
District Plan Committee

Komiti Ture-aa-takiwaa

OPEN MINUTES

Minutes of a meeting of the District Plan Committee held via Audio Visual Link on Thursday 4 November 2021 at 9.33am.

PRESENT

Chairperson Cr R Hamilton

Heamana

Deputy Chairperson Cr A O'Leary

Heamana Tuarua

Members Mayor P Southgate
Deputy Mayor G Taylor
Cr S Thompson
Cr R Pascoe
Cr M Gallagher
Maangai J Whetu

In Attendance Cr van Oosten
Cr Donovan
Cr Wilson
Cr Macpherson
Blair Bowcott – General Manager Growth
Debra Stan-Barton - Project Manager
Lachlan Muldowney – Barrister for Hamilton City Council

Governance Team Amy Viggers – Governance Team Leader
Tyler Gaukrodger – Governance Advisor

1. **Apologies – *Tono aroha***
Resolved: (Cr Hamilton/Cr O'Leary)
That the apologies for lateness from Mayor Southgate are accepted.
2. **Confirmation of Agenda – *Whakatau raarangi take***
Resolved: (Cr Hamilton/Cr O'Leary)
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 21 September 2021

Resolved: (Cr Hamilton/Cr O'Leary)

That the District Plan Committee confirm the Open Minutes of the District Plan Committee Meeting held on 21 September 2021 as a true and correct record.

6. Chair's Report

The Chair spoke to his report, noting the recent NPS information being released to the public by Central Government would allow Council to speak more about the District Plan programme in open meetings. He and staff responded to questions from Members concerning the District Plan programme timeline, collaboration with Mana Whenua, requirements of the building act, changes to build quality due to the Resource Management Amendment bill, requirements for tier one local authorities, increased amenity requirements as a result of the new bill, opportunities for Council strategic planning to influence central Government, details to include in the submission to central Government, and density requirements in the new bill.

Resolved: (Cr Hamilton/Deputy Mayor Taylor)

That the District Plan Committee receives the report.

Mayor Southgate joined the meeting (9.37am) during the above item. She was present when the matter was voted on.

7. General Manager's Report

The General Manager Growth took the report as read.

Resolved: (Cr Hamilton/Mayor Southgate)

That the District Plan Committee receives the report.

8. Resolution to Exclude the Public

Resolved: (Cr Hamilton/Cr Pascoe)

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 21 September 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 District Plan Change Programme)	

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

Item C1.	to prevent the disclosure or use of official information for improper gain or improper advantage	Section 7 (2) (j)
Item C2.	to 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 10.44am

The meeting was declared closed at 12.21pm

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 District Plan Change Programme

Resolved:

That the District Plan Committee:

- a) receives the report;*
- b) notes that:*
 - i. the Resource Management (Enabling Housing Land Supply and other matters) Amendment Bill was published on 19 October at the time of writing the report; it applies to all Tier 1 high growth Councils including Hamilton;*
 - ii. staff are currently working on a submission on The Resource Management (Enabling Housing Land Supply and other matters) Amendment Bill, which will be brought to the 11 November 2021 Council meeting for consideration;*
 - iii. staff are currently looking at the implications of the proposed legislation on the District Plan work programme scope, time frames and risks and will bring a report and recommendation to the 15 December 2021 District Plan Committee meeting outlining a revised PC12 programme scope and timeframe;*
- c) notes and supports the direction of the planning provisions for Maaori heritage (sites of significance and archaeological) as set out in this report; and*
- d) notes that the decisions and information in relation to these matters be released at the appropriate time, to be determined by the Chief Executive.*

Appendix 1:

Council Report

Item C2

Committee: District Plan Committee **Date:** 04 November 2021
Author: Debra Stan-Barton **Authoriser:** Blair Bowcott
Position: Acting City Planning Unit Manager **Position:** General Manager Growth
Report Name: Update on the District Plan Change Programme

Report Status	<i>This report is taken as a publicly excluded item 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 on the new Resource Management (Enabling Housing Land Supply and other matters) Amendment Bill and on the direction of planning provisions for Maaori heritage (as part of PC12).

