

APPENDIX 8.3: ASSESSMENT OF OPTIONS

- Appendix 8.3A: Assessment of Options to cover the 14 ha of land as a result of the boundary alternation between Hamilton and Waipa
- Appendix 8.3B: Assessment of Options to address provisions to replace 'Comprehensive Development Plan' provisions for the Temple View zone
- Appendix 8.3C: Assessment of Options to correctly identify and map the Significant Natural Area within the Temple View Zone
- Appendix 8.3D: Assessment of Options to address the identification of the 'Community Focal Point' notation and various administration amendments.

APPENDIX 8.3A: ASSESSMENT OF OPTIONS TO COVER THE 14 HA OF LAND AS A RESULT OF THE BOUNDARY ALTERNATION BETWEEN HAMILTON CITY AND WAIPA DISTRICT (S32(1)(B)(1))

OBJECTIVE	PURPOSE OF PROPOSED PLAN CHANGE – TO AMEND CURRENT PLANNING FRAMEWORK AND TO INTEGRATE 14HA OF LAND FOLLOWING BOUNDARY ADJUSTMENT BETWEEN HAMILTON CITY AND WAIPA DISTRICT				
Options	Description (brief)	Relevance	Feasibility	Acceptability	Recommendation
Approach to achieve objective	Describe the option and acknowledge the source of this option (if there is one. For example, feedback from consultation, suggestions from workshops with elected members etc.)	How effective provisions are in achieving the objective(s)	Within council's powers, responsibilities and resources, degree of risk and uncertainty of achieving objectives, ability to implement, monitor and enforce	Level of equity and fair distribution of impacts, level of community acceptance Where possible identify at a broad level social, economic, environmental, cultural effects	Discard or evaluate further (with brief explanation)
<p>Option 1: Retain the current Rural zoning (Waipa District Plan zoning and provisions as at the time of the transfer of the land into HCC, 2014).</p>	This option would mean continuing with the existing "bolt on" of the Waipa District Plan rural zoning, including the objectives, policies and methods for that zone.	Retaining provisions which were promulgated under a different local authority's jurisdiction is not considered effective or relevant in achieving the strategic objectives in the ODP, nor would it achieve the objective of the plan change.	Council could continue to manage this land under the Waipa District Plan. However, this would be inconsistent with the statutory direction in section 81 of the RMA. Furthermore, the option would not align with Council's strategic direction as set out in	The retention of rural zoning and the "open space" between the urban form of Temple View and the rural hinterland of Waipa District Plan may be acceptable to some parts of the community as it continues with the status quo.	Reject.

		<p>There are no other areas in the City zoned Rural and given the proximity of the land in question to the existing Temple View zone it would be anomalous to continue with a rural zone.</p>	<p>the strategic objectives of the ODP. Retaining the rural zoning would be inconsistent with the objectives for the Temple View zone and character area which is immediately adjacent to the land (the majority of which is indeed owned by LDS)</p>	<p>However, given that the ODP does not have a comparative zone it is likely that most sectors of the community will not consider this option to be acceptable as it will mean an absence of planning controls to ensure both the sustainable development of the land as well as ensuring the character of the Temple View area is managed and protected in an integrated way from unanticipated development (such as agricultural activities) that would not be complementary and cohesive connected development of the area. A lack of strategic</p>	
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				<p>planning for the land could mean ongoing uncertainty for the community (including the land owner(s)). This in turn may mean that the economic opportunities for the land are not realised. Impact.</p>	
<p>Option 2 Rezoning the area Future Urban Zone</p>	<p>This option would mean the objectives, policies and rules of the Future Urban Zone will apply to the land. This is essentially a “holding pattern” zone until a structure plan process is carried out to determine a specific zoning. It is noted that the 14ha area is owned by the same land owner of the Temple View zone land (which contains the former Church College and the existing Temple).</p>	<p>The zoning would mean that the additional 14ha is covered by the ODP provisions. However, simply adopting the Future Urban zone does not consider or address the adjoining Temple View zone and the existing environment in which it is located. Because the Future Urban zone objectives and policies under the ODP do not align with those of the adjoining Temple View zone, this</p>	<p>Feasible with respect to Council’s powers etc. However, this zoning option would not align with Council’s strategic direction and the importance of ensuring the Temple View area’s special character is protected (through the Temple View zone objectives, policies and methods. Accordingly, there is a lack of certainty that the zoning will lead to sustainable planning outcomes.</p>	<p>The Future Urban zoning would effectively mean that the 14ha does not have a suite of focussed planning controls which will ensure both the sustainable development of the land as well as ensuring the character of the Temple View area is managed and protected from un-anticipated development. The Future Urban zone would not facilitate integrated and</p>	<p>Reject.</p>

