

Notice of Meeting:

I hereby give notice that an ordinary Meeting of the District Plan Committee will be held on:

Date: Tuesday 21 September 2021
Time: 9.30am
Meeting Room: Council Chamber and Audio Visual Link
Venue: Municipal Building, Garden Place, Hamilton

Richard Briggs
Chief Executive

District Plan Committee *Komiti Ture-aa-takiwaa* OPEN AGENDA

Membership

Chairperson Cr R Hamilton
Heamana

Deputy Chairperson Cr A O'Leary
Heamana Tuarua

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

Quorum: A majority of members (including vacancies)

Meeting Frequency: Six Weekly

Becca Brooke
Governance Manager
Menetia Mana Whakahaere

13 September 2021

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www.hamilton.govt.nz

Purpose

The District Plan Committee is responsible for providing Governance leadership and direction to staff to develop amendments to the Hamilton City Operative District Plan 2017.

In addition to the common delegations, the District Plan Committee is delegated the following Terms of Reference and powers:

Terms of Reference:

1. To provide and approve broad strategic direction to inform and guide the development of the District Plan amendments programme of work.
2. 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.
3. To recommend any proposed District Plan amendments to the Council for adoption and release for formal notification.
4. To provide regular updates to the Council on the progress of the District Plan amendments programme of work.

The Committee is delegated the following powers to act:

- Approval of matters determined by the Committee within its Terms of Reference.

The Committee is delegated the following recommendatory powers:

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

Recommendatory Oversight of Policies and Bylaws:

N/A

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1 Apologies – *Tono aroha*

2 Confirmation of Agenda – *Whakatau raarangi take*

The Committee to confirm the agenda.

3 Declaration of Interest – *Tauaakii whaipaaanga*

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

4 Public Forum – *Aatea koorero*

As per Hamilton City Council's Standing Orders, a period of up to 30 minutes has been set aside for a public forum. Each speaker during the public forum section of this meeting may speak for five minutes or longer at the discretion of the Chair.

Please note that the public forum is to be confined to those items falling within the terms of the reference of this meeting.

Speakers will be put on a Public Forum speaking list on a first come first served basis in the Council Chamber prior to the start of the Meeting. A member of the Council Governance Team will be available to co-ordinate this. As many speakers as possible will be heard within the allocated time.

If you have any questions regarding Public Forum please contact Governance by telephoning 07 838 6727.

Council Report

Item 5

Committee: District Plan Committee **Date:** 21 September 2021
Author: Tyler Gaukrodger **Authoriser:** Becca Brooke
Position: Governance Advisor **Position:** Governance Manager
Report Name: Confirmation of the District Plan Committee Open Minutes of 3 August 2021

| | |
|----------------------|-------------|
| Report Status | <i>Open</i> |
|----------------------|-------------|

Staff Recommendation - *Tuutohu-aa-kaimahi*

That the District Plan Committee confirm the Open Minutes of the District Plan Committee Meeting held on 3 August 2021 as a true and correct record.

Attachments - *Ngaa taapirihanga*

Attachment 1 - District Plan Committee Unconfirmed Open Minutes - 3 August 2021

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 Tuesday 3 August 2021 at 9.31am.

PRESENT

Chairperson Cr R Hamilton

Heamana

Deputy Chairperson Cr A O'Leary

Heamana Tuarua

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

In Attendance Cr E Wilson
Cr M van Oosten
Blair Bowcott – General Manager Growth
Chris Allen – General Manager Development
Paul Bowman – Team Leader City Planning
Carmen Norris - Programme Manager Economic Growth & Planning
Ben Scott – Programme Manager Housing
Amy Trigg – Senior Policy Analyst
Debra Stan-Barton - Project Manager Regulatory Efficiency and Effectiveness Programme
Paul Ryan - Senior Planner City Planning
Craig McKibbin - City Planning Communication and Engagement Lead
Ben Petch – Consultant
Lachlan Muldowney – Consultant and Lawyer for Hamilton City Council

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

The Chair acknowledged the passing of Luke O'Dwyer, Council's City Planning Unit Manager speaking of the work he had undertaken in growth projects and the District Plan Committee.

A moments silence was then observed.

