooman

Membership: Mayor Andrew King
 Cr Siggie Henry
 Cr Dave Macpherson
 Cr Paula Southgate

In Attendance: Sean Hickey, General Manager Strategy and Communications
 Julie Clausen, Strategy Programme Manager
 Riki Manarangi, Corporate Policy Specialist

Governance Advisors: Claire Guthrie – Committee Advisor
 Amy Viggers – Committee Advisor

1. Apologies (Crs O'Leary/Tooman)

That the apologies for Deputy Mayor Gallagher, Crs Bunting, Casson, Pascoe, Taylor, Yeung and Cr Macpherson (for lateness) be received and accepted.

2. Confirmation of Agenda

Resolved: (Crs O'Leary/Tooman)

That the agenda is confirmed.

3. Declarations of Interest

No members of the Council declared a Conflict of Interest.

4. **Regulatory and Hearings Committee Open Minutes 16 February 2017**

Resolved: (Crs O'Leary/Henry)

That the Regulatory and Hearings Committee confirms the Open Minutes of the Regulatory and Hearings Committee Meeting held on 16 February 2017 as a true and correct record.

5. **Regulatory and Hearings Committee Open Minutes 23 February 2017**

Resolved: (Crs O'Leary/Henry)

That the Regulatory and Hearings Committee confirms the Open Minutes of the Regulatory and Hearings Committee Meeting held on 23 February 2017 as a true and correct record.

4. **Regulatory and Hearings Committee Open Minutes 23 March 2017**

Resolved: (Crs Tooman/Henry)

That the Regulatory and Hearings Committee confirms the Open Minutes of the Regulatory and Hearings Committee Meeting held on 23 March 2017 as a true and correct record.

The Chair noted that 225 submissions had been received and outlined that the process for the day included specific speaking times for submitters with gaps for questions from Elected Members.

The following people spoke to, and responded to questions on their submissions:

Monique Rowe (Submission 23)

Ms Rowe spoke in opposition to the proposed Easter Sunday shop trading policy because introducing trading on Easter Sunday would make small businesses feel obligated to open in order to compete with other businesses. She believed Easter Sunday had a sacred significance and even though many New Zealanders had no religious affiliation, belief or practice she said everyone benefited from this holiday by spending time together and taking a break from consumerism.

Cr Macpherson joined the meeting (9.39am) after the above submission.

Roger Stratford (Submission 50)

Mr Stratford spoke in opposition to the proposed Easter Sunday shop trading policy noting on the following points: Hamilton has a high proportion of beneficiaries in relation to the rest of the country and there was no demand for more shopping days in the year; if people wished to shop they could go to Auckland as he assumed it would be approved for Auckland; it was unfair to ask people to work on days when other people did not have to; the introduction of this policy would have a negative impact on students by requiring them to do part time retail work at Easter instead of being able to take a break; and that it was institutional discrimination against churches to remove this protection.

The meeting adjourned from 9.45am – 10.08am.

Bishop Helen-Ann Hartley (Anglican Diocese of Waikato & Taranaki) (Submission 61)

Bishop Hartley opposed the proposed Easter Sunday shop trading policy and encouraged Council to show leadership and consider the well-being of the city because in its wellbeing was everyone's wellbeing. All citizens valued time off and the opportunity to rest. She urged the Council to keep Easter Sunday as a non-trading day because there was more to a city than just the economy. Wellbeing was of equal importance. Currently, only three days were protected for everyone and although these were pre-dominantly Christian

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in their origin they spoke to all who wanted a different pace of life focused on family not Mammon. She acknowledged it was difficult with the pressures on shop workers but consistency was important. In response to a question from an Elected Member, Bishop Hartley clarified that she had spoken to many parishioners and in meetings as she went around the district and all had supported restrictions on Easter Sunday trading.

The meeting adjourned from 10.20am – 11.00am.

Mayor King left the meeting at 10.20am during the adjournment.

Gloria Stockdale (Submission 209)

Ms Stockdale opposed the introduction of proposed Easter Sunday trading policy. She stated she had seen many changes over her years in Hamilton from no weekend shopping to 7-days a week shopping, some until midnight and she did not see that these extended hours benefited people. Ms Stockdale spoke to four points which addressed social problems aggravated by a lack of rest time such as a lack of family time with parents working over weekends, financial and health problems from over-spending and too much stress. She said Hamilton did not need to open on Easter Sunday because it was not a tourist town. She stated that the Easter weekend was the only decent length of public holiday for retail workers and that there are still 51 other Sundays for shopping.

