

**APPENDIX D**  
**SECTION 32AA EVALUATION REPORT**

**PLAN CHANGE 2:  
TE AWA LAKES**

**to**

**HAMILTON CITY DISTRICT PLAN**

**RESOURCE MANAGEMENT ACT:  
SECTION 32AA EVALUATION REPORT OF  
RECOMMENDED CHANGES**

**October 2019**

## Table of Contents

<b>1.0</b>	<b>Statutory Requirements</b>	<b>1</b>
<b>2.0</b>	<b>Evaluation of Proposed Rules and Methods:</b>	<b>2</b>
2.1	Proposed Provisions to address Comprehensive Development Consents	2
2.2	Proposed Provisions to address Affordable Housing	5
2.3	Proposed Provisions to Water Quality	7

## 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.*

## 2.0 Evaluation of Proposed Rules and Methods

### 2.1 PROPOSED PROVISIONS (AMENDMENTS TO RULES) TO ADDRESS COMPREHENSIVE DEVELOPMENT CONSENTS (MAJOR FACILITIES ZONE)

<b>PROVISIONS MOST APPROPRIATE TO ACHIEVE OBJECTIVE(S):</b> Integrated Transport Network 17.2.1 Major facilities develop and operate successfully and contribute to the economic, social and cultural wellbeing of the City.	<b>EFFECTIVENESS AND EFFICIENCY</b>																					
<p><b>17.3 Rules – Activity Status Table</b></p> <table border="1" data-bbox="219 644 1274 868"> <thead> <tr> <th>Activity</th> <th>Class</th> </tr> </thead> <tbody> <tr> <td colspan="2"><b>All Major Facilities: Concept Plan</b></td> </tr> <tr> <td>a) Concept Development Consent or an update to a Concept Development Consent (<u>except Te Awa Lakes Adventure Park</u>)</td> <td>RD</td> </tr> </tbody> </table> <table border="1" data-bbox="219 991 1274 1385"> <thead> <tr> <th colspan="2"><b>Te Awa Lakes Adventure Park</b></th> </tr> </thead> <tbody> <tr> <td>yy) <u>All activities listed in 17.3 b) to p)</u></td> <td>RD</td> </tr> <tr> <td>zz) <u>Places of assembly</u></td> <td>RD</td> </tr> <tr> <td>aaa) <u>Motorised recreation activity</u></td> <td>RD</td> </tr> <tr> <td>bbb) <u>Motorised vehicle activity</u></td> <td>RD</td> </tr> <tr> <td>ccc) <u>Motorised water activity</u></td> <td>RD</td> </tr> <tr> <td>ddd) <u>Visitor accommodation where any part of the building is within the Visitor Accommodation Overlay area</u></td> <td>RD</td> </tr> </tbody> </table>	Activity	Class	<b>All Major Facilities: Concept Plan</b>		a) Concept Development Consent or an update to a Concept Development Consent ( <u>except Te Awa Lakes Adventure Park</u> )	RD	<b>Te Awa Lakes Adventure Park</b>		yy) <u>All activities listed in 17.3 b) to p)</u>	RD	zz) <u>Places of assembly</u>	RD	aaa) <u>Motorised recreation activity</u>	RD	bbb) <u>Motorised vehicle activity</u>	RD	ccc) <u>Motorised water activity</u>	RD	ddd) <u>Visitor accommodation where any part of the building is within the Visitor Accommodation Overlay area</u>	RD	<b>BENEFITS</b>	<b>COSTS</b>
	Activity	Class																				
	<b>All Major Facilities: Concept Plan</b>																					
	a) Concept Development Consent or an update to a Concept Development Consent ( <u>except Te Awa Lakes Adventure Park</u> )	RD																				
	<b>Te Awa Lakes Adventure Park</b>																					
	yy) <u>All activities listed in 17.3 b) to p)</u>	RD																				
	zz) <u>Places of assembly</u>	RD																				
	aaa) <u>Motorised recreation activity</u>	RD																				
	bbb) <u>Motorised vehicle activity</u>	RD																				
	ccc) <u>Motorised water activity</u>	RD																				
ddd) <u>Visitor accommodation where any part of the building is within the Visitor Accommodation Overlay area</u>	RD																					
<b>Environmental</b>	<b>Environmental</b>																					
Neutral	Neutral																					
<b>Economic</b>	<b>Economic</b>																					
Neutral	Minor additional costs associated with individual consent applications.																					
<b>Social</b>	<b>Social</b>																					
Neutral	Neutral																					
<b>Cultural</b>	<b>Cultural</b>																					
Neutral	Neutral																					

**17.4 Rules – Concept Development Consent**

17.4.1 Provision of Concept Development Consent (excluding Te Awa Lakes Adventure Park)

**17.4.2 Consent Development Consent for Te Awa Lakes Adventure Park**

a) Notwithstanding Rule 17.4.1 the Concept Development Consent and all activities and buildings listed in Rule 17.3 b) to p) and yy) to ccc) as permitted activities shall be restricted discretionary activities.

