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To: Chief Executive

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From: City Planning Manager

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Subject: **Hamilton City Proposed District Plan November 2001 (References Version)  
Proposed Variation No. 15: Subdivision Connectivity, Heritage, Special  
Provisions in New Growth Areas and Miscellaneous Provisions**

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Committee: City Development Committee

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Meeting Date: 8/8/06 File Reference: 124/8/15

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## 1.0 Introduction

- 1.1 The Resource Management Act 1991 requires that territorial authorities develop a District Plan as one means of achieving the purpose of the Act, which is to promote the sustainable management of natural and physical resources. The Hamilton City Proposed District Plan (References Version) was publicly notified in October 1999 and was subsequently subject to 57 appeals made to the Environment Court. As these appeals are progressively resolved, the Proposed District Plan (the Plan) is afforded increased weight in decision-making and it becomes increasingly important that the Plan is kept up to date and accurate.
- 1.2 Over time changes occur through the actions of Council, developers and landowners which necessitate changes being made to the Proposed District Plan. In addition, the operation of the Proposed District Plan brings to light undesirable planning outcomes and minor errors or inconsistencies which require correction to ensure that the Plan continues to operate as effectively and efficiently as possible.
- 1.3 Proposed Variation No.15 recognises a number of these types of changes and in doing so promotes the accuracy of the Plan and its alignment with recent Council policy and approach. As such it contributes towards the purpose and principles of the Resource Management Act 1991 continuing to be achieved over time.

## 2.0 The Proposed Variation

- 2.1 The Proposed Variation itself is included as Appendix 1 to this report. This describes the amendments that are being proposed.

The amendments fall into four parts:

- PART A: Amendments relating to Subdivision Connectivity affecting Policy Sections 4.2 and 4.4 and Rule Sections 6.2, 6.3 and 8.0

- PART B: Amendments relating to the Heritage Items Overlay affecting Policy 7.1 Built Heritage and Rule Section 2.3
- PART C: Amendments relating to the special provisions for commercial and community development in new growth areas affecting Rule 4.1.1 e)
- PART D: Minor amendments relating to miscellaneous provisions affecting Appendices 2.2-I and 2.4-I, Rule 5.1 and Planning Maps 11 and 11a.

#### **Part A: Amendments Relating to Subdivision Connectivity**

- 2.2 The process of land subdivision is the first stage in developing the City's form and sets the pattern for subsequent built development. Any deficiencies in the level of connectivity and permeability established at this stage are extremely difficult to correct later on as land ownership becomes more fragmented and built development begins to take place.
- 2.3 The new City Design Strategy for Hamilton – CityScope- offers the opportunity to influence the design of subdivisions towards a more sustainable pattern of development, in particular, the potential for better connectivity within and between subdivisions. District Plan monitoring indicates that whilst connectivity is being achieved with collector roads, this should extend further down the roading hierarchy to include the local road network. By recognising and emphasising the importance of accessibility and connectivity in the layout of the local roads, Council can promote an enhanced sense of identity within urban areas and improve access to community facilities and/or alternative transport options.
- 2.4 Policy section 4.0 Development Environment, of the Proposed District Plan sets out the current policy framework concerning Future Urban Areas, Transportation and Accessibility, Network Utilities and Subdivision and Development of Land. A review of Part 1.0 of the Plan highlights several areas where the urban design principles of connectivity and accessibility can be more consistently applied in the District Plan's Objective and Policy framework to promote a more integrated planning approach to the subdivision of land.
- 2.5 Consequential amendments to the Rules and Performance Standards of the Plan relating to subdivision are proposed so that the Performance Outcomes for Subdivisional Planning apply to all residential streets, both Collector and Local Roads (including cul-de-sacs) thereby effecting higher levels of local road connectivity.
- 2.6 Changes to Rule 6.2.1: Subdivisional Planning will require a concept plan to be submitted for all subdivisions which create 10 or more allotments (the District Plan currently only requires this when 50 or more allotments are proposed) and require the provision of more detailed information in respect of the proposed layout.
- 2.7 By incorporating greater specificity into the Rules Staff will have the ability at the time of subdivision consent to require better connectivity between local roads within a subdivision and from one subdivision to another. The proposed amendment will secure better design outcomes and result in benefits for both the Council and the wider community.
- 2.8 Staff have embarked upon the process of developing City-wide, area-based and topic specific design guidance. It will take time for this suite to be completed but as a first, interim step, guidance has been produced that addresses subdivisional connectivity and permeability for residential areas. This guidance (shown in Attachment A to the Proposed Variation) will be incorporated into the Plan as design guidance supporting the General Provisions under Rule 6.2.2: Consideration of Subdivision Proposals. It is

anticipated that these notes will also be used to help inform pre-application design meetings.