Stuart Bayes (Submission 152)

Mr Bayes said although he was a retailer he was opposed to proposed Easter Sunday trading policy because he did not believe employees would be able to say they did not want to work on Easter Sunday. He pointed out that everyone has to work but it was also important to support quality of life. He gave the example of Norway which had never had Sunday trading and Norwegians were considered one of the world's more contented people. In response to questions from Elected Members he said he had employed many people and he believed that there were some employers who may take advantage of the rule and require staff to work on Easter Sunday and that it might be difficult for some of those workers to refuse.

The meeting adjourned from 11.50am – 12.20pm.

Patricia Gregory (Submission 161)

Mrs Gregory opposed the introduction of proposed Easter Sunday shop trading policy and said that there are only three days when shop trading was not permitted and that these days represented the values of New Zealand society based on equality and integrity. She said it was important to set aside time when everyone in a nation could take a break, stating there was more to life than making money. In response to a question from an Elected Member for the reasons why the 55% of New Zealand's population who did not identify as Christian would have for no Easter Sunday trading Mrs Gregory stated that the observance of the three non-trading days had existed since New Zealand had been first settled by Europeans and that it was important to have these times to stop and think.

Mayor King rejoined the meeting at 12.40pm during the above submission.

Reverend Michael J. Hewat (West Hamilton Community Church)

Reverend Hewat spoke to the submission from the West Hamilton Community Church which opposed the proposed Easter Sunday trading policy. He said he wished to submit on two points – one faith based and one on the social/commercial benefits of no Easter Sunday trading.

Reverend Hewat said that Easter Sunday was the high point of the Christian year and he was aware of pressure on Christian employees to work on this day. He said that although this was a Christian holiday he believed non-christian religions supported the right for the observance of "holy days". He spoke to the need for New Zealand culture to change from the pressures of commercialism and to be able to value rest as a good thing – like parks which have little commercial value but a lot of social value. When considering

the argument that Easter Sunday was no longer relevant, her pointed out that Australia and Britain still have no shop trading on this day and that the majority of nations have days of no retail.

He pointed out that the argument that shops did not have to open did not appreciate pressures of commercial competition on retailers. He understood the expectation that workers could refuse to work but believed that the reality would be somewhat different. He said the existing Act allowed for shops to open for tourist attractions and food and alcohol outlets and that there was no need for other retail shops to open.

Steven Crutchley (Submission 168)

Mr Crutchley spoke in support of the proposed Easter Sunday trading policy and said he was not a retailer but he believed there was discrimination against retailers and shoppers because other businesses could operate on Easter Sunday. He said he believed the Council should not need to make a decision because the shop owners should be able to decide whether or not to open because they own the shops.

Mr Crutchley said that this policy had been delegated to Councils and asked if enforcement of this policy would require using ratepayer money to stop people from trading on Easter Sunday.

He also stated that in the last census, 54% of respondents had no religious beliefs and that Easter Sunday observance had no relevance for those people.

Cassia ten Hove and David ten Hove (Submission 120)

Miss ten Hove spoke in opposition to the proposed Easter Sunday trading policy. She said there were three parties involved in shops opening on Easter Sunday – retailers, consumers and employees. Employees were compromised because of their lack of power and choice to work or not. She said this arose from the low wages and poor working conditions for this group of employees and she believed that if this policy was implemented such employees would feel pressured to work. Miss ten Hove said there were approximately 20,000 retail workers in the low wage sector in Hamilton and this policy would be inequitable for them.

Frank Grover (Calgary Chapel) (Submission 221)

Mr Grover spoke on behalf of Calgary Chapel submission in opposition to the proposed Easter Sunday trading policy. He said there were two reasons for the opposition. Firstly, the spiritual significance and importance of Easter Sunday would never be diminished by law. Secondly, Easter Sunday with no retail shopping allowed families to spend time together. He spoke of his personal experience as someone who worked long hours and said it was only at the Easter break that he spent quality time with his children. He said families today were under a lot of stress and it was important to keep this as a holiday.

Cr Southgate retired from the meeting at 1.15pm after the above submission.

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5. **Hearings Report and Submission Analysis - Easter Sunday Shop Trading Policy**

The Corporate Policy Specialist took the report as read. Elected Members asked for the report which was to be presented to Council on 27 July 2017 to include clarification on the following issues:

- The submission from Farmers (Submission 90) stated that no Farmers shops would be opening on Easter Sunday. Could it be confirmed if this was its national policy?
- What were the likely issues for Council around 'enforcement' if the Easter Sunday Shop Trading policy was approved?
- What were the implications for retail employees working Easter Sunday given that Easter Sunday was not a public holiday?

Resolved: (Crs Tooman/O'Leary)

That the Regulatory and Hearings Committee

- a) receives the report; and
- b) the deliberations report is considered at the Council meeting on 27 July 2017.

Mayor King and Cr Macpherson retired from the meeting at 1.15pm during the above item and were not present when the matter was voted on.

