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**PLAN CHANGE 6: REGULATORY EFFICIENCY AND
EFFECTIVENESS PLAN CHANGE**

**TO THE HAMILTON CITY OPERATIVE DISTRICT
PLAN**

**RESOURCE MANAGEMENT ACT: SECTION 32
EVALUATION REPORT**

Notified Version

EXECUTIVE SUMMARY

This Plan Change is being undertaken following a review of the District Plan carried out by a task force within Council to streamline Council's regulatory functions, so they are effective, efficient, transparent and customer-focused. The review was called the Regulatory Efficiency and Effectiveness Programme (REEP). The recommendations from the task force included small changes to a wide range of provisions in the District Plan. The minor amendments are proposed to:

- Ensure explanations align with objectives and rules
- Correct excessive and unreasonable rules which go beyond what the objectives and policies are trying to achieve
- Correct provisions that are difficult to monitor and enforce
- Correct provisions which are unclear or difficult to understand
- Ensure consistency between provisions.

In order to incorporate the provisions into the Plan, a plan change needs to be undertaken in accordance with section 32 of the RMA. This report sets out the evaluation of the plan change in accordance with section 32. The proposed changes to the planning provisions (objectives, policies, rules and methods) address the resource management issue of managing efficient and effective development, use and protection of natural and physical resources.

In addition, the Plan Change also includes minor corrections to amend the National Grid Corridor and National Grid Yard in the District Plan Maps to correct the boundaries currently shown in the Operative District Plan and to rezone land adjoining Waiwhakareke to Destination Open Space Zone following gazettal of the site as a Reserve in July 2016.

These changes are being made in accordance with Section 31 of the resource management act which gives Council the function to establish, implement and review methods to achieve integrated management of effects of the use, development or protection of land and associated natural and physical resources in order to promote the sustainable management of natural and physical resources.

Consultation, in accordance with the Schedule 1 requirements set out by the RMA, has been undertaken in relation to the change. Following consultation, a number of tweaks have been made to the draft provisions.

The draft plan change and section 32 has been reviewed by the local Iwi Authority in accordance with the requirements under schedule 1, clause 4A of the Act. A summary of the their advice and the response is included in Appendix 6.

CONTENTS

1.0 INTRODUCTION

- 1.1 Purpose of report
- 1.2 Section 32
- 1.3 Legal/statutory context

2.0 PURPOSE OF PLAN CHANGE

3.0 IDENTIFICATION OF ISSUES

4.0 SCALE AND SIGNIFICANCE ASSESSMENT

5.0 IDENTIFY AND ASSESS REASONABLY PRACTICABLE OPTIONS

6.0 IDENTIFY AND ASSESS OBJECTIVES

7.0 EVALUATION OF PREFERRED OPTIONS FOR PROVISIONS

8.0 STRATEGIC PLANNING CONTEXT

9.0 CONCLUSIONS

10.0 Appendices

- Appendix 1: Statutory requirements
- Appendix 2: Matters of consideration and Scale and Significance Assessment
- Appendix 3: Assessment of Options
- Appendix 4: Consultation
- Appendix 5: Evaluation of proposed objectives, policies and rules
- Appendix 6: Iwi Authority s.32(4A) review
- Appendix 7: Regulatory Efficiency and Effectiveness Programme Recommendation Reports
- Appendix 8: Plans showing extent of change to the Transmission Corridor

1.0 INTRODUCTION

1.1 PURPOSE OF REPORT

The purpose of this report is to set out the evaluation of the proposed plan change provisions in accordance with section 32 of the RMA. Section 32 is integral to ensuring that Council has carried out a transparent, robust decision making process for the purpose of promulgating a plan change to the Hamilton City District Plan.