1. Apologies – Tono aroha

Resolved: (Cr Hamilton/Deputy Mayor Taylor)

That the apologies for lateness from Mayor Southgate were 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 23 June 2021**

Resolved: (Cr Hamilton/Cr Gallagher)

That the District Plan Committee confirm the Open Minutes of the District Plan Committee Meeting held on 23 June 2021 as a true and correct record.

6. **Chair’s Report**

The Chair took the report as read. He responded to questions from Members concerning climate resilience, emissions reduction, and the NPS-UD.

Staff Action: Staff undertook to provide information to Elected Members concerning climate change reduction requirements in the NPS-UD.

Resolved: (Cr Hamilton/Cr O’Leary)

That the District Plan Committee receives the report.

7. **Resolution to Exclude the Public**

Resolved: (Deputy Mayor Taylor/Maangai Whetu)

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 23 June 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 Section 7 (2) (f) (ii)
to prevent the disclosure or use of official information for improper gain or improper advantage Section 7 (2) (j)

The meeting went into a public excluded session at 9.41am.

The meeting was declared closed at 12.24pm.

Council Report

Item 6

Committee: District Plan Committee

Date: 21 September 2021

Author: Tyler Gaukrodger

Authoriser: Becca Brooke

Position: Governance Advisor

Position: Governance Manager

Report Name: Chair's Report

| | |
|----------------------|-------------|
| Report Status | <i>Open</i> |
|----------------------|-------------|

Recommendation - *Tuutohu*

That the District Plan Committee receives the report.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Chair's Report



Chair's Report

Kia ora Taatau,

This is our 7th meeting of our District Plan Review Committee. It is an appropriate time to take stock of some of the ground we have covered to date, to review our scope and to check we are united in terms of strategy going forward in quite an uncertain external environment.

It will be no surprise that the passing of Luke personally and professionally has impacted the pace of the work we have been undertaken. Staff have been resolute to honour the work he was leading and collaborate with our internal and external personnel, skills and resources to continue this vital work however it is fit that we pause and assess;

- What's been achieved so far
- The scope of the programme – check that all understand what is being undertaken and the final destination
- Emerging questions or issues (e.g. existing operative DP provisions for intensification, future role of urban design panel, sequencing/prioritisation of area plans)
- We are still on target to notify the plan change this time next year (Sept 2022)

The elephant in the room for me is having a clear understanding of how we meet the requirements of the NPS-UD. More explicitly what would be the minimum threshold in terms of density or unit numbers? How can we deliver on a vague target AND simultaneously deliver on the indelibly interconnected impact on existing (and need for upsize capacity) infrastructure. We know the funding of infrastructure is already a very challenging issue NZ wide but we can't possibly address the funding challenge if we don't have a clear understanding on the step change demand this type of infill pressure will create.

We have been able to advance aspects of this process through both formal resolutions and via a level of informal workshoping and this seems to have been working really well. We will continue this format at this meeting with staff and key advisors/legal to talk through these matters after the formal reports have been considered.

- Outcomes from this meeting/workshop will be reported back to the next meeting and will also determine and shape work programme for the next 12 months
- Engagement with the community has started with the stakeholder webinar that took place in early September and was attended by more than 160 people with really positive and appreciate feedback thus far.
- Citizen Panels recruitment is under way and workshops are expected to start in late-September.

E tio te tūi, e ketekete te kākā, e korihi te kokako. - It takes many instruments to make a symphony

Recommendation

That the Strategic Growth Committee receives the report.

Ryan Hamilton
Chair, District Plan Committee

Council Report

Item 7

Committee: District Plan Committee **Date:** 21 September 2021
Author: Carmen Norris **Authoriser:** Blair Bowcott
Position: Programme Manager **Position:** General Manager Growth
Report Name: General Manager's Report

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|----------------------|-------------|
| Report Status | <i>Open</i> |
|----------------------|-------------|

Purpose - *Take*

1. To inform the District Plan Committee of items that need to be brought to the Members' attention, but which do not need a separate report.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the District Plan Committee receives the report.

Executive Summary - *Whakaraapopotanga matua*

3. This report provides updates to Committee Members on aspects of the District Plan Change Programme (DP Programme) for which the Programme Manager and the General Manager Growth have responsibility, including but not limited to:
 - i. Communications and engagement;
 - ii. Programme scope and progress against schedule;
 - iii. Infrastructure implications;
 - iv. Emerging issues;
 - v. Risks; and
 - vi. Financial considerations.
4. Staff consider the decisions in this report have low significance and that the recommendations comply with Council's legal requirements.