**17.8 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria**

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3)
<p>iv. <u>Concept Development Consent or an update to a Concept Development Consent (Te Awa Lakes Adventure Park)</u> All activities listed in 17.3 for Te Awa Lakes Adventure Park.</p>	<ul style="list-style-type: none"> <li>• <u>B – Design &amp; Layout</u></li> <li>• <u>C – Character and Amenity</u></li> <li>• <u>G – Transportation</u></li> <li>• <u>J – Three Waters Capacity and Techniques</u></li> <li>• <u>K – Te Awa Lakes Adventure Park Major Facilities Concept Development Consent Consistency</u></li> </ul>

**Opportunities for economic growth and employment**

Neutral.
<b>Options less or not as appropriate to achieve the objective</b>
Do Nothing.
<b>Risk of acting or not acting</b>
Not acting to amend the provisions as proposed would have created a risk of inserting ultra vires provisions into the Hamilton City District Plan. Sufficient information in the form of case law is available to inform the amendments.
<b>Efficiency and effectiveness</b>
The amendments ensure that the planning provisions applying to development in the Major Facilities Zone at Te Awa Lakes remain effective in resource management terms, through ensuring that the status of individual activities is not dependent on compliance or otherwise with another consent (ie the now eliminated Comprehensive Development Consent).

2.2 PROPOSED PROVISIONS (AMENDMENTS TO POLICIES, METHODS AND RULES) TO ADDRESS AFFORDABLE HOUSING

PROVISIONS MOST APPROPRIATE TO ACHIEVE OBJECTIVE(S):	EFFECTIVENESS AND EFFICIENCY	
	BENEFITS	COSTS
<p><b>Objective 5.2.1</b> The Special Character Zones retain and enhance their identified values;</p> <p><b>Objective 4.2.13</b>  <u>The Te Awa Lakes Medium Density Residential Zone enables a comprehensively designed residential development incorporating a component of affordable housing and integrated with the adjacent adventure park tourist and recreation attraction, the Waikato River, and nearby communities, all contributing to an attractive gateway to the city.</u></p>		
<p><b>Rule 4.8.8 Affordable Housing in Te Awa Lakes Medium Density Residential Zone</b></p> <p>a) The total Development Yield specified in Rule 4.6.2 shall include affordable dwellings that meet the following requirements:</p> <ul style="list-style-type: none"> <li>i. <u>At least 10% of the residential units of the total Development Yield of 892 (+/- 10%) shall be sold on the open market at a price that is no more than 90% of the average Hamilton City residential house value, as shown in the most recent June figure published by Quotable Value (www.qv.co.nz) at the date of sale and purchase agreement (to transfer the property to the buyer).</u></li> <li>ii. <u>The buyer must not, at the time of purchase, own a residential unit either solely or jointly with another person (including as a trustee of a trust).</u></li> <li>iii. <u>All Land Development Consent applications shall include details of the location, number and percentage of any affordable housing units or allotments and shall include details of the cumulative total of affordable residential unit sales to</u></li> </ul>	<b>Environmental:</b>	<b>Environmental:</b>
	Neutral.	Neutral.
	<b>Economic:</b>	<b>Economic:</b>
	Neutral.	Neutral.
	<b>Social:</b>	<b>Social:</b>
	Moderate – will allow greater opportunities for home ownership in Hamilton.	Neutral.
	<b>Cultural:</b>	<b>Cultural:</b>
Neutral.	Neutral.	



<p><u>date to demonstrate that 10% of affordable residential units of the total Development Yield will be achieved.</u></p> <p>iv. <u>Where parent fee simple titled sections or ‘superlots’ for future duplex or apartment units are proposed the unit yield and future subdivision opportunity for individual fee simple titled sections shall be identified for the purpose of identifying the affordable housing yield in accordance with ii and iii above.</u></p> <p>v. <u>A consent notice or other legal mechanism shall be placed on the computer freehold register for each affordable residential unit and/or fee simple titled section at the time of subdivision s224 (c) certification, requiring that the provision in 4.8.8 a) i. above is to be met for three years from the date of issue of title.</u></p> <p>b) <u>Any non-compliance with this rule shall be a Discretionary Activity.</u></p>		
<b>Opportunities for economic growth and employment</b>		
Not relevant.		
<b>Options less or not as appropriate to achieve the objective</b>		
Do nothing.		
<b>Risk of acting or not acting</b>		
No risk – sufficient information exists.		
<b>Efficiency and effectiveness</b>		
Most appropriate to achieve objectives as specific plan rules are considered necessary to achieve affordable housing provision.		