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the District Plan Committee:
 - a) receives the report;
 - b) notes that:
 - i. the Resource Management (Enabling Housing Land Supply and other matters) Amendment Bill was published on 19 October at the time of writing the report; it applies to all Tier 1 high growth Councils including Hamilton;
 - ii. staff are currently working on a submission on The Resource Management (Enabling Housing Land Supply and other matters) Amendment Bill, which will be brought to the 11 November 2021 Council meeting for consideration;
 - iii. staff are currently looking at the implications of the proposed legislation on the District Plan work programme scope, time frames and risks and will bring a report and recommendation to the 15 December 2021 District Plan Committee meeting outlining a revised PC12 programme scope and timeframe;
 - c) notes and supports the direction of the planning provisions for Maaori heritage (sites of significance and archaeological) as set out in this report; and
 - d) notes that the decisions and information in relation to these matters be released at the appropriate time, to be determined by the Chief Executive.

Appendix 1:

Executive Summary - *Whakaraapopototanga matua*

3. This report covers:
 - i. a summary of [The Resource Management \(Enabling Housing Land Supply and other matters\) Amendment Bill](#) (the Bill);
 - ii. a Heritage update focusing on the Maaori heritage workstream.
4. The Bill was published on 19 October at the time of writing this report and applies to all Tier 1 high growth councils including Hamilton.
5. Staff are currently working on a submission on The Resource Management (Enabling Housing Land Supply and other matters) Amendment Bill that will be reported to the Council meeting of 11 November 2021.
6. Staff are intending to report to the next District Plan Committee meeting with a revised PC12 programme scope and timeframe.
7. Previously, staff outlined the historic heritage component of the District Plan plan change programme and the key tasks being undertaken.
8. Although works in these areas have been affected by the changing COVID alert Levels, there has been further refinement to the sites of significant Maaori heritage. Staff and WSP consultants are working alongside Mana Whenua on the culturally acceptable manner to ensure protection alongside the urban setting of Hamilton that has, through the city's development, been overlaid over these areas.
9. Staff are seeking the Committee's support of the direction of the approach for Maaori heritage (sites of significance and archaeological) as outlined in paragraphs 31-33 of the staff report.
10. Given the statutory requirement to consult, staff have not considered the key considerations under the Significance and Engagement Policy. The recommendation complies with Council's legal and policy requirements.

Background - *Koorero whaimaarama*

11. 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.
12. 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.
13. The remaining District Plan Committee meeting date for 2021 is 15 December; dates for meetings in 2022 are currently being finalised by the Governance team.
14. 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.

Item C2

Appendix 1:

Discussion

Summary of The Resource Management (Enabling Housing Land Supply and other matters) Amendment Bill (the Bill)