This report evaluates the proposed objective, policies and methods, which is consistent with Council's obligation under section 31 of the Resource Management Act 1991 ("RMA"), to establish, implement, and review objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district

The key components of this plan change are listed in summary below:

- To evaluate the recommendations made through the Regulatory Efficiency and Effectiveness Programme (REEP) review to improve the efficiency and effectiveness of the District Plan. This includes changes to:
 - Chapter 4 Residential Zones
 - Chapter 6 Business Zones
 - Chapter 7 Central City Zones
 - Chapter 9 Industrial Zones
 - Chapter 16 Community Facilities Zone
 - Chapter 22 Natural Hazards
 - Chapter 23 Subdivision
 - Chapter 25.2 Earthworks
 - Chapter 25.5 Landscaping and Screening
 - Chapter 25.8 Noise and Vibration
 - Chapter 25.10 Signs
 - Chapter 25.14 Transportation
 - Appendix 1.2 Information Requirements
- Amend the National Grid Corridor and National Grid Yard in the District Plan Maps to correct the boundaries currently shown in the Operative District Plan.
- To rezone Lot 2 DP 425316 (land adjoining Waiwhakareke) to Destination Open Space Zone following gazettal of the site as a Reserve in July 2016.

1.2 Section 32

Section 32 of the RMA sets out the requirements for preparing and publishing evaluation reports for proposals for a plan change (amending proposal) to an existing plan (existing proposal).¹ The overall purpose of section 32 in that context is to ensure that any provisions proposed through a plan change are evidence based, clear and certain, and the most

¹ Refer to section 32(3) in Appendix 1.

appropriate to achieve the purpose of the RMA. Council is required to undertake an evaluation of the proposed provisions prior to notification of the proposed plan change. The section 32 evaluation report sets out the reasoning and rationale for the proposed provisions and should be read in conjunction with those.

This evaluation report addresses the requirements of section 32 and includes a series of appendices which relate to specific sub-sections of section 32. This overall report, together with the appendices, read together forms the complete section 32 evaluation.

The critical outcome is that, based on the evaluation carried out by Council officers, the proposed provisions (policies, rules and methods) are most appropriate to achieve the objectives of the proposal.

Section 32 requires that, prior to public notification of a proposed plan change, Council must examine:

- (a) "the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
- (b) whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
 - (i) identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) summarising the reasons for deciding on the provisions;"*

The evaluation report must also contain a level of detail that,

- (c) corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*

When assessing efficiency and effectiveness of the provisions in achieving the objectives of the proposed plan the report must under s32(2):

- (a)" identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - (i) economic growth that are anticipated to be provided or reduced; and*
 - (ii) employment that are anticipated to be provided or reduced; and*
- (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and*
- (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions."*

Section 32(3) states that if the proposal is an **amending proposal**, that the examination under section 32(1)(b) must relate to:

- (a) The provisions and objectives of the amending proposal; and*
- (b) The objectives of the existing proposal to the extent that those objectives –*
 - (i) Are relevant to the objectives of the amending proposal; and*
 - (ii) Would remain if the amending proposal were to take effect.*

This subsection is relevant to the proposed plan change as it will amend the existing District Plan, which by this definition is the "existing proposal".

Relevantly, the proposed plan change only introduces one new objective and there are no proposed changes to existing objectives. The proposed provisions (including proposed amendments to the existing provisions) are essentially confined to the policies and rules in the District Plan.

Against that background, it is necessary to consider the RMA definition of “objectives” for the purpose of evaluating the proposed plan change. The RMA defines “objectives” as follows:

Objectives means, -

- (a) *for a proposal that contains or states objectives, those objectives;*
- (b) *for all other proposals, the purpose of the proposal.*

As the proposal does not “contain” or “state” objectives other than in one instance, based on this definition the “purpose of the proposal” must be evaluated as the objective to be achieved (alongside the existing objectives).

Accordingly, following the requirement set out in section 32(3) and section 32(1)(b) (*above*), the relevant existing objectives in the District Plan are examined to the extent that those objectives are relevant to the “purpose of the proposal” and would remain if the amending proposal were to take effect. In summary, the proposed policies, methods and rules of the plan change are evaluated against the purpose of the proposal and the existing objectives of the District Plan which are relevant to the proposal.

The extent to which the proposed new objective is the most appropriate way to achieve the purpose of the act is also examined.

