
District Plan Committee

Komiti Ture-aa-takiwaa

OPEN MINUTES

Minutes of a meeting of the District Plan Committee held in Committee Room One, Municipal Building, Garden Place, Hamilton and via Audio Visual link on Wednesday 23 June 2021 at 1.02pm.

PRESENT

Chairperson	Cr R Hamilton
<i>Heamana</i>	
Deputy Chairperson	Cr A O’Leary (exclusively via Audio Visual link)
<i>Heamana Tuarua</i>	
Members	Mayor P Southgate Cr R Pascoe Cr M Gallagher (exclusively via Audio Visual link) Maangai J Whetu

In Attendance	Cr van Oosten Chris Allen – General Manager Development Luke O’Dwyer - City Planning Manager Jamie Sirl – Team Leader City Planning Paul Bowman - Team Leader City Planning Alice Morris – City Planning Heritage Carmen Norris – Programme Manager, Economic Growth and Planning Colin Hattingh - Senior Urban Design Planner
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Governance Team	Tyler Gaukrodger – Governance Advisor
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- 1. Apologies – *Tono aroha***
Resolved: (Cr Hamilton/Cr Pascoe)
That the apologies for early departure from Maangai Whetu are accepted.
- 2. Confirmation of Agenda – *Whakatau raarangi take***
Resolved: (Cr Hamilton/Cr Pascoe)
That the agenda is confirmed.
- 3. Declarations of Interest – *Tauaakii whaipaaanga***
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 24 May 2021

Resolved: (Cr O’Leary/Mayor Southgate)

That the District Plan Committee confirm the Open Minutes of the District Plan Committee Meeting held on 24 May 2021 as a true and correct record.

6. Chair's Report

The Chair spoke to his report, noting the early design and ecological considerations that are being formed in the District Plan.

Resolved: (Cr Hamilton/Cr O’Leary)

That the District Plan Committee receives the report.

7. Resolution to Exclude the Public

Resolved: (Cr Pascoe/Mayor Southgate)

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 Committee Public Excluded Minutes of 24 May 2021) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
C2. Plan structure, approach, design quality and ecology in the District Plan)	

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	
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)

The meeting went into a public excluded session at 1.06pm.

The meeting was declared closed at 4.36pm.

Minute Note 17/08/2022:

On 17/08/2022 the following report and resolutions were determined to be released to the public via these minutes and the quarterly update. The report is attached as **Appendix 1** of these minutes.

Plan structure, approach, design quality and ecology in the District Plan

Resolved:

That the District Plan Committee:

- a) receives the report;
- b) notes the following proposed structural changes to the District Plan to accommodate the scope of the programme as approved by Council:

Zone and other chapters –

- i. changes to the Residential chapter and related residential provisions to give effect to the NPS-UD – this is likely to result in amendments to all residential zones, some business centre zones, and the Central City Zones, and consequential changes to maps, overlays, assessment criteria, design guides, and definitions;
- ii. Te Rapa North – deferred industrial to full industrial;
- iii. heritage – chapter, zones, special character, items and trees;
- iv. Ruakura – including land use change around parts of the Knowledge Zone and part of the existing Industrial Zone;
- v. Significant Natural Areas (SNAs) and biodiversity;
- vi. inclusionary zoning;

Citywide chapter –

- vii. Urban Design – amendments to the Urban Design Chapter and across the residential, Central City, Business and Residential zones, and amendments to design guides and assessment criteria;
- viii. hazardous substances – the deletion and amendment of certain provisions resulting to changes to the RMA;
- ix. parking and other citywide standards (e.g. water impact assessments, ICMPs); and

Planning maps –

- x. maps and overlays (considered to be consequential amendments).
- c) approves the principles to inform the drafting of amendments to the District Plan, outlined as:
- i. new provisions provide as much certainty as possible to applicants and the community as to what is acceptable and what is not;
 - ii. That staff, where possible, ensure that the impact of any RMA reforms can be incorporated in to the plan drafting process;
 - iii. low impact activities have a low level of control. Higher impact activities have a higher level of control and Council oversight;
 - iv. cost to applicants, the community and Council of requiring resource consent for activities is weighed against the benefits provided by the proposed regulatory intervention;
 - v. objectives and policies are much more directive as to the outcomes being sought;
 - vi. notification rules reviewed considering Council's desire to enable more public involvement while still complying with RMA legislative notification requirements;
 - vii. plan compliance with Waikato Regional Policy Statement and relevant National Policy Statements, and the Vision and Strategy for the Waikato River is achieved; and