- 2.9 The approach advocated above will give rise to significant improvements in the form of subdivisions that are ultimately approved by Council. It also represents an implementation of the aspirations of CityScope and of Council's commitment to promoting best practice. Furthermore, the existence of guidance notes will help improve the Plan's administrative efficiency.

#### **Part B: Amendments Relating to the Management of Heritage Items Identified in the Heritage Items List**

- 2.10 Prior to its amendment in 2003 the Resource Management Act did not contain a definition of heritage and the only protection afforded to it was under Section 7 'Other Matters' where local authorities were required to have regard to heritage. As a result of the 2003 amendments historic heritage was elevated to 'Matters of National Importance' (Section 6 of the Act). The wording of this section makes it incumbent upon Council 'to recognise and provide for' this issue. This will have the effect of giving more emphasis and certainty to the management of heritage items within the District Plan.
- 2.11 The Heritage Items Overlay within the Plan is set out as a five tier ranking hierarchy with graduated rules applying to a range of activities which have the potential to affect the heritage value of items. This system was developed prior to the 2003 RMA amendment and does not currently reflect the greater importance given to heritage. The proposed amendments under Part B of Variation No. 15 are aimed at incorporating within the Plan the new status of heritage under the Act and improving clarification and consistency within the Heritage Overlay. The effect of this will be to bring more proposals within the scope of control.
- 2.12 A number of minor changes have been proposed relating to the objectives and policy section of the Plan. A more discretionary approach is proposed giving a greater level of importance to retaining the city's heritage, however the five tier system already established allows the items to still be assessed according to priority. Several changes are also proposed within the Heritage Items Overlay for clarification and consistency.
- 2.13 The philosophy underpinning the proposed variation recognises that while it is important to avoid the demolition or relocation of heritage items, a balance must still be maintained which gives some flexibility towards the owner. Retaining the five-tier system of prioritisation allows the Plan to do this and it is envisaged the proposed amendments will provide a workable balance in this regard.
- 2.14 Methods to achieve the built heritage objectives and policies are already established within the Plan as Heritage Items and Heritage Precinct overlays, Claudelands West Special Character Area and Subdivision and Development rules.

#### **Part C: Amendments Relating to Commercial and Community Development in New Growth Areas**

- 2.15 This rule was included within the Residential Zone provisions to provide flexibility for the market to provide commercial and community facilities within new growth areas. Provided certain size and location criteria are met, the zone provisions are substituted by either the Suburban Centre or Community Facilities Zone depending on the type of activity proposed. The effect of this enables relatively large-scale commercial developments to proceed as permitted activities at key locations within growth areas. An example of this are the commercial developments that have occurred in the

northeastern and southwestern quadrants of the intersection of Thomas Road and Horsham Downs Road.

- 2.16 Experience since the Proposed District Plan was released in 2001 suggests strongly that this level of flexibility undermines the urban design concepts promoted in structure plans and has the potential to generate poor planning outcomes. This is especially critical given that Council is now taking a proactive role approach to the provision of community and commercial facilities in growth areas through the preparation of structure plans that detail how these services should be provided in an area, and through partnerships with stakeholders and landowners to achieve better design outcomes.
- 2.17 Rule 4.1.1 e) therefore potentially conflicts with Council's new approach to the planning of the City's growth areas and should, as a consequence, be removed from the Plan.