2.0 PURPOSE OF PLAN CHANGE

In 2017 Council appointed a task force to review the District Plan in order to streamline Council’s regulatory functions, so they are effective, efficient, transparent and customer-focused. The purpose was to result in increased confidence in the quality of Council’s regulatory performance and provide certainty and clarity of process to business and community. This review was called the Regulatory Efficiency and Effectiveness Programme (REEP) review.

The objective of the REEP review is to:

- Ensure greater efficiency, effectiveness and ease of use of the District Plan by jettisoning redundant or unnecessary provisions and clarifying other provisions where necessary to achieve the objective and policies of the plan.
- Improve the delivery of the District Plan related customer processes through customer efficiency assessments.

The programme consisted of assessing the rules and methods framework of the District Plan in terms of their efficiency and effectiveness in meeting the objectives and policies; and assessing the objectives and policies in order to better serve the above purpose.

The REEP project team spent 18 months collecting data, undertaking stakeholder engagement through questionnaires and interviews, and holding internal workshops to build an evidence base. This was followed by in-depth analysis and developing recommendations. The detailed

recommendations reports were provided to Councillors and presented at a workshop in November 2018. Drop-in sessions were held after the briefing to discuss the recommendations in detail. The REEP recommendations and reasoning are attached in Appendix 7.

This plan change is a direct outcome of the recommendations made through the REEP review to improve the efficiency and effectiveness of the District Plan.

The Plan Change also includes minor corrections to amend the National Grid Corridor and National Grid Yard in the District Plan Maps to correct the boundaries currently shown in the Operative District Plan and to rezone Lot 2 DP 425316 (land adjoining Waiwhakareke) to Destination Open Space Zone following gazettal of the site as a Reserve in July 2016.

3.0 IDENTIFICATION OF ISSUES

- a. Following the substantial consultation undertaken through the REEP review. A number of issues with the District Plan were identified. These issues are identified in detail in Appendix 3 of this report.

An overview of the issues are as follows:

- Explanations not aligning with objectives and rules
- Excessive and unreasonable rules which go beyond what the objectives and policies aim to achieve
- Provisions that are difficult to monitor and enforce
- Provisions which are unclear and difficult to understand
- Inconsistent provisions

- b. In April 2011 data was received by Council and used to map the national grid. In July 2012 updated data was received from Transpower in relation to the national grid. No change was undertaken to the Operative District Plan to meet the National Environmental Standards for Electricity Transmission due to the Proposed District Plan (PDP) being notified at the same time. The PDP maps continued to use the 2011 data and not the new data received in 2012.

Due to proposed development in Tramway Road further investigation was undertaken and it was found that the National Grid and National Grid Corridor are incorrectly mapped in the current District Plan (Operative District Plan, October 2017).

- c. On 7 July 2016, Lot 2 DP 425316 (subject site) was Gazetted as a Local Purpose Reserve- Waiwhakareke Natural Heritage Park. The subject site is located in the Rotokauri Structure Plan and is currently zoned as Special Natural Zone, Rotokauri -Lake Waiwhakareke Landscape Character Area in the Operative District Plan (ODP). This zone enables residential development through Comprehensive Development Plan resource consent applications.

The new purpose of the site as reserve does not align with the zoning in the ODP. For this reason, Council is undertaking a plan change to change the zoning of the site to Destination Open Space Zone which is in line with the Waiwhakareke Natural Heritage Park to the west of the site.

- d. Full analysis for the plan change is contained in the attached appendices. These appendices provide the evidence base, the consultation undertaken and the planning provisions that need to be amended and why:
- Appendix 1: Statutory requirements
 - Appendix 2: Matters for Consideration and Scale and Significance Assessment
 - Appendix 3: Assessment of Options
 - Appendix 4: Consultation
 - Appendix 5: Evaluation of proposed objectives, policies and rules
 - Appendix 6: Iwi Authority s.32(4A) review
 - Appendix 7: Regulatory Efficiency and Effectiveness Programme Recommendation Reports
 - Appendix 8: Plans showing extent of change to the Transmission Corridor

The Plan Change is required to ensure that the District Plan is lawful, efficient, effective, relevant and presents best practice.