		<p>option would potentially create a conflict between the type and scale of development that is supported under each. For example, the Temple View zone includes objectives and policies which expect provision for fully reticulated urban development in the Temple View zone. However, this is not replicated in the Future Urban zone.</p> <p>While the Future Urban zone is intended to function as a 'holding' pattern before a comprehensive review of land uses is undertaken, given the location and relatively small area of 14ha of land, it is considered logical from a planning</p>		<p>complementary development with that of the existing Temple View zone and this may have some adverse environmental, social and cultural effects.</p>	
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		<p>perspective for the zoning of this are of land to be determined now, rather than deferring until a future date.</p> <p>Rezoning the land Future Urban would result in a planning framework with no clear linkages to with either the existing zone or the adjoining Rural Zone. This is not a sustainable zoning approach.</p>			
<p>Option 3: Rezone the area to General Residential Zone</p>	<p>This would mean that the objectives, policies, rules and methods of the General Residential zone as provided for in the ODP would apply to the 14ha. The General Residential zone applies to a significant proportion of Hamilton City.</p>	<p>This option would achieve some degree of integration of the 14ha within the ODP. For example, the General Residential zone includes objectives and policies regarding reticulated services for urban development.</p> <p>However, the General</p>	<p>Feasible with respect to Council's powers etc. However, this zoning option would not align with Council's strategic direction and the importance of ensuring the Temple View area's special character is protected (through the Temple View zone objectives, policies and methods.</p>	<p>There is likely to be a low acceptance of this option from all sectors. General residential zone would not present a sustainable use of the land due to its proximity to the existing Temple View zone and lack of integration with the Temple View zone provisions (particularly</p>	<p>Reject.</p>

		<p>Residential zone would not provide a planning framework which will manage the relationship between new development and the character elements of the Temple View area (as provided for in the Temple View zone special character area overlay).</p> <p>In that regard, simply rezoning the land General Residential does not represent a sustainable management approach to zoning of the 14ha.</p> <p>While the Temple View “settlement area” is zoned General Residential, the location of the 14ha in relation to the Temple View character area supports a continuation of the</p>	<p>While the zoning might facilitate some development in the short term, there is a risk that such development will conflict with the character of the existing Temple View zone and create adverse effects which are not intended or anticipated for the general area.</p>	<p>ensuring the character of the Temple View area is managed and protected from development which could be inconsistent that that character).</p> <p>There may be some increased short-term development opportunities for the area. However, unless this is integrated with, and complementary to, development in the existing Temple View zone, this may result in adverse environmental, social and cultural effects.</p>	
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		Temple View zone across the 14ha.			
Option 4: Rezone the area to Temple View Zone	This option would introduce the same zoning as the adjacent area, including the objective, policies and rules of the Temple View zone.	<p>This zoning would achieve the objective (purpose) of the plan change and the strategic objectives for Hamilton City as set out in the ODP.</p> <p>There is likely to be a high level of consistency and potential for integration with the adjacent Temple View zone, including fully reticulated urban development.</p>	<p>Feasible with respect to Council's powers etc. This zoning would better align with Council's strategic planning direction to ensure the area's special character is protected through objective, policies and specific provisions.</p> <p>Some degree of uncertainty, given the previous CDP area approach (proposed to be replaced with "Precincts" through proposed plan change) is not part of this option.</p>	There is likely to be a higher level of acceptance from the community as the Temple View zoning is already "understood" and the likely effects of the same provisions (e.g., development possibilities) can be anticipated.	Reject.
Option 5: Rezone area to Temple View Zone and overlay Precinct provisions to ensure fully integrated development between	This option would introduce the same zoning as the adjacent area, including the objective, policies and rules of the Temple	Considered to be the most effective for achieving the objectives. While option 4 would also achieve the objectives,	<p>Feasible.</p> <p>This zoning, together with the addition of the Precinct overlay, which places a greater emphasis on</p>	Anticipated to receive the highest level of acceptance by the community as it expected to achieve consistency and	<p>Support.</p> <p>Recommended option for proposed provisions. Most appropriate to achieve</p>

