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</table>
1 Introduction

1.1 Purpose and Structure of this report

This report fulfils the obligations of the Council under section 32 of the Act to prepare a summary of the section 32 evaluation undertaken in developing the District Plan (the Plan). It should be read together with the text and planning maps of Plan but does not form part of the Plan itself.

The section 32 evaluation process provides a number of benefits both in development, implementation and decision-making. The main benefits include providing decision-makers with sound policy analysis to base their decisions on and ensuring these decisions are the lowest practicable cost to individuals and the community. Other benefits also include providing for targeted Plan provisions that achieve the purpose of the Act by the most appropriate methods and the testing of the conclusions that have been reached through the submissions and hearings process.

This summary section 32 report has been, with other information (e.g. section 42a report, submissions), been used in deliberations and decisions on the Plan. The section 32 report has been updated when decisions have been made following hearings. This update included a summary of the process undertaken in the deliberations and the rationale and reasons for any changes made to the Plan as part of the decision.

The section 32 report is structured into chapters which reflect the zones and topics within the Plan. In the introduction for each chapter is a purpose that outlines the resource management issues that inform the objectives and the direction of the chapter. Policies associated with each objective are examined as to whether or not they are the most appropriate to achieve the stated objective as well as the costs and benefits associated with the implementation of each policy. Methods and rules are analysed in a similar fashion in addition to consideration of alternative methods and rules.

1.2 Statutory Context

i. Resource Management Act 1991

Section 5 – Purpose of the Act

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –

(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.
Section 31

(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:

(a) The establishment, implementation, and review of 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 control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—

Section 73 of the Act requires each territorial authority to prepare a District Plan. The District Plan is the primary tool to ensure that the transport network is managed in a sustainable way to achieve the purpose of the Act.

Section 72 states that the purpose of the Plan is “to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act”: section 75(2) states that a District Plan must give effect to:

| (a) any national policy statement; and | There are no national policy statements for managing transportation. |
| (b) any New Zealand coastal policy statement; and | The New Zealand Coastal Policy Statement is not relevant in this regard. |
| (c) any regional policy statement. | The Regional Policy Statement (Operative 2000) is relevant in this regard at the time of notification of the plan and now the Regional Policy Statement (Operative 2016) applies. |

Under section 75(4) a District Plan must not be inconsistent with:

| (b) a regional plan for any matter specified in section 30(1). | The Regional Plan (Operative 2007) is relevant in this regard. |

Section 74 states the matters to be considered by territorial authority. In addition to the requirements of section 75(3) and (4), when preparing a district plan, a territorial authority shall have regard to:

| (2)(a) any— |
| (i) proposed regional policy statement; or | The Proposed Regional Policy Statement (2010) is relevant in this regard. |
| (ii) proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and | There are no Proposed Regional Plans. Variations No.2 (Geothermal module), No. 5 (Lake Taupo catchment) and No. 7 (Geothermal Maps and minor changes) to the operative regional plan are not relevant in this regard. |

| (b) any— |
| (i) management plans and strategies prepared under other Acts; and | See below. |
Section 32 requires Council to carry out an evaluation of alternatives, costs and benefits, and efficiency and effectiveness of the various components of the Proposed District Plan.

Section 32 requires that the evaluation must examine:

a) The extent to which each objective is the most appropriate way to achieve the purpose of the Act, and

b) Whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objectives.

An evaluation must also take into account:

a) The benefits and costs of policies, rules, or other methods, and

b) The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.

### 1.3 Structure of the Plan

The District Plan can be broadly grouped into the following.

**Volume 1**

a) **Plan Overview**

   Outlining the purpose and statutory context of the plan, its structure, explanations of activity classes, activity status of activities not mentioned, the effect of infringing standards, notification, rules having legal effect, and cross-boundary issues.

b) **Strategic Framework Chapter**

   Containing objectives and policies relating to the overarching strategic framework for the City.

c) **Structure Plan Chapter**

   Containing provisions relating specifically to Structure Plan Areas (Peacocke, Rotokauri, Rototuna and Ruakura).

d) **Zones Chapters**

   Several chapters containing provisions specific to land zoned for different purposes.
e) Other Chapters and the City Wide Chapter

Several chapters containing provisions relating to particular resource management topics such as historic heritage, natural environments, natural hazards, subdivision, financial contributions, along with the City-wide chapter which covers provisions relating to transportation, landscaping to network utilities and electricity transmission corridors and Three Waters.

Volume 2

a) District Plan Administration

Contains the matters necessary for administering and implementing the District Plan and Council’s assessment and determination of resource consent applications.

b) Appendices

A number of chapters have supporting information or imagery that is pulled into the relevant appendix.

c) Planning Maps

Maps of the City showing the location and/or extent of zones and features referenced in the Plan.

The structure of each chapter follows this general format.

a) Purpose

b) Objectives and Policies

c) Rules

d) Controlled Activities: Matters of Control

e) Restricted Discretionary Activity: Matters of Discretion and Assessment Criteria

g) Other Resource Consent Information

Zoning is used to define objectives, policies and rules that specific to different parts of the City. Policy and special features are also used as a means of spatially applying area specific provisions. The Zones are:

- Residential:
  - General Residential Zone
  - Residential Intensification Zone
  - Medium Density Residential Zone
  - Large Lot Residential Zone
- Special Character:
  - Special Residential Zone
  - Special Heritage Zone
  - Special Natural Zone
  - Temple View Zone
  - Peacocke Character Zone
  - Rototuna North East Character Zone
- Business (1 to 7)
- Central City:
  - Downtown Precinct
- City Living Precinct
- Ferrybank Precinct
- Knowledge Zone
- Industrial Zone
- Ruakura Logistics Zone
- Ruakura Industrial Park Zone
- Te Rapa North Industrial Zone
- Rototuna Town Centre
- Future Urban Zone
- Open Space:
  - Natural Open Space Zone
  - Destination Open Space Zone
  - Sport and Recreation Open Space Zone
  - Neighbourhood Open Space Zone
- Community Facilities
- Major Facilities
- Transport Corridor Zone

1.4 Decision-making Requirements of the Local Government Act

In developing the Plan the procedures set out in sections 76-81 (decision making) of the Local Government Act 2002 have been appropriately observed.

The analysis provided in this report fulfils the decision-making requirements of Council in relation to the identification and assessment of reasonably practical options and the consideration of the known views of persons with an interest in this matter.

1.5 Consultation

This section describes the consultation processes associated with the Plan development. The minimum statutory requirements are outlined and the consultation process and philosophy are described.

