

Appendix 6

Variation 4 Iona Residential Rezoning

Statement of Expectations of the Minister for the Environment

Summary Report¹

Introduction

The Streamlined Planning direction gazetted on 28 February 2018 included the Minister for the Environment's (the Minister) Statement of Expectations. The direction relates to the Iona Residential Rezoning Variation. The expectations of the gazette notice require:

- a. *All of the parties to the Iona Hill Appeal (ENV-2015-WLG-000061) and the Iona Triangle Appeal (ENV-2015-WLG-000062) on the Proposed Hastings District Plan should be served notice of the Proposed Iona Rezoning Variation once publicly notified.*
- b. *The Hawke's Bay Regional Planning Committee is served notice of the Proposed Iona Rezoning Variation once publicly notified.*
- c. *Submissions on the Proposed Iona Rezoning Variation should be placed on a publicly accessible website by the Council within 5 working days of submissions closing.*
- d. *Hastings District Council provides identified dates on its website to match the Direction once gazetted so members of the public can be informed about the actual anticipated timeframes of the streamlined planning process.*
- e. *The Proposed Iona Rezoning Variation should provide sufficient development capacity for a housing yield of at least 390–400 dwellings.*

Below is a discussion as to how each of these expectations have been met or delivered by Variation 4 'Iona Residential Rezoning'. Compliance with the first three expectations was outlined in Council's report to the Minister dated 20 May 2018. This, and previous reports to the Minister in respect of the Expectations, are attached.

Expectation (a)

The first expectation requires that "*all of the parties to the Iona Hill Appeal (ENV-2015-WLG-000061) and the Iona Triangle Appeal (ENV-2015-WLG-000062) on the Proposed Hastings District Plan should be served notice of the Proposed Iona Rezoning Variation once publicly notified*".

In accordance with this expectation, Council notified all parties to the Iona Appeals (ENV-2015-WLG-000061 and 62) in writing (three days prior to notification) and/or by email (6 April 2018 being the date of notification).

¹ This Statement of Expectations Summary Document has been prepared as a requirement under Schedule 1, Section 83(1)(e) of the Resource Management Act 1991

Expectation (b)

This expectation requires that *The Hawke's Bay Regional Planning Committee is served notice of the Proposed Iona Rezoning Variation once publicly notified*. Both the Hawkes Bay Regional Council and the Regional Planning Committee were directly notified in writing, with letters posted three days prior to notification occurring.

Expectation (c)

This expectation requires that *"submissions on the Proposed Iona Rezoning Variation should be placed on a publicly accessible website by the Council within 5 working days of submissions closing"*.

Submission closed on May 7 2018, with thirty four submissions received. In accordance with the direction, full copies of all submissions received were placed on Council's website www.hastingsdc.govt.nz/iona on 14 May 2018, 5 days after submissions closed. Full copies of all submissions remain on Council's website.

Expectation (d)

This expectation requires that *"Hastings District Council provides identified dates on its website to match the Direction once gazetted so members of the public can be informed about the actual anticipated timeframes of the streamlined planning process"*.

This timeline was placed on Council's website soon after the direction was gazetted on 28 February 2018 and remains there. It can be viewed at www.hastingsdc.govt.nz/iona. Compliance with this expectation was outlined in the first of Council's reports to the Minister dated 2 April 2018.

Expectation (e)

The last expectation requires that *"the Proposed Iona Rezoning Variation should provide sufficient development capacity for a housing yield of at least 390–400 dwellings"*.

The matter of housing yield was a major focus of the hearing of submissions on Variation 4 and, as indicated in the accompanying s32AA evaluation, resulted in the most significant amendment to Variation 4. Through the hearing it became apparent that Variation 4 as notified would not meet this expectation. Accordingly the Hearing Panel requested further development scenarios be developed by Council in conjunction with representatives of the Lowe Family (the major land owner within the development area), and submitted together with the lot size, minimum density and other provisions necessary to give effect to the preferred scenario to meet the yield requirements while retaining variety of lot sizes and housing typologies.

