

Appendix D

Section 32AA Report

Proposed Plan Change 6

Regulatory Efficiency and Effectiveness Plan Change

to

Hamilton City District Plan

Resource Management Act: Section 32AA Evaluation
Report of Recommended Changes

April 2020

1.0 Statutory Requirements

Section 32AA requires a further evaluation for any changes that have been made to the proposal since the evaluation report was completed.

(1) A further evaluation required under this Act—

- a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*
- 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) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

(3) In this section, proposal means a proposed statement, national planning standard, plan, or change for which a further evaluation must be undertaken under this Act.

The s32AA evaluation is to be undertaken at a scale and degree that is commensurate with the anticipated effects of the amendments. The amendments to the Plan Change 6 provisions made since the s32 evaluation are corrections, updates and refinements to the provisions in response to the points raised by submitters. They do not challenge the structure or intent of the District Plan. The scale and degree of the assessment below reflects the 'update and refinement' amendments against the Section 32AA considerations.

2.0 Chapter 4- Residential Zone- Amendments to methods and rules

The specific provisions recommended to be amended:	Effectiveness and Efficiency	
	Relevant objectives: Objective 2.2.6- A range of housing types and densities is available to meet the needs of a diverse range of people and communities. Objective 4.2.3- Residential development produces good on-site amenity. Objective 4.2.4- The development contributes to good neighbourhood amenity as the area matures.	
	Benefits	Costs
<ul style="list-style-type: none"> • Rule 4.4.5 Height in relation to boundary- remove the height in relation to boundary control where written consent of the owners of the adjoining affected property is obtained. 	Environmental: Neutral	Environmental: Neutral
<ul style="list-style-type: none"> • Rule 4.4.6g Building setbacks- allow one accessory building within the setback on each notational lot approved as part of a subdivision. 	Economic: Reduced time and costs associated with preparing and processing resource consents.	Economic: Neutral
<ul style="list-style-type: none"> • Rule 4.4.7 Interface between public and private-amendments to identify that a vehicle entrance is considered facing the transport corridor if vehicles can reverse straight onto the street; 	Increased certainty for developers during the design stage due to more specific interface provisions.	
<ul style="list-style-type: none"> • Rule 4.4.10d Outdoor living- 12m² outdoor living area for apartments and duplex dwellings in the Residential Intensification Zone. 	Social: Improved legibility and consistency of the Plan provisions improves the usability of the Plan for the community. Height in relation to boundary exemption consistent with s95E and 104(3) of the RMA.	Social: Neutral
	Cultural: Neutral	Cultural: Neutral
Opportunities for economic growth and employment		
None identified		

Options less or not as appropriate to achieve the objective

An alternative option was considered on how to make it clear when a garage is 'facing the transport corridor' within the interface standard. This included defining facing as 'an angle of up to and including 45° between the front boundary and the façade in question'. This option was deemed less appropriate to achieve the objective due to the difficulty in interpretation and not aligning with the purpose for the 5m setback where the entrance of the garage faces the transport corridor.

No other additional options were considered other than retaining the provisions as notified.

Risk of acting or not acting

I consider there is little risk of acting or not acting as I do not consider there to be any uncertainty or an insufficiency of information about the subject matter of the amendments.

Effectiveness and Efficiency

The proposed provisions will be efficient and effective in achieving the relevant objectives as it results in simplified standards which enable greater flexibility for developers, reduce the need for resource consent and result in some reduction to consenting time and costs. In particular:

- Allowing an exemption to the height in relation to boundary control where written consent of the owners of the adjoining affected property is obtained, avoids unnecessary processing time as the effects on these parties are already disregarded through the consenting process under Section 95E and 104(3) of the Resource Management Act.
- Allowing one small accessory building (e.g garden shed) within the 1.5m setback on each notional lot approved as part of a subdivision is consistent with allowing one small accessory building on a site within the 1.5m yard setback. The size and scale of the shed will not be bulky or dominant in appearance when viewed from adjacent properties.
- The interface standards are clear and easy to interpret. The standards which will contribute to an adequate external appearance and maintain the safety and amenity of the street.
- Retaining the existing 12m² outdoor living area required for apartments and duplexes in the Residential Intensification Zone is effective in maintaining good levels of amenity given the proximity of these sites to centres, facilities and parks which provide high levels of social amenity. There are neutral costs and benefits of retaining the existing District Plan provision.