1.5.1 Statutory Obligations for Consultation

Clause 3 of the First Schedule of the Act is explicit about who Council must consult with when preparing the Plan. This includes Ministers of the Crown, other local authorities, and tangata whenua.

Council is also required under Clause 5(1C) of the First Schedule of the Act to publicly notify the Plan for submissions. As part of this process Council must provide a copy of the public notice and any other information the Council sees fit to any person considered to be directly affected by the proposed plan. The summary section 32 report must be available to the public upon notification of the Plan.

A minimum period of 40 working days was provided for the public to lodge a submission on the Plan. Subsequent clauses of the First Schedule outline additional process requirements, including the publication of a summary of submissions and the opportunity to make further submissions in support or opposition to those submissions already received. Submissions and further submissions were then considered at a
hearing. A section 42A report prepared by staff provided recommendations to the hearing committee on the submissions received. After the hearing of submissions, the deliberation and making of decisions was based on all the information received.

1.5.2 Consultation Undertaken

The consultation process that has been undertaken by Hamilton City can be grouped into four stages. Each stage recognises a different part of the process and subsequent level of consultation that has occurred.

Stage 1: Identification of significant resource management issues for Hamilton (Fast Forward – Discussion Document 2010).

*Aim*

To confirm the significant resource management issues facing Hamilton through engagement with the community.

Significant resource management issues outlined by Council within Fast Forward were:

- Residential intensification
- City heart vitality
- Economic development
- Character and heritage
- Social well-being
- Transportation and accessibility
- Environmental sustainability
- The river
- Review of the Hamilton City Development Manual

*Outcome*

This first stage of consultation included early engagement with the community on some of the key resource management issues facing Hamilton.

Stage 2: Development of Issues and Options Papers.

*Aim*

To develop Issues and Options papers that outlines the significant resource management issues facing the community and the options available to Council in order to address these issues.

Part of this stage involved the Big Picture Outcomes and Options Discussion Document.

Key parts included:

- Residential
- Business
- Transport
- Natural Environments
- Public Space
- Facilities and Events
- Character and Heritage
- Design Guidance
- Snapshot – Summary document of Big Picture (distributed to every property in Hamilton)

**Outcome**

The community engagement and response to the Big Picture document affirmed the direction being taken for a number of the resource management issues and raised other issues for consideration.

**Stage 3: Preparation of a Draft District Plan for feedback.**

**Aim**

To prepare a Draft District Plan based on the preferred options identified in Stage 2.

Best practice indicates that preparation of a Draft District Plan for feedback should precede a Proposed District Plan in order to give the community the opportunity to see how the Plan could operate in practice and allow for the identification of any issues requiring earlier attention.

The preparation of a Draft District Plan involved a number of work stream groups and meetings with key stakeholders within the City.

In April 2012 the Draft District Plan was released to the public for feedback. A number of open days were held with the community to work through key issues within the Draft District Plan and to encourage feedback and engagement within the process.

**Outcome**

The feedback process on the Draft District Plan generated substantial interest on flooding, Central City and the Ruakura Structure Plan. A number of other issues were also raised through this feedback process. The feedback received at this draft stage has allowed Council to further refine the approach of the Plan.

**Stage 4: Notification of the Proposed District Plan.**

**Aim**

To formally notify the Proposed District Plan for submissions and further submissions under the Act.

Recognition that the public and stakeholders have an important contribution to make to the further assessment and refinement of the Plan through the submission and hearing process is reflected in the evolving nature of the section 32 report.

**Outcome**

Stage 4 initiated the legal process under the Act by which the community made formal submissions in support or opposition to parts of the Plan, or to seek changes to the content of the Plan.
1.6 **Hearings Process**

Council appointed two independent commissioners to hear submissions on the Proposed District Plan. Council also appointed an independent hearing administrator to administer the hearing and scheduling of submitters who wished to appear.

Submissions to the Proposed District Plan were heard at the Waikato Stadium and Claudelands Events Centre. The Section 42A Report for each topic was made available on the Council website to the public 5 working days before each topic was heard.

1.7 **Variation/Plan Changes**

1.7.1 **Ruakura**

On 24 June 2013 Hamilton City Council was informed by the Environmental Protection Authority (EPA) that Tainui Group Holdings (TGH) and Chedworth Properties Limited had submitted a private plan change request for land in the Ruakura growth cell to the EPA under the call-in provisions of the RMA.

A Board of Inquiry (BOI) was set up to consider the private plan change request by the Minister for the Environment during 2013. At this time Hamilton City Council also notified the Proposed District Plan and subsequently, to avoid unnecessary duplication with running parallel processes at similar times, resolved to suspend all hearings and decisions on matters relating to Ruakura until such time as the BOI had made its final decision on the plan change.

The Ruakura Variation which subsequently became a plan change was publicly notified on 11 November 2015 for public consultation and submissions, along with a separate s32 analysis.

The hearing has been held and decisions released, along with the receipt of appeals to the Environment Court. All appeals have been resolved and the section 32 analysis is included as part of this analysis in Appendix 1.

1.8 **Amendments as a consequence of Commissioners’ decisions and Appeals**

This Section 32 report has been updated to reflect additional reporting and analysis undertaken as part of preparing the s42 hearing reports, evidence received and the notified decisions on submissions and further submissions to the Proposed District Plan along with all appeals resolved through the Environment Court process.
2 Strategic Framework

2.1 Introduction

This chapter contains a section 32 evaluation of the objectives, policies, and methods contained in Chapter 2: Strategic Framework.

The overall approach of the plan chapter is to provide clear and strong links between the District Plan, the City’s strategies, and regional and sub-regional strategies and policy to set out the direction for the City’s future spatial framework and urban design. The City strategies at the time of writing the District Plan are:

Access Hamilton 2010
Hamilton Urban Growth Strategy
Active Communities Strategy
Economic Development Strategy
Environmental Suitability Strategy
Social Wellbeing Strategy

Other chapters of this District Plan contain objectives, policies and rules that implement and support the strategic policy framework within each of the zone chapters and City-wide chapters.

The objectives and policies in the Strategic Framework chapter provide strategic guidance for all resource consent applications, but particularly those being assessed as discretionary or non-complying activities.

A key focus of the Strategic Framework chapter is to direct the future shape of the city in accordance with Future Proof, the Regional Policy Statement, and the Hamilton Urban Growth Strategy. This chapter reinforces the City’s strategy to increase the development density and regenerate existing urban areas of the City such as the Central City, suburban and neighbourhood centres, and locations near community facilities such as parks. It also identifies the planned sequence of development in greenfield areas for residential, commercial and industrial growth.