The meeting was declared closed at 1.20pm.

Council Report

Item 5

Committee: Regulatory and Hearings Committee

Date: 03 August 2017

Author: Keith Hornby

Authoriser: Luke O'Dwyer

Position: Strategic Policy Analyst

Position: Economic Growth and Planning Unit Manager

Report Name: Hearings Report and Submission Analysis - Special Housing Area Policy

Report Status	<i>Open</i>
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Purpose

- To inform Elected Members of the:
 - submissions received during the consultation on the draft Hamilton Special Housing Areas Policy and,
 - list of submitters who wish to speak in support of their submissions.

Staff Recommendation

- That the Regulatory and Hearings Committee receives the report.

Executive Summary

- From 22 June to 14 July 2016, Council carried out public consultation to understand the community's views of the draft Hamilton Special Housing Areas policy and to test the proposed policy settings.
- During this period 55 submissions were received. Of these:
 - 84 per cent agreed, or indicated, that they supported the need for a policy
 - 36 per cent agreed with the proposed policy principles
 - 35 per cent agreed with the proposed process regarding the selection of SHAs
 - A range of views on the framework for evaluating SHA proposals were received.
- Twenty-seven submitters have indicated at the time of submission that they wish to speak in support of their submission.

Background

- Council approved the [Hamilton Housing Accord](#) ("the Accord") on 8 February 2017.
- The purpose of the Accord is to improve the supply of affordable housing in Hamilton, in part, through advancing land supply.
- One way to increase supply via the Accord is through the creation of Special Housing Areas (SHA) in accordance with the provisions of the Housing Accords and Special Housing Areas Act (HASHAA or "the Act").

9. The draft policy establishes general and targeted policy settings to enable both an increase in overall housing supply, and to also facilitate greater affordable residential land supply opportunities across the City.
10. At its meeting of [20 June 2017](#) the Growth and Infrastructure Committee approved public consultation on the draft Special Housing Areas Policy from 22 June to 14 July 2016.
11. On 20 June 2017 Council resolved that the Regulatory and Hearings Committee will hear submissions on the draft Special Housing Areas Policy in August 2017.

Consultation

12. From 22 June to 14 July 2016, Council carried out public consultation to understand the community's views of the proposed policy and to test the proposed policy settings.
13. The feedback form, including consultation questions, was available on Council's 'Have your Say' website and paper copy submission forms were made available on the ground floor reception of the Council Municipal Building.
14. Email notification of the submission period was sent to a list of over 150 contacts, comprised of key stakeholders identified in the project scoping phase, all HCC key account customers and an established list of planning guidance customers.
15. Notices regarding the consultation were also placed on the Council Facebook page and in the July edition of City News.
16. Submitters were asked a series of questions regarding the draft policy. These are summarised below:
 - Do you agree that Council should have a Housing Accord Policy?
 - Do you agree with the proposed policy principles and outcomes?
 - Do you agree with the proposed process regarding the selection of SHAs?
 - Questions regarding the proposed Framework for Evaluation SHA proposals, namely:
 - Areas suitable for the establishment of SHAs
 - Affordability
 - Minimum number of dwellings
 - Determination of appropriate Residential Zone provisions
17. Over the three-week public consultation period 55 submissions were received.
18. The majority (46) were received via the Council submission website, eight (8) via email and one (1) was received via the submission box in the Council Municipal Building foyer.
19. Full copies of submissions can be found at this link: <http://www.hamilton.govt.nz/our-council/strategiesandplans/Documents/Proposed%20Special%20Housing%20Areas%20Policy%20-%20Submissions.PDF>

Key results and themes

20. Submitters were asked questions regarding the policy, the principles and the SHA selection process. The following tables provide a summary of the key results and submission themes.

Question:	YES	NO	No response
Do you agree that Council should have a Housing Accord Policy?	46 (84%)	6 (11%)	3 (5%)
Key themes:			Number of times comments made
Policy needed to address housing supply and affordability			11
Policy provides certainty			4
Policy assists with mitigating market failures			4
Policy should also address social and environmental outcomes			4
Policy too onerous and/or not required by legislation			10
Policy needs to be more enabling			9

Questions:	YES	NO	No response
Do you agree with the proposed policy principles?	20 (36%)	16 (29%)	19 (35%)
Do you agree with the proposed policy outcomes?	19 (35%)	15 (27%)	21 (38%)
Key themes:			Number of times comments made
Pre-eminence of Partly Operative District Plan (PODP) should be reduced/removed			13
Greater consistency with Housing Accords and Special Housing Areas Act (HASHAA) required			5
Policy should support other models of housing design and tenure i.e.: 'off the grid' houses , co-housing initiatives,			10
Require comprehensive community consultation, planning and design.			6
Council has not done enough to ensure affordable outcomes.			5

Question:	YES	NO	No response
Do you agree with the proposed SHA selection process?	18 (33%)	17 (31%)	20 (36%)
Key themes:			Number of times comments made
Proposals should be accepted by Council at any time any time.			9
Process should support other models of land and housing tenure			6

21. Submitters were asked questions regarding the proposed framework for evaluating SHA proposals (Schedule 1). A summary of key comments by theme are provided below.

