
District Plan Committee

Komiti Ture-aa-takiwaa

OPEN MINUTES

Minutes of a meeting of the District Plan Committee held in Council Chamber, Municipal Building, Garden Place, Hamilton and via Audio Visual link on Wednesday 28 April 2021 at 1.03pm.

PRESENT

Chairperson Cr R Hamilton

Heamana

Deputy Chairperson Cr A O'Leary

Heamana Tuarua

Members

Cr Sarah Thompson

Cr Rob Pascoe (via Audio Visual link)

Cr Martin Gallagher (via Audio Visual link)

Deputy Mayor Geoff Taylor

In Attendance:

Jen Baird – General Manager City Growth

Luke O'Dwyer – City Planning Manager

Katherine Hu – Intermediate Planner

Lana Gooderham – Intermediate Planner

Alice Morris – City Planning Heritage, Urban Design, Spatial Team Leader

Paul Bowman – Team Leader Economic Growth & Planning

Jamie Sirl – Team Leader City Planning

Carmen Norris – Programme Manager

Ben Scott – Community Advisor

Simone van Asbeck – Communications and Engagement Advisor

Lachlan Muldowney - Lawyer for Hamilton City Council

Governance Staff: Carmen Fortin – Governance Advisor

1. Apologies – *Tono aroha*

Resolved: (Cr Hamilton/Deputy Mayor Taylor)

That the apologies for absence from Mayor Southgate and Maangai Whetu, and for partial attendance from Cr Thomson are accepted.

2. Confirmation of Agenda – *Whakatau raarangi take*

Resolved: (Cr Hamilton/Deputy Mayor Taylor)

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.

4. Confirmation of the District Plan Committee Open Minutes of 4 March 2021

Resolved: (Cr Hamilton/Deputy Mayor Taylor)

Staff Recommendation - Tuutohu-aa-kaimahi

That the District Plan Committee confirm the Open Minutes of the District Plan Committee Meeting held on 4 March 2021 as a true and correct record.

5. Resolution to Exclude the Public

Resolved: (Cr Hamilton/Cr O'Leary)

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

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

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

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Confirmation of the District Plan Committee Public Excluded Minutes of 4 March 2021) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
C2. Update on the NPS-UD implementation)	

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

Item C1.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C2.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h)
	to enable Council to carry out negotiations	Section 7 (2) (i)

The meeting went into a Public Excluded session at 1.05pm.

The meeting was declared closed at 3.28pm.

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.*

Update on the NPS-UD implementation

Resolved:

That the District Plan Committee:

- a) receives the report;*
- b) notes that areas which have been identified for intensification as directed under the National Policy Statement for Urban Development are outlined in this report;*
- c) notes the progress made in relation to preserving character and heritage;*
- d) notes the proposed approach to engagement with respect to proposed zoning changes;*
- e) requests staff provide an update on the work of the District Plan Committee to the Council meeting of 10 June 2021; and*
- f) notes that the decision and information in relation to this matter be released at the appropriate time, to be determined by the Chief Executive.*

Council Report

Committee: District Plan Committee **Date:** 28 April 2021
Author: Luke O'Dwyer **Authoriser:** Jen Baird
Position: City Planning Manager **Position:** General Manager City Growth
Report Name: Update on the NPS-UD implementation

Report Status	<i>This report is taken as a publicly excluded item to enable Council to carry out commercial activities without disadvantage; AND to enable Council to carry out negotiations.</i>
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Purpose - Take

1. To inform the District Plan Committee of accessibility and walkability analysis for Hamilton, as required by the National Policy Statement for Urban Development (NPS-UD).
2. To outline the progress being made to protect heritage and character in areas impacted by the NPS-UD.
3. To provide an overview of the proposed approach to engagement with stakeholders and the community on implementing the NPS-UD.