The final development scenario that was prepared by Council/Lowe Family (Scenario 5 – see section 32AA evaluation), which the recommended changes to the Variation 4 provisions give effect to, indicates the number of dwellings provided by this scenario to be 417. It is considered that this is a realistic estimate based on indicative ‘real world’ subdivision layouts for the Bull Hill and Iona Terraces neighbourhoods and a conservative estimate (based on expert opinion) of the likely uptake of development in the Breadalbane area (which is less than that provided for by Variation 4).

As such, in the opinion of the Hearing Panel and the experts advising them, Variation 4 as amended and recommended to the Minister, provides sufficient development capacity for a housing yield of at least 390 – 400 dwellings.

PROPOSED HASTINGS DISTRICT PLAN
PROPOSED VARIATION 4:

IONA
Urban Development Area

STREAMLINED PLANNING DIRECTION - REPORT #1



This is the first in a series of three reports to the Environment Minister, Hon David Parker to fulfil Hastings District Council reporting requirements on its Streamlined Planning direction, published in the New Zealand Gazette on 28 February 2018. The direction relates to the Iona residential rezoning Variation.

The first step to be reported on is a requirement that Council undertake pre-notification requirements with iwi authorities in accordance with clause 4A Schedule 1 of the Resource Management Act 1991. This report is to be submitted within 10 days of the step being completed. Step 1 needed to occur by 21 March, 15 days after the direction was gazetted.

Clause 4A of Schedule 1 of the Resource Management Act 1991 requires:

4A Further pre-notification requirements concerning iwi authorities

(1) Before notifying a proposed policy statement or plan, a local authority must—

(a) provide a copy of the relevant draft proposed policy statement or plan to the iwi authorities consulted under clause 3(1)(d); and

(b) have particular regard to any advice received on a draft proposed policy statement or plan from those iwi authorities.

(2) When a local authority provides a copy of the relevant draft proposed policy statement or plan in accordance with subclause (1), it must allow adequate time and opportunity for the iwi authorities to consider the draft and provide advice on it.

Ngāti Kahungunu ki Heretaunga Tamatea is an iwi authority located on the eastern coast of the North Island, which is centrally located within Hawkes Bay. Hastings District Council is located within its geographical boundaries. Te Kāhui Māngai (Government directory of Iwi and Maori Organisations) was used as the reference for consultation with Ngāti Kahungunu, as the subject area is within its rohe. As outlined in the consultation log, provided with our Streamlined Planning Process application, Council has undertaken earlier consultation with Ngāti Kahungunu on the proposed rezoning.

A further korero was held with Ngati Kahungunu upon the issue of the direction. This was to discuss the timeline of the direction and the proposed variation, including the draft Structure Plan and inclusion of provisions in the proposed variation for a Cultural Effects Assessment (CEA) at the request of hapu at a hui in October last year. Advice on the proposed variation but in particular on that which relates to the CEA was sought. No comments on the variation have been received to date. However discussions at the meeting reinforced the importance of hapu engagement. A korero with hapu who hold mana whenua over the land

that is the subject of this variation have taken place, post the issue of the direction. A summary of this discussion is appended to this report as **Attachment 1**. Ngati Kahungunu and hapu are to receive direct notification of the variation when this occurs.

It is noted that the Statement of Expectations comprised as part of the direction, include a requirement that Council provides identified dates on its website to match the direction once Gazetted, so members of the public can be informed about the actual anticipated timeframes of SPP. This timeline can be viewed at the following link - <https://www.hastingsdc.govt.nz/services/planning-and-resource-consents/district-plan/changes/iona-residential-rezoning/>.

A further two reports will be provided in accordance with the direction.