<p>14ha and the existing Precinct areas (currently described in ODP as CDP areas), within the Temple View Zone.</p>	<p>View zone and would include the overlay of a Precinct to reflect the framework that already exists for the rest of the Temple View zoned area.</p>	<p>it would not be as effective as the proposed "Precinct" approach being applied across the 14ha area.</p> <p>Expected to be a high level of consistency and integration of development between the adjacent Temple View zone, including fully reticulated urban development.</p> <p>Enables the character elements for the Temple View area to be managed consistently.</p>	<p>connectivity of development within the Temple View Zone, provides high level of certainty for achieving the objectives.</p>	<p>integration with the existing character of the Temple View area. For example, the planning provisions for the management of character and heritage will be the same across the additional 14ha as that of the existing Temple View zone.</p> <p>Anticipated long term benefits (positive environmental, social, cultural and economic effects) from having a consistent approach to planning framework. For example, the management of the character and heritage elements over the former Church College site.</p> <p>The overlay of Precinct controls will enhance integration and connectivity between the "areas" within the</p>	<p>objectives.</p>
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				Temple View zone.	
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APPENDIX 8.3B: ASSESSMENT OF OPTIONS TO ADDRESS PROVISIONS TO REPLACE ‘COMPREHENSIVE DEVELOPMENT PLAN’ PROVISIONS FOR THE TEMPLE VIEW ZONE

<p>OBJECTIVE(S)</p>	<p>PURPOSE OF PROPOSED PLAN CHANGE – AMEND EXISTING TEMPLE VIEW ZONE PROVISIONS (USE OF “COMPREHENSIVE DEVELOPMENT PLANS”) TO ENSURE THAT THE RULES ARE <i>VIRES</i> THE RMA.</p> <p><u>CHAPTER 5: SPECIAL CHARACTER ZONES</u></p> <p>OBJECTIVE 5.2.1 THE SPECIAL CHARACTER ZONES RETAIN AND ENHANCE THEIR IDENTIFIED VALUES;</p> <p>OBJECTIVE 5.2.2 RESIDENTIAL DEVELOPMENT PRODUCES GOOD ON-SITE AMENITY;</p> <p>OBJECTIVE 5.2.6 TO ENSURE THAT DEVELOPMENT WITHIN THE TEMPLE VIEW HERITAGE AREA MAINTAINS AND ENHANCES THE SPECIAL HERITAGE CHARACTERISTICS OF THE AREA;</p> <p>OBJECTIVE 5.2.7 TO ENSURE DEVELOPMENT WITHIN THE TEMPLE VIEW CHARACTER AREA MAINTAINS AND ENHANCES ITS SPECIAL CHARACTER.</p>				
<p>Options</p> <p>Approach to achieve objective(s)</p>	<p>Description (brief)</p> <p>Describe the option and acknowledge the source of this option (if there is one e.g. feedback from consultation, suggestions from workshops with elected members etc)</p>	<p>Relevance</p> <p>How effective are the provisions in achieving the objective(s)</p>	<p>Feasibility</p> <p>Within council’s powers, responsibilities and resources, degree of risk and uncertainty of achieving objectives, ability to implement, monitor and enforce</p>	<p>Acceptability</p> <p>Level of equity and fair distribution of impacts, level of community acceptance</p> <p>Where possible identify at a broad level social, economic, environmental, cultural effects</p>	<p>Recommendation</p> <p>Discard or evaluate further (with brief explanation)</p>
<p>Retain existing planning provisions</p>	<p>This option would retain the status quo which includes CDP “areas” and rules which apply within the particular areas. The</p>	<p>Retaining the existing CDP planning provisions would not achieve the objective of ensuring that the rules in the Temple</p>	<p>Council has responsibility to ensure that its district plan is robust. While the existing CDP provisions do not offend the most</p>	<p>Retaining the status quo may not impact on the community in a direct way. There may be some indirect impacts if the lack of</p>	<p>Reject. It is not considered appropriate for Council to retain provisions which are at risk of being <i>ultra vires</i> the RMA.</p>