A4 Locational considerations			
Key themes:	Number of times comments made		
Zone to be removed for schedule of areas not suitable for SHA development (Schedule 2)	3		
Policy should recognise that some Industrial and Business land is suitable for SHAs	7		
A5 Adequate Infrastructure			
Key themes:	Number of times comments made		
Retain infrastructure provisions and consult with network infrastructure providers on all SHA proposals	3		
Developers do not have the required balance sheet to cover full cost of infrastructure	2		
A6 Affordability requirements (smaller house and section size)			
	YES	NO	No response
Do you agree that this criteria will enable the supply of comparatively affordable houses?	16 (29%)	26 (47%)	13 (24%)
Do you agree that the policy should specifically encourage collaboration between social housing providers and private developers?	24 (44%)	11 (20%)	20 (36%)
Key themes:	Number of times comments made		
Proposals should be accepted by Council at any time.	9		
Process should support other models of housing tenure.	3		
A8 Minimum number of dwellings			
	YES	NO	No response
SHA will be required to contain a minimum number of 10 dwellings. Do you agree with this criteria?	16 (29%)	26 (47%)	13 (24%)
Do you agree that the policy should specifically encourage collaboration between social housing providers and private developers?	24 (44%)	10 (18%)	21 (38%)
The minimum number of dwellings criteria will not apply to Housing New Zealand or registered Social Housing providers. Do you agree with this criteria?	11 (20%)	11 (20%)	33 (60%)
Key themes:	Number of times comments made		
Requirement should apply to both private and social housing providers	4		
Clarify distinction between private and social housing providers	5		
Support distinction between private and social housing providers	5		
A11 Determination of Appropriate Residential Zone provisions:			
	YES	NO	No response

The proposed policy proposes an approach to determining which of the existing residential development rules in the Partly Operative District Plan will apply to SHAs. Do you agree with the approach?	11 (20%)	17 (31%)	27 (49%)
Key themes:			Number of times comments made
Policy should be more enabling			15

22. Twenty-seven submitters indicated at the time of submission that they wish to speak in support of their submission.

Next Steps

23. Council Meeting 24 August 2017
24. Council will receive the following:
- public consultation deliberations report
 - revised draft of the Draft Special Housing Areas Policy.

Resourcing Implications

25. The public engagement process has been facilitated by staff within existing staff resources.

Risk

26. None. The Regulatory and Hearings Committee has been delegated responsibility to hear these submissions.

Attachments

Attachment 1 - Draft Hamilton Housing Accord Policy 130617

First adopted:	XX XXXX 2017
Revision dates/version:	Version 7
Next review date:	May 2018
Engagement required:	Yes
Document Number	D-2377479 [v87]
Associated documents:	Hamilton Housing Accord
Sponsor/Group:	General Manager City Growth

DRAFT - Hamilton Special Housing Areas Policy

Background and Legislative Intent

1. The New Zealand government recognises housing affordability as a significant social and economic issue which impacts community well-being and productivity, particular in areas experiencing high population growth.
2. Housing affordability is affected by the rate and extent of land and housing supply.
3. In response to this issue the Housing Accords and Special Housing Areas Act 2013 ("HASHAA") came into force on 16 September 2013. The purpose of the HASHAA is to enhance housing affordability by facilitating an increase in land and housing supply in certain regions or districts, listed in Schedule 1 of that Act, identified as having housing supply and affordability issues.
4. Hamilton City is one of the areas listed in Schedule 1 of the HASHAA.
5. HASHAA achieves its purpose by providing an alternative and "fast track" means of creating zoned residential land, known as Special Housing Areas ('SHAs'), as compared to the standard track process under the Resource Management Act 1991 ("RMA").
6. HASHAA also requires any new development enabled under it to have adequate infrastructure provision and to ensure design quality (as articulated in the New Zealand Urban Design Protocol) is delivered. For HCC, this is achieved in the Policy by using the existing relevant urban design provisions in the Partly Operative District Plan as a policy consideration. The Partly Operative District Plan is also relied on to assist in appropriate residential zone selection for SHA sites not currently zoned for residential purposes.
7. The legislative intent of HASHAA is to speed up the process of bringing to market additional residential land beyond that currently zoned in the Partly Operative District Plan. Through this additional land supply, and in combination with other economic factors, the overall supply of affordable housing within Hamilton City will be enhanced.
8. The Ministry of Business Innovation and Employment (MBIE) calculates that the median house price for Hamilton is 6.8 times the value of median income and therefore deemed unaffordable. While this policy does not set a target price point for SHAs, it seeks to achieve comparative affordability outcomes by encouraging smaller section sizes and gross floor area standards.
9. The first step towards establishing an SHA is for Council to enter into a 'Housing Accord' with the Minister for Building and Construction ('Minister'). On 22nd December 2016 Council entered into the Hamilton Housing Accord with the Minister ('Accord').
10. The Accord includes agreed aims and targets related to land supply and dwelling consents. The Accord also acknowledges a number of other actions to improve housing affordability and sufficient land supply.
11. With the Accord in place, the next step is for Council to consider the options for proposed SHAs. Once Council has decided to support a proposed SHA, it must make a recommendation to the Minister for consideration and if appropriate, approval.
12. If the Minister accepts the Council recommendation the SHA will be established by way of order in Council.