4.0 SCALE AND SIGNIFICANCE

To ensure that the evaluation of the proposed plan change is carried out to an appropriate level of detail, an assessment on the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the amending proposal (objectives, policies and rules) was carried out in Appendix 2.

Plan Change 6 includes a large number of proposed changes to the District Plan. As outlined above, these changes have been identified by the REEP as necessary or appropriate to achieve efficiency and effectiveness in the implementation of the District Plan. Many of the proposed changes to the District Plan are to address the anomalies or inconsistencies in the provisions (which impact on the implementation) which are considered necessary. The other proposed changes have minimal effects. Relevantly, the proposed changes clearly achieve the existing objectives of the relevant zone/chapter. In that regard, the scale and significance of those changes are relatively low.

Overall, the proposed REEP changes will establish a more 'enabling' framework for development, accordingly, when considered at the 'proposal' level (as opposed to provision by provision) the scale and significance of the proposed plan change is considered to have medium significance.

The correction to the Transmission Corridor aligns with the existing District Plan definition for National Grid Corridor and National Grid Yard and will not alter the location of the existing Transmission Lines. The scale and significance of this change is considered to be low.

The re-zoning of the site in Waiwhakareke as Destination Open Space Zone is considered to have a low scale and significance as the site has already been gazetted as local purpose reserve.

5.0 IDENTIFY AND ASSESS OBJECTIVES

The proposed plan change only introduces one new objective which relates to discouraging fee simple subdivision of apartments. This objective is assessed in the evaluation in Appendix 5 where it is concluded that the objective is consistent with the purpose of the Act for sustainable management of natural and physical resources as it provides for sustainable management of apartments after subdivision.

No changes are proposed to any other objectives of the Plan. The existing relevant objectives are listed in Appendix 3 and 5. As evidenced within these appendices the proposed provisions will continue to achieve the objectives and thereby the purpose of the Act.

6.0 IDENTIFY AND ASSESS REASONABLY PRACTICABLE OPTIONS

All options are assessed in Appendix 3. The options assessed as most appropriate to achieve the objectives are as follows:

Chapter 4- Residential Zone

- Amend the explanation of Strategic Objective 2.2.6, the purpose of the Residential Zone and Residential Intensification Zone to delete statements around residential areas remaining unchanged and higher density developments occurring on amalgamated sites.
- Enable establishment of up to 3 residential units per site as a Permitted Activity (including duplexes where on rear lots).
- Amend the definitions for Eave, Site Coverage and Building Setback to increase the eave overhang exclusion in site coverage calculations.
- Reduce the level of permeability required in the front yard setback and amend the definition of permeable surface to enable the use of permeable pavers for access, parking and manoeuvring areas.
- Amend the height in relation to boundary rule to include exemptions for gable ends of buildings and to specify where measurement is to be taken from where property boundaries adjoin land used exclusively for vehicle access to neighbouring sites.
- Amend the definition of Transport Corridor to include access segregation strips.
- Reduce the building setback from internal vehicle access.
- Enable siting of one small accessory building (e.g garden shed) on a site within the side or rear yard setback area.
- Amend the interface rules to make it clear that rules only apply to dwellings and accessory buildings that directly front onto a transport corridor; enable accessory buildings to be located forward of the front building line of a dwelling subject to design parameters; and ensure that garages with vehicle doors facing the street are setback sufficient distance from the road boundary to reduce safety hazards for pedestrians.
- Provide clarification of the fence and walls provisions to align with the definition of a building, make it clear how these are to be measured and to make it clear that the rules do not apply to fences below natural ground level or where internal to a development.
- Amend the outdoor living area provisions to allow decks and patio areas to be covered, reduce the minimum outdoor living area and area that needs to be on the north, east or west of the dwelling.
- Amend the unit size rules to apply to all residential zones, amend minimum floor area requirements and introduce a minimum living area.
- Increase the allowable apartment mix in an Integrated Residential Development to 30% and amend the definition of Integrated Residential Development so that it no longer requires shared facilities such as open space, access, parking or other communal activities.
- Include definitions of Self-contained House-keeping Unit and Kitchen.