The strategic chapter also promotes the Waikato River and the unique identity, character and heritage of Hamilton, for which the Waikato River is a key component. Intricately connected to these objectives is the relationship Waikato Tainui has with the City and this is reinforced in the Strategic Framework chapter.

In addition the Strategic Framework chapter promotes concepts identified in regional policy and in the City’s strategies such as quality, safe and sustainable urban environments, the integrated provision of infrastructure and land development, resource efficient design, and protection and enhancement of the natural environment.

This section 32 report includes a high level assessment of rules only, because the rules that give effect to the objectives and policies in this chapter are included throughout the District Plan. More detailed assessments of the appropriateness of the rules are included in the section 32 assessment of other chapters of the District Plan.

Supporting documents are listed in the References section below.
2.2 Towards a Compact Sustainable City

2.2.1 Objectives

<table>
<thead>
<tr>
<th>Objective most appropriate to achieve the purpose of the Act:</th>
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<tbody>
<tr>
<td><strong>2.2.1</strong> Hamilton is characterised by an increasingly sustainable urban form.</td>
</tr>
<tr>
<td>• This objective is most appropriate because it recognises the value of maintaining rural and urban environments by concentrating development in key urban areas. This is consistent with 7(c) and 7(f) of the Act which state that particular regard must be given to the maintenance and enhancement of amenity values and the quality of the environment. This objective is also consistent with the Hamilton Urban Growth Strategy, Future Proof, and the Regional Policy Statement which manage growth through compact city development.</td>
</tr>
</tbody>
</table>

| **2.2.2** Urban development takes place within areas identified for this purpose in a manner which utilises land and infrastructure most efficiently. |
| • This objective is most appropriate because it recognises the value of centralised development to make use of existing infrastructure and developed sites within urban environments. This is consistent with 7(b) which states that particular regard must be given to the efficient use of natural and physical resources. This objective further supports the Hamilton Urban Growth Strategy, Future Proof and the Regional Policy Statement which identifies key areas for consolidated growth. |

<table>
<thead>
<tr>
<th>Objectives not the most appropriate to achieve the purpose of the Act:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Do nothing.</strong></td>
</tr>
<tr>
<td>• This would not be appropriate, because it would not address issues of urban sprawl. It would not recognise amenity as well as the unsustainable environmental impacts of urban development, jeopardising greenfield areas.</td>
</tr>
</tbody>
</table>

**Conclusion:** Taking into account the above, Council considers that the objectives in this chapter of the plan are the most appropriate to achieve the purpose of the Act.

2.2.2 Policies

<table>
<thead>
<tr>
<th>Policies most appropriate to achieve the objective:</th>
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</thead>
<tbody>
<tr>
<td><strong>2.2.1</strong> Hamilton is characterised by an increasingly sustainable urban form.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
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<tr>
<td><strong>2.2.1a</strong> Development makes use of opportunities for urban</td>
<td><strong>Benefits</strong></td>
</tr>
<tr>
<td>• The policies provide for economic benefits by intensifying development in the city through</td>
<td></td>
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</table>
2.2.1b
Development is designed and located to minimise energy use and carbon dioxide production, by:

i. Minimising the need for private motor vehicle use.

ii. Encouraging walking, cycling and the use of passenger transport.

iii. Maximising opportunities for people to live, work and play within their local area.

2.2.1c
Land use zoning and subdivision controls will be used as methods to achieve the sustainable use of the City’s land resources including providing for separation, proximity and agglomeration of land uses.

<table>
<thead>
<tr>
<th>Policies most appropriate to achieve the objective:</th>
</tr>
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<tbody>
<tr>
<td>2.2.2 Urban development takes place within areas identified for this purpose in a manner which utilises land and infrastructure most efficiently.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| 2.2.2a Development shall occur in locations that are consistent with the growth management policies of the Waikato Regional Policy Statement. | Benefits
- The policies provide for economic benefits by consolidating development in areas that are specified for growth and are able to be connected appropriately to required infrastructure. |
| 2.2.2b Any development that is within an identified growth area is to be undertaken in general accordance with an approved Structure Plan. | Policies 2.2.2b and 2.2.2d have environmental and ecological benefits as they limit growth to areas identified as suitable and able to accommodate growth. The policies reduce the impact of development on the environment by giving preference to growth surrounding existing urban areas. |
| 2.2.2c | Policies 2.2.2a and 2.2.1c have economic benefits as they provide for efficient and sustainable regeneration of existing areas and utilising existing infrastructure. |

- Policies 2.2.1a and 2.2.1b have environmental benefits as they reduce the development of greenfield areas, provide for regeneration of existing areas and reduce the impact of development on the environment.

- Policies 2.2.1a and 2.2.1b have social benefits as they provide for safer and more community friendly residential areas.

Costs
- Economic costs associated with regeneration, upgrading and intensification of existing areas. (Policies 2.2.1a and 2.2.1b)
- Policy 2.2.1c provides for an efficient method to achieve sustainability.

Efficient and Effective
- These policies will be efficient and effective to achieve objective 2.2.1 by catering for the intensification of development in urban areas as this is an efficient use of land and infrastructure resources.
The release of land for urban development will not be allowed unless appropriate infrastructure is available and the servicing of this land does not compromise the efficiency and sustainability of planned infrastructure.

2.2.2d
The subdivision development or use of any rural land within an identified growth shall not compromise future urban development.

development of land that is able to support the required infrastructure and rural land identified for growth will be able to be developed.

Costs
- Economic costs associated with consolidation of new urban developments in areas defined specifically for growth (policies 2.2.1a and 2.2.1b).

Efficient and Effective
- These policies will be efficient and effective to achieve objective 2.2.2 by providing a framework for the location of growth and development within the district. The policies also provide the means for efficient and effective use of greenfield land used for urban development and promote consistency between existing city strategies.

**Policies not most appropriate to achieve the objectives:**

<table>
<thead>
<tr>
<th>Do nothing.</th>
<th>This approach would not be appropriate as growth within the district will result in urban sprawl.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This would not be effective and efficient as there would be a strain on the environmental and ecological aspects of greenfield land.</td>
</tr>
<tr>
<td></td>
<td>The cost of providing services and infrastructure for the spread of development would also be inefficient and would not promote the sustainable management of natural and physical resources.</td>
</tr>
</tbody>
</table>

**Risks**

Risks of acting or not acting.

