
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 Audio Visual link on Thursday 4 March 2021 at 1.00pm.

PRESENT

Chairperson	Cr R Hamilton
<i>Heamana</i>	
Deputy Chairperson	Cr A O'Leary (via Audio Visual link)
<i>Heamana Tuarua</i>	
Members	Mayor P Southgate Cr S Thompson Cr R Pascoe Cr M Gallagher Maangai Maaori J Whetu (via Audio Visual link) Deputy Mayor G Taylor (as alternate)

In Attendance:	Cr M van Oosten Cr D Macpherson Jen Baird – General Manager City Growth Luke O'Dwyer – City Planning Manager Lachlan Muldowney - Barrister
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Governance Team:	Becca Brooke – Governance Manager Tyler Gaukrodger – Governance Advisor
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- 1. Apologies – *Tono aroha***
Resolved: (Cr Hamilton/ Cr Gallagher)
That the apologies for early departure from Maangai Whetu are accepted.
- 2. Confirmation of Agenda – *Whakatau raarangi take***
Resolved: (Cr Hamilton/ Mayor Southgate)
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

A written submission was received from Peter Bos regarding Item 5 (Chair's Report) and was circulated to Members prior to the meeting. These submission is attached to the minutes as **appendix 1**.

5. Chair's Report

The Chair took the report as read and responded to questions from Members concerning the previous District Plan.

Resolved: (Cr Hamilton/ Mayor Southgate)

That the District Plan Committee receives the report.

6. Resolution to Exclude the Public

Resolved: (Cr Hamilton/ Cr Thomson)

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. Scope and process to make changes to the District Plan) Good reason to withhold) information exists under) Section 7 Local Government) Official Information and) Meetings Act 1987)	Section 48(1)(a)

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

Item C1.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h) Section 7 (2) (i)
	to enable Council to carry out negotiations	

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

During the public excluded session the following was resolved to be released to the public:

Item C1: Scope and process to make changes to the District Plan

That the District Plan Committee:

- a) receives the report;
- b) notes that the focus of the District Plan Committee's work between March and July 2021 will be to provide direction on the implementation of the National Policy Statement-Urban Development (NPS-UD) intensification requirements;
- c) instructs 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; and
- d) notes that the decision and report on this matter will be released to the public via the open minutes as **appendix 2**.

The meeting was declared closed at 4.08pm.

Appendix 1

Appendix 1:

District Plan Committee Open Agenda - 4 March 2021 - Written Submissions

Hello Cr Ryan Hamilton

Well done with leading this District Plan committee

For public forum, text is from Memo to his worship the Mayor and Councillors 11th July 1975, by Town Planning Officer

'If the layman citizen of modest means and intelligence can ... read it easily, understand it and conclude that it all makes sense – if it can be defended against the opposition of the legal profession and the experts in the planning and allied fields – if it eventually achieved the planning objectives attempted – then it can be regarded as a worthy district scheme [plan]', page 2 of attached Memo to his worship the Mayor and Councillors 11th July 1975, by Town Planning Officer

If you will allow, could the above text be included in the minutes under public forum of this first meeting, so it can be referenced back to in the future. Apologies I will not be available to speak in person.

Regards

Peter H Bos

Appendix 1

District Plan Committee Open Agenda - 4 March 2021 - Written Submissions



Town Planning Department,
Worley Street,
Hamilton, N.Z.

TELEPHONE 2788 81-919
PLEASE ADDRESS
ALL COMMUNICATIONS TO
THE TOWN PLANNING OFFICER
P.O. BOX 937

IN REPLY PLEASE QUOTE
63/6
ON ENQUIRY PLEASE ASK FOR

Mr. J.A. Anderson.

11th July 1975.

The Librarian,
Hamilton City Council,
Barton Street,
HAMILTON.

Dear Sir,

At the July meeting of Council it was resolved that the "Report on Residential Areas", the first stage in the District Scheme Review process, be made available for public comment, and copies sent to various interested bodies or organizations.

Accordingly we are enclosing a copy of the 2 volume report for your comment and constructive criticism. In view of the time schedule for the review of the District Scheme we would appreciate your written comments by 31st August, 1975. If you feel that a meeting would also be useful we would be pleased to arrange this.