**2.3 PROPOSED PROVISIONS (AMENDMENTS TO POLICIES AND RULES) TO ADDRESS WATER QUALITY**

<p><b>PROVISIONS MOST APPROPRIATE TO ACHIEVE OBJECTIVE(S):</b></p> <p><u>Objective 3.8.1.3</u> The lakes within Te Awa Lakes Structure Plan area will provide a high level of recreational, amenity and ecological values.</p> <p><b>4.2.13</b> The Te Awa Lakes Medium Density Residential Zone enables a comprehensively designed residential development incorporating a component of affordable housing and integrated with the adjacent adventure park tourist and recreation attraction, the Waikato River, and nearby communities, all contributing to an attractive gateway to the city.</p>	<p><b>EFFECTIVENESS AND EFFICIENCY</b></p>	
<p><b>CHAPTER 3 - STRUCTURE PLANS</b></p> <p><u>Policy 3.8.1.3a</u> Implement a comprehensive lake management regime including preparation and implementation of management plans for the Main Linear Lake and the lakes within the Major Facilities Zone.</p> <p><u>3.8.2.7 Main Lake</u> This area includes the main linear lake that extends through the residential areas and the stormwater wetland in the north. The location and orientation of this water body has been influenced by the previous quarrying activity and land contour that exists within the Structure Plan area to provide an amenity and recreational resource.</p> <p>Starting at the northern end of the Structure Plan area the top of the lake is positioned in the foreground of views into the site from the southbound lanes</p>	<p><b>BENEFITS</b></p>	<p><b>COSTS</b></p>
	<p><b>Environmental</b></p>	<p><b>Environmental</b></p>
	<p>Ensures that water quality in the lakes is suitable for contact recreation, and thus the discharge to the Waikato River will assist with restoring and protecting the health of the river.</p>	<p>Neutral</p>
	<p><b>Economic</b></p>	<p><b>Economic</b></p>
	<p>Neutral</p>	<p>Additional costs associated with maintaining water quality to swimmable standard.</p>
	<p><b>Social</b></p>	<p><b>Social</b></p>
	<p>Neutral</p>	<p>Neutral</p>
	<p><b>Cultural</b></p>	<p><b>Cultural</b></p>
<p>Significant cultural benefit associated with the environmental benefit outlined above.</p>	<p>Neutral</p>	

of the Waikato Expressway. This gateway experience is the first glimpse of Hamilton City for travellers heading south.

The main lake is to be fed principally by site stormwater through stormwater treatment devices. The lake is to have informal recreation functions encouraging community activity and providing a safer alternative to the river.

The main linear lake will be privately owned, but accessible to the public. Its owner will be responsible for its maintenance, including maintenance of its water quality suitable for recreational use.

### **1.1 Definitions**

**Swimmable:** Means:

- a) the water quality meets the standards set out for: human health for recreation for Attribute State B as defined in Appendix 2 of the National Policy Statement for Freshwater Management 2014 (Updated August 2017); and
- b) black disk clarity is not less than 1.6 m.

### **1.2.2.16 Concept Development Consents and Consents for Te Awa Lakes Adventure Park for Major Facilities, and Provision of Concept Plans**

i) In Te Awa Lakes Adventure Park a management plan for the cable ski lake, and any other water bodies in the Adventure Park designed for immersion in water, including swimming, that has a purpose of achieving a swimmable water quality. The management plan is to include:

- A plan for monitoring water inflows and water quality to provide sufficient data to adaptively manage the water bodies to meet a swimmable water quality;
- A series of triggers and actions to maintain the water quality;
- Details of who will be responsible for undertaking the monitoring

and any actions to maintain the water quality of the water bodies;  
and

- An Operations and Maintenance Manual for the ongoing maintenance of the water bodies.

**1.2.2.28 Land Development Consent - Te Awa Lakes Medium Density Residential Zone**

An application under Rule 4.5.6 c) shall be accompanied by a Land Development Plan including the following information. All information shall demonstrate consistency with the Te Awa Lakes Structure Plan.

o) A management plan for the main linear lake that has the purpose of achieving a high level of water quality for recreational use with a target of swimmable quality to be achieved to the extent practicable. It is to include

:

- A monitoring plan for monitoring of stormwater inflows and lake water quality to provide sufficient data to adaptively manage the lake to meet a high level of water quality with a target of swimmable quality.
- A series of triggers and actions to maintain high lake water quality and trophic state
- details of who will be responsible for undertaking the monitoring and any actions to maintain the lake and its water quality
- An Operations and Maintenance Manual for the ongoing maintenance of the lake.

**Residential Zone Policy 4.2.13f**

The development will protect and enhance the ecological and cultural values

<p><u>of the site through protection of an archaeological site, a comprehensive treatment train approach to stormwater treatment, indigenous wetland and landscape planting, maintenance of high water quality in the lakes and ecological restoration of the adjoining gully that conveys stormwater to the Waikato River.</u></p> <p><b>Major Facilities Zone Rule 17.6 Specific Standards</b></p> <p><u>17.6.8 Te Awa Lakes Adventure Park</u></p> <p><u>17.6.8.2 The water quality in the cable ski lake and any other water bodies designed for swimming in the Adventure Park shall be maintained to a swimmable standard.</u></p>		
<b>Opportunities for economic growth and employment</b>		
Not relevant/neutral.		
<b>Options less or not as appropriate to achieve the objective</b>		
Not including provisions to ensure water quality is maintained to a swimmable standard.		
<b>Risk of acting or not acting</b>		
No risk of acting. Sufficient information exists. The risk of not acting is that the water quality in the lakes could be left to deteriorate to a point where the lakes, despite being public accessible, are not suitable for contact recreation and extensive remediation is required.		
<b>Efficiency and effectiveness</b>		
The amended provisions are clear and directive as to the standard of water quality that is to be achieved.		