Chapter 6- Business Zone

- Make gymnasiums a permitted activity in Business 1 and 7 Zones where they are less than 250m².
- Amend the minimum density rules to be calculated by site area rather than per hectare.
- Amend the outdoor living area rules to decrease the area required per apartment and change orientation requirement of outdoor living areas; and include relevant policy for achieving a high amenity living environment.
- Incorporate minimum living area requirements for residential units.
- Amend the external outlook area rules and include relevant policy for achieving a high amenity living environment.

Chapter 7- Central City Zone

- Make alterations and additions to existing buildings in the Central City Zone a permitted activity and add new specific standards for alterations and additions.
- Delete the floor area ratio provisions.
- Remove the height and bonusing provisions from the plan and only specify height limits for overlays 2 and 3.
- Allow windows in active frontages to be covered or used for purposes other than the display of goods.
- Amend the veranda cover provisions.
- Amend the minimum density rules to be calculated by site area rather than per hectare.
- Incorporate minimum living area requirements for apartment units.
- Amend the outdoor living area rules to decrease the area required per apartment and change orientation requirement of outdoor living areas.
- Amend the external outlook rule to allow more flexibility.

Chapter 9- Industrial Zone

- Make new buildings and alterations and additions to existing buildings in the Industrial Zone a permitted activity and add new standards for buildings adjoining Major Arterial Roads.
- Delete the Comprehensive Development Consent provisions within Rotokauri.
- Reduce the front boundary setback from collector and local roads and open space
- Amend rule 9.4.7 to control the use of the front yard setback in all industrial zone locations for outdoor storage purposes.

Chapter 16- Community Facilities Zone

- Expansion of schools as a permitted activity.
- Provide for new buildings and relocated buildings as permitted activities and incorporate new standards for new buildings and alterations / additions to existing buildings relating to the interface with transport corridors.

Chapter 22- Natural Hazards

- List swimming pools as a discretionary activity in the Waikato Riverbank and Gully Hazard Area.

Chapter 23 Subdivision

- Policy to promote appropriate form of land tenure for subdivision, and provide for fee simple subdivision of apartments as discretionary activities
- Include a new rule to make it clear that subdivision design standards do not apply to cross lease conversions and amend the rules to require boundaries to be based on exclusive pattern of occupation where the underlying cross lease plan does not identify exclusive use areas.
- Delete the requirements for average net site area in the General Residential Zone (within the Rototuna Structure Plan area), the Rototuna North East Character Zone and the Special Natural Zone (Ridgeline Character Area).
- Clearly stipulate land use consent requirements within the subdivision suitability provisions.
- Align the rules with the Transportation chapter.
- Include new requirements for vesting of an access as a public road where more than 6 fee simple lots are to be served and making provision for 7 – 20 units under unit title arrangement to be shared by a private way under common property.
- Increase the maximum length of a private way in the General Residential Zone from 50m to 100m.
- Change standards relating to private ways accessing onto a cul-de-sac to apply to the turning head of the cul-de-sac only.
- Include a provision that subdivisions need to identify a location where a complying entranceway can be located.

Chapter 25.2- Earthworks

- Alter the wording of Policy 25.2.2.1 to include the words ‘minimise adverse effects on’
- Amend Earthworks Rule 25.2.4.1 to:
 - Remove reference to the building footprint and authorised construction work and replace with ‘*associated with any activity requiring building consent (including associated site works)*’
 - Include earthwork provisions for subdivision
 - Remove reference to 12 month period and replace with one calendar year
 - Include a standard to ensure earthworks do not result in instability
 - Include a new standard to ensure earthworks do not cause malfunction or result in the damage of network utilities
 - Simplify volume standards by putting them in a table.