Purpose

13. The purpose of this Policy is to establish the process and evaluation criteria that will guide Council in making decisions on whether to accept a proposal for an SHA and recommend to the Minister that a proposed SHA be established. For the avoidance of doubt the policy shall inform HCC's application of the Act. In the event of any conflict between the policy, the PODP and the Act, the Act shall prevail.

Principles

14. The principles that will be promoted by Council implementing this policy are:
- a. Council will openly engage with the community on the identification of the ~~identification of~~ potential areas in the City for consideration as SHAs.
 - b. Council will work with Waikato-Tainui to give effect to the co-management arrangements under the Joint Management Agreement in the context of SHAs and will consider effects on the unique tangata whenua relationships, values, aspirations, roles and responsibilities with respect to areas identified for consideration as an SHA.
 - c. Council will work collaboratively with private housing providers ('PHPs'), social housing providers ('SHPs') and the Government to increase housing supply and opportunities for affordable housing
 - d. Council will enable SHAs that achieve the purpose of HASHAA provided they do not compromise or undermine Council's existing or planned infrastructure, and is generally consistent with Council's strategic land use planning.
 - e. Council will enable land within SHAs to be used to deliver a range of housing types to the market at different price points in order to achieve the purpose of HASHAA.
 - f. SHAs must be serviced by and integrated with Council's strategic infrastructure networks.
 - g. Where Council's strategic infrastructure networks are unavailable to an SHA for any reason, including but not limited to lack of network capacity or connectivity, all necessary infrastructure will be provided and funded by the developer at no cost to Council.
 - h. Development within SHAs will be consistent with the evaluation criteria and objectives set out in the schedules to this Policy. Priority will be given to establishing SHAs that are consistent with the strategic direction set within the Partly Operative District Plan ('PODP').
 - i. Development within SHAs will occur as quickly as practicable.
 - j. Development of SHAs will achieve high quality urban design outcomes.

Intended Policy Outcomes

15. The intended outcomes from Council implementing the Policy are:
- a. Create certainty in respect of Councils approach to SHAs which assists the development community in making investment decisions;
 - b. In collaboration with the development community, give effect to the Hamilton Housing Accord and its targets for land supply and housing.
 - c. The creation of SHAs that achieve the purpose and principles of this Policy.
 - d. Ensure SHAs are generally consistent with and have regard to the relevant provisions of the PODP.

Policy implementation criteria

16. Council will, from time to time at its discretion, call for proposals from land owners and developers seeking to become a SHA. Proposals can be made by any party, including Council.

17. Council will process and assess all proposals for SHAs in the manner set out in this Policy.
18. The evaluation criteria which council will apply to its assessment of a proposal are set out in the Schedules to this Policy. Proposals will need to demonstrate how they satisfy all of the mandatory and discretionary criteria attached to this Policy.
19. In its assessment of a proposal Council staff will apply the evaluation criteria set out in the Schedules of this Policy, and have regard to the purpose and principles set out in sections 13 and 14 of this Policy.
20. While the evaluation criteria set out in the schedules of this Policy will guide Council's decision making, Council reserves itself the discretion to accept or reject a proposal for recommendation to the Minister.
21. Upon receipt of a proposal, Council staff will undertake an initial evaluation of the proposal to determine its level of consistency with this Policy. At this stage, full Council will determine, at its sole discretion, whether to continue with the evaluation or to reject the proposal.
22. If the evaluation proceeds to detailed stage beyond this point, Council will:
 - 22.3.1. Seek public feedback including from statutory agencies and relevant Iwi;
 - 22.3.2. Seek comment and evaluative input from relevant council departments;
 - 22.3.3. Fully assess the proposal in accordance with this Policy, and in particular the purpose and principles and Schedules of this Policy ;
 - 22.3.4. Receive staff recommendations; and
 - 22.3.5. Decide whether to reject the proposal, or accept the proposal in principle.
23. If a proposal is accepted in principle, Council will then enter into negotiations with the proponent to secure, through a development agreement, the delivery of the outcomes set out in the proposal and any other outcomes required by Council, including the provision of any necessary infrastructure required to service the proposal.
24. If negotiations lead to a legally binding development agreement, on terms acceptable to Council, Council will, at its discretion, then consider accepting the proposal for recommendation to the Minister.
25. If a proposal is accepted under section 23 of this Policy, Council will then collaborate with the proponent in making the recommendation to the Minister that the proposed SHA be established.