- viii. new provisions are 'road tested' with the Planning Guidance Unit or their nominated consultants to ensure provisions are clear and workable.*
- d) notes the recommended options for improving urban design outcomes with consideration of the following interventions:*
 - i. review the objectives and policies for residential zones in the District Plan to include descriptions of the desired character and amenity outcomes expected for the zone, particularly with respect to implementing the NPS-UD (particularly in areas where there is historic heritage and character resources);*
 - ii. that staff will consider the impact of new urban development on existing residential amenity when drafting new urban design controls and that enduring material and maintenance issues are also considered by staff;*
 - iii. that staff investigate the use of registered architects for certain large scale developments;*
 - iv. that Maori design principles are explored for inclusion in revised urban design provisions;*
 - v. amend the density provisions for duplex dwellings so that the minimum density requirement for duplexes (for example from 200m² to 300m² per unit) would help retain the feeling of spaciousness observed in many areas, while maintaining the city's ability to meet its growth targets;*
 - vi. consider, in conjunction, an amendment to the minimum density for single dwellings (e.g., from 400m² to 300m²);*
 - vii. amend the activity status for duplex dwellings to Permitted (if all standards, including an amended density standard, are complied with), but to Discretionary if there are infringements;*
 - viii. review the provisions that apply to Integrated Residential Developments – e.g., options include increasing the minimum lot size from 2000m² to 5000m² to encourage a more integrated development that includes some shared amenities; changing the activity status from Restricted Discretionary to Discretionary;*
 - ix. review the Residential Design Guidance including incorporating additional attributes such as storage, access, open space, etc;*
 - x. introduce a new definition for terrace or row houses; and*
 - xi. review the relevant assessment criteria and design guides such as requiring streetscape assessments to show how a development would fit in with the existing street context; this would require applicants to consider effects at a scale greater than the individual site.*
- e) notes the recommended options for improving ecological and biodiversity outcomes, outlined as:*
 - i. creating new SNAs (both flora and fauna based);*
 - ii. reviewing zoning of gully and riverside areas to consider the need to change land use zoning e.g. privately-owned gully from residential to natural open space zone;*
 - iii. modifying objectives, policies and controls to prevent inappropriate development in gully areas, even where existing state of gully is of low ecological value;*
 - iv. on the assumption that the NPS-IB is gazetted in 2021 as it is drafted, inserting a specific interim policy directing assessments of significant indigenous vegetation of significant habitat of indigenous fauna to be undertaken in accordance with the NPS-IB; and*
 - v. assessing whether any areas identified for intensification may result in impacts on gully areas/SNAs and determine the appropriate height and density for these areas as part of area plan development.*
- f) notes final approval of the District Plan will be sought from the Council; and*
- g) notes that the decision and report on this matter be released at the appropriate time, to be determined by the Chief Executive.*

Council Report

Committee: District Plan Committee

Date: 23 June 2021

Author: Luke O'Dwyer

Authoriser: Blair Bowcott

Position: City Planning Manager

Position: General Manager Growth

Report Name: Plan structure, approach, design quality and ecology in the District Plan

Report Status	<i>To maintain the effective conduct of public affairs through protecting persons from improper pressure or harassment AND to prevent the disclosure or use of official information for improper gain or improper advantage.</i>
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Purpose - Take

1. To inform the District Plan Committee of:
 - i. the current District Plan structure and proposed principles to inform drafting amendments to the District Plan;
 - ii. an overview of the current urban design settings and performance in the District Plan, and an overview of recommended urban design interventions to improve built environment outcomes as part of implementing the National Policy Statement for Urban Development (NPS-UD);
 - iii. an overview of the current approaches to ecological and biodiversity management in the District Plan and recommended approaches to improve ecological and biodiversity outcomes in the District Plan.

Staff Recommendation - *Tuutahu-aa-kaimahi*

2. That the District Plan Committee:
 - a) receives the report;
 - b) notes the following proposed structural changes to the District Plan to accommodate the scope of the programme as approved by the Council:

Zone and other chapters –

- i. changes to the Residential chapter and related residential provisions to give effect to the NPS-UD – this is likely to result in amendments to all residential zones, some business centre zones, and the Central City Zones, and consequential changes to maps, overlays, assessment criteria, design guides, and definitions;
- ii. Te Rapa North – deferred industrial to full industrial;
- iii. heritage – chapter, zones, special character, items and trees;
- iv. Ruakura – including land use change around parts of the Knowledge Zone and part of the existing Industrial Zone;
- v. Significant Natural Areas (SNAs) and biodiversity;
- vi. inclusionary zoning;

Citywide chapter –

- vii. Urban Design – amendments to the Urban Design Chapter and across the residential,

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Central City, Business and Residential zones, and amendments to design guides and assessment criteria;

viii. hazardous substances – the deletion and amendment of certain provisions resulting to changes to the RMA;

ix. parking and other citywide standards (e.g. water impact assessments, ICMPs); and

Planning maps –

x. maps and overlays (considered to be consequential amendments).

