Thursday, 4 April 2024

Te Hui o Te Kaunihera ā-Rohe o Heretaunga
Hastings District Council
Hearings Committee Meeting

Kaupapataka
Agenda

Appendix 3 - s32AA Report

(Plan Change 5 – Medium Density Housing)

Te Rā Hui: Meeting date:	**Thursday, 4 April 2024**
Te Wā: Time:	**9.00am**
Te Wāhi: Venue:	**Council Chamber** **Ground Floor** **Civic Administration Building** **Lyndon Road East** **Hastings**
Te Hoapā: Contact:	**Democracy and Governance Services** **P: 06 871 5000 | E:** democracy@hdc.govt.nz
Te Āpiha Matua: Responsible Officer:	**Group Manager: Planning & Regulatory Services - John O'Shaughnessy**

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Hearings Committee – Terms of Reference

Fields of Activity

The Hearings Committee is established to assist the Council by hearing and determining matters where a formal hearing is required in respect of a planning or regulatory function of the Council, including under the provisions of the:

- Resource Management Act 1991
- Building Act 2004
- Health Act 1956
- Dog Control Act 1996
- Litter Act 1979
- Hastings District Council Bylaws
- Local Government Act 1974
- Local Government Act 2002; and
- Hastings District Council Class 4 Gambling Venue Policy.

Membership - Up to 10 Hearings Commissioners (comprising up to 7 elected members of Council and at least 3 external appointed Independent Hearings Commissioners)

- Chair appointed by Council from the membership including external appointed members.
- Deputy Chair appointed by the Council from the membership including external appointed members.
- Under s. 39B of the Resource Management Act, the Chair must be accredited, and unless there are exceptional circumstances, appointees on hearings panels must have accreditation to make decisions on;
  - Applications for Resource Consents.
  - Notice of Requirements given under s. 168 or 189 of the Resource Management Act.
  - Requests under clause 21(1) of Schedule 1 of the Resource Management Act for a change to be made to a Plan.
  - Reviews of Resource Consents.
  - Applications to change or cancel Resource Consent Conditions.
  - Proposed Policy Statements and plans that have been notified.
  - Any hearing of an objection under s. 357C of the Resource Management Act.

Quorum

a) For Hearings other than Council Initiated Plan Change hearings, a maximum of three members including the Chair (or Deputy Chair, in the Chair's absence) to meet for any one hearing.

b) For Council Initiated Plan Change hearings, all members may attend and take part in the decision-making process unless the Chair exercises the power of delegation to assign any function, power or duty of the Hearings Panel to any one or more Commissioners.

c) For Hearings other than Council Initiated Plan Change hearings the quorum shall be two members.

d) For Council Initiated Plan Change Hearings, the quorum shall be three members.

e) Members to sit on any hearing other than a Council Initiated Plan Change Hearing shall be selected by agreement between the Chair (or Deputy Chair, in the Chair's absence) and the Group Manager: Planning and Regulatory Services.

f) For the purpose of hearing any objection in respect of the matters detailed under the Dog Control Act 1996 the Hearings Committee will consist of any three members selected by the Chair.

Thursday, 4 April 2024

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Hastings District Council: Hearings Committee Meeting

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Ngā mema o te Komiti Committee Members:	**Hearing Panel Members:** Chair: George Lyons (Commissioner Chair - External appointee) Bill Wasley (External appointee) Councillors Tania Kerr (Deputy Chair), Alwyn Corban, Eileen Lawson, Wendy Schollum and Marcus Buddo Heretaunga Takoto Noa Māori Standing Committee appointee: - Vacancy
Apiha Matua Officer Responsible:	Group Manager: Planning and Regulatory Services - John O'Shaughnessy
Reporting Planner	Senior Environmental Planner – Policy (Anna Summerfield)
Te Rōpū Manapori me te Kāwanatanga Democracy Governance Services	Christine Hilton (Ext 5633)

Te Rārangi Take

Order of Business

1.0 **Apologies & Leave of Absence** – *Ngā Whakapāhatanga me te Wehenga ā-Hui*

Leave of Absences had previously been granted to Councillor Lawson and Councillor Buddo

2.0 **Plan Change 5 - "Right Homes, Right Place" - Medium Density Housing**

DOCUMENTS CIRCULATED FOR HEARING - COMPILED AS ONE DOCUMENT

Document 1	The covering administrative report	**Pg 1**
Attachment 1	42A - Section 32AA Report	**Pg 3**

Thursday, 4 April 2024

Te Hui o Te Kaunihera ā-Rohe o Heretaunga
Hastings District Council: Hearings Committee Meeting

Te Rārangi Take

Report to Hearings Committee

Nā: From:	**Christine Hilton, Democracy and Governance Advisor**
Te Take: Subject:	**Plan Change 5 - "Right Homes, Right Place" - Medium Density Housing**

1.0 Purpose and summary - *Te Kaupapa Me Te Whakarāpopototanga*

1.1 This is a covering report relating to the Proposed Hastings District Plan hearing – Plan Change 5, "Right Homes, Right Place" – Medium Density Housing.

1.2 The agenda documents can be viewed on the Council's website.

1.3 The recommendations are included in the relevant sections of the agenda documents and are not summarised in this covering report.

2.0 Recommendations - *Ngā Tūtohunga*

That the covering report titled Plan Change 5 - "Right Homes, Right Place" - Medium Density Housing, the hearings report and associated attachments, dated 4 April 2024, be received.