References and Relevant Legislation

- Housing Accord and Special Housing Areas Act (HASHA) 2013
- Hamilton Housing Accord dated 22 December 2016.
- Resource Management Act 1991
- National Policy Statement on Urban Development Capacity 2016
- Local Government Act 2002
- Hamilton Partly Operative District Plan
- Operative Development Contributions Policy
- Operative Annual Plan and Long Term Plan
- Operative Growth Funding Policy
- Waikato Regional Policy Statement (WRPS)
- Hamilton Urban Growth Strategy (HUGS)
- Future Proof Sub-Regional Growth Strategy
- Regional Land Transport Plan
- Operative Waikato-Tainui Environment Plan

Schedule 1 – Framework for Evaluating SHAs

The suitability of a proposal received from a private housing provider (PHP) or a social housing provider (SHP) to qualify as a Special Housing Area (SHA) will be assessed against the following performance standards and performance criteria, where relevant:

Framework for evaluating SHAs	PHP	SHP
A1 Demand for Qualifying Development	Yes	n/a
A2 Demand for Housing	Yes	n/a
A3 Predominantly residential	Yes	Yes
A4 Location	Yes	Yes
A5 Adequate infrastructure	Yes	Yes
A6 Affordability	Yes	N/A
A7 Building height	Yes	Yes
A8 Minimum number of dwellings	Yes	N/A
A9 Design quality	Yes	Yes
A10 Application of partly operative district plan	Yes	Yes
A11 Appropriate residential zone provisions	Yes	Yes
A12 Other Matters	Yes	Yes

A1 Demand for a Qualifying Development

The Council is satisfied that there is evidence that the proposed qualifying development/s in the SHA will deliver new residential housing that supports the aims and targets of the Accord within 1 year of being declaration of SHA status.

A2 Demand for Housing

The Council is satisfied that there is evidence of demand for a range of housing types that could be developed within a SHA.

The Council is satisfied that a variety of dwelling sizes and dwelling ownership or tenure arrangements are not ruled out by any proposed terms and conditions or covenants that would apply within the SHA.

A3 Predominantly Residential

A qualifying development within a proposed SHA will be predominantly residential and have the primary purpose of supplying dwellings to the market. Any non-residential activities should be ancillary to the residential development and negotiated with the Council including reserves and open space areas, and commercial or community activities before the recommendation for a SHA is made to the Minister for Building and Construction.

A4 Locational considerations

Proposals for SHAs will be considered for their suitability for development in all zones (other than those exceptions identified in Schedule 2) subject to the following locational criteria:

- a. In accordance with Principle 14(de) of this Policy, Council will enable SHAs that achieve the purpose of HASHAA provided they do not compromise or undermine Council's existing or planned infrastructure, nor materially alter or compromise Council's strategic land use planning. SHAs proposed for locations outside areas zoned residential in the PODP are more likely to conflict with Principle 14(c) than those SHAs proposed within a residential zone. Accordingly, Council will require a proportionate approach to the supply of supporting evaluative evidence addressing the matters set out in these schedules, depending on whether a proposal is located within or outside an existing residential zone. Less evidence will be required for a proposal within a residential zone than for one outside a residential zone.

- b. Consideration of proposals in non residential zoned areas under the PODP such as the industrial zone will be required to have provided evidence that they have consulted with, addressed reverse sensitivity and materiality of effect on established land uses in both existing and adjoining zones.
- c. A proposal should demonstrate that it is consistent with Council's strategic land use framework set out in the PODP and does not limit the Council's ability to meet its National Policy Statement on Urban Development Capacity (NPS-UDC) requirements for employment land. Council will evaluate all impacts on future employment land capacity both individually and cumulatively.
- d. For all proposals Council would also need to be satisfied that there is an immediacy to the development to meet proven demand and the proposal is of a suitable scale and able to be serviced in accordance with section A5 below.
- e. Schedule 2 identifies zoned land and land identified on the features legend to the planning maps to the PODP that have high environmental values and or constraints that make them not suitable for the development for SHAs.