- c) approves the principles to inform the drafting of amendments to the District Plan, outlined as:
- i. new provisions provide as much certainty as possible to applicants and the community as to what is acceptable and what is not;
 - ii. low impact activities have a low level of control. Higher impact activities have a higher level of control and Council oversight;
 - iii. cost to applicants, the community and Council of requiring resource consent for activities is weighed against the benefits provided by the proposed regulatory intervention;
 - iv. objectives and policies are much more directive as to the outcomes being sought;
 - v. notification rules reviewed considering Council's desire to enable more public involvement while still complying with RMA legislative notification requirements;
 - vi. plan compliance with Waikato Regional Policy Statement and relevant National Policy Statements, and the Vision and Strategy for the Waikato River is achieved; and
 - vii. new provisions are 'road tested' with the Planning Guidance Unit or their nominated consultants to ensure provisions are clear and workable.
- d) notes the recommended options for improving urban design outcomes with consideration of the following interventions:
- i. review the objectives and policies for residential zones in the District Plan to include descriptions of the desired character and amenity outcomes expected for the zone, particularly with respect to implementing the NPS-UD (particularly in areas where there is historic heritage and character resources);
 - ii. amend the density provisions for duplex dwellings so that the minimum density requirement for duplexes (for example from 200m² to 300m² per unit) would help retain the feeling of spaciousness observed in many areas, while maintaining the city's ability to meet its growth targets;
 - iii. consider, in conjunction, an amendment to the minimum density for single dwellings (e.g., from 400m² to 300m²);
 - iv. amend the activity status for duplex dwellings to Permitted (if all standards, including an amended density standard, are complied with), but to Discretionary if there are infringements;
 - v. review the provisions that apply to Integrated Residential Developments – e.g., options include increasing the minimum lot size from 2000m² to 5000m² to encourage a more integrated development that includes some shared amenities; changing the activity status from Restricted Discretionary to Discretionary;
 - vi. review the Residential Design Guidance including incorporating additional attributes such as storage, access, open space, etc;
 - vii. introduce a new definition for terrace or row houses; and
 - viii. review the relevant assessment criteria and design guides such as requiring streetscape assessments to show how a development would fit in with the existing street context; this would require applicants to consider effects at a scale greater than the individual

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site.

- e) notes the recommended options for improving ecological and biodiversity outcomes, outlined as:
 - i. creating new SNAs (both flora and fauna based);
 - ii. reviewing zoning of gully and riverside areas to consider the need to change land use zoning e.g. privately-owned gully from residential to natural open space zone;
 - iii. modifying objectives, policies and controls to prevent inappropriate development in gully areas, even where existing state of gully is of low ecological value;
 - iv. on the assumption that the NPS-IB is gazetted in 2021 as it is drafted, inserting a specific interim policy directing assessments of significant indigenous vegetation of significant habitat of indigenous fauna to be undertaken in accordance with the NPS-IB; and
 - v. assessing whether any areas identified for intensification may result in impacts on gully areas/SNAs and determine the appropriate height and density for these areas as part of area plan development.
- f) notes final approval of the District Plan will be sought from the Council; and
- g) notes that the decision and report on this matter be released at the appropriate time, to be determined by the Chief Executive.

Executive summary

- 3. The Hamilton City District Plan (District Plan) became fully operative in October 2017. It is a combined activity / effects plan and includes a ranges of land use zone and associated provisions to shape urban development in Hamilton/Kirikiriroa.
- 4. Staff analysis indicates that the current structure of the District Plan should be retained as much as possible, while also implementing the National Planning Standards where practicable.
- 5. A set of drafting principles has been developed for consideration by the Committee. If adopted, these principles will inform staff technical work and provide broad parameters for drafting at an early stage and ensure detailed work delivers on elected member expectations.
- 6. This report also contains options for improving urban design and ecological and biodiversity outcomes in the District Plan for consideration.

Background - *Koorero whaimaarama*

- 7. On 8 December 2020, the Council approved the proposed approach, scope, and governance structures for making changes to the District Plan for notification in September 2022.
- 8. On 4 February 2021, the Council approved the terms of reference for this Committee. These are:
 - i. To provide and approve broad strategic direction to inform and guide the development of the District Plan amendments programme of work;
 - ii. 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;
 - iii. To recommend any proposed District Plan amendments to the Council for adoption and release for formal notification; and
 - iv. To provide regular updates to the Council on the progress of the District Plan amendments programme of work.
- 9. The remaining District Plan Committee meeting dates for 2021 are:
 - i. 3 August;
 - ii. 21 September;
 - iii. 4 November; and

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iv. 15 December.