Background - *Koorero whaimaarama*

5. On 8 December 2020, Council approved the formation of the District Plan Committee, to provide and approve broad strategic direction to inform and guide the development of the District Plan amendments programme of work. The Committee's terms of reference were subsequently approved on 4 February 2021.
6. The remaining meeting dates for 2021 for the District Plan Committee are:
 - i. 4 November
 - ii. 15 December.
7. 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 - *Matapaki*

Communications and Engagement

8. A key aspect of the District Plan Change Programme (DP Programme) is to ensure that Council engages effectively with impacted communities and stakeholders. This engagement is required by the Resource Management Act (RMA) prior to notifying any amendments to the District Plan.
9. As a growing city, we need to plan so Hamilton develops the way our community wants, as well as meeting the new requirements set by central government. Shaping a city and doing it well can only be done together with people who live here and by working with groups that have a stake in our success.
10. A Communications and Engagement Advisor has been contracted to deliver the communications regarding the programme with the support from the Council's communications and engagement team and the programme manager.
11. A comprehensive communications and engagement strategy, which also includes a separate but related tangata whenua engagement strategy, underpins the DP Programme.
12. The key messages and techniques for engaging the community were approved by the District Plan Committee at their May 2021 meeting. The resolutions from that meeting were approved by Council on 10 June 2021.
13. Further, a report was tabled at the 12 August Council meeting outlining the planned engagement activities for August-October 2021.

Communications

14. Proactive media briefings and the release of area plan information took place in August 2021, resulting in coverage in the Waikato Times and New Zealand Herald.
15. A webpage has been created to provide background to the project and reflect what is now out in the public realm: www.hamilton.govt.nz/itsourplace. This continues to be updated.
16. Posts on social media (LinkedIn and Facebook) on Council channels and by Elected Members have gathered lots of interest and discussion.
17. A process has been set up to address public queries and a database established for ongoing updates.
18. Planning continues for heritage and biodiversity workstreams.

Stakeholder engagement

19. A stakeholder webinar took place in early September 2021, which was attended by more than 160 people. Stakeholders were asked to provide issues and opportunities to be considered as part of the programme following the webinar.

Community engagement

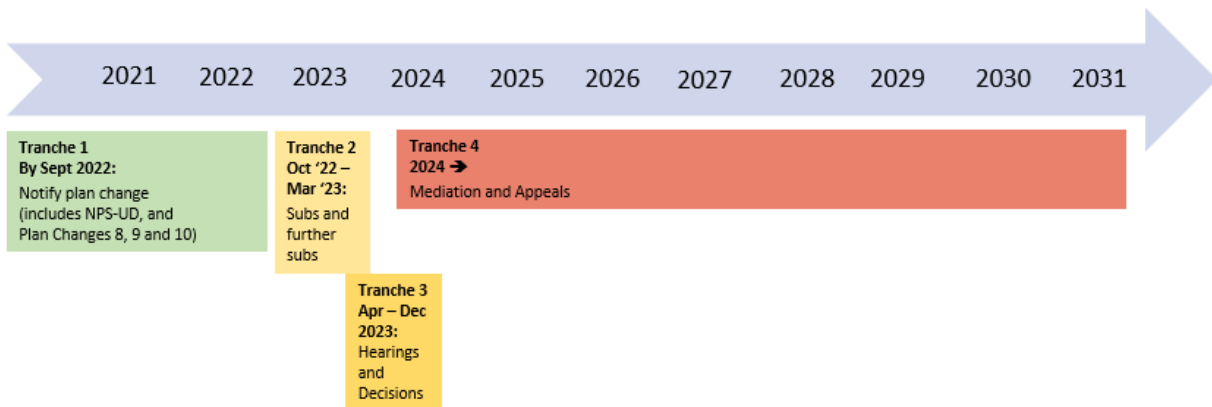
20. Recruitment for Citizen Panels is under way and workshops are expected to start in late-September.
21. Heritage and notable trees correspondence continues to be monitored and addressed as required.