- The risks of acting are economic risks in terms of providing the infrastructure needed to cater for intensification and consolidation of development in urban areas.
- The risks of not acting are the rise of ad hoc development that is not consistent with the existing City Strategies and further economic risk in terms of providing infrastructure to a larger geographic area.
- Other risks associated with urban sprawl are a loss of social and community coherence. Developments will occupy isolated greenfield sites and be disconnected from other services available to concentrated urban development.

**Conclusion:** Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objectives.

### 2.2.3 Rules
**Rules most appropriate to achieve the objectives:**

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>The rules that give effect to the compact city objectives and policies are included throughout other chapters of the District Plan and include:</td>
<td></td>
</tr>
<tr>
<td>i. Zoning to identify areas for urban growth, regeneration and intensification with density targets.</td>
<td></td>
</tr>
<tr>
<td>ii. Include criteria for identification and release of intensification areas including impacts on existing infrastructure and the requirement to provide additional infrastructure.</td>
<td></td>
</tr>
<tr>
<td>iii. Manage the release of greenfield land by retaining land not to be developed in the Future Urban Zone, and control the subdivision and development process after release.</td>
<td></td>
</tr>
<tr>
<td>The objectives and policies are assessment criteria for discretionary and non-complying activities.</td>
<td></td>
</tr>
<tr>
<td>Benefits</td>
<td>Costs</td>
</tr>
<tr>
<td>• Provides a clear spatial picture for the location and density of growth of the city in accordance with the Regional Policy Statement which takes into account policies from Future Proof and the Hamilton Urban Growth Strategy, that focuses on intensification of existing areas and planned expansions into greenfield areas that will use land efficiently, be co-ordinated with infrastructure provision, and minimise ad hoc development.</td>
<td></td>
</tr>
<tr>
<td>• Less flexibility for alternative forms of development.</td>
<td></td>
</tr>
<tr>
<td><strong>Efficient and Effective</strong></td>
<td><strong>Efficient and Effective</strong></td>
</tr>
<tr>
<td>• The rules will be efficient and effective to achieve objectives 2.2.1 and 2.2.2 as the zones and rules throughout the District Plan encourage intensification within certain zones within the City, and manage the release and development of greenfield land.</td>
<td></td>
</tr>
<tr>
<td>• This enables discretionary and non-complying activities, to be assessed against the broad strategic objectives and policies of the Plan. It enables activities which do not comply with the zone rules, such as a retail activity in a non-commercial zone, to be assessed against the strategic objectives for the City.</td>
<td></td>
</tr>
<tr>
<td>• Less flexibility for alternative forms and locations of development.</td>
<td></td>
</tr>
<tr>
<td><strong>Efficient and Effective</strong></td>
<td><strong>Efficient and Effective</strong></td>
</tr>
<tr>
<td>• This method will be efficient and effective to achieve objectives 2.2.1 and 2.2.2 by ensuring that discretionary and non-complying activities are assessed within the broader strategic framework</td>
<td></td>
</tr>
</tbody>
</table>
Do nothing.

- This approach would not be most appropriate as it would not reinforce the strategic direction in the City’s strategies, and could result in ad hoc development.

### Risks

Risks of acting or not acting.

- The risks of acting are economic risks in terms of providing the infrastructure needed to cater for intensification and consolidation of development in urban areas.

- The risks of not acting are that the District Plan will be inconsistent with the City’s strategies, the Regional Policy Statement and Future Proof. The potential increase in development that is inconsistent with the existing City Strategies, and economic risk in terms of providing infrastructure to a larger geographic area.

- Other risks associated with urban sprawl are a loss of social and community coherence. Developments will occupy isolated greenfield sites and will be disconnected from other services available to concentrated urban development.

**Conclusion:** Taking into account the above, Council considers that the methods in other chapters of the District Plan to support the objectives and policies in the Strategic Chapter are the most appropriate to achieve the objectives.

### Methods Other Than Rules

#### Methods most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Economic Instruments:</strong></td>
<td></td>
</tr>
</tbody>
</table>
| Development contribution and financial contribution policies which are consistent with the City’s strategies, Hamilton City’s “10-Year Plan”, Annual Plans and Activity Management Plans. | Benefits
  - Consistent approach to regulatory controls across Council processes. Enables the true cost of development to be recognised and charged. |
| **Costs**                     |                                               |
|                                | Financial cost to those undertaking development. |
| **Efficient and Effective**   |                                               |
|                                | These methods will be efficient and effective to achieve objective 2.2.1 and 2.2.2 by ensuring that there is alignment between the District Plan and other documents, and to capture the costs of undertaking development. |
| **Other plans and legislation:** |                                               |
| Waikato Regional Policy Statement, Regional Plan’s and Strategies (e.g. Regional Land Transport Strategy). | Benefits
  - These documents direct a consistent approach across Council processes through documents such as the annual plans, infrastructure plans, water catchment plans and budgets that are consistent |
### Other Regional or Sub-Regional strategies (e.g. Futureproof and Sub-Regional Three Waters Strategy)

- with these regional documents.

#### Costs
- Financial cost to Council and the community to prepare and follow these plans.

#### Efficient and Effective
- These methods will be efficient and effective to achieve objective 2.2.1 and 2.2.2 by ensuring that there is alignment between the District Plan and other Council documents and processes.

### Council works and services (subject to annual plan):

- Local Government Act 2002 policies and plans identifying community outcomes, establishing council financial policies, operational/management programmes and infrastructure plans (e.g. “10-Year Plan”, activity management plans, and budgets).
- Provide infrastructure in a manner that supports residential, business, industrial activities in preferred locations in accordance with City and regional growth strategies.
- Undertake demonstration projects (including public-private) for:
  - Mixed-use developments.
  - Higher density Central City living.
- Council provides services such as inner city free wireless internet.

#### Benefits
- As noted above, annual plans etc provide a consistent approach across Council processes.

#### Costs
- Financial cost to Council to prepare plans and undertake these works.

#### Efficient and Effective
- These methods will be efficient and effective to achieve objective 2.2.1 and 2.2.2 by ensuring that there is alignment between the District Plan and other Council projects.

### Information, education and advocacy:

- Provide clear and consistent information about land release sequences under the growth strategy.

#### Benefit
- Increased understanding by the wider community of the direction of Council with regards to compact urban growth.

#### Costs
Advocate or promote:
Good quality urban design.
Improvements to passenger transport, walkable environments and the outcomes stated in the action plans developed under Access Hamilton.
The benefits of a compact city coupled with good urban design and the advantages of medium density and mixed-use development.

- Financial cost to Council to undertake these activities.

**Efficient and Effective**
- These methods will be efficient and effective to achieve objective 2.2.1 and 2.2.2 by improving community understanding of Council’s strategic direction and potentially improving consistency of projects and processes with the strategic direction.