Signed:

Anna Sanders

Senior Environmental Planner (Special Projects)

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2 April 2018

Attachment 1:

Meeting Details	Discussion
<p>7 March 2018</p> <p>Location: Facility of Law, University of Waikato, Hamilton</p> <p>Met with Mary Jones and Dr Robert Joseph</p> <p>Variation material (including Structure Plan) was pre-circulated</p>	<p>A meeting was held with hapu post the issue of the direction. This meeting builds on earlier ones and a hui last October. This korero covered:</p> <ul style="list-style-type: none"> • The importance of hapu engagement; • The content of the Direction issued by the Minister, in particular steps and timing; • The content of the Variation and Structure Plan (which will be notified as part of the variation to rezone the land); • The inclusion in the draft Subdivision section of a requirement for a (Cultural Effects Assessment (CEA) to be included as part of any subdivision application, which has been included as a result of our hui last October. It was advised that the wording of the provisions relating to the CEA were based on current best practice. It was outlined that any guidance on the provisions, but specifically those around the CEA wording prior to notification were welcome. No changes to the provisions have been suggested to date, but direct notification of the variation will occur and hapu have been advised that any submission made on the variation could incorporate amended wording; • The rezoning process and opportunity for submissions; and • That once notification has occurred the opportunity to meet again to discuss any possible submission.

PROPOSED HASTINGS DISTRICT PLAN
PROPOSED VARIATION 4:

IONA
Urban Development Area

SPP DIRECTION - REPORT #2



This is the second in a series of three reports to the Environment Minister, Hon David Parker in accordance with Hastings District Council reporting requirements on its Streamlined Planning direction, published in the New Zealand Gazette on 28 February 2018. The direction relates to the Iona residential rezoning Variation.

The first report submitted on April 2 related to the first step of the direction, that Council undertake pre-notification requirements with iwi authorities in accordance with clause 4A Schedule 1 of the Resource Management Act 1991.

This report relates to Step 2 of the direction, that Council publicly notify the Iona Rezoning Variation for written submissions in accordance with clause 5 of Schedule 1 of the Resource Management Act 1991. In accordance with the direction steps, timeline and requirements of the Act, notification of the Iona Variation (Variation 4) occurred on the morning of Friday April 6 2018, with submissions closing on Monday May 7 2018.

A public notice appeared in Hawkes Bay Today¹ on the morning of April 6 2018 and details of the variation appeared on Councils website www.hastingsdc.govt.nz/iona early the same morning. The variation can also be found in the District Libraries and at Councils Customer Service Centre. A public open session was held on April 18 to answer any questions members of our community might have on Variation 4 and the rezoning process. Submissions can be received both electronically and by filling in a hard copy of Form 5.

Information outlining that Variation 4 is subject to a Streamlined Planning Direction, published in the New Zealand Gazette on 28 February 2018 and the steps and timing around this are also included on Councils website.

A full copy of any submissions received will be placed on Councils website in accordance with the direction. More on this will be provided in our next report.

The Statement of Expectations included requirements that Council:

- (a) *All of the parties to the Iona Hill Appeal (ENV-2015-WLG-000061) and the Iona Triangle Appeal (ENV-2015-WLG-000062) on the Proposed Hastings District Plan should be served notice of the Proposed Iona Rezoning Variation once publicly notified.*

In accordance with the direction, Council notified all parties to the Iona Appeals (ENV-2015-WLG-000061 and 62) in writing and/or by email; *and*

¹ A local newspaper run by NZME with a circulation of 21500

(b) The Hawkes Bay Planning Committee is served notice of the Proposed Iona Rezoning Variation once publicly notified.

Both the Hawkes Bay Regional Council and the Regional Planning Committee were directly notified by mail.

No issues have arisen in carrying out Step 2 that has a bearing on meeting the Ministers Direction and Statement of Expectations.

One further report will be provided in accordance with the direction. This report will relate to Step 3, the provision of an opportunity for written submissions under clause 6 of Schedule 1 of the Resource Management Act.

Signed:

Anna Sanders

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19 April 2018

PROPOSED HASTINGS DISTRICT PLAN
PROPOSED VARIATION 4:

IONA
Urban Development Area

SPP DIRECTION - REPORT #3



This is the final in a series of three reports to the Environment Minister, Hon. David Parker in accordance with the Hastings District Council reporting requirements on its Streamlined Planning direction, published in the New Zealand Gazette on 28 February 2018. The direction relates to the Iona residential rezoning Variation.