A5 Adequate Infrastructure

The Council is satisfied that either:

- a. Adequate infrastructure exists to accommodate the likely additional individual and cumulative demand from a qualifying development in the area; or
- b. Infrastructure can and will be provided and funded by the landowner or developer at no cost to, and without unforeseen or adverse financial or environmental costs on the Council or other relevant infrastructure providers.

The Council will assess the infrastructure requirements of a proposed SHA against the matters listed in Schedule 3 to this Policy.

A6 Affordability

To achieve the targets in the Accord to deliver more dwellings, the Council will negotiate housing outcomes for each SHA and/or qualifying development on an individual basis.

The delivery of more affordable housing options within qualifying developments will be assessed against the need for development to remain profitable and commercially viable.

Council will require a certain proportion of qualifying developments to comprise small subdivision allotments and/or dwellings to deliver more affordable private housing.

The delivery of more community housing will be encouraged by promoting collaborative schemes with Housing New Zealand and Registered SHPs and partnerships between the public and the private housing sectors.

These housing outcomes will cover:

- a. The type and size of dwellings to be built by PHPs: in all SHAs at least 20% of dwellings will comprise two bedroom dwellings of 150m² gross floor area or less unit size.
- b. The size of sections created by PHPs: PHPs will be required to provide at least 20% of the allotments at smaller sizes of 350m² or less.
- c. The minimum 20% provided by PHPs shall apply to the total potential yield of the qualifying development or each stage of the qualifying development.
- d. The nature of any covenants (or similar restrictions) imposed on sections shall be agreed and recorded on titles;
- e. The potential for a development to target specific housing need e.g. first home buyers, the rental market or social housing;
- f. A requirement that the PHP engages with the Housing New Zealand or a Registered SHP to explore options to provide social housing, and where appropriate, to provide an acceptable legal

mechanism for dwellings to be retained as social housing (freehold or rental).

- g. The Council is open to proposals that address affordable housing through other mechanisms that are consistent with the principles set out in section 8 of this policy but retains preference for the registered SHP involvement as per A6 f. above.
- h. The potential for a PHP to spread or mix the type and size of sections and dwellings to be developed throughout the proposed SHA.

When a SHP partners with a PHP to develop a SHA and Council is satisfied that sufficient evidence has been provided of genuine partnership and intention to develop the land then the Proposal will be assessed solely against the applicable policy for SHPs.

A7 Building Height

The maximum calculated building height for a qualifying development in a proposed SHA will be determined as part of the declaration of that SHA. It will be determined by the Council in discussion with the landowner/ developer with reference to:

- a. The characteristics and the existing built environment of the land in the SHA and land directly adjoining;
- b. The maximum height provided for in the zone of under the PODP that applies to the land and the land directly adjoining in question;
- c. The maximum height provided for in the Act: 6 storeys (or any lesser number prescribed) and a maximum height of 27 meters (or any lower maximum calculated height prescribed).

A8 Minimum Number of Dwellings

The minimum number of dwellings required in a proposed SHA provided by a PHP to constitute a qualifying development is 10 units in residential, greenfield, future urban or appropriate non-residential zoned areas as determined under the PODP.

Dwellings described by housing typology shall be calculated at a minimum average net site density of at least 16 dwellings per hectare or otherwise as in accordance with the relevant zone rules of the PODP, whichever is the greater.

There is no minimum threshold if the SHA is a Housing New Zealand or Registered Social Housing Scheme.

A9 Design Quality

A SHA proposal shall have regard to the height, bulk and scale of development within the existing residential zone where appropriate and any relevant design criteria in the PODP.

A10 Application of PODP

For the purpose of clarifying the effect of sections 15(8) and 34(1)(d) of the Act, any reference to the PODP will be a reference to the objectives, policies and rules for the appropriate residential zone or other provisions including overlay Policy Areas that apply to the area.

A11 Determination of Appropriate Residential Zone Provisions

For sites zoned General Residential in the PODP, Council will support proposals for SHAs that seek medium density or intensified residential development where it can be demonstrated that the development can comply with the performance standards and can meet the assessment criteria for those respective operative zonings.

~~A SHA proposal shall have regard to the height, bulk and scale of development within the existing residential zone where appropriate and any relevant design criteria in the PODP.~~

For sites not currently zoned residential, the matters that will be considered when determining the appropriate residential zone provisions to be applied in the proposed SHA in regard to the PODP include:

- a. The characteristics and the existing built environment of the land in the SHA and land directly adjoining;

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- b. The development proposal and its overall site layout, building design and external appearance including connections to and integration with adjoining land uses and transport network, the extent to which over dominance is minimised and the extent to which reverse sensitivity effects can be avoided, remedied or mitigated;
- c. The appropriateness of the partly operative zoning for the delivery of a qualifying development/s;
- d. Whether another zone or other zone provisions in the PODP might be more appropriate for the delivery of a qualifying development/s;
- e. The purpose of the Act; and
- f. Delivery of the targets in the Accord.