15. The Bill was published on 19 October at the time of writing this report. It applies to all Tier 1 high growth councils including Hamilton.
16. While not yet passed into law, the Bill has significant ramifications for Council's intended approach to complying with the NPS-UD.
17. This Bill brings forward the implementation of the NPS-UD intensification policies by using a new fast track Intensification Streamlined Planning Process (ISPP). Councils are required to notify a plan change implementing the ISPP in August 2022 (see **Attachment 1** - factsheet).
18. In addition, the Bill now requires compulsory rezoning citywide of a new Medium Density Residential Zone with mandated standards (MDRS) enabling three residential units up to three storeys in height as a permitted activity on a site (i.e. there is no need for a resource consent).
19. While the Bill has not reduced the types of qualifying matters as set out in the NPS-UD, it requires councils to provide greater justification in making allowances for the qualifying matters where they wish to make MDRS less permissive.
20. Staff are exploring the role that giving effect to the Te Ture Whaimana - The Vision and Strategy has in implementing the Bill, but this this will need granular infrastructure information.
21. This Bill and the Government's focus appears to be on delivery of houses as a priority, as opposed to our current focus as a Council in the District Plan change programme on ensuring we deliver communities (current and future).
22. Given the significance of the amendments proposed, staff will present on this item at the meeting on what it means for the existing Plan Change 12 programme and original intensification staging and options assessments underway.
23. In addition to enabling a new Medium Density Zone across the city, the proposed Bill also includes a critical amendment to Policy 3d) of the NPS-UD in that it no longer requires a demand and accessibility assessment to determine intensification but rather an assessment of all commercial (neighbourhood and suburban centres) centres within the city's jurisdiction for potential of higher density up zoning (see **Attachment 2**). These areas would be in addition to the existing identified Area Plan locations that were originally weighted because of their high accessibility scoring among other criteria.
24. This change to intensification methodology needs to be clarified further with Central Government as it will determine what the best approach might be for enabling future staging of these additional higher density (greater than three storeys) hot spot areas.
25. The new requirements to enable the MRDS citywide and potentially additional higher density zones across the city will have major implications for future infrastructure serving, funding and financing. This latter point will be one of the matters addressed in Council's submission to the proposed Bill.
26. Any additional areas for high density development will now need to be assessed in the context of the recently proposed MRDS and what this means in terms of predicted demand growth for the city, infrastructure capacity and the wider HUGS growth programme.
27. Staff are preparing a Council submission on the Bill for consideration by Central Government and intend to liaise with Future Proof partner councils and iwi on the potential for an additional joint submission.

Item C2

Appendix 1:

Heritage workstream update

28. During the Committee's 23 June 2021 meeting, staff outlined the historic heritage component of the District Plan change programme and the key tasks being undertaken. Staff introduced the three areas:
 - i. Built Heritage;
 - ii. Notable Trees; and
 - iii. Maaori Heritage.
29. Although it was programmed for our consultants (WSP – Built Heritage; and Arbolab – Notable Trees) to have started site visits in August/September 2021, the COVID alert levels have required that these be reorganised. This will be communicated to all affected property owners when staff are able to physically return to the office. Nevertheless, the consultants are continuing to do other aspects of their assessments.
30. The information relating to Maaori Heritage, shared with the Committee in June 2021, has been further refined and the number of sites confirmed with Mana Whenua as being acceptable to them to be scheduled in the District Plan. Staff and WSP consultants are now working alongside Mana Whenua on the culturally acceptable manner to ensure protection alongside the urban setting of Hamilton that has, through the city's development, been overlaid over these areas.
31. Two hui have been held to understand what activities threaten these areas and how those activities can be managed by planning provisions. The present mahi with Mana Whenua, on what are the threats to the cultural significance of the identified sites, the whenua and awa, has identified the following:
 - i. earthworks;
 - ii. lack of consistent consultation with Iwi at the early stages of a development;
 - iii. greater need for the preparation of cultural assessments as part of early developments.
32. A set of planning provisions reflecting the above matters will be presented to Mana Whenua on 5 November 2021. The provisions will be focusing on:
 - i. the ability to require formal engagement with Mana Whenua regarding works proposed in the identified sites of significance, especially for both brownfield redevelopments and the development of greenfield areas;
 - ii. the extent and management of earthworks; activities that should require resource consent if occurring in scheduled areas; and
 - iii. the provision and application of Cultural Impact Assessments to accompany resource consent applications.
33. Following November's hui, attendees will share these draft provisions with their respective Marae for consideration. Mana Whenua feedback on these draft provisions will be shared with staff at the December hui. The feedback will identify if the activities set out above, to be managed by the planning provisions, are adequate to address threats to the cultural significance or if further additions or modifications are needed.
34. At this time, staff seek the Committee's support of the approach outlined in paragraphs 31-33 above.
35. Due to tight timeframes, the wording of the proposed planning provisions (objectives, policies, and rules) will be tabled at the Committee meeting.

Item C2

Appendix 1:

Financial considerations – *Whaiwhakaaro Puutea*

36. The District Plan Programme is funded through the 2021-31 Long Term Plan. Finances are reported quarterly in the General Manager's report to the Committee.