10. Notwithstanding the above, should the District Plan Committee request more meeting dates and times, staff will work with the Governance Unit to accommodate new or revised changes to the schedule.

Discussion

11. This report discusses the following:
- i. District Plan structure and principles for informing amendments (paragraphs 12-21);
 - ii. Urban design approach, issues and options going forward (paragraphs 22-43); and
 - iii. Overview of ecological management in the DP, National Policy Statement on Indigenous Biodiversity and our way forward on these matters (paragraphs 44-68).

District Plan structure and principles for informing amendments

What is a District Plan?

12. Under the Resource Management Act, each territorial authority must have a District Plan. The purpose of district plans is to enable Council to carry out its functions under the Resource Management Act. These are:

I. The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district,

II. The establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district,

III. The control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—

- i. the avoidance or mitigation of natural hazards; and*
- ii. the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land;*
- iii. the maintenance of indigenous biological diversity,*

IV. The control of the emission of noise and the mitigation of the effects of noise, and

V. The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes.

How does the City District Plan work?

13. The District Plan was made operative in October 2017. It has a combined activity/effects-based structure. Activities are defined in the plan. For example:

“Apartment Building: Means a residential building comprising three or more attached residential units. For the avoidance of doubt, residential units physically connected by one or more accessory buildings such as garages, will be deemed to be attached.”

“Flood protection structure” Means physical structures for the purpose of flood protection, such as dams, stopbanks and flood gates.”

14. These activities are given an activity class in different zones or locations as follows:

Permitted Activity	Does not require resource consent if activity complies with all relevant standards.
Controlled Activity	Requires resource consent which must be granted by Council if it complies with all relevant standards.

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	Conditions may be imposed on matters over which Council has retained control.
Restricted Discretionary Activity	Requires resource consent which may be granted with or without conditions or declined. Council can only consider matters to which discretion is restricted and conditions of consent are also limited to matters to which discretion is restricted.
Discretionary Activity	Requires resource consent which may be granted with or without conditions or declined. Assessed on a full range of assessment matters referred to in the Act.
Non-complying Activity	Requires resource consent which may be granted with or without conditions or declined. Assessed on a full range of assessment matters referred to in the Act. But must pass “gateway test” to be considered.
Prohibited Activity	Resource consent cannot be applied for or granted (the plan does not currently contain any prohibited activities).

15. The same activity may be classified differently in different plan areas (such as zones overlays).

Existing Plan Structure

16. The existing structure is organised into sections as follows:
- i. **Plan Overview** - Material to assist plan users to understand and interpret the plan;
 - ii. **Strategic chapter** - Outlines the strategic objectives and policies for the future direction of the City;
 - iii. **Zone and other chapters** - Contain objectives, policies and rules for plan zones, sites and features, and subdivision and financial contributions provisions;
 - iv. **Citywide chapter** - Contains objectives policies and rules which apply across all plan zones;
 - v. **District Plan Administration** - Contains definitions, information requirements, assessment criteria, design guides etc; and
 - vi. **Planning Maps.**
17. As Council is undertaking a change to the District Plan rather than a full plan review (albeit a plan change that will touch many parts of the plan), staff consider that the existing District Plan structure should be retained wherever possible; however, staff will also look to adopt the National Planning Standards where possible and practicable.
18. This approach will ensure that sections of the District Plan that are unaffected by the plan change will not require reworking to fit a new format, thus saving significant costs and time. Retaining the existing structure will also easily familiarise new provisions for regular District Plan users.
19. It is likely that the plan change will involve the creation of new zones so that provisions are better targeted to specific areas, especially in relation to implementing the NPS-UD.

Proposed structural changes

20. Analysis to date indicates that the following parts of the District Plan will need to be amended, or include the following parts to accommodate the scope of the programme as approved by Council:

Zone and other chapters –

- i. Changes to the Residential chapter and related residential provisions to give effect to the NPS-UD – this is likely to result in amendments to all residential zones, some business centre zones, and the Central City Zones, and consequential changes to maps, overlays, assessment criteria, design guides, and definitions;

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- ii. Te Rapa North – deferred industrial to full industrial;
- iii. Heritage – chapter, zones, special character, items and trees;
- iv. Ruakura – including land use change around parts of the Knowledge Zone and part of the existing Industrial Zone;
- v. Significant Natural Areas (SNAs) and biodiversity;
- vi. Inclusionary zoning;

Citywide chapter –

- i. Urban Design – amendments to the Urban Design Chapter and across the residential, Central City, Business and Residential zones, and amendments to design guides and assessment criteria;
- ii. Hazardous substances – the deletion and amendment of certain provisions resulting to changes to the RMA;
- iii. Parking and other citywide standards (e.g. water impact assessments, ICMPs); and

Planning maps –

- i. Maps and overlays (considered to be consequential amendments).