**Risks**
Risks of acting or not acting.
The risks of not acting are that other plans, activities and funding mechanisms will not be consistent with the City’s strategies and District Plan.

**Conclusion**: Taking into account the above, Council considers that the methods in this chapter are most appropriate to achieve the objectives.

### 2.3 Urban Design Approach

#### 2.3.1 Objectives

**Objective most appropriate to achieve the purpose of the Act:**

2.2.3 Promote safe, compact, sustainable, good quality urban environments that respond positively to their local context.

- This objective is most appropriate to achieve the purpose of the Act because it recognises the value of integrating urban development with the surrounding environment. This is consistent with section 5(a) of the Act, which is sustaining the potential of natural and physical resources. It is also consistent with 7(b), 7(c), 7(f) and 7(g) which state that particular regard must be given to the efficient use and development of natural and physical resources, the maintenance and enhancement of amenity values, the quality of the environment and any finite characteristics of natural and physical resources.

**Objectives not the most appropriate to achieve the purpose of the Act:**

Do nothing.

- This would not be appropriate, because it would not promote quality urban environments or take into account safe, sustainable design and investment opportunity. It would not recognise the amenity of urban development.
Conclusion: Taking into account the above, Council considers that the objective in this chapter of the plan is the most appropriate to achieve the purpose of the Act.

2.3.2 Policies

<table>
<thead>
<tr>
<th>Policies most appropriate to achieve the objective:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2.2.3 Promote safe, compact, sustainable, good quality urban environments that respond positively to their local context.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2.2.3a</strong></td>
<td>Development responds to best practice urban design and sustainable development principles, appropriate to its context.</td>
</tr>
<tr>
<td><strong>2.2.3b</strong></td>
<td>Development responds to 'Low Impact Urban Design and Development' (LIUDD) and Crime Prevention Through Environmental Design (CPTED) principles.</td>
</tr>
<tr>
<td><strong>2.2.3c</strong></td>
<td>Development enhances the civic, natural heritage, cultural, ecology and surrounding public space networks.</td>
</tr>
</tbody>
</table>

**Benefits**
- The policies provide for economic benefits by requiring all development to be of best practice urban design which attracts further economic investment into the area.
- Policies 2.2.3a, 2.2.3b and 2.2.3c have environmental and ecological benefits as they require all development to be sustainable and to respond positively to the surrounding environment.
- Policies 2.2.3a and 2.2.3b have social and cultural benefits as they provide for safer and more community friendly residential areas that take into account visual amenity, public spaces and environmental design.
- **Costs**
  Economic costs associated with providing and monitoring best practice urban design for all development (Policies 2.2.3a and 2.2.3b).

**Efficient and Effective**
- These policies will be efficient and effective to achieve objective 2.2.3 by promoting the sustainable design of developments which takes into consideration visual amenity, environmental features, safety and responsive to the local context.

<table>
<thead>
<tr>
<th>Policies not most appropriate to achieve the objectives:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Do nothing.</td>
<td></td>
</tr>
</tbody>
</table>

- This approach would not be appropriate as development would not be designed in the best interest of the environment, the people and the economy.
- This would not be effective and efficient as it
would not result in quality environmental outcomes, thus resulting in the longer term in economic and environmental costs.

- There would be a strain on the amenity and economic viability of developments as they would not integrate with existing infrastructure and development. Thus the purpose of the Resource Management Act would not be achieved, to sustainably manage the use of natural and physical resources.

**Risks**

Risks of acting or not acting.

- The risk of acting is that developers may feel that the policies are too restrictive and it may deter some developers from investing.

- The risk of not acting is that urban environments may develop without considering quality urban design and the surrounding context.

**Conclusion:** Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objectives.

### 2.3.3 Rules

**Rules most appropriate to achieve the objectives:**

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| Structure Plans and rules in other chapters of the Plan that produce a consistent and coherent, design-led approach to development, and encourage good urban design, low impact urban design and development and crime prevention through environmental design. | **Benefits**
- Enables quality design of urban environments to be consistently addressed and to encourage quality design outcomes. The rules in the Plan support the direction outlined in the Strategic Framework Chapter.  

**Costs**
- Economic costs to development to meet the requirements of the Plan, and potentially increased time and people involvement due to a design-based process.

**Efficient and Effective**
- These methods will be efficient and effective to achieve objective 2.2.3 as they promote a consistent and coherent design-led approach to development throughout the District Plan, which supports the objectives and policies identified in the Strategic Framework Chapter as being of strategic importance to the city.

**The objectives and policies** **Benefits**
are assessment criteria for discretionary and non-complying activities. This enables discretionary and non-complying activities, to be assessed against the broad strategic objectives and policies of the Plan.

**Costs**
- Less flexibility for alternative forms of development.

**Efficient and Effective**
- This method will be efficient and effective to achieve objective 2.2.3 by ensuring the discretionary and non-complying activities are assessed within the broader strategic framework objectives and policies for the City.

**Rules not most appropriate to achieve the objectives:**

**Do nothing.**
- This approach would not be the most appropriate as it would not promote a design-led approach to development that takes into consideration quality urban design, low impact urban design, and crime prevention through environmental design. This would potentially have long term costs associated with poorly designed buildings that do not incorporate safety and sustainability concerns into the design.

**Risks**

Risks of acting or not acting.
- The risk of acting is that developers may feel that the Plan is too restrictive and it may deter some investment.
- The risk of not acting is that it will be left to the discretion of individual developers to choose whether or not to have a design-led approach to development. This includes whether to design with consideration to good urban design, low impact outcomes, or outcomes that take a ‘crime prevention through environmental design’ approach. This in turn impacts on the form and function of the City.

**Conclusion:** Taking into account the above, Council considers that the rules in this chapter are most appropriate to achieve the objectives.