Staff Recommendation - *Tuutohu-aa-kaimahi*

4. That the District Plan Committee:
 - a) receives the report;
 - b) notes that areas which have been identified for intensification as directed under the National Policy Statement for Urban Development are outlined in this report;
 - c) notes the progress made in relation to preserving character and heritage;
 - d) notes the proposed approach to engagement with respect to proposed zoning changes;
 - e) requests staff provide an update on the work of the District Plan Committee to the Council meeting of 10 June 2021; and
 - f) notes that the decision and report on this matter will be released to the public via the open minutes as **appendix 1**.

Executive Summary

5. The NPS-UD outlines the requirements for Hamilton City Council and provides direction on how Council must consider the localities for increasing residential density across the city.
6. Those requirements result in the greatest densities and heights being in the City Centre Zone, and then within a walkable catchment from the edge of this area. A range of other localities are subject to the NPS-UD requirements, including:
 - i. Chartwell
 - ii. The Base

Appendix 2:

- iii. Rototuna – Thomas Road intersection
 - iv. The Rototuna Town Centre
 - v. Enderley
 - vi. University
 - vii. Nawton
 - viii. Dinsale
 - ix. Hillcrest
 - x. Along transport corridors where there are frequent bus services.
7. Accompanying this report will be a detailed presentation showing the results of staff analysis completed in accordance with the direction of the NPS-UD, which will explain the extent of the localities referred to above.
8. This presentation will also focus on the work done to date on heritage and character areas impacted by the NPS-UD, as well as outlining a proposed approach to engagement with stakeholders and communities where large-scale rezoning will need to be undertaken.
9. The presentation will also cover the connections between the work to implement the NPS-UD and other planning and investment initiatives across Council and with our Future Proof Partners.

Background - *Koorero whaimaarama*

10. On 8 December 2020, the Council approved the proposed approach, scope and governance structures for making changes to the Hamilton City Operative District Plan (District Plan) for notification in September 2022.
11. On 4 February 2021, the Council approved the terms of reference for the District Plan 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.
 - iv. To provide regular updates to the Council on the progress of the District Plan amendments programme of work.
12. District Plan Committee meeting dates for 2021 are:
- i. 28 April
 - ii. 24 May
 - iii. 3 August
 - iv. 2 September
 - v. 4 November
 - vi. 15 December.
13. 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.
14. Staff will be presenting analysis relating to potential changes in land use zoning that are sensitive and not final, nor are endorsed by Council. Premature release of such information is commercially sensitive and cannot be relied upon to make land purchase decisions.

Discussion

How does the NPS-UD direct intensification?

15. The NPS-UD outlines clear obligations for Hamilton City Council to deliver an intensification plan change by September 2022.
16. For Hamilton, this means the following matters must be considered when identifying locations to intensify in accordance with the NPS-UD:
 - in city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and
 - building heights of at least 6 storeys within at least a walkable catchment of the following:
 - the edge of city centre zones; and
 - in all other locations in the tier 1 urban environment, building heights and density of urban form commensurate with the greater of:
 - the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or
 - relative demand for housing and business use in that location.

How are these areas defined?

17. There are two main aspects guiding the identification of future intensification areas. The first is related to walkability from the edge of city centres. For Hamilton, this means defining a walkable catchment from the edge of the existing Hamilton Central City Zone.
18. The other aspect relates to how accessible a location is to certain services (such as jobs, education, etc). This is explained further in this report (refer to paragraphs 21–23).

What is a walkable catchment?

19. A walkable catchment is defined as being the area that an average person could walk from a specific point to get to multiple destinations. Generally, this is measured as being around 800 metres over a 10-minute average walk time. Walkability is impacted by landform, connectivity and quality of footpaths.
20. City centres tend to have larger walkable catchments as they have more services (including public transport hubs). For Hamilton, an 800m walkable catchment for the City Centre was chosen, based on the size of the zone, amenities and services provided, and NZTA research.

What is an accessible area?

21. Accessibility is the ease with which people can reach activities, including economic, social or cultural activities. In the context of the NPS-UD, accessibility specifically means by modes other than private vehicles.
22. When considering accessibility needs, it is essential to consider mobility requirements at an individual and household level. The definition of accessibility used in the NPS-UD is one that embraces all people with varying needs and abilities. Walkability is a part of determining levels of accessibility, but accessibility is wider and includes other forms of public transportation.
23. Staff have taken the guidance on accessibility from the Ministry for Environment, the Ministry for Housing and Urban Development, Waka Kotahi New Zealand Transport Agency and the New Zealand Household Travel Survey to determine accessible areas identified in the executive summary of this report.