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

37. Staff confirm that the staff recommendation complies with the Council's legal and policy requirements.

Wellbeing Considerations – *Whaiwhakaaro-aa-oranga tonutanga*

38. 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').
39. 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.
40. The recommendations set out in this report are consistent with that purpose.

Social

41. 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.
42. 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

43. Economic wellbeing is defined as the capacity of the economy to generate employment and wealth necessary for present and future financial security.
44. 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.
45. 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

46. 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.
47. Members recently agreed the vision to shape Hamilton as a green city.

Cultural

48. 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 considers the principles of the Treaty of Waitangi (te Tiriti o Waitangi) and issues of concern to hapū and iwi.

Appendix 1:

Risks - *Tuuraru*

49. Risks are currently tracked at project and programme level and are reported in the General Manager's report in the open agenda of the meeting. The programme utilises the Council's risk management framework.

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

Significance

50. 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

51. A communications and engagement update is provided in the General Manager's report presented in the open session of the meeting.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill
- Fact Sheet

Attachment 2 - Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill
- Map .

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Fact Sheet: Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill

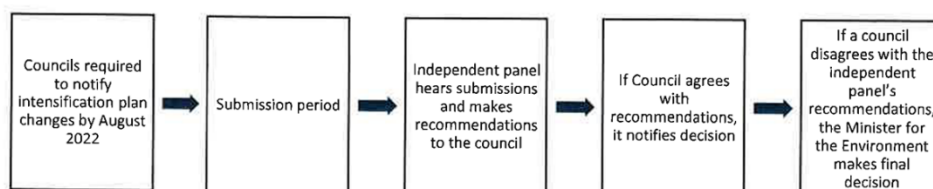
The Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill is designed to improve housing supply in New Zealand's five largest cities by speeding up implementation of the National Policy Statement on Urban Development (NPS-UD) and enabling more medium density homes.

Tier 1 councils will be required to use a new planning process to accelerate housing supply

The NPS-UD is a powerful tool that removes overly restrictive planning rules and requires councils to plan better for growth.

The new Intensification Streamlined Planning Process (ISPP) will enable the tier 1 councils – covering the greater Auckland, Hamilton, Tauranga, Wellington, and Christchurch urban areas – to implement the intensification required by the NPS-UD at least a year earlier than under standard RMA timeframes. Intensification plan changes will be notified by August 2022.

The ISPP is based on the streamlined planning process in the Resource Management Act 1991 (RMA), with opportunities for Māori and iwi and public participation and no appeal rights.



The ISPP will be completed in approximately 12 months – by August 2023. Each council will run its own individual process following the steps set out above. The timeframe that each council will follow for each step will be set by the Minister for the Environment, reflecting councils' particular circumstances.

Tier 1 councils will be required to adopt Medium Density Residential Standards (MDRS)

Increasing the density of urban areas will give people more choices about where they can live affordably in a wider variety of housing types that have good access to jobs, transport, and community facilities.

The medium density residential standards (MDRS) will set seven building requirements to enable development and must be incorporated into RMA plans for current and future

residential zones in Tier 1 urban areas. The requirements will enable landowners to build up to three houses of up to three storeys on their site as of right on most sites. This includes alterations to existing buildings.

The MDRS will enable medium density to be built across much more of our urban areas but will not require it. It will result in fewer resource consents being required and a simpler process that avoids notification when a resource consent is needed.

In many cases, these standards will have legal effect when plans are notified by August 2022, immediately enabling new supply.

Proposed Medium Density Residential Standards

Council RMA plans must permit housing that at least meets the following:

Height	up to	11m high + an additional 1m for a qualifying pitched roof
Height in relation to boundary	up to	6m high at site boundary + 60° recession plane
Setbacks	as close as	2.5m of the front yard boundary 1m of the side yard boundaries 1m of the rear boundary (except on corner sites)
Building coverage	up to	50% coverage of the site area
Impervious surface	up to	60% coverage of the site area (ie. 50% building coverage plus 10% for pavement)
Outdoor living space (one per unit)	of at least	15m² for houses at ground floor, with a minimum dimension of 3m 8m² for houses with no ground floor per floor, with a minimum dimension of 1.8m
Outlook space (per unit)	of at least	3m x 3m space from a principal living room: From all other habitable rooms: 1m x 1m

Councils may choose to amend any of the above standards, so they are more enabling (i.e. providing greater heights or smaller outdoor spaces). Alternatively, developers may apply for a resource consent to undertake activities that are not permitted by the standards.