### 2.3.4 Methods Other Than Rules

**Methods most appropriate to achieve the objectives:**

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council works and services (subject to funding): Undertake demonstration</td>
<td>Benefits</td>
</tr>
<tr>
<td></td>
<td>• Demonstration projects illustrate quality design outcomes in public places and can promote</td>
</tr>
<tr>
<td>Projects (including public-private) for:</td>
<td>Community understanding and buy-in.</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>-------------------------------------</td>
</tr>
<tr>
<td>Mixed use developments.</td>
<td>Costs</td>
</tr>
<tr>
<td>Medium density residential.</td>
<td>• There are financial and process costs associated with developing a demonstration project.</td>
</tr>
<tr>
<td>Higher density Central City living.</td>
<td>Efficient and Effective</td>
</tr>
<tr>
<td></td>
<td>• These methods will be efficient and effective to achieve objective 2.2.3 by supporting the outcomes expected from the District Plan, and providing good examples to illustrate the benefits of quality design to the community.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Information, education and advocacy:</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advocate for good urban design.</td>
<td>• Provides quality information to support people in development to achieve quality urban design.</td>
</tr>
<tr>
<td>Provide guides and technical advice for good quality urban design (e.g. Vista – highlights key urban design principles).</td>
<td>Costs</td>
</tr>
<tr>
<td></td>
<td>• Financial costs associated with development of these guidelines.</td>
</tr>
<tr>
<td></td>
<td>Efficient and Effective</td>
</tr>
<tr>
<td></td>
<td>• These methods will be efficient and effective to achieve objective 2.2.3 by providing supporting information on, and awareness of, quality urban design.</td>
</tr>
</tbody>
</table>

**Risks**

Risks of acting or not acting.

- The risk of not acting is that the District Plan would be the sole tool promoting good urban design outcomes, and would lack the support of other tools to encourage these outcomes.

**Conclusion:** Taking into account the above, Council considers that the methods in this chapter are most appropriate to achieve the objectives.

## 2.4 Central City, Business and Industry

### 2.4.1 Centres Hierarchy

The evidence clearly confirms that the ‘do nothing’ option (that is, retaining the status quo policy approach for the Centres Hierarchy) is not a defensible option or one that based on past experience, can be reasonably expected to promote the sustainable management of the existing Central City built resources, infrastructure and amenity, for a regionally recognised resource. A strategic approach to promoting sustainable urban development is Council’s clear preference to give impetus to and certainty to the ambition to revitalise the CBD.
This strategic approach is based around promoting the sustainable management of the distinctive centres identified in a centres hierarchy that will support the primacy of the Central City and that will provide the focus for new business enterprises. The Hamilton CBD represents a unique opportunity for Hamilton City to provide agglomeration benefits at a level that will create a more productive economy, increasing the well-being of the entire community and resulting in greater levels of competitiveness for the Region as a whole. The CBD built environment (and other business environments in the hierarchy) includes buildings, infrastructure and their maintenance and open spaces which contribute to and are therefore important for sustaining the social, economic and cultural well being of the community.

The specific sections of the RMA 1991 which are fundamental to this management approach and the level of intervention sought by regulation to the promotion of a business centres hierarchy are (paraphrased):

- Section 5: the over arching obligation to promote the sustainable management of natural and physical resources; and
- Section 7: the obligation to have particular regard to the efficient use and development of resources, the maintenance and enhancement of amenity values and the maintenance and enhancement of the quality of the environment

Chapter 2 Strategic Framework, reinforces the need to sustain the vibrancy and vitality of existing centres, seeks to consolidate urban development where intensification for residential and commercial activities can occur and this dovetails with achieving wider public and private benefits through promoting the efficient use and maintenance of infrastructure, and enhancing accessibility and public transport opportunities to and between centres. It is in this context that the significant effects on the amenity, viability and vitality of the CBD has to be considered.

These effects go beyond effects associated with trade competition described under Clause 6(3) and (4) of the First Schedule.

This strategic approach is consistent with the Hamilton Urban Growth Strategy (HUGS) that places reliance on achieving a shift in the pattern of development away from continual greenfield expansion towards the intensification of development around key nodes. The Central City is a key node in this respect.

The centres based hierarchy is also the most appropriate approach to meet and implement the obligations placed on the Council under the Proposed Waikato Regional Policy Statement which has since become Operative in May 2016.

The past approach has demonstrated to not adequately take into account the long term effects of ad hoc and decentralised development on urban form, function and composition.

Overall, the proposed centres hierarchy:

- establishes a transparent policy framework to ensure the efficient use of the land and built resources (buildings, open space/public realm and infrastructure) to outweigh the risk of not acting;
- increases certainty to sustain public and private investment to the nominated
centres, clustering of activities, and the prospect of maintaining and preferably enhancing the vitality and viability of these centres;

- provides scope to effectively manage the distributional and the long term, cumulative effects (the decentralisation) of business activities on the City; and

- gives effect to the requirements of the Resource Management Act 1991 and Council’s statutory responsibilities.

It is acknowledged that market demand and expectations of property owners and developers could be reduced and may constraint re-development in the short term. Further, there may be increases in costs and information requirements for applicants promoting development proposals through the resource consenting process than is currently the case. These are not suggested to outweigh the centres approach as a method.

### 2.4.2 Objectives

**Objective most appropriate to achieve the purpose of the Act:**

<table>
<thead>
<tr>
<th>Objective</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.2.4</td>
<td>Establish and maintain a hierarchy of viable and vibrant business centres that provide a focus for retail, commercial and entertainment activities and serve the social, cultural, environmental and economic needs of the community. This objective is most appropriate because it recognises the value of maintaining a hierarchy of business centres to meet social, cultural, environmental and economic needs. This is consistent with 7(c) and 7(f) of the Act, which state that particular regard must be given to the maintenance and enhancement of amenity values and the quality of the environment. It is also consistent with Future Proof and Table 6-4 of the Regional Policy Statement.</td>
</tr>
<tr>
<td>2.2.5</td>
<td>Industrial and business activities contribute to the economic, cultural, social and environmental wellbeing and prosperity of the community. This objective is most appropriate because it recognises the value of industrial and business activities to the economic, social and environmental vibrancy of areas and increasing liveability and investment in the area. This is consistent with section 5(2) of the Act, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while sustaining natural and physical resources.</td>
</tr>
</tbody>
</table>

**Objectives not the most appropriate to achieve the purpose of the Act:**

- Do nothing.
  - This would not be appropriate, because it would not provide a hierarchy of business centres or recognise the value of business and industrial activities in meeting the needs of the community.
  - It would also not recognise the amenity and environmental considerations associated with the location of these activities, or reinforce the spatial direction provided in Future Proof and the Regional Policy Statement.
**Conclusion:** Taking into account the above, Council considers that the objectives in this chapter of the plan are the most appropriate to achieve the purpose of the Act.