For consideration of a-b above, information requirements commensurate with the scale of the SHA proposal for a Subdivision Concept Plan shall be provided as set out in Section 1.2.2.2 of the PODP.

A12 Other Matters

The Council's operative DC Policy and operative Growth Funding Policy is the default approach to all qualifying developments. However, alternative approaches to infrastructure funding may be considered and potentially applied during the life of the Accord.

All Council staff time and other costs of considering and processing proposals for SHA selection and resource consent applications including negotiating SHA developer agreements will be on-charged to the landowner or developer in accordance with the Resource Consent and Engineering Fees and Other Charges Schedule adopted by Council.

A13 Delegation

The General Manager City Growth and Economic Growth and Planning Manager and their successors are delegated to enter into negotiations with landowners/ developers interested in promoting a SHA in accordance with this Policy.

Schedule 2 – Areas not suitable for the establishment of SHAs

- All Special Character Zones (excluding Peacocke Terrace Area)
- All Recreational Zones
- Significant Archaeological, Historic and Cultural Sites
- Electricity Transmission Corridors
- Natural Hazard Areas
- Special Heritage Areas
- Special Natural Areas
- Large Lot Residential Zone

Item 5

Attachment 1

Schedule 3 – Infrastructure Requirements

The relevant infrastructure includes:

- Stormwater
- Wastewater
- Water
- Transport (including impact on state highways, impact on local roads, public transport, provision of public transport facilities, under passes, cycling and walking facilities, trails and tracks etc.)
- Parks and Reserves
- Social and Community Infrastructure
- Education
- Network utilities (electricity, gas and telecommunications).

For Council-related services of water supply, wastewater, transport, stormwater and reserves the Council is satisfied:

- a. That infrastructure exists and has sufficient ability to accommodate the likely additional individual and cumulative demand from qualifying development/s in the SHA or infrastructure is planned or programmed in the Council's LTP and DC Policy in timeframes that align with the qualifying development/s timing, and/or
- b. That infrastructure would be provided and funded by the private sector ahead of the LTP programmed time at no additional cost to Council, and/or
- c. Where not planned or programmed in the Council's LTP and DC Policy, infrastructure would be fully provided and funded by the private sector at no cost to Council and can connect to existing infrastructure that has sufficient ability to accommodate the likely additional individual and cumulative demand from- qualifying development/s in the SHA, and
- d. For stormwater, mitigation and offsetting will comply with the conditions of any relevant consent held by the Council or such other relevant engineering standards that are applicable as determined by Council, and
- e. That infrastructure will be designed and constructed in accordance with the relevant requirements of the Council's Infrastructure Technical Specifications, and any other specific design, specifications and plans for infrastructure works (including approved Integrated Catchment Management Plans) arising from any consent or infrastructure requirements set by Council and
- f. That all assessments of infrastructure (e.g. effects, funding, levels of service) are based on a whole of life assessment, and
- g. That the qualifying development/s does not adversely impact on minimum levels of service and existing or planned infrastructure investments, and does not result in poor safety outcomes, and
- h. Is in accordance with Council's Growth Funding Policy.

For non-Council infrastructure such as state highways, government facilities (e.g. schools), or network utilities (e.g. electricity, gas and telecommunications), evidence needs to be provided to Council that satisfies that the infrastructure exists or is planned by the relevant service provider with additional capacity to accommodate the likely individual and cumulative demand generated from a qualifying development/s in the SHA.

Schedule 4 – Residential Development Quality Expectations

Hamilton Partly Operative District Plan

The following provisions (objectives and accompanying policies) will be used as a guide to assess the consistency of proposals with the following planning provisions:

Volume 1

Chapter 2 Strategic Framework –

Towards a Sustainable City Objectives 2.2.1 and 2.2.2

Urban Design Approach Objective 2.2.3

Central City, Business and Industry Objective 2.2.4

Residential Development Objective 2.2.6

Tangata Whenua: Waikato Tainui Objective 2.2.8

Integrate Land Use, Transport and Infrastructure Objective 2.2.13

Chapter 4 Residential Zone Objectives 4.2.1 – 4.2.9

Chapter 25.15 Urban Design Objectives and Policies 25.1.2

Volume 2

Appendix 1 – Assessment Criteria 1.3.3

Appendix 1 – Relevant residential design guides in Appendix 1.4.1 – 1.4.9

Appendix 2 – Structure Plans (Peacocke, Ruakura, Rotokauri, Rototuna)

Note:

This is not an exhaustive list but key objectives, policies and assessment criteria relevant to the consideration of design quality for qualifying SHA sites.

Attachment 1

Item 5