	<p>activity status of any listed activity will depend on whether a CDP has been granted.</p>	<p>View zone are <i>vires</i>. Furthermore, while the status quo could continue without a substantive challenge being made to the CDP approach, the uncertainty regarding the implementation of the provisions undermines the ability for the ODP to achieve existing objectives within the relevant chapters.</p>	<p>critical of the case law principles (i.e., consent is not obtained for a “plan” which then determines activity status for subsequent activities), there remains a level of uncertainty that is considered unacceptable. There is an ongoing risk that the objectives for the Temple View character area may not be achieved due to the uncertainties associated with the CDP rules. Accordingly, this option is not considered to be feasible.</p>	<p>certainty regarding the provisions leads to planning outcomes which aren’t anticipated through the objectives and policies for the zone.</p>	
<p>Revise the CDP planning mechanism for the Temple View zone to remove risk that the provisions are <i>ultra vires</i> the RMA.</p>	<p>This option involves revising the existing CDP mechanism (including relevant rules) and replacing with rules for specific activities which are</p>	<p>This option will achieve the objectives of the plan change and the objectives of the existing zoning of the land. The use of Precincts in place of</p>	<p>Feasible. The proposed modification to the planning provisions, removing the references to CDPs and related provisions can be achieved</p>	<p>Likely to have a high level of acceptance from the community. There will be minimal impact on the community and essentially neutral</p>	<p>Support. Recommended option for proposed provisions. Most appropriate to achieve objectives.</p>

	<p>assigned an activity status in accordance with the scale and character of development provided for within particular development areas – described as “Precincts”.</p>	<p>CDP areas and identifying the type of development to be enabled through the rules will achieve the objectives of the special character area and will integrate with the existing development that has occurred in reliance on the CDP rules.</p>	<p>without the need for wider scale and/or significant modifications to the current planning framework. There is potentially some low-level risk or uncertainty that “new” development may not integrate with existing development under the CDP rules. However, this is not considered to be significant as the existing (unchanged) objectives and policies retain the context for the new rules.</p>	<p>“effects”.</p>	
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APPENDIX 8.3C: ASSESSMENT OF OPTIONS TO CORRECTLY IDENTIFY AND MAP THE SIGNIFICANT NATURAL AREA WITHIN THE TEMPLE VIEW ZONE