Chapter 25.5- Landscaping and Screening

- Clarify the provisions to make the drafting more certain including amending provisions where it is unclear whether a 1.2m high or 1.8m fence is required.
- Delete the requirement for screening of residential service areas when these are visible from other residential properties.
- Reduce the width of a buffer strip in the Industrial Zone where adjoining the Residential, Special Character Zone and Open Space Zone.
- Include a new landscaping requirement for the provision of a planting strip where parking spaces are located within 3m of the front boundary in the Residential Zone.
- Require the provision of a buffer strip along a Major Arterial Road when vehicle access is not obtained.
- Increase the trigger for provision of additional specimen trees in parking areas.

Chapter 25.8 Noise and Vibration

- Redraft the noise sensitive activities to make the drafting more certain by:
 - Specifying the list of transport corridors that carry high traffic volumes
 - Capturing the designated transport corridors where there is no defined carriageway
 - Simplifying the noise requirements in the Rototuna North East Character Zone and updating the provisions now that the location of the Waikato Expressway is known.

Chapter 25.10- Signs

- Include standards for electronic signs in the Ruakura Logistics and Ruakura industrial Park Zone.
- Simplify the existing temporary signage rules by combining the provisions, adjusting the maximum total area of signage per site, deleting the specific provisions for heritage sites, simplifying the height provisions and aligning the size of temporary signs with the Electoral Act 1993.

Chapter 25.14 Transportation

- Include an exemption to the vehicle separation distance requirements where there is no ability to comply with the separation distance requirements.
- Amend requirements for internal access widths to state legal widths and identify when public roads might be required and what standard of design is expected.
- Amend the design and access width requirements to include minimum width and height of access, require splays, require internal vehicle access to remain unobstructed.
- Exclude access and loading provision in the definition of service area.
- Include tracking curve diagrams in the District Plan for 99th percentile car tracking curve for internal manoeuvring, 90th percentile car tracking curve for parking space manoeuvring, 8m Medium Rigid Truck for loading spaces.
- Amend the tables for Simple and Broad Integrated Transport Assessment checklists to remove unnecessarily onerous information requirements.
- Alter the thresholds and circumstances under which requirement to provide any Integrated Transport Assessment is triggered.

Appendix 1.2 Information Requirements

- Amend the information requirements to be less mandatory in some cases.
- Remove requirement for a concept analysis plan and site analysis plan as being part of any subdivision concept plan.
- Delete the requirement for a detailed landscaping plan as part of resource consent and replace with a provision which requires developers to demonstrate how landscaping and screening requirements will be accommodated.
- The information requirement be re-written to delete reference to the situations where a water impact assessment is required to be provided.
- Delete the waste minimisation plan information requirement.
- Delete information requirement for managed care facilities.
- Amend the Centres Assessment Report information requirement so that it is only obligatory to provide one for retail and office activities outside of the Central City or Business Zones; and give discretion to Council staff to determine what needs a centres assessment within the Central City and Business Zones.

Appendix 17- Planning Maps

- Amend the planning maps to reflect the national grid data provided to Council in July 2012 (see Appendix 8 which shows the extent of the change on each property)
- Rezone Lot 2 DP 425316 from Special Natural Zone, Rotokauri- Lake Waiwhakareke Landscape Character Area to Destination Open Space Zone

7.0 EVALUATION OF PREFERRED OPTION(S) FOR PROVISIONS (POLICIES AND METHODS)

Appendix 5 includes an assessment of the effectiveness, efficiency, benefits, costs and risks of the valid options.

The main purpose of the REEP review was to improve the efficiency and effectiveness of the District Plan. As assessed in detail in Appendix 5, the proposed provisions are an efficient and effective approach to achieving the objectives. This is consistent with Section 32(1)(b)ii of the RMA.

As assessed in Appendix 5 in detail, there are no significant costs to Council, developers or the community from the proposed provisions. In all cases the environmental, economic, social and cultural benefits outweigh the costs.

The effects on cultural well-being are negligible; the economic effects will be predominantly positive as it reduces the need for resource consent; and the social effects will be positive as it improves the efficiency, effectiveness and legibility of the Plan; and the environmental costs are minor or negligible.