Principles to inform drafting amendments to the District Plan

21. Staff propose to adopt a set of drafting principles and objectives to guide the approach to developing the plan change content. These principles are outlined below:
- i. New provisions provide as much certainty as possible to applicants and the community as to what is acceptable and what is not;
 - ii. Low impact activities have a low level of control. Higher impact activities have a higher level of control and Council oversight;
 - iii. Cost to applicants, the community and Council of requiring resource consent for activities is weighed against the benefits provided by the proposed regulatory intervention;
 - iv. Objectives and policies are much more directive as to the outcomes being sought;
 - v. Notification rules reviewed considering Council's desire to enable more public involvement while still complying with RMA legislative notification requirements;
 - vi. Plan compliance with Waikato Regional Policy Statement and relevant National Policy Statements, and the Vision and Strategy for the Waikato River is achieved; and
 - vii. New provisions are 'road tested' with the Planning Guidance Unit or their nominated consultants to ensure provisions are clear and workable.

Urban Design approach, issues and options

Current settings in the District Plan

22. The District Plan introduced a more focused response to urban design matters when compared to previous planning frameworks. This was achieved primarily by establishing a restricted discretionary (RD) approach for new buildings to enable site-specific solutions encouraging developers to think creatively rather than working only within the bulk and location limitations set by the various standards.
23. Where previous planning frameworks relied on standards to generate design quality, the current District Plan has an emphasis on outcomes and the ability to reject resource consent applications if they do not generate design outcomes as outlined in the District Plan.
24. While the current District Plan standards set a baseline expectation for development, a rule non-compliance would generally mean an RD assessment on that specific matter, guided by the relevant objectives and policies, design guidance and assessment criteria.
25. The rules in the District Plan define the basic building envelope and control aspects such as density (minimum net site area/unit), site coverage (maximum), permeable surfaces (minimum), height

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(maximum), height in relation to boundary, setbacks (minimum), front interface, fences and walls, separation and privacy, outdoor living areas (minimum/unit) and parking spaces (minimum).

26. Additionally, the District Plan contains nine design guides that are either generic in nature or specific to a particular area or precinct (e.g., Temple View).
27. Three non-statutory design guides for duplex, apartment and integrated residential developments have also been developed and are available on Council's website. These three design guides are not part of the District Plan.
28. Collectively, these are the settings that regulate design quality under the District Plan.

What are other councils doing with respect to urban design?

29. Hamilton City Council's approach to urban design is similar to the approach followed by other councils such as Auckland, Wellington and Christchurch, while recognising that the various provisions are tailored to reflect the uniqueness and different characteristics of each city or region. In summary, other metropolitan urban design frameworks are outlined below.
30. **Auckland** has the Auckland Design Manual (ADM). While the ADM is not a statutory document, it provides extensive context and guidance for achieving good design outcomes referenced under the Unitary Plan. It also supports the Auckland Plan 2050, as well as the Council's obligations to the Ministry for the Environment (under the Urban Design Protocol). Currently, the design manual has guides for stand-alone housing, terraces, apartments, and mixed use developments.
31. **Wellington** has several statutory design guides that apply to various parts of the city including the central city, residential areas, other business centres, character areas and general design guides for subdivision, rural areas and signage. The guides are to be read in conjunction with relevant objectives and other relevant rules and provisions within individual chapters. For example, in the central city, the guide applies to new buildings and additions and contain both detailed design objectives and related generic guidelines.
32. **Christchurch** has introduced a 'UD Certification Process' (a rule in the district plan) that enables certain activities to be considered as controlled activities when certified by a qualified expert on a Council approved list. The experts can provide certification that developments in the Commercial and Central City Core zones meet the urban design requirements as part of the resource consent applications and is an alternative approach to assessing urban design matters. The standard restricted discretionary consent application process where the assessment is undertaken by Council staff, also remains an option for applicants. The urban design experts are engaged directly by applicants to assess the development and provide the urban design certification.