<p>OBJECTIVE(S)</p>	<p>OBJECTIVE 20.2.1. SIGNIFICANT NATURAL AREAS ARE PROTECTED, MAINTAINED AND RESTORED AND ENHANCED</p> <p>OBJECTIVE 20.2.2 PUBLIC AWARENESS AND APPRECIATION OF SIGNIFICANT NATURAL AREAS IS INCREASED.</p>				
<p>Options</p> <p>Approach to achieve objective(s)</p>	<p>Description (brief)</p> <p>Describe the option and acknowledge the source of this option (if there is one e.g. feedback from consultation, suggestions from workshops with elected members etc)</p>	<p>Relevance</p> <p>How effective provisions are in achieving the objective(s)</p>	<p>Feasibility</p> <p>Within council's powers, responsibilities and resources, degree of risk and uncertainty of achieving objectives, ability to implement, monitor and enforce</p>	<p>Acceptability</p> <p>Level of equity and fair distribution of impacts, level of community acceptance</p> <p>Where possible identify at a broad level social, economic, environmental, cultural effects</p>	<p>Recommendation</p> <p>Discard or evaluate further (with brief explanation)</p>
<p>Retain existing planning provisions / Do Nothing</p>	<p>Ignore expert technical evidence from resource consent process that identifies accurate boundaries of SNA and retain the existing mapping.</p>	<p>Retaining the existing planning provisions does not represent best practice. Considering the knowledge of the accurate boundary for the SNA, retaining the existing boundary for</p>	<p>-</p>	<p>Plan provisions will not align with the consented environment. Low level of acceptance considering accurate information about boundaries of SNA. Broadly, economic,</p>	<p>Reject.</p>

		the same will not achieve the relevant objectives.		environmental and community/cultural effects will be negative considering there being accurate technical evidence/information regarding the boundaries and extent of the SNA.	
Align with the consented baseline regarding SNAs and DP provisions	Amend existing identification of extent and boundary of the SNA considering technical evidence provided in the context of a resource consent application within the Temple View Zone.	Most effective to achieve objectives	Feasible. The plan change process provides opportunity for Council to amend boundary and it is considered appropriate that it do so.	Likely to have a high level of acceptance due to accuracy of technical evidence/information. Provides certainty for applicants and community.	Support. Recommended option for proposed provisions. Most appropriate to achieve objectives.

**APPENDIX 8.3D: ASSESSMENT OF OPTIONS TO ADDRESS VARIOUS ADMINISTRATIVE AMENDMENTS TO ODP,
INCLUDING IDENTIFICATION OF THE “COMMUNITY FOCAL POINT” AS A NOTATION**

OBJECTIVE(S)	PURPOSE OF PLAN CHANGE TO MAKE MINOR CORRECTIONS AND AMENDMENTS (PLAN ADMINISTRATION CONSIDERATIONS). 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.				
Options Approach to achieve objective(s)	Description (brief) Describe the option and acknowledge the source of this option (if there is one e.g. feedback from consultation, suggestions from workshops with elected members etc)	Relevance How effective provisions are in achieving the objective(s)	Feasibility Within council's powers, responsibilities and resources, degree of risk and uncertainty of achieving objectives, ability to implement, monitor and enforce	Acceptability Level of equity and fair distribution of impacts, level of community acceptance Where possible identify at a broad level social, economic, environmental, cultural effects	Recommendation Discard or evaluate further (with brief explanation)
Retain existing planning provisions / Do Nothing	Ignore the minor matters that should be corrected that have been noted through the application of the planning provisions over the period the Plan has been operative and the outcome because of the consented baseline.	Retaining the existing planning provisions does not represent best practice.	-	Plan provisions will not align with the consented environment. Low level of acceptance considering accurate information about the planning provisions. Broadly, economic, environmental and community/cultural effects will be negative	Reject.

				if the provisions are not relevant and up-to-date.	
Update the planning provision.	Amend the plan provisions that have been identified as needing to be corrected as a result the planning provisions for Temple View having been applied in practice since the Plan has been operative and as an outcome of the consented baseline.	Amend the existing planning provisions will be most effective in achieving the objectives.	Feasible. The plan change process provides opportunity for Council to amend boundary and it is considered appropriate that it do so.	Likely to have a high level of acceptance due to accuracy of technical evidence/information. Provides certainty for applicants and community.	Support. Recommended option for proposed provisions. Most appropriate to achieve objectives.