Appendix 2:

Item C2

What are qualifying matters?

24. 'Qualifying matters' is a specific term referred to in the NPS-UD that provides for exemptions on where the intensification plan change requirements could apply.
25. Qualifying matters include:
 - i. a matter of national importance that decision-makers are required to recognise and provide for under section 6 of the Resource Management Act (RMA);
 - ii. a matter required to give effect to any other National Policy Statement;
 - iii. any matter required for the purpose of ensuring the safe or efficient operation of nationally-significant infrastructure;
 - iv. open space provided for public use, but only in relation to the land that is open space
 - v. an area subject to a designation or heritage order, but only in relation to the land that is subject to the designation or heritage order;
 - vi. a matter necessary to implement, or ensure consistency with, iwi participation legislation;
 - vii. the requirement to provide sufficient business land suitable for low density uses to meet expected demand under this National Policy Statement;
 - viii. any other matter that makes high density development inappropriate in an area.
26. The District Plan Committee on 4 March 2021 instructed staff to investigate invoking the qualifying matters provisions under the NPS-UD with respect to the Claudelands, Hamilton East and Frankton Railway Village Special Character and Heritage Areas.

What work have we done to date on heritage and character in areas subject to the NPS-UD?

27. Draft technical reports have been completed to assess the heritage and character attributes for the Frankton Railway Village, Claudelands and Hamilton East.
28. Identification of heritage and historic character is very well-defined under the RMA; however, but there is a greater evidential basis required under the NPS-UD for defining historic character and what planning provisions could be enacted to protect these areas.
29. Staff are confident that the Frankton Railway Village, Hayes Paddock and Hamilton East Villas Area can be justified as Heritage Areas and can therefore be identified as qualifying matters. This means these areas can be exempt from the NPS-UD intensification provisions.
30. Staff will undertake additional technical assessment on the Claudelands and Hamilton East areas and report back to the District Plan Committee on key findings and progress at the next meeting on 24 May 2021.

Proposed engagement approach

31. Staff will continue to work with Elected Members as primary stakeholders.
32. Notwithstanding that, meaningful, clear and early engagement with external stakeholders and the community is essential for Hamiltonians to understand why we are doing this work, their ability to influence it, to reveal information staff is not aware of, to improve planning outcomes, and for people to understand the benefits of the programme.
33. We also need to ensure that our engagement timing and messaging aligns with that of other key projects such as the Long-term Plan. It is critical for Council's reputation that we demonstrate to our stakeholders and community a high degree of alignment between separate, yet interdependent projects.

Appendix 2:

Item C2

34. Underpinning our approach to engagement is our desire to arrive at the formal notification period with the key issues and opportunities already identified by stakeholders and the community and, where possible, addressed in terms of the Proposed District Plan as notified. For those issues that aren't addressed, we also want our stakeholders and the community to understand why we haven't taken the approach they have sought.
35. With all engagement activity, we need to be aware of the restrictions that can be imposed at short notice due to Covid-19. We will always advocate for face-to-face engagement as being the most appropriate in terms of developing strong relationships and enhancing Council's reputation. However, that reputation can also be eroded by not following the established guidelines when there are changes in alert levels. To enable minimal disruption in the event of social distancing being imposed, our in-person engagement touchpoints will be supplemented by a dedicated on-line engagement presence.
36. The approach to 'stakeholder engagement' for the District Plan change is quite different to that for 'community engagement', and as such there are two separate processes.