Recent analysis of performance of urban design outcomes for infill development in Hamilton

33. To help understand the effectiveness of the various urban design provisions within the District Plan, a review of a random sample of recently completed infill developments was recently undertaken by the City Planning Unit.
34. The methodology involved a site-by-site analysis and assessment of 54 properties located around across Hamilton and inspected over a three-day period. The properties included a mix of duplex (23) and apartment (30) typologies and one integrated residential development (IRD). All the properties were located either within the general residential or the residential intensification zones.
35. Each development was assessed and scored based on how it performed or responded (in an urban design sense) to the following elements: Neighbourhood; Street; Site Layout; Vehicle/Access; Building and Landscape.
36. The analysis indicated that of the developments sampled in the review, most are addressing the urban design principles described within the District Plan. Nevertheless, the analysis also found that while these urban design principles were being addressed, there were several opportunities for revising

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existing controls to further enhance built environment outcomes especially as the city is likely to accommodate more infill development in the short to medium term.

37. Key findings of the analysis concluded that:

- i. multi-unit developments are gradually changing the existing character of many areas within the general residential zone;
- ii. the visual impact of two-level duplex developments is more noticeable (particularly those on narrow, deep sections), as these have a form that represents a change and departure from the traditional single-level detached typology commonly found throughout the zone; and
- iii. the change is less evident in areas zoned for residential intensification, as apartments continue to occur as intended within this zone, which has already seen significant change and is currently characterized by two (and three) level-built forms.

38. As such, the review provides justification for a change in approach for delivering enhanced urban design outcomes and for introducing and adopting the various urban design related provisions that are embedded throughout the District Plan.

Urban design recommendations

39. The key urban design recommendations include the consideration of the following interventions:

- i. Review the objectives and policies for residential zones in the District Plan to include descriptions of the desired character and amenity outcomes expected for the zone, particularly with respect to implementing the NPS-UD (particularly in areas where there is historic heritage and character resources);
- ii. Amend the density provisions for duplex dwellings so that the minimum density requirement for duplexes (for example from 200m² to 300m² per unit) would help retain the feeling of spaciousness observed in many areas, while maintaining the city's ability to meet its growth targets;
- iii. Consider, in conjunction, an amendment to the minimum density for single dwellings (e.g., from 400m² to 300m²);
- iv. Amend the activity status for duplex dwellings to Permitted (if all standards, including an amended density standard, are complied with), but to Discretionary if there are infringements;
- v. Review the provisions that apply to Integrated Residential Developments – e.g., options include increasing the minimum lot size from 2000m² to 5000m² to encourage a more integrated development that includes some shared amenities; changing the activity status from Restricted Discretionary to Discretionary;
- vi. Review the Residential Design Guidance including incorporating additional attributes such as storage, access, open space, etc;
- vii. Introduce a new definition for terrace or row houses; and
- viii. Review the relevant assessment criteria and design guides such as requiring streetscape assessments to show how a development would fit in with the existing street context; this would require applicants to consider effects at a scale greater than the individual site.
- ix. Revisiting the role of the Urban Design Advisory Panel

40. Hamilton's Urban Design Advisory Panel (the Panel) has operated since 2009. It is a respected, independent body that has generated many beneficial outcomes for the city since its inception.

41. The Panel is one of several tools available to help improve design quality. The Panel provides free, independent, professional urban design advice to the development community. The process is voluntary and advice non-statutory; this is consistent with all the other urban design panels across New Zealand. Currently, the Panel does not form part of Council's governance structure and is sponsored by the General Manager Growth.

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42. The Panel, as currently constituted, is approaching the end of its current four-year term. A review of the Panel, which will include membership, terms of reference and processes, is being undertaken by staff. A briefing to Council on options going forward is scheduled for later in 2021.
43. While the current Panel will continue to operate uninterrupted until the review (particularly regarding membership) is complete, the recent decision by the Council that all buildings gaining CBD remissions must engage with the urban design panel process will be a key factor to be considered moving forward. Council staff are currently considering the changes needed to ensure that this decision can be implemented in an efficient and effective manner.

Ecological management in the District Plan, National Policy Statement on Indigenous Biodiversity and the way forward

Territorial Authorities, District Plans and biodiversity protection

44. Section 6 of the RMA outlines the matters of national importance that must be recognised and provided for, including section 6(c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna*.
45. Council's responsibilities in relation to the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna principally involve the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of the maintenance of indigenous biological diversity.
46. In 2012, Council identified 59 Significant Natural Areas (SNAs) based primarily on the presence of indigenous vegetation. However, this study did not assess ecological significance of these areas against the entire suite of ecological significance criteria as set out in the Waikato Regional Policy Statement (WRPS). Most notably, SNAs have not been identified using criteria relating to significant habitats for indigenous fauna.