Links to tables comparing the new rules to existing Tier 1 Council provisions are below:

- existing single house/general residential provisions in Tier 1 council district plans
- medium density (or nearest equivalent) residential provisions in Tier 1 council district plans [here](#)

The MDRS will enable development from August 2022

The MDRS will have legal effect from the time the council notifies the relevant plan changes by August 2022 unless:

- a qualifying matter applies

- the council has proposed more permissive height standards
- greenfield land is being rezoned to residential land.

In these cases, planning provisions will have legal effect once the plan change decisions have been completed and after the submissions and hearings period.

Exemptions to the MDRS will ensure intensification is in the right places

Councils will be able to make zoning less permissive than the MDRS in areas where there are certain features. These features are referred to as qualifying matters and are currently listed in the NPS-UD. They include nationally significant infrastructure, natural hazards, open space provided for public use, heritage, and consistency with iwi participation legislation.

Qualifying matters do not necessarily prohibit development. They allow councils to reduce the amount of development allowed so the feature is managed appropriately.

Applying the MDRS to tier 2 councils

Tier 2 councils could be required by Order in Council (OIC) to use the ISPP to adopt the MDRS if the area is experiencing acute housing need. Tier 2 councils can provide information to the Minister of Housing and the Minister for the Environment on their housing need to help determine whether they meet the criteria.

Rezoning greenfield into residential land

Councils will be able to adopt and incorporate private plan changes within their intensification plan changes and progress them through the ISPP. This is in addition to rezoning greenfield areas they have identified. Greenfield land will be enabled to be rezoned as residential as part of the ISPP. The new zoning will then need to meet the requirements in the MDRS.

Clarifying Policy 3(d) of the NPS-UD

Changes to Policy 3(d) of the NPS-UD will better clarify this policy and reduce workloads for councils. The policy 3(d) will be changed to focus solely on accessibility, rather than accessibility and demand, and will be more directive about how accessible areas should be identified.

Tier 1 councils

Tier 1 urban environment	Tier 1 councils
Auckland	Auckland Council
Hamilton	Hamilton City Council, Waikato District Council, Waipā District Council
Tauranga	Tauranga City Council, Western Bay of Plenty District Council
Wellington	Wellington City Council, Porirua City Council, Hutt City Council, Upper Hutt City Council, Kāpiti Coast District Council
Christchurch	Christchurch City Council, Selwyn District Council, Waimakariri District Council

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[UNCLASSIFIED]

Tier 2 councils:

Tier 2 urban environment	Tier 2 councils
Whangārei	Whangarei District Council
Rotorua	Rotorua District Council
New Plymouth	New Plymouth District Council
Napier Hastings	Napier City Council, Hastings District Council
Palmerston North	Palmerston North City Council
Nelson Tasman	Nelson City Council, Tasman District Council
Queenstown	Queenstown Lakes District Council
Dunedin	Dunedin City Council

Further details / Links to contact & web pages

[Visit the Te Tūāpapa Kura Kainga – Ministry of Housing and Urban Development website for more information including factsheets and images of medium density housing.](#)

Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill - Modification of Policy 3(d) of NPS-UD

*For Discussion Purposes (More Analysis Needed): Equivalent Zones to National Planning Standard's
Town Centre, Local Centre, Neighbourhood Centre Zones*

These commercial centre zone areas will likely be subject to the amended NPS-UD Policy 3(d). This requires Tier 1 Councils to enable building heights and densities commensurate to the level of commercial activities and community services within and adjacent. The extent, and method for determining, the areas for intensification around these centres are not yet confirmed. Further work is required.