The first report submitted on April 2 related to the first step of the direction, that Council undertake pre-notification requirements with Iwi Authorities in accordance with clause 4A Schedule 1 of the Resource Management Act 1991.

The second report submitted on 20 April 2018, related to Step 2 of the direction, that Council publicly notify the Iona Rezoning Variation for written submissions in accordance with clause 5 of Schedule 1 of the Resource Management Act 1991.

This third and final pre-hearing report relates to Step 3 of the direction, that Council provide an opportunity for written submissions under clause 6 of Schedule 1 of the Resource Management Act 1991. In accordance with the direction steps, timeline and requirements of the Act, notification of the Iona Variation (Variation 4) with an opportunity for written submissions occurred on the morning of Friday March 6 2018, with submissions closing on Monday May 7 2018.

A public notice appeared in Hawkes Bay Today¹ on the morning of April 6 2018 and details of the variation appeared on Councils website www.hastingsdc.govt.nz/iona early the same morning. The variation was able to be accessed in the District Libraries and at Councils Customer Service Centre in hard copy from the date of notification. It could also be viewed electronically via the Council website and EPlan (our online version of the District Plan).

The Statement of Expectations included requirements that:

- (a) *All of the parties to the Iona Hill Appeal (ENV-2015-WLG-000061) and the Iona Triangle Appeal (ENV-2015-WLG-000062) on the Proposed Hastings District Plan should be served notice of the Proposed Iona Rezoning Variation once publicly notified.*

In accordance with the direction, Council notified all parties to the Iona Appeals (ENV-2015-WLG-000061 and 62) in writing (3 days prior to notification) and/or by email (6 May 2018 being the date of notification).

- (b) *The Hawkes Bay Planning Committee is served notice of the Proposed Iona Rezoning Variation once publicly notified.*

Both the Hawkes Bay Regional Council and the Regional Planning Committee were directly notified. They were notified in writing, with letters posted 3 days prior to notification occurring.

¹ A local newspaper run by NZME with a circulation of 21500

A public open session was held on April 18 2018 to answer any questions members of our community had on Variation 4 and the rezoning process. Submissions were received both electronically and by filling in a hard copy of Form 5, Submission on notified proposal for policy statement or plan, change or variation (Resource Management Act, Forms, Fees and Procedure Regulations).

Submissions have now closed and a total of 34 submissions were received. In accordance with the direction full copies of all submissions received are available on Councils website at this link www.hastingsdc.govt.nz/iona and have been since 14 May 2018, 5 days after submissions closed. No late submissions have been received.

Information outlining that Variation 4 is subject to a Streamlined Planning Direction, published in the New Zealand Gazette on 28 February 2018 and the steps and timing around this remains on Councils website.

While not a reporting requirement, I thought it would be useful to outline where Council is at with regards to the appeals relating to the underlying zoning and the next steps of the direction.

It was indicated in our Streamlined Planning application that post notification of a variation it was intended that the appellants to appeals ENV-2015-WLG-000061 and 62, which relate to a significant portion of the rezoning area, would withdraw these. Council can now confirm that these appeals have been withdrawn by the appellants.

The Section 42A report on submissions has been completed and circulated and the hearing is scheduled for May 30 to June 1 (site visit to occur May 29). Council has given delegated authority to three independent Commissioners to make recommendations for your consideration (including any changes to the proposed variation). The Commissioners have legal, planning and stormwater management, landscape and urban design backgrounds. The Commissioners are Paul Cooney (Chair), Ian Mayhew and Julia Williams. All have making Good Decisions Decision's accreditation and it is a requirement of their engagement that they meet the timelines outlined in the direction.

No issues have arisen in carrying out Step 3 that have a bearing on meeting the Ministers Direction and Statement of Expectations.

Signed:

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20 May 2018