The key risks of acting or not acting on the proposed changes are as follows:

- The Council is currently not meeting its statutory obligations under the RMA. In particular the incorrect mapping of the National Grid Yard and National Grid Corridor is inconsistent with the National Policy Statement on Electricity Transmission. Retaining the existing provisions has health and safety risks and compromises the ability to maintain and operate the electricity transmission network.
- Development is currently being created with inadequate access for Fire Emergency vehicles to rear properties.
- The proposed outdoor living and service area provisions do not align with the Special Character Zone and Medium Density Zone; and the residential unit size provision does not align with the Medium Density Zone. The inconsistencies risk undermining the provisions in these chapters.

8.0 STRATEGIC PLANNING CONTEXT

The following relevant planning documents are considered and given effect to in the preparation of this Plan Change:

- National Policy Statement on Electricity Transmission
- Waikato Regional Policy Statement (WRPS)
- Waikato Tainui Environmental Plan
- Ngati Haua Environmental Management Plan
- Access Hamilton

Specific comments on these planning documents are as follows:

National Policy Statement on Electricity Transmission

The National Policy Statement on Electricity Transmission 2008 (NPSET) requires district plans to include objectives, policies and methods (including rules) to recognise transmission corridors within their district, to identify transmission lines on planning maps, and to provide controls on subdivision and land use as necessary to ensure that the operation, maintenance, upgrading and development of transmission infrastructure is not compromised as a result of the adverse effects of incompatible land uses (including structures).

Due to incorrect mapping, the National Grid Corridor and National Grid Yard in the District Plan Maps does not align with its actual location.

The key objective of the National Policy Statement for Electricity Transmission is:

'To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- *managing the adverse environmental effects of the network; and*
- *managing the adverse effects of other activities on the network'.*

The incorrect mapping means that an adequate buffer is not provided around the National Grid Yard. This results in potential adverse effects of the network on properties through increased risk of electrical hazard, adverse noise and visual effects. This also results in adverse effects on the network from potential access constraints, adverse dust effects and risks from machinery being used too close to the National Grid Lines. Re-aligning the maps will ensure that the District Plan is in accordance with the National Policy Statement on Electricity Transmission.

Waikato Regional Policy Statement (WRPS)

The Waikato Regional Policy statement has no relevance to most of the changes proposed under this Plan Change. Where the objectives are relevant to the proposed provisions these are assessed below.

Objective 3.12 Built environment

Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes, including by:

- *promoting positive indigenous biodiversity outcomes;*
- *preserving and protecting natural character, and protecting outstanding natural features and landscapes from inappropriate subdivision, use, and development;*
- *integrating land use and infrastructure planning, including by ensuring that development of the built environment does not compromise the safe, efficient and effective operation of infrastructure corridors;*
- *integrating land use and infrastructure planning, including by ensuring that development of the built environment does not compromise the safe, efficient and effective operation of infrastructure corridors;*

- *promoting a viable and vibrant central business district in Hamilton city, with a supporting network of sub-regional and town centres; and*
- *providing for a range of commercial development to support the social and economic wellbeing of the region.*

The incorrect mapping of the National Grid and National Grid Corridor is not in accordance with Objective 3.12 of the WRPS as it compromises the safe, efficient and effective operation of the Transmission Corridor. Correcting the maps will ensure the District Plan is consistent with the WRPS.

The plan change includes increasing the quantity of earthworks permitted at the time of subdivision without having to apply for a separate land use consent. The quantity aligns with the maximum quantity of earthworks permitted with any activity requiring a building consent. The relatively small quantity of earthworks will preserve landforms and specific controls relating to silt and sediment retention, ground cover, stability, storm water will continue to preserve and protect natural character, natural features and landscapes.

It is also proposed to amend the policy relating to earthworks to replace the word's *'maintain natural character and amenity values'* to *'minimise adverse effects on existing landforms natural features and significant vegetation'*. It is inappropriate that all earthworks activities are required to retain these features when by nature they will do the opposite. The protection of natural landforms, natural features and significant vegetation from adverse effects from earthworks is achieved by other Plan sections including Natural Hazards, Historic Heritage and Natural Environments. The re-wording of this Policy and the earthworks rule will continue to achieve Objective 3.12.