Tangata whenua engagement

- 22. An approach has been made to Hukanui Marae to host taangata whenua and Iwi Maaori workshops. It is anticipated that workshops will be similar to the stakeholder workshops. It is likely to occur on a Saturday to allow most whaanau and rangatahi to attend.
- 23. Updates will continue to be provided to taangata whenua groups via email.
- 24. Wikitoria Tane (Waikato-Tainui) has supported the continued work of the NPS-Car Parking programme.
- 25. An internal workshop was delivered to Plan Change Programme staff and contractors, providing context to Treaty Settlement mechanisms that apply with Council.

Programme scope and progress against schedule

- 26. The entire programme consists of 4 tranches. While Tranche 1 has been formally underway since the start of the financial year (ie since 1 July 2021), staff have been working since January 2021 on preparing the programme management plan, scoping the individual projects that make up the programme, and contracting specialists to assist the workstream leaders.



- 27. Tranche 1 will result in notifying a plan change (Plan Change 12) by September 2022. This will give effect to the National Policy Statement – Urban Development (NPS-UD), which requires identifying new areas for greater urban regeneration at a scale and extent materially different from current settings.
- 28. Tranche 2 then begins; RMA Schedule 1 statutory timeframes apply, ie 20 working days for submissions after the plan change is publicly notified, followed by a further 10 working days for further submissions once the summary of submissions is publicly notified.
- 29. Tranche 3 is the period when submissions and further submissions are heard by independent RMA Commissioners, who then release their ‘Decisions’. Tranche 4 consists of appeals to the Environment Court, including mediation.
- 30. The simple graphic below shows where we are currently in the Schedule 1 process:



Tranche 1 scope and deliverables

31. Tranche 1 consists of 9 projects, each with its own milestones and budget:

| | | |
|-------|-------------------------|--|
| i. | 'Super' Plan change 12 | Drafting guides, templates, and overview to ensure cohesive drafting across the different chapters and topics. Includes 'rest of city' intensification response |
| ii. | Plan Change 9* | Identify and schedule built heritage, Maori sites of significance and all archaeological sites; reassessment of existing scheduled trees |
| iii. | Plan Change 8* | Development Plan provisions |
| iv. | Plan Change 10* | Plan Change to remove deferred status of industrial land in Te Rapa North |
| v. | SNA/biodiversity | Technical review and identification of SNA including significant habitat of indigenous fauna. The project includes the consideration of appropriate district plan provisions relating to the protection of indigenous biodiversity and habitat of indigenous fauna. |
| vi. | Area plans | Prepare Area Plans for Chartwell, Eastern Hamilton, Five Cross-Roads, Central City North to provide recommendations for DP Change 12, placemaking, and infrastructure |
| vii. | Carparking & mode shift | Prepare 3 plan changes (PC) to: PC A: Remove requirements for a minimum number of car parks** PC B: Retain requirements for accessible car parks (TBC). PC C: Support transport mode shift. |
| viii. | HBA Assessments | Delivery of three pieces of work: i. Re-base of our housing capacity assessment based on the proposed land use from areas plans and for "rest of city" ii. Land use survey – site by site classification to understand types of businesses operating in Hamilton's commercial areas iii. Centres assessment – assessment of the role and function of commercial centres and any changes required due to residential land use change |
| ix. | Inclusionary zoning | Investigate options and then develop provisions to include inclusionary zoning policies in the District Plan |

* These previously underway projects will be included in Plan Change 12

** To be completed by 20 February 2022

32. Ruakura rezoning is in the scope of this programme; however, it is being funded by Tainui Group Holdings and managed by an external consultant so sits outside the Council's project management system.

33. Specific deliverables for Tranche 1 are:

- i. New areas of the city are rezoned for intensification;
- ii. Plan changes 8, 9 and 10 (these previously underway projects will be included in Plan Change 12);
- iii. New areas are identified for biodiversity protection;
- iv. Revised parking standards;
- v. Implementation of a housing strategy requirement for more affordable housing in the city;
- vi. Climate change assessment; and
- vii. Infrastructure needs and triggers, and water allocation needs and triggers.

Fairfield-Enderley Urban Development Partnership

34. At the Strategic Growth Committee meeting of 29 July 2021, a [report](#) (Item 10) was tabled on the work currently being undertaken by Kainga Ora and Council staff to establish a Fairfield-Enderley Urban Development Partnership. The partnership, which consists of iwi and mana whenua, community, local and central government, and other stakeholders, is developing a programme that aims to achieve outcomes that meet the aspirations of the community.
35. The report noted the links between this initiative and the area plan work being undertaken through the District Plan Change Programme.
36. Updates on the initiative will be reported to the District Plan Committee through the General Manager's report.