#### **Part D: Minor Amendments Relating to Appendices 2.2-I and 2.4-I, Rule 5.1 and Planning Maps 11 and 11a**

- 2.18 Over time changes occur through the actions of council, developers and landowners which necessitate changes being made to the Plan and Planning Maps. In addition, the operation of the Plan brings to light minor errors or inconsistencies which require correction to ensure that the Plan and Planning Maps continue to operate as effectively and efficiently as possible.
- 2.19 Part D of Variation No. 15 recognises a number of these types of changes and in doing so promotes the accuracy of the Plan. The amendments can be summarised as follows:
- Updating and correcting information relating to the significant trees register and Frankton Heritage Precinct; and
  - Amendments to clarify and correct errors in the Planning Maps

### **3.0 Evaluation of the Proposed Variation**

- 3.1 Section 32 of the Resource Management Act 1991 requires Council to carry out a formal evaluation of a proposed Variation to determine its suitability in terms of addressing resource management issues. To properly fulfil the statutory provisions, the Section 32 evaluation must analyse:
- The extent to which each objective is the most appropriate way to achieve the purpose of the Act;
  - Whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objectives,
  - The benefits and costs of policies, rules or methods; and
  - The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules and other methods.
- 3.2 Staff are in the process of finalising the Section 32 Evaluation but have concluded that the most effective and efficient course of action is to undertake the amendments specified in this Variation to update, align, clarify and correct a number of Proposed District Plan provisions. This approach has significant benefits, including more closely aligning the District Plan with current legislation, Council policy and best practice, increased administrative efficiency and ensuring that public confidence in the integrity of the Proposed District Plan is not eroded over time. The environmental, social and

economic benefits of undertaking Variation No. 15 are considered to outweigh the potential costs by a significant margin, and this approach is considered to represent the most effective and efficient option for Council.

- 3.3 The approach advocated above has been developed in conjunction with other units of the Council, particularly the Planning Guidance Unit who will be responsible for the implementation of these new measures. It is likely that the proposed reduction in the number of allotments created from 50 to 10 that triggers a requirement for a concept plans and the additional information sought, will generate a greater number of inquiries for the Planning Guidance Unit. In addition, it is also likely that developers will face higher compliance costs in meeting the new provisions. It is anticipated however, that the design guidance that accompanies these changes will go some way towards minimising both of these potential concerns.

## **4.0 The Process From Here**

- 4.1 Consultation in accordance with Clause 3 of the First Schedule of the Resource Management Act 1991 is currently underway. In addition to public notification, relevant statutory bodies, local iwi and any affected property owners will be notified as necessary in accordance with the requirements of the Resource Management Act 1991. Once this consultation is completed, it is proposed that Variation No. 15 will be publicly notified. The submission process associated with public notification will then provide an opportunity for the public to comment on and support or oppose Council's proposed action.
- 4.2 Subject to the approval of Council, it is intended that proposed Variation No. 15 will be publicly notified from September 2006. As the change has impacts across the City, it will require city-wide notification and may be timed to coincide with the distribution of rates notices to achieve efficiencies in distribution and cost. Depending on the scale and complexity of any submissions received it is anticipated that the process will be completed by mid 2007.

## **5.0 Summary and Recommendation**

- 5.1 The attached Variation proposes a number of amendments primarily to keep the Proposed District Plan up-to-date with current legislation, Council policy and to correct minor errors. As change within the City and at a national level occurs, it is necessary to amend the Plan on an ongoing basis to recognise these changes. Proposed Variation No. 15 is considered to be the most appropriate method to update the Proposed District Plan and Planning Maps accordingly.
- 5.2 Accordingly, it is recommended:
- a) That the report of the City Planning Manager entitled "Hamilton City Proposed District Plan November 2001 (References Version) Proposed Variation No. 15: Subdivision Connectivity, Heritage, Special Provisions in New Growth Areas and Miscellaneous Provisions to the Proposed District Plan" dated 8 August 2006 be received.

- b) That Hamilton City Council notify "Hamilton City Proposed District Plan November 2001 (References Version) Proposed Variation No. 15: Subdivision Connectivity, Heritage, Special Provisions in New Growth Areas and Miscellaneous Provisions to the Proposed District Plan" as set out in Appendix 1 to this report.
- c) That in accordance with Clause 3 of the First Schedule to the Resource Management Act 1991, the City Planning Manager be instructed to proceed with notification of the Variation.

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