3.0 Chapter 6- Business Zone- Amendments to policies, methods and rules

The specific provisions recommended to be amended:	Effectiveness and Efficiency	
		<p>Objective 2.2.6-A range of housing types and densities is available to meet the needs of a diverse range of people and communities.</p> <p>Objective 6.2.2 A distribution of suburban centres that provide a mixed use environment with health-care services, goods, services and employment at a scale appropriate to suburban catchments, while not undermining the primacy, function, vitality, amenity or viability of the Central City.</p> <p>Objective 6.2.3- A distribution of locally based centres that provide services and health-care services capable of meeting the day-to-day needs of their immediate neighbourhoods.</p>
	Benefits	Costs
Policy 6.6.2b and 6.2.3c removal of the word 'high' from high quality living environments.	Environmental: Neutral	Environmental: Neutral
Rule 6.4.7i)iv External outlook area- remove provision for external outlook to be over another site if this is secured in perpetuity via a legal instrument.	Economic: Reduced time and costs in preparing and processing resource consents.	Economic: Neutral
Rule 6.4.7e)iii Reduction in outdoor living area for ancillary residential unit and delete provision for all other residential units.	Social: Neutral	Social: Neutral
	Cultural: Neutral	Cultural: Neutral
Opportunities for economic growth and employment		
None identified		
Options less or not as appropriate to achieve the objective		
No other options were considered other than retaining the provisions has notified.		
Risk of acting or not acting		
I consider there is little risk of acting or not acting as I do not consider there to be any uncertainty or an insufficiency of information about the subject matter of the amendments.		
Effectiveness and Efficiency		

The amendments are efficient, clear and directive and appropriate to achieve the objectives of the Plan and improve the efficiency and effectiveness of the Plan.

The amendment to the policies will still be adequate to ensure quality living environments are achieved. This reflects the lowered expectation for high residential amenity in the Business Zones given the close proximity of these sites to centres, facilities and parks which provide high levels of social amenity. The policies ensure that the residential rules are effective.

The reduction in outdoor living area for ancillary residential units is consistent with the requirement for apartments and reflects the reduced level of residential amenity anticipated within the Business Zones.

The amendment to the external outlook reverts to a standard being used in the existing Operative District Plan. There are neutral costs and benefits of retaining the existing District Plan provision.

4.0 Chapter 7- Central City Zone- Amendments to policies, methods and rules

The specific provisions recommended to be amended:	Effectiveness and Efficiency	
	Benefits	Costs
	Relevant objectives: Objective 2.2.6- A range of housing types and densities is available to meet the needs of a diverse range of people and communities. Objective 7.2.6- Continued development and growth which enhances the commercial heart of Hamilton as an attractive and vibrant pedestrian orientated City centre that is accessible to all levels of mobility and has a strong relationship with the Waikato River. Objective 7.2.8- Continued development of the cultural and tourism core of Hamilton, including development and activities that promote social and cultural wellbeing.	
Policy 7.2.6h and 7.2.8e removal of the word 'high' from high quality living environments	Environmental: Neutral	Environmental: Neutral
Rule 7.5.3h External outlook area- remove provision for external outlook to be over another site if this is secured in perpetuity via a legal instrument.	Economic: Neutral	Economic: Neutral
	Social:	Social:

	Neutral	Neutral
	Cultural: Neutral	Cultural: Neutral
Opportunities for economic growth and employment		
None identified		
Options less or not as appropriate to achieve the objective		
No other options were considered other than retaining the provisions has notified.		
Risk of acting or not acting		
I consider there is little risk of acting or not acting as I do not consider there to be any uncertainty or an insufficiency of information about the subject matter of the amendments.		
Effectiveness and Efficiency		
The amendments are efficient, clear and directive and appropriate to achieve the objectives of the Plan and improve the efficiency and effectiveness of the Plan.		
The amendment to the policies will still be adequate to ensure quality living environments are achieved. This reflects the lowered expectation for high residential amenity in the Central City given the close proximity of these sites to centres, facilities and parks which provide high levels of social amenity. The policies ensure that the residential rules are effective.		
The amendment to the external outlook reverts to a standard being used in the existing Operative District Plan. There are neutral costs and benefits of retaining the existing District Plan provision.		

5.0 Chapter 23 Subdivision- Amendments to methods and rules

The specific provisions recommended to be amended:	Effectiveness and Efficiency	
	Relevant objectives: Objective 25.14.2.1 - An integrated multi-modal transport network that meets national, regional and local transport needs and is Responsive, Efficient, Affordable, Safe, Accessible, Sustainable and Integrated with land use.	
	Benefits	Costs
Rule 23.6.4d Cross lease to fee simple subdivision-land use rules not to apply to legally established buildings.	Environmental: Neutral	Environmental: Neutral

	Economic: Reduced time and costs associated with preparing and processing resource consents.	Economic: Neutral
	Social: Neutral	Social: Neutral
	Cultural: Neutral	Cultural: Neutral
Opportunities for economic growth and employment		
None Identified		
Options less or not as appropriate to achieve the objective		
No other additional options were considered other than retaining the provisions as notified.		
Risk of acting or not acting		
I consider there is little risk of acting or not acting as I do not consider there to be any uncertainty or an insufficiency of information about the subject matter of the amendments.		
Effectiveness and Efficiency		
Not applying applicable zoning land use rules to legally established dwellings where being converted from a cross-lease to a fee simple subdivision is efficient and effective as no change is required to layout of the site or existing buildings on the site. The effects on character or amenity from the existing development compared to the change in land tenure is therefore neutral. Three waters provisions are still in place to ensure adequate and separate servicing.		

6.0 Chapter 25.2 Earthworks and vegetation removal- Amendments to methods and rules

The specific provisions recommended to be amended:	Effectiveness and Efficiency	
	Benefits	Costs
	Relevant objective: Objective 25.2.2.1- Minimise the adverse effects of earthworks and vegetation removal on people, property, and the environment.	
Rule 25.2.4.1 Earthworks- remove the exclusion to natural hazard areas	Environmental: Neutral	Environmental: Neutral
	Economic: Neutral	Economic: Neutral

	Social: Clearer provisions aid with interpretation of the Plan	Social: None identified
	Cultural: Neutral	Cultural: None identified
Opportunities for economic growth and employment		
None identified		
Options less or not as appropriate to achieve the objective		
No other additional options were considered other than retaining the provisions as notified.		
Risk of acting or not acting		
I consider there is little risk of acting or not acting as I do not consider there to be any uncertainty or an insufficiency of information about the subject matter of the amendments.		
Effectiveness and Efficiency		
The provision corrects an unintended consequence of the notified provisions and is effective and efficient in minimising the adverse effects from earthworks in the flood hazard area on people, property and the environment. The costs and benefits are largely neutral as this reverts to a standard being used in the existing Operative District Plan.		