### 2.4.3 Policies

**Policies most appropriate to achieve the objective:**

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| **2.2.4** Establish and maintain a hierarchy of viable and vibrant business centres that provide a focus for retail, commercial and entertainment activities and serve the social, cultural, environmental and economic needs of the community. | **Benefits**  
- The policies provide for economic benefits by prioritising development in the city and other suburban centres to encourage regeneration and a clustering of activities and infrastructure. They also provide a clear spatial picture of how the City will develop into the future.  
- Policies 2.2.4a, 2.2.4b and 2.2.4c have environmental benefits as they promote the development of business and industrial development in identified locations, reducing the impact of dispersed development on the environment.  
- They also have social and cultural benefits as they provide for a hierarchy of business centres, including community friendly suburban areas, which provide for a range of community needs.  
**Costs**  
- Economic costs associated with regeneration, upgrading and intensification of existing centralised areas (policies 2.2.4a and 2.2.4c). There may also be costs arising from reduced flexibility to locate outside the identified areas.  
**Efficient and Effective**  
- These policies will be efficient and effective to achieve objective 2.2.4 by catering for development in identified areas as this is an efficient use of land, infrastructure resources and contributes to the vibrancy of the city. They also provide a clear spatial picture for the City that is in accordance with Future Proof and the Regional Policy Statement.  
| **2.2.4a** Business activity and development shall locate in the most appropriate centre for its role, according to the following hierarchy:  
i. The Central City is the primary business centre serving the City and wider region, and is the preferred location for commercial, civic and social activities.  
ii. The Base and Chartwell complement the Central City, to serve large parts of the City and adjoining districts, and contain primarily retail entertainment and services.  
iii. Suburban centres, to provide convenience goods, community services, facilities and employment to serve immediate suburban catchments.  
v. Ruakura Retail Centre, to serve the Ruakura Structure Plan area and adjacent catchment.  
v. Neighbourhood centres, to contain retailing and service activities to serve |
immediate residential catchments.

2.2.4b
The distribution, type, scale and intensity of activities outside of the Central City does not undermine the viability, vitality and vibrancy of the Central City, its amenity values, or role in meeting the needs of the region.

2.2.4c
Significant large format retail development beyond the identified out of centre zones is not envisaged for the Plan period.

Policies most appropriate to achieve the objective:

2.2.5
Industrial and business activities contribute to the economic, cultural, social and environmental wellbeing and prosperity of the community.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.2.5a</td>
<td>The positive effects of business and industry on economic, cultural, social and environmental wellbeing are encouraged and promoted.</td>
</tr>
<tr>
<td></td>
<td>Benefits</td>
</tr>
<tr>
<td></td>
<td>• The policies provide for and promote business and industrial activities utilising land allocated for business and industrial purposes and utilise existing infrastructure.</td>
</tr>
<tr>
<td></td>
<td>• The policies have environmental, social and economic benefits as they provide for business and industrial growth in areas identified suitable and able to accommodate and service such activities.</td>
</tr>
<tr>
<td></td>
<td>Costs</td>
</tr>
<tr>
<td>2.2.5b</td>
<td>Business and industrial activities and development uses land allocated and serviced for business and industrial purposes.</td>
</tr>
<tr>
<td></td>
<td>Efficient and Effective</td>
</tr>
<tr>
<td></td>
<td>• These policies will be efficient and effective to achieve Objective 2.2.5 by recognising the value of business and industrial activities to the economic, social and environmental needs of the community, and providing a framework for the efficient and effective development of business and industrial</td>
</tr>
</tbody>
</table>
Policies not most appropriate to achieve the objectives:

Do nothing.

- This approach would not be appropriate as it would not identify and service land specifically for industrial and business purposes, leading potentially to a scarcity of land for these purposes, and conflicts with other land uses.
- It would also not support the vision for the City. This would not be effective and efficient and would not promote the sustainable management of natural and physical resources.

Risks

Risks of acting or not acting.

The risks of not acting are business and industrial activities will develop in areas that are not suited for the activities. The City Centre may lose its vibrancy and it will result in a less efficient use of resources and infrastructure. This will result in a decrease in the social, cultural, environmental and economic wellbeing of the community. There could also be increased conflicts between activities if industrial and business areas are not provided and serviced for those purposes.

Conclusion: Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objectives.

2.4.4 Rules

Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rules in other chapters of the District Plan will zone and control business and industrial activities according to the business centres hierarchy, and will also identify specific zones for regionally significant and strategic sites.</td>
<td>Benefits</td>
</tr>
<tr>
<td></td>
<td>• The benefits of this approach is to protect land for business and industrial purposes; to minimise conflicts between activities; to reinforce the spatial picture identified in Future Proof and the Regional Policy Statement; and to provide sufficient capacity to meet demand for business and industrial land over the next 20 or more years as identified in Future Proof and the RPS.</td>
</tr>
<tr>
<td></td>
<td>Costs</td>
</tr>
<tr>
<td></td>
<td>• The cost associated with this approach is a more restrictive approach to the location of activities within the City.</td>
</tr>
<tr>
<td></td>
<td>Efficient and Effective</td>
</tr>
<tr>
<td></td>
<td>• These rules will be efficient and effective to achieve objectives 2.2.4 and 2.2.5 as they clearly zone and provide for activities in accordance with...</td>
</tr>
</tbody>
</table>
the hierarchy of centres, industrial areas, and strategic sites identified in Hamilton Urban Growth Strategy, Future Proof and the Regional Policy Statement.

**The objectives and policies are assessment criteria for discretionary and non-complying activities.**

**Benefits**
- This enables discretionary and non-complying activities, to be assessed against the broad strategic objectives and policies of the Plan. It enables activities which do not comply with the zone rules, such as a retail activity in a non-commercial zone, to be assessed against the strategic objectives for the City.

**Costs**
- Less flexibility for alternative forms and locations of development.

**Efficient and Effective**
- This method will be efficient and effective to achieve objectives 2.2.4 and 2.2.5 by ensuring discretionary and non-complying activities are assessed within the broader objectives and policies for the City.

### Rules not most appropriate to achieve the objectives:

| Enable continued flexibility for business and industrial activities to locate in other zones, and also for non-business and industrial activities to locate in business and industrial zones. | This would not be appropriate, as it would not enable sufficient land for business and industrial purposes, and it would potentially increase the level of conflict between land uses in other zones e.g. residential zones. It would also not support the hierarchy of business centres approach identified in strategic and policy documents. |

**Risks**

Risks of acting or not acting.
- The risks of not acting are that there could be increased conflicts between land uses, no business hierarchy which could undermine the City Centre, and a loss of business and industrial land for those purposes.

**Conclusion:** Taking into account the above, Council considers that the rules and zones in other chapters of the District Plan are most appropriate to achieve the objectives.

### 2.4.5 Methods Other Than Rules

**Methods most appropriate to achieve the objectives:**
## Method

**Council works and services:**

Provide infrastructure in a manner that supports residential, business, and industrial activities in preferred locations in accordance with City and regional growth strategies.