Attachments:

⇩1	42A - Section 32AA Report	ENV-17-4-24-542

Hastings Partially Operative District Plan

Proposed Plan Change 5: Right Homes Right Place

Section 32AA Further Evaluation Report

15th March 2024

Attachment 1

Contents

1 Introduction 2
1.1 Purpose of this Report 2
2 Section 32AA Evaluation Requirements 2
3 Statutory Basis for Addressing the Proposed Amendments to the District Plan 17
4 Further information available since notification of plan change 5 18
5 Revised Approach to Plan Change 5 as a result of analysis of submissions 19
6 Appropriateness, Efficiency & Effectiveness of Proposed Plan Change 5 in Achieving the Purpose of the RMA 22
6.1 Is the Proposal the Most Appropriate Way to Achieve the Purpose of the RMA? 22
Are the Policies the most appropriate way to achieve the objectives? 30
7.2 KEY ISSUES TO BE FURTHER EVALUATED FOLLOWING SUBMISSIONS 40
7.3 The extent of the Medium Density Residential Zone 41
7.4 Removal of Comprehensive Residential Development Rules 46
7.5 Inclusion of rules allowing for the creation of vacant lots in the Medium Density Residential Zone 46
7 Summary and Conclusions 74

1 Introduction

1.1 Purpose of this Report

1.1.1 This report presents a further evaluation of proposed plan change 5 (PC5) to the Partially Operative Hastings District Plan (District Plan), in accordance with Section 32AA of the Resource Management Act 1991 (RMA) following the consideration of submissions and preparation of the section 42A hearings report.

1.1.2 This further evaluation report is required for the recommended changes that have been proposed to the extent of the Medium Density Residential Zone and the removal of provision for comprehensive residential development in the General Residential Zones of Hastings, Havelock North and Flaxmere as a result of the consideration and analysis of submissions and preparation of the Section 42A hearings report.

1.1.3 This report is focused on the changes from the notified version, so should be read in conjunction with the original section 32 report, particularly Section 3 – Statutory Basis for Address the Proposed Amendments to the District Plan, Section 4 – Background and Section 5 Main Drivers of Proposed Plan Change 5.

1.1.4 The overall purpose and objectives of PC5 remain:

- To make it easier to build more houses on existing residential land within Hastings, Havelock North and Flaxmere.
- To provide certainty through a less onerous rule framework that encourages high quality comprehensive residential development (medium density housing);

1.1.5 PC5 as notified sought to rezone the existing City Living Zone (situated around the Mahora shops and along Heretaunga Street East) and the areas identified in Appendices 27, 28 and 29 as Medium Density Residential Zone. In addition, comprehensive residential development (medium density housing) was enabled more widely within the General Residential Zone. The main changes proposed by PC5 as notified were outlined in Section 1.2 of the Section 32 Report.

1.1.6 As a result of the receipt of submissions and further and better information now available, amendments to PC5 as notified are now recommended. These are considered in further detail below but include a revised extent of the Medium Density Residential Zone to a 400m walkable catchment and removal of provision for comprehensive residential development both within and outside that zone (with some exceptions). These changes are considered to meet the Council's obligations under the National Policy Statement for Urban Development while more closely matching the community's aspirations for growth as expressed through submissions.

2 Section 32AA Evaluation Requirements

2.1 Clause 10 of Schedule 1 of the RMA, requires that in making decisions on provisions and matters raised in submissions the decision must include a further evaluation of the proposed plan (including any proposed variation to a proposed plan) in accordance with section 32AA, and may include:

i) Matters relating to any consequential alterations necessary to the proposed plan arising from the submissions; and

ii) Any other matter relevant to the proposed plan arising from the submissions.

2.2 Further evaluations under Section 32AA must include a record of any further work that has been done, and the reasons why the proposed changes are the most appropriate methods. As for the Section 32 evaluation, the further evaluation aims to communicate the thinking behind the proposal to the community from the decision-makers. The evaluation also provides a record for future reference of the process, including the methods, technical studies, and consultation that underpin it, including the assumptions and risks.[1]

2.3 The further evaluation report under Section 32AA is required for changes that have been made or are proposed for the proposal since the original s32 Report. As officers are recommending changes to PC5, a s32AA evaluation report has been prepared. The report:

(b) must be undertaken in accordance with section 32(1) to (4); and

(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and

(d) must—

(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or

(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.

2.4 It is important to acknowledge that the changes evaluated here are not the approved proposal. Rather, they are officers' recommendations as to what the final PC5 should be, based on review of all submissions received. This report is provided to assist the Commissioners and submitters understand the s 32 basis for the recommended changes.

2.5 As stated a further evaluation under Section 32AA, must cover the matters set down in Section 32 (1) to (4) This includes:

- Examination of the extent to which changes to the objectives of the proposal are the most appropriate way to achieve the purpose of the RMA (s32(1)(a));
- whether the changes to provisions in the proposal are the most appropriate way in which to achieve the objectives by identifying other reasonably practicable options for achieving the objectives; assessing the efficiency and effectiveness of the recommended changes to provisions in achieving the objectives; and summarizing the reasons for deciding on the provisions (s32(1)(b)).

[1] Ministry for the Environment. 2014. *A guide to section 32 of the Resource Management Act: Incorporating changes as a result of the Resource Management Amendment Act 2013*. Wellington: Ministry for the Environment.