7.0 Chapter 25.8 Noise and Vibration- Amendments to methods and rules

The specific provisions recommended to be amended:	Effectiveness and Efficiency	
	Relevant objective: 25.8.2.1-Activities have minimal adverse noise and vibration effects on other activities and sites, consistent with the amenity values of the receiving environment.	
	Benefits	Costs
Rule 25.8.3.10b)i Noise Sensitive Activities- Amend the rule to enable use of either the ADDT levels or high traffic volume roads listed in the Plan.	Environmental: Neutral	Environmental: Neutral
Rule 25.8.3.10b)ii Noise Sensitive Activities- Amend the rule to capture areas where the carriage way is known for designated roads.	Economic: Reduced time and costs associated with preparing and processing resource consents.	Economic: Neutral
	Social: Increased flexibility for developers to either use the clear high traffic volumes specified or undertake their own counts.	Social: Neutral

	Cultural: Neutral	Cultural: Neutral
Opportunities for economic growth and employment		
None identified		
Options less or not as appropriate to achieve the objective		
No other additional options were considered other than retaining the provisions as notified.		
Risk of acting or not acting		
I consider there is little risk of acting or not acting as I do not consider there to be any uncertainty or an insufficiency of information about the subject matter of the amendments.		
Effectiveness and Efficiency		
The amended provisions are efficient clear and directive and remove the need for unnecessary Resource Consent.		

8.0 Chapter 25.13 Three Waters- Amendments to methods and rules

The specific provisions recommended to be amended:	Effectiveness and Efficiency	
	Objective 25.13.2.3- Three waters infrastructure is provided as part of subdivision and development, and in a way that is integrated, effective, efficient, functional, safe and sustainable	
	Benefits	Costs
<ul style="list-style-type: none"> • Rule 25.13.4.5 Water Efficiency Measures- Allow permeable pavers and uncovered decks as a water sensitive technique • Appendix 1.1.2 Definition permeable surface- Retain existing Hamilton City Council permeable surface definition by removing ability to use permeable pavers as a permeable surface 	Environmental: Neutral	Environmental: Neutral
	Economic: Neutral	Economic: Neutral
	Social: Neutral	Social: Neutral
	Cultural: Neutral	Cultural: Neutral
Opportunities for economic growth and employment		
None identified		
Options less or not as appropriate to achieve the objective		

No other additional options were considered other than retaining the provisions as notified.
Risk of acting or not acting
Permeable pavers are not considered an equivalent substitute for a permeable surface. Retaining the notified provision means that the modelling assumptions used for infrastructure design and ICMP's around the city are no longer appropriate. This risks not meeting Hamilton City Council's Comprehensive Discharge Consent, increased flooding and reduction in water quality in water courses.
Effectiveness and Efficiency
The amendment removes the notified provision to classify permeable pavers as a permeable surface. There are no additional costs or benefits to retaining the existing definition.
The amendment to Rule 25.13.4.5 clarifies that permeable pavers and uncovered decks can be used as a water sensitive technique however this is already the case. The amendments are efficient, clear and directive and appropriate to achieve the objectives of the Plan.

9.0 Chapter 25.14 Transportation- Amendments to methods and rules

The specific provisions recommended to be amended:	Effectiveness and Efficiency	
	Benefits	Costs
	Objective 25.14.2.1 - An integrated multi-modal transport network that meets national, regional and local transport needs and is Responsive, Efficient, Affordable, Safe, Accessible, Sustainable and Integrated with land use	
<ul style="list-style-type: none"> Rule 25.14.4.1h Design and Access Widths- Road Rule 25.14.4.3b Integrated Transport Assessment- existing vehicle access 	Environmental: Neutral	Environmental: Neutral
	Economic: Reduced time and costs associated with preparing and processing resource consents.	Economic: Neutral
	Social: Consistency between the ITA standards improves legibility of the Plan.	Social: Neutral
	Cultural: Neutral	Cultural: Neutral

Opportunities for economic growth and employment
None identified
Options less or not as appropriate to achieve the objective
No other additional options were considered other than retaining the provisions as notified.
Risk of acting or not acting
I consider there is little risk of acting or not acting as I do not consider there to be any uncertainty or an insufficiency of information about the subject matter of the amendments.
Effectiveness and Efficiency
The amendments to the ITA requirements for existing vehicle access are efficient and effective as it is consistent with the simplification of the ITA rules in 25.14.4.3a.
The amendments have been deemed sufficient by Gray Matter in terms of safety and efficiency (Appendix E).