It is emphasised that the report has merely been received by Council at this stage and no debate on the proposals has as yet taken place. The intention is to provide the public with an opportunity to make representations on the basis of the proposals contained in the report before any decisions are taken. The Council will then consider the report along with any public submissions or comment after the end of August. Decisions will then be made as to the amended proposals to be put forward in the reviewed District Scheme which should be publicly notified for formal objection early in 1976.

We hope that your organization will take advantage of this opportunity to make a positive contribution towards the planning of the City.

per: James A. Anderson

Yours faithfully,
L.W.G. Smith,
TOWN PLANNING OFFICER.

HAMILTON PUBLIC LIBRARY

MEMO TO HIS WORSHIP THE MAYOR AND COUNCILLORS

District Scheme - First Review

Report on Residential Areas

Legal Requirements for a Review

The Town and Country Planning Act requires that a district scheme be reviewed no later than five years after it becomes operative. The reviewed scheme need contain no changes at all, while at the other end of the scale, it may be entirely re-written.

A district scheme is a legal document having the force and effect of regulations under the Act.

Sections 1 and 2 of Hamilton's district scheme must be reviewed together.

The Purpose of a Review

A review provides an opportunity to examine the present scheme with a view to making adjustments where required. It should be looked at to see whether it is fulfilling the general purposes of a district scheme (as set out in Section 18 of the Act) and, further, whether the relevant goals, objectives and policies of the Comprehensive City Development Plan are being helped or hindered.

It cannot be said that the present scheme is a failure, but, inevitably, there must be changes made from time to time. The review provides the chance to recognize changing circumstances and standards and to apply more appropriate zoning techniques.

I see no need for drastic changes, either in zoning or ordinances. Basically, the scheme is sound but it does require some adjustments - particularly, a refinement due to the growth of the City.

Any district scheme must be:-

- designed to achieve general and specific planning objectives.
- soundly based. (It is fortunate that there are such documents as the Transportation Study, the Area Study

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and the Comprehensive City Development Plan.)

- clearly understood.
- legally and technically defensible.
- able to cope with unusual circumstances.
- readily available for citizen perusal.

If the layman citizen of modest means and intelligence can buy it, read it easily, understand it and conclude that it all makes sense - if it can be defended against the opposition of the legal profession and the experts in the planning and allied fields - if it eventually achieves the planning objectives attempted - then it can be regarded as a worthy district scheme.

The Report

This report is the first in a series adding up to a fully reviewed district scheme. On the Council's instructions, priority has been given to residential areas.

As it is only a part of a long exercise, it should be stated that some of the questions arising from it will be dealt with in later reports.

The Council must approve the final document (the reviewed district scheme). It has thus been necessary to explain why there should be changes, to discuss alternative methods of correction and to provide supporting information. Because the end result is a legal document which contains fine detail, and in which virtually every word comes under scrutiny, it is necessary to provide the Council with detailed arguments.

Format

The report is in two volumes. The first, which accompanies this memorandum, consists of:-

- Part A - A summary of the changes recommended
- Part B - A discussion of the reasons for the changes and alternative methods of correction

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Part C - Recommendations for the Council's consideration

Part D - Appendices I and II.

The second volume is available for those councillors who want it. Its contents are:-

Part A - drafts of the scheme statement, ordinances and planning map.

Part B - Appendices giving basic data to support the conclusions arrived at in the report.

Notes on Recommendations

With regard to the recommendations attention is drawn to the following points:

Recommendations 2 & 3: It is considered that the involvement of the public in the review of the District Scheme at this early stage is very important for the reasons set out in Appendix II to this report.

Recommendation 4:

It is considered that the development being produced through adherence to Ordinance 15 is so unsatisfactory as to warrant its immediate revocation without waiting for public notification of the review as a whole. Conversely, the introduction of "Comprehensive Residential Developments" has the potential to produce more attractive and varied residential development than has generally been possible to date under lot by lot development controls, and it would seem that provision should also be made for this type of development as a matter of urgency.