Stakeholder engagement

37. A key outcome for stakeholder engagement is to understand what they consider to be the key issues and opportunities that Council should be aware of in drafting the new plan provisions. How those issues and opportunities may be addressed will also form part of the conversation; it may transpire that some issues or opportunities are better addressed through other mechanisms than the District Plan. All non-statutory engagement will be without prejudice, but it is anticipated that many issues and opportunities that would usually only come to surface through the formal submission period can be addressed ahead of time, resulting in a less contentious and time-consuming submission, hearing and appeals process for all parties.
38. We plan to have initial face-to-face engagement with stakeholders which will involve a series of rolling workshops. On a regular basis, we will provide a short presentation giving further explanation as to the 'why' behind the District Plan change. Once the workshops are completed, we will provide stakeholders with a summary of the feedback we received as a record of those conversations.
39. After we have reviewed and considered the issues and opportunities raised, stakeholders will be invited back to a second round of workshops where they can discuss how those issues/opportunities could be addressed. This two-way conversation enables Council and stakeholders to provide their perspectives on the issues/opportunities raised, and the best way for addressing them. Again, a post-workshop summary of the conversations held will be circulated as a record of the feedback received. That summary will also be used by the planning team as they go about drafting changes to the District Plan for notification. We anticipate the stakeholder engagement being completed in 2021.
40. In 2022, we will also provide a summary of the key proposed changes and seek feedback before the Proposed District Plan is notified in September of that year. This is likely to be undertaken on-line, rather than meeting face-to-face.
41. The final engagement point with stakeholders will be to provide them with a 'heads up' on the September 2022 notification period and how they can be involved through the statutory submission process.

Appendix 2:

Item C2

Community engagement

42. The outcome we are seeking from community engagement is a wider public understanding of the changes that are going to occur in their community because of any amendments to the District Plan. Importantly, we will demonstrate the background to how we got here with reference to the Government's directive NPS-UD and how we are implementing it in a manner consistent with 'Our vision for Hamilton Kirikiriroa', the latter being prepared in consultation with the wider Hamilton community. The District Plan is just one tool for giving effect to the city's vision and that is our starting point for community engagement.
43. Urban intensification can have negative connotations associated it with and we need to change the narrative around this by demonstrating its benefits and what good urban intensification looks like. To this extent, community engagement will have a visual focus to its approach, showing examples of how the city can look and how this aligns with the vision of creating liveable neighbourhoods with easy access to local amenities that are important to residents. Community engagement will have both an on-line and in-person approach, with the latter looking to be combined with other engagement touchpoints around the city.
44. Community engagement activity will also be undertaken in key locations throughout the city impacted by the NPS-UD. The purpose of this engagement will be to ask the community, what outcomes do you wish to see for your neighbourhood because of these changes? We propose using a 'Citizens Panel' to explore this question and provide them with the necessary information and support to deliberate on what is important to these communities. The Citizens Panel will be made up of members that represent a cross-section of the subject community, ensuring that a genuine mix of viewpoints are brought to the table. The results of each Citizens Panel discussion will be made publicly available as a record of those discussions and further feedback can be provided on what the community thinks of those outcomes.

Engagement phases

45. To manage the workload across both stakeholder and community engagement, the District Plan change is split into four phases:
 - Phase 1 – Introducing the District Plan change and initial feedback
 - Phase 2 – Testing our thinking
 - Phase 3 – Closing out non-statutory engagement
 - Phase 4 – Statutory engagement.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

46. 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').
47. 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.
48. The recommendations set out in this report are consistent with that purpose.

Social

49. 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.
50. 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.

Appendix 2:

Economic

51. Economic wellbeing is defined as the capacity of the economy to generate employment and wealth necessary for present and future financial security.
52. 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.
53. 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

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

Cultural

56. 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*

57. 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.
58. 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.
59. 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 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.
60. Other risks identified to date include:
 - Covid-19 and remote working;
 - the balance between enabling growth and best practice sustainability and ensuring quality built form outcomes are delivered;
 - Tangata whenua, developer, and community expectations;
 - the timing of related initiatives (including the Future Proof review, any amendments to the Waikato Regional Policy Statement and a HUGS review); and
 - project scope creep.
61. All the risks identified in this report will be subject to a detailed risk workshop, the creation of a risk register and mitigation framework in early 2021.

Appendix 2:

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

Significance

62. 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

63. 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.

Item C2