Objective 3.24 Natural Hazards

The effects of natural hazards on people, property and the environment are managed by:

- increasing community resilience to hazard risks;*
- reducing the risks from hazards to acceptable or tolerable levels; and*
- enabling the effective and efficient response and recovery from natural hazard events.*

The plan change will adjust the activity status for swimming pools in the Waikato Riverbank and Gully Hazard area to a discretionary activity from a restricted discretionary activity. This aligns with the activity status for buildings within the Waikato Riverbank and Gully Hazard area. Consistency in the approach to assessing works within the Waikato Riverbank and Gully Hazard area will achieve Objective 3.24.

Waikato Tainui Environmental Plan

The Waikato-Tainui Environmental Plan is designed to enhance Waikato-Tainui participation in resource and environmental management with a vision to maintain the environment and restored or enhance the quality of natural and physical resources.

Chapter 6

This Chapter relates to consultation and engagement with the Waikato Tainui. A Draft copy of the Plan Change was provided to Waikato Tainui as required under Clause 4a of the Resource Management Act. A full summary of the advice given by Waikato Tainui and the response to this advice is included in Appendix 6.

Overall Waikato Tainui sought clarification over the information requirements, earthworks and three water provisions. They also requested that consideration be given on whether the Plan could be altered to make the provisions relating to Papakainga more enabling. An assessment of the Papakainga provisions was undertaken (see Appendix 6) and it was determined that the existing provisions are efficient and effective and a change falls outside of the scope of this Plan Change.

Chapter 11

The objectives of Chapter 11 aim to restore and protect the health and wellbeing of the Waikato River. The proposed provisions will have a negligible effect on the Waikato River. The increase in the quantity of earthworks permitted at the time of subdivision will be adequately controlled by specific silt, sediment and stability controls. This will protect the water quality of the Waikato River.

Ngati Haua Environmental Management Plan

The Ngati Haua Environmental Plan enables Ngati Haua to exercise its responsibilities as kaitiaki and ensure that they can:

- Restore the mauri of our taiao
- Swim in, drink from and gather food from our rivers and streams
- Provide cultural, social and economic wellbeing for our people
- Revitalise our traditional knowledge and practices

The relevant aspects of this Plan relate to avoiding degradation of water quality, managing the potential effects of land disturbance activities (earthworks) on cultural heritage, and ensuring early engagement is undertaken.

The plan change is anticipated to have a negligible effect on the quality of water courses. The earthworks provisions in Chapter 19 will continue to manage the potential effects from land disturbance activities on cultural heritage. Early engagement has been undertaken with Te Haa o Te Whenua o Kirikiriroa.

Access Hamilton

The purpose of Access Hamilton is to meet the changing travel demands of the city by providing an affordable, safe, responsive and sustainable transport system. The proposed transportation provisions are consistent with Access Hamilton.

10.0 CONCLUSION

This plan change is being undertaken in accordance with the requirements of the Resource Management Act.

Consultation, in accordance with the Schedule 1 requirements set out by the RMA, has been undertaken to ensure that the provisions are efficient and effective approach to addressing the Resource Management issues; the draft plan change and section 32 documentation has been reviewed by the local iwi in accordance with the requirements under clause 4a of schedule 1 of the Act.

The proposed options are considered most appropriate to improve the efficiency and effectiveness of the Plan and promote the sustainable management of natural and physical resources.

The re-alignment of the Transmission Corridor ensures that the District Plan is consistent with the National Policy Statement for Electricity Transmission in allowing for the operation, maintenance, development and upgrading of the electricity transmission network. This is of national significance.

11.0 APPENDICES

- Appendix 1: Statutory requirements
- Appendix 2: Matters for Consideration and Scale and Significance Assessment
- Appendix 3: Assessment of Options
- Appendix 4: Consultation
- Appendix 5: Evaluation of proposed objectives, provisions and methods
- Appendix 6: Iwi Authority s.32(4A) review
- Appendix 7: Regulatory Efficiency and Effectiveness Programme Recommendation Reports
- Appendix 8: Plans showing extent of change to the Transmission Corridor