Recommendation 5:

In view of the substantial costs involved in upgrading services to cope with redevelopment as set out in Appendix XII in the Supplementary Report it would seem that on completion of the current stormwater drainage investigations that a policy should be evolved establishing priorities as regards provision of services to new areas for city expansion as against redevelopment of existing city areas.

If the recommendations made can be accepted, Part A of the "Supplementary Report" can be amended as required by the Council,

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or as suggested by any public comment arising, the legalities (general and detailed) checked by the City Solicitors and the whole edited, re-arranged as necessary and (later) brought forward to be incorporated in the complete reviewed Scheme.



L.W.G. Smith,

TOWN PLANNING OFFICER.

Appendix 2

Appendix 2:

Council Report

Committee: District Plan Committee **Date:** 04 March 2021
Author: Luke O'Dwyer **Authoriser:** Jen Baird
Position: City Planning Manager **Position:** General Manager City Growth
Report Name: Scope and process to make changes to the District Plan

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 the scope, process and approach for developing the amendments to the Hamilton City District Plan
2. To inform the District Plan Committee of the preliminary matters that need consideration between March and July 2021.
3. To provide the District Plan Committee with an overview to the District Plan Committee of the National Policy Statement Urban Development (NPS-UD) on implementing intensification requirements.

Staff Recommendation - Tuutohu-aa-kaimahi

4. That the Committee:
 - a) receives the report;
 - b) notes that the focus of the District Plan Committee's work between March and July 2021 will be to provide direction on the implementation of the National Policy Statement-Urban Development (NPS-UD) intensification requirements; and
 - c) notes that the decision and report on this matter will be released to the public via the open minutes.

Executive summary

5. The formation of the District Plan Committee was approved by Council at its meeting held on 8 December 2020 (refer Item 12).
6. The Terms of Reference for this Committee were approved by Council on 4 February 2021 (refer Item 10).
7. On 24 February 2021, there was an Elected Member Briefing to for the purpose of discussing the scope and structure of the proposed District Plan changes, key considerations informing the work and the process will all Elected Members and Maangai.

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8. The Committee has been delegated authority by Council to provide and approve broad strategic direction to staff to inform and guide the development of District Plan amendments and this is a core focus of Committee's work.
9. This report will be accompanied by a presentation at the meeting which will cover the programme of work needed to be completed between now and September 2021, the key considerations and legislative drivers influencing this work, the focus areas for the Committee over the next four months, the role of the Committee in setting direction for staff, and an overview of key NPS-UD matters.

Background – *Koorero whaimaarama*

10. On 8 December 2020 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 Council approved the terms of reference for this Committee. The terms of reference are:
 - To provide and approve broad strategic direction to inform and guide the development of the District Plan amendments programme of work.
 - 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.
 - To recommend any proposed District Plan amendments to the Council for adoption and release for formal notification.
 - 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:
 - 23 April
 - 24 May
 - 3 August
 - 2 September
 - 4 November
 - 15 December.
13. Notwithstanding the above, should the District Plan Committee request more meeting dates and times staff will work with Governance 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

How the Committee will work with the rest of Council

15. While the District Plan Committee is the primary governance body to develop policy direction on key matters informing the District Plan amendments, there is a need to ensure the rest of the Council is kept informed of progress and of key issues being considered by the Committee.

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16. Staff recommend that this be achieved through briefings to Council throughout the year and with updates reported to the Strategic Growth Committee. The timing of these updates can be discussed and agreed with the Committee at the meeting held on 4 March 2021.

High level schedule

17. The graphic below indicates the key elements of the plan change programme from late 2020 to notification of the plan change in September 2022 and beyond.



18. In the plan preparation phase of the programme, the next twelve months will involve the following key elements:
- developing a detailed programme management plan;
 - developing engagement strategies and identifying key stakeholders and way to work with them;
 - undertaking detailed investigations and evidence gathering;
 - developing topic papers on key issues and working plan structures, formats, e-planning and developing policy options; and
 - working with the committee on key land use decisions and analysing and evaluating options for planning approaches on key topics.

