

25.1 Development Suitability

25.1.1 Purpose

- a) The purpose of this chapter is to provide guidance on the development of land when it occurs in isolation from, or in conjunction with, a subdivision of land.
- b) This chapter also provides objectives and policies complementing the National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health with regard to managing use, development and subdivision on land affected by, or likely to be affected by contaminants. This District Plan concentrates on contamination that poses a risk to human health. The Waikato Regional Plan manages effects on the natural environment with respect to contaminated land.

25.1.2 Objectives and Policies: Development Suitability

Objective	Policies
<p>25.1.2.1 To ensure the provision of safe, efficient and integrated infrastructure as part of land development.</p>	<p>25.1.2.1a All development shall provide infrastructure appropriate for the activity proposed.</p>
	<p>25.1.2.1b New development shall be adequately serviced by suitable telecommunication, electricity, Three Waters and transport infrastructure.</p>
	<p>25.1.2.1c Urban development will not be allowed unless appropriate infrastructure is available, or is made available by the developer, and the servicing of this land does not compromise the safety, efficiency and sustainability of planned infrastructure.</p>
<p>Explanation</p>	
<p><i>Infrastructure must be planned in advance of development whether it occurs within Structure Plan areas or within the existing urban areas of the City. Acceptable means of compliance for the provision, design and construction of infrastructure is contained within the Hamilton City Council Infrastructure Technical Specifications. Additional or alternative requirements may be required by the NZTA for any infrastructure which affects a state highway.</i></p> <p><i>Council's Long Term Plan or Annual Plan and the National Land Transport Programme sets out the programme for providing infrastructure to service growth. Where a developer wishes to pursue development ahead of Council's or NZTA's programmes, a development agreement will need to be entered into with Council, or NZTA, with respect to the state highway network, to ensure that the infrastructure is provided in a way which is safe, efficient and sustainable from a City-wide and network perspective. Structure plans, Integrated Transport plans, Integrated Catchment Management plans, Water Impact Assessments and the Open Space Strategy will be used as</i></p>	

<p><i>reference points to assess whether a proposal will not compromise existing or planned infrastructure. In these cases it is anticipated that developers will bear the full costs of infrastructure provision.</i></p> <p><i>The reason for Council's approach is due to its inability to fund infrastructure necessary to support the development of growth all at once. This will enable the sustainable management of growth for the social and economic wellbeing of the community and meet the needs of future generations.</i></p>	
Objective	Policies
<p>25.1.2.2 Any development of land is carried out in a manner which reflects the physical constraints on its use and development, and minimises any adverse effects on the environment.</p>	<p>25.1.2.2a Development of land shall:</p> <ul style="list-style-type: none"> i. Not result in increased risk of erosion, subsidence, slippage or inundation, ii. Wherever possible, avoid or mitigate any adverse effects on water quality and quantity, and iii. Avoid or mitigate adverse effects on significant infrastructure.
	<p>25.1.2.2b Development shall be located and designed to maintain or enhance any:</p> <ul style="list-style-type: none"> i. Scheduled built heritage item, ii. Archaeological and cultural site, iii. Significant tree, and iv. Significant natural area.
<p>Explanation</p> <p><i>Development of land often involves modification and this has the potential to cause or exacerbate adverse effects. These effects should be managed through the location and design of development.</i></p>	
Objective	Policies
<p>25.1.2.3 Land affected by soil contaminants is identified and made safe for its intended use before any change of use, development or subdivision.</p>	<p>25.1.2.3a Any use, development and subdivision shall minimise the adverse effects that may arise from land affected by soil contaminants.</p>
	<p>25.1.2.3b Land affected by soil contaminants shall be remediated to a level, or managed in a way, that is suitable for its intended use.</p>
	<p>25.1.2.3c Exposure arising from the ongoing use of land affected by soil contaminants shall be managed to avoid or mitigate the risk of adverse effects on</p>

	human health.
Explanation	
<p><i>The use, development or subdivision of land that is contaminated or potentially contaminated could expose people to levels of contaminants which may be damaging to their health. This provides an objective and policy framework for assessing Discretionary Activities under the National Environmental Standard on Assessing and Managing Contaminants in the Soil to Protect Human Health.</i></p>	

Note: National Environmental Standards on Assessing and Managing Contaminant in Soil to Protect Human Health

1. The Resource Management (National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 apply to defined activities in specific circumstances.
2. Proposals to remove or replace a fuel storage system, sample soil, disturb soil, subdivide or change the use of land must consider whether this National Environmental Standard applies.
3. Council is responsible for applying and enforcing the provisions of National Environmental Standards. This National Environmental Standard provides standards relevant to managing the use, development and subdivision of contaminated or potentially contaminated land for the protection of human health. Refer to the Ministry for the Environment's website for relevant documents and guidance material.
4. This National Environmental Standard may alter the activity status of activities within this Plan, and additional standards, matters for assessment and criteria may apply. Council holds information that may assist in establishing whether activities on the Hazardous Activities and Industries List, as defined by the National Environmental Standard, currently or have previously operated on the land.
5. Activities may have other non-contaminated land related controls relevant to it that are found in other parts of the District Plan.