National Policy Statement for Indigenous Biodiversity

47. A draft National Policy Statement for Indigenous Biodiversity (NPS-IB) was released for consultation in November 2019 and is expected to be gazetted in 2021; however, there is no certainty on the timing of its release, final content, or timeframes for compliance.
48. Due to the existing gap in SNA identification (i.e., not including consideration of significant habitat of indigenous fauna), and the need to review the protection of the city's gully network, a citywide review of SNAs is proposed to be undertaken prior to the NPS-IB being gazetted. This does present the potential for misalignment between the methodological approach that will inform the SNA review and where the NPS-IB lands; however, staff do not consider this a significant risk as the scope of the SNA review has been developed with regard to the draft NPS-IB, which Council staff 'road tested' with the Ministry for the Environment in early 2020.
49. When the NPS-IB is gazetted, staff will consider the options for implementation and bring this matter back to the Committee for consideration.

Nature in the City strategy

50. In December 2020, the Council adopted the Nature in the City Strategy which outlines Council's commitment to the 30-year vision for nature to thrive in Hamilton/Kirikiriroa; the focus is on restoring native vegetation within the city towards a goal of 10% native vegetation cover within the city.
51. Ensuring the protection of SNAs but also gully areas that are in poor ecological state, is critical to achieving this goal, with only approximately 2% significant native vegetation cover remaining in Kirikiriroa/Hamilton.

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District Plan Framework

52. The District Plan includes controls around vegetation removal, earthworks and buildings within areas of significant vegetation that have been identified as SNAs, in the natural open space zone and within the Waikato Riverbank and Gully Hazard Area overlay (Gully Hazard Area). Specifically identified listed trees are also protected, requiring resource consent to remove.

Chapter 20 and SNAs

53. Chapter 20 Natural Environments relates to SNAs, significant trees or groups of trees, peat lakes, wetlands and peat lake catchments.
54. SNAs include:
- i. identified areas of the Waikato River corridor and gully systems;
 - ii. peat lakes and wetlands;
 - iii. remnant indigenous vegetation or trees; and
 - iv. other areas that contribute to indigenous biodiversity.
55. SNAs are identified on the Planning Maps and are listed in Schedule 9C: Significant Natural Areas in Volume 2, Appendix 9. The significance of a site is based on the ecological significance of its indigenous vegetation. The sites were assessed using the criteria contained in the Regional Policy Statement (2000). SNAs are applied to both public and private property and are relatively limited in number and area and cover only a small portion of the city's gully systems.
56. Removal of vegetation, and earthworks within SNAs is highly discouraged by the District Plan and are non-complying activities that require resource consent. This is one of the highest levels of protection.

Chapter 15 Open Spaces Zones – Natural Open Space Zone

57. The District Plan also contains the Natural Open Space Zone. This zone includes publicly and privately owned areas that possess natural or landscape values. Residential development is not provided for in this zone, and the removal of vegetation or trees requires resource consent.

Waikato Riverbank and Gully Hazard Area

58. The city's gully systems are also subject to the Waikato Riverbank and Gully Hazard Area overlay (Gully Hazard Area). However, these rules are primarily focused on managing the use of the Gully Hazard Area in terms of the potential risk from natural hazards.
59. The Gully Hazard Area contains restrictions around establishing building and undertaking earthworks, for example 'New Buildings' require a resource consent as a Discretionary Activity. Vegetation removal within the Gully Hazard Area can occur as a Permitted Activity (i.e., not require resource consent), provided the standards are complied with.
60. One key standard to note is that the area of vegetation clearance shall not exceed 50m² per calendar year per site, or 100m² per calendar year for each 50m length of watercourse or gully that is part of an esplanade reserve or Open Space Zone. The area cleared of vegetation is also required to be re-vegetated or re-grassed, with no standards that would consider the biodiversity considerations of the removal.

Chapter 21: Waikato River Corridor and Gully Systems

61. The District Plan also contains Chapter 21: Waikato River Corridor and Gully Systems, which contains a set of objectives and policies relating to the protection, restoration and enhancement of the river corridor and gully systems within Hamilton. There are no rules directly associated with this chapter and, as such, it is only through resource consents (typically Discretionary or Non-Complying Activities) that these matters can be considered.
62. As an example, an application for development of a residential site that also includes the Gully Hazard Overlay over a portion of the site may propose for some of the residential units/buildings to

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be located within the Gully Hazard Area. This would trigger a Discretionary Activity consent requirement which enables the objectives and policies around ecology/biodiversity to be considered.

63. It remains a challenging aspect to consider/push back on for Council staff, given the vegetation removal that would be allowed for. The applications will also highlight the often poor condition/ecological value of these areas currently or propose mitigation in the form of remediation work elsewhere in the gully. While this does result in an improvement to the gully system, it also results in a permanent loss of the area of the gully covered by the buildings which could have been restored had it not been developed.