Emerging issues

37. As work progresses and investigations get underway, issues are emerging that sit outside the current scope of the programme of work and may need to be considered.
38. Two such issues, which will be discussed at the workshop following this meeting, are:
 - i. Flood mapping;
 - ii. Infrastructure funding and phasing.

Schedule

39. Overall, the programme is running slightly behind schedule due to Covid 19 lockdown restrictions preventing face-to-face stakeholder engagement and site visits to inspect buildings and trees.

Infrastructure implications

40. The NPS-UD requires Council to change its District Plan to enable specific urban outcomes, including increasing residential density across the city and identifying new areas for greater urban regeneration at a scale and extent materially different to the current District Plan settings.
41. As previously noted in updates to the District Plan Committee, it is becoming clear that these changes will require a very significant step change in the provision of infrastructure – beyond what is anticipated in the 2021-31 Long Term Plan and the 2021-2051 Infrastructure Strategy – if the development rights created by the changes are taken up.
42. Investigations for the selected localities and area plans are currently underway.
43. While it may take decades for any change in development rights to manifest in significant changes to the built environment, the NPS-UD specifically requires that decisions on urban development that affect urban environments are (amongst others) *integrated with infrastructure planning and funding decisions*.
44. Therefore, it is critical to think now about prioritising infrastructure spend in certain infill areas and to also consider how future investment needs to be phased over time. This will be the focus of a workshop directly after this meeting.

Risks - Tuuraru

45. Risks are currently tracked at project and programme level and the programme utilises the councils risk management framework to manage risks. Key programme risks are outlined below.

| Category | Title | Description |
|-------------------------------|---|--|
| Communications and Engagement | Lack of community buy-in | Due to lack of community buy-in there is negative community and stakeholder feedback leading to not getting the approval from elected members to notify, or a delayed notification or a re-work at extra cost. Note comms risk around PC9 and requirement to consult with individual property owners. |
| Communications and Engagement | Lack of political buy-in | Due to lack of political buy-in there is negative feedback or changes in project scope leading to delays in notification, and/or District Plan not being fit for purpose, and/or poor infrastructure outcomes. |
| People and Health and safety | Workload | High workload, condensed timeline and lack of staff availability or experience leading to staff wellbeing issues and burnout, delays in notification, and/or District Plan not being fit for purpose, and/or poor infrastructure outcomes. |
| Scope | Scope for infrastructure planning is not clear at the start of the Programme | Unclear scope for infrastructure planning upfront (due to flexibility of scenarios) causing incorrect assumptions leading to District Plan not being fit for purpose and resulting in poor infrastructure outcomes. |
| Strategic | Misalignment between enabled land use and consequential infrastructure needed | Statutory requirements to provide for density cannot be supported by either infrastructure capacity or ability to service, or to secure necessary funding to realise the proposed land use pattern resulting in no development taking place in key areas. |
| Programme schedule | Delays in programme delivery | Because of the condensed timeframes and interdependencies between projects within the programme, we may get project delays resulting in a delay to notification. Covid lockdown causing project delays |

Financial Considerations - *Whaiwhakaaro Puutea*

46. The District Plan Programme is funded through the 2021-31 Long Term Plan. The overall budget for the 10-year period is \$13 million. The budget for the current financial year is \$3.28M.
47. There will be a quarterly financial update in the General Manager's report, the first one being in November 2021. The update will show actual spend to date versus budget to date. We will also include any forecast adjustments that the team have made where relevant.

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

48. Staff confirm that this matter complies with the Council's legal and policy requirements.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

49. The purpose of Local Government changed on the 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').
50. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report.
51. The recommendations set out in this report are consistent with that purpose.
52. There are no known social, economic, environmental or cultural considerations associated with this matter.

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

53. Having considered the Significance and Engagement Policy, staff have assessed that the report has a low significance and no engagement is required.

Attachments - *Ngaa taapirihanga*

There are no attachments for this report.

Resolution to Exclude the Public

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.

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| C1. Confirmation of the District Plan Committee Public Excluded Minutes of 3 August 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) |