The critical issues between March and July 2021

19. Staff propose that the early work of the Committee focuses on key matters related to implementing the National Policy Statement for Urban Development (NPS-UD).
20. For the purpose of this meeting, that means a covering the following components of the NPS-UD:
- understanding the mandatory NPS-UD requirements, especially those that relate to the intensification provisions;
 - developing an understanding of how walkability and accessibility is determined in the context of the NPS-UD;
 - exploring where elected members can influence and shape where certain areas can be intensified and to understand the implications for heritage and character of implementing the NPS-UD;
 - understanding the approach staff want to take in creating communities and not just re-zoned areas of land; and
 - outlining the sequencing of subsequent NPS-UD topics and decision making required over the life of the programme.

What is a National Policy Statement?

21. National Policy Statements (NPSs) are at the top of the hierarchy of planning instruments established under the Resource Management Act (RMA), providing direction on how the use, development and protection of resources can occur. As one goes down the hierarchy, greater specificity is provided both as to substantive content and to locality, in the following manner:

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- NPSs and national environmental standards are on the top tier and are the responsibility of central government. They set out objectives and identify policies to achieve those objectives from a national perspective;
 - regional policy statements and regional plans sit on the second tier and are the responsibility of regional councils. They identify objectives, policies and methods in relation to regions; and
 - on the third tier are district plans which are the responsibility of territorial authorities. District plans must state objectives, policies, rules (if any) and methods to implement the policies.
22. Each tier is required to “give effect to” the instruments on the tier above it. NPSs therefore guide decision-making under the RMA at the national, regional, and district levels. The plan-making directives are mandatory, and some are very specific in terms of identifying urban form outcomes.
23. The combined effect of these provisions within the RMA is to set up a statutory framework whereby territorial authorities have an obligation to establish and administer a district plan which achieves the purpose of the RMA, and in doing so must give effect to the stated objectives, policies, and directives within an NPS.

Financial considerations

24. The estimated cost to complete this work is \$15,371,000, which is currently unfunded (noting these costs are being worked through the LTP process at present). Working assumptions used to inform the cost estimates were based on the last plan review, especially in relation to the number and scale of submissions that may occur throughout the process (including the number of appeals that may be received, let alone which may go trial). As the project progresses, any significant deviation from those working assumptions that impact financial projections will be reported to Council.
25. City Planning is seeking LTP 2021-31 funding for extra staff and consultants across the 10-year period to deliver the programme of work.
26. The funding would include not only the technical work and engagement required to get to the point of notifying the plan change by September 2022 but the statutory requirements of the RMA Schedule 1 process which involves submissions, further submissions, hearings with independent commissioners and then appeals to the Environment Court.
27. There is some provision in the current City Planning budget to start the work now, prior to the LTP budgets being confirmed.
28. The financial implications of this work are outlined in the table below.

Y1	Y2	Y3	Y4	Y5	Y6	Y7	Y8	Y9	Y10	Total
\$3.647	\$2.324	\$1.211	\$1.662	\$1.788	\$1.788	\$1.053	\$0.633	\$0.633	\$0.633	\$15.371M

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

29. Staff confirm that the recommendations in this report comply with the Council’s legal and policy requirements.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

30. 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’).
31. 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.

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32. The recommendations set out in this report are consistent with that purpose.

Social

33. 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.
34. The proposed approach aligns with the recently adopted *Our vision for Hamilton Kirikiriria*, 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

35. Economic wellbeing is defined as the capacity of the economy to generate employment and wealth necessary for present and future financial security.
36. 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.
37. 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

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

Cultural

40. 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*

41. Risks were considered as part of the analysis undertaken on the three approaches considered. These are noted in the Comments/Risks column in the table in paragraph 26.
42. 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. The other significant risk/unknown is the fact that significant RMA amendments are expected to be delivered in the current term of this Government.
43. 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 program as they arise.
44. 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.

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45. Other risks identified to date include:

- Covid-19 and remote working;
- balance between enabling growth and best practice sustainability and ensuring quality built form outcomes are delivered;
- Tangata whenua, developer and community expectations;
- 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.

46. All of 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.

Significance & Engagement Policy - Kaupapa here whakahira/anganui

Significance

47. 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

48. 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.