How the provisions apply across the city

64. Most of the gully area across the city has a natural open space zoning (65%), with approximately 20% of privately owned gully zoned for residential use. The remaining gully area is mostly community facilities zone as part of school sites.
65. Reserves adjoin most of the length of the Waikato River which are open space zone; however, there are areas of the riverside zoned for residential purposes. Gully areas along with riverside areas have a hazard overlay which principally addresses the higher likelihood for land instability in these areas.

Issues and opportunities for ecological enhancement

66. Key issues and opportunities for ecological enhancement going forward include:
- i. Development of residentially-zoned properties that contain gully can result in a loss in gully area available for restoration, even when at a site scale, net ecological gains are being achieved;
 - ii. Under previous district plans, but also to some degree under the current District Plan, there have been several developments that have involved modification to existing gully areas resulting in a loss of vegetation cover and potential habitat and vegetation restoration areas;
 - iii. There seems to be a general trend/pressure on those remaining residentially-zoned properties that contain vegetation, particularly as more developable sites are becoming less common. This is more an observation on recent activity than an objective evidence base; staff are currently analysing approved consents from the last 5 years to quantify the recent loss of gully areas to residential development;
 - iv. Existing SNAs in the District Plan have not included areas of significant indigenous habitat; and
 - v. There is opportunity to use identification of SNAs to incorporate ecological stepping stones, corridors and buffers into area planning as part of a connected green network.

Proposed approach for enhancing biodiversity

67. Enhancing ecological and biodiversity outcomes is a core part of the scope of the District Plan programme.
68. Consequently, the scope of potential changes to biodiversity protection is proposed to include:
- i. creating new SNAs (both flora and fauna based);
 - ii. reviewing zoning of gully and riverside areas to consider the need to change land use zoning e.g. privately-owned gully from residential to natural open space zone;
 - iii. modifying objectives, policies and controls to prevent inappropriate development in gully areas, even where existing state of gully is of low ecological value;
 - iv. on the assumption that the NPS-IB is gazetted in 2021 as it is drafted, inserting a specific interim policy directing assessments of significant indigenous vegetation of significant habitat of indigenous fauna to be undertaken in accordance with the NPS-IB; and
 - v. assessing whether any areas identified for intensification may result in impacts on gully areas/SNAs and determine the appropriate height and density for these areas as part of area plan development.

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Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

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

Social

72. 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.
73. The proposed approach aligns with the recently adopted Our vision for Hamilton Kirikiriroa, which provides direction for shaping a city that's easy to live in, where people love to be, a central city where people love to be, and a fun city with lots to do.

Economic

74. Economic wellbeing is defined as the capacity of the economy to generate employment and wealth necessary for present and future financial security.
75. 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.
76. This includes ensuring that plans make room for growth both 'up' and 'out', and that rules are not unnecessarily constraining growth. The intensification directed by Central Government will have a direct impact on housing pressure in Hamilton.

Environmental

77. 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.
78. Elected Members recently agreed the vision to shape Hamilton as a green city.

Cultural

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

Risks - *Tuuraru*

80. The main risk for this work is the fact that a substantial volume of work needs to be completed in a very tight timeframe, putting pressure on staff and resources.
81. The other significant risk/unknown is the fact that significant RMA amendments are expected to be delivered in the current term of this Government. While the exact scope of those reforms is not known at this time, staff will continue to monitor any emerging legislative reform and report any impacts to the programme as they arise.
82. Despite the risk posed by RMA reform, the work identified will be applicable should any RMA reforms necessitate a substantive change in scope, deliverables, or timeframes. The planning issues being faced by Hamilton will remain the same irrespective of what the legal framework is – the need

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to continue to provide land for housing and jobs, creating great places, growing the central city and protecting the natural and built environment will remain.

83. Other risks identified to date include:

- i. Covid-19 and remote working;
- ii. the balance between enabling growth and best practice sustainability and ensuring quality built form outcomes are delivered;
- iii. Tangata whenua, developer, and community expectations;
- iv. the timing of related initiatives (including the Future Proof review, any amendments to the Waikato Regional Policy Statement and a HUGS review); and
- v. project scope creep.

84. All the risks identified in this report will be subject to a detailed risk workshop, the creation of a risk register and mitigation framework.

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

Significance

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

Engagement

86. Any notification of amendments to the District Plan requires significant engagement and consultation prior to notification, as required under the Resource Management Act. This will occur as necessary and in accordance with the principles outlined in this report.

Attachments - *Ngaa taapirihanga*

There are no attachments for this report.