### Effectiveness, efficiency, costs and benefits

**Benefits**

- The benefit of these methods is to support the development of business and industrial activities with essential infrastructure.

**Costs**

- Financial costs associated with funding infrastructure.

**Efficient and Effective**

- These methods will be efficient and effective to achieve objective 2.2.4 and 2.2.5 by providing necessary infrastructure to support development of business and industrial activities in the identified locations.

**Information, education and advocacy:**

Provide clear and consistent information about the location of business and industrial activities in centres.

### Effectiveness, efficiency, costs and benefits

**Benefits**

- To promote and encourage activities to locate in the identified area.

**Costs**

- Cost of producing or providing the information in written, visual or aural forms.

**Efficient and Effective**

- These methods will be efficient and effective to achieve objectives 2.2.4 and 2.2.5 by promoting increased awareness and understanding.

## Risks

Risks of acting or not acting.

The risks of not acting are that development would be unable to occur without necessary infrastructure.

**Conclusion:** Taking into account the above, Council considers that the methods in this chapter are most appropriate to achieve the objectives.

### 2.5 Residential Development

#### 2.5.1 Objectives

*Objective most appropriate to achieve the purpose of the Act:*
2.2.6
A range of housing types and densities is available to meet the needs of a diverse range of people and communities.

- This objective is most appropriate because it recognises the value of providing a range of housing options to meet the varying needs of communities. This is consistent with section 5(2) of the Act, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety.

Objectives not the most appropriate to achieve the purpose of the Act:

Do nothing.

- This would not be most appropriate, because it would not meet the varying needs of communities.

Conclusion: Taking into account the above, Council considers that the objective in this chapter of the plan is the most appropriate to achieve the purpose of the Act.

2.5.2
Policies

Policies most appropriate to achieve the 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.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.2.6a</td>
<td>Benefits</td>
</tr>
<tr>
<td>Residential development provides for a range of household choices and the diversity of cultural and social needs.</td>
<td></td>
</tr>
<tr>
<td>2.2.6b</td>
<td>Costs</td>
</tr>
<tr>
<td>Higher density residential development is located within and close to the Central City, suburban and neighbourhood centres, hospitals, tertiary education facilities and parks, open spaces, and other areas of high social amenity.</td>
<td></td>
</tr>
<tr>
<td>Benefits</td>
<td></td>
</tr>
<tr>
<td>The policies have economic, social, cultural and environmental benefits by encouraging high density residential development in the City and close to facilities that support high density living. The long term aim is to increase the vibrancy and activity in those locations, whilst providing for a range of housing needs within the City.</td>
<td></td>
</tr>
<tr>
<td>Costs</td>
<td></td>
</tr>
<tr>
<td>There are economic costs associated with regeneration, upgrading and intensification of existing areas of the city.</td>
<td></td>
</tr>
<tr>
<td>Efficient and Effective</td>
<td></td>
</tr>
<tr>
<td>These policies will be efficient and effective to achieve objective 2.2.6 by catering for the intensification of development in urban areas as this is an efficient use of land and infrastructure resources.</td>
<td></td>
</tr>
</tbody>
</table>

Policies not most appropriate to achieve the objectives:

Do nothing.

- This approach would not be appropriate as growth within the district will result in a lack of variety and lifestyle options within the City, or in locations that do not have the facilities to support this type of development.
Risks

Risks of acting or not acting.

- The risks of acting are economic risks in terms of providing a range of housing developments and ensuring that there is an adequate supply available to the local market. This may prove difficult and costly to implement.

- The risks of not acting are that the differing needs of the community will not be met; resulting in economic loss if residents move elsewhere.

Conclusion: Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objectives.

2.5.3 Rules

<table>
<thead>
<tr>
<th>Rules most appropriate to achieve the objectives:</th>
<th>Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td></td>
</tr>
<tr>
<td>Encourage housing typologies which are not common in the City. This will increase the mix of housing typologies available to the community, in locations that will support the appropriate typology, whilst ensuring other areas retain their existing character.</td>
<td></td>
</tr>
<tr>
<td>Costs</td>
<td></td>
</tr>
<tr>
<td>Less flexibility to develop any housing typology in any residential area.</td>
<td></td>
</tr>
</tbody>
</table>

Efficient and Effective

- These rules will be efficient and effective to achieve objective 2.2.6 by promoting lifestyle choice in accordance with the Hamilton Urban Growth Strategy, and promoting higher average residential densities as envisaged in Future Proof.

<table>
<thead>
<tr>
<th>The objectives and policies are assessment criteria for discretionary and non-complying activities.</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>This enables discretionary and non-complying activities to be assessed against the broad strategic objectives and policies of the Plan. It enables activities which do not comply such as a low density development in a high density zone, to be assessed against the strategic objectives for the City.</td>
<td></td>
</tr>
<tr>
<td>Costs</td>
<td></td>
</tr>
<tr>
<td>Less flexibility for alternative forms and locations of development.</td>
<td></td>
</tr>
</tbody>
</table>

Efficient and Effective
This method will be efficient and effective to achieve objective 2.2.6 by ensuring discretionary and non-complying activities are assessed within the broader objectives and policies for the City.

<table>
<thead>
<tr>
<th>Rules not most appropriate to achieve the objectives:</th>
</tr>
</thead>
<tbody>
<tr>
<td>No rules to encourage intensive residential development or to set parameters for these.</td>
</tr>
<tr>
<td>• This approach would not be appropriate as it would not encourage intensive residential development in the locations identified as being appropriate for it, nor would it set parameters for ensuring good quality intensive residential development.</td>
</tr>
<tr>
<td>• This would not be efficient or effective to achieve the objectives of making a range of housing types and densities available.</td>
</tr>
</tbody>
</table>

Risks

Risks of acting or not acting.

• The risks of not acting are that the differing needs of the community will not be met; resulting in an economic loss if residents move elsewhere.

Conclusion: Taking into account the above, Council considers that the rules in this chapter are most appropriate to achieve the objectives.

2.5.4 Methods Other Than Rules

<table>
<thead>
<tr>
<th>Methods most appropriate to achieve the objectives:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Method</strong></td>
</tr>
<tr>
<td>Council works and services:</td>
</tr>
<tr>
<td>Demonstration projects for medium density housing and mixed use development.</td>
</tr>
<tr>
<td>Benefits</td>
</tr>
<tr>
<td>• Provision of a visual demonstration of the objectives which Council hopes to achieve within the City.</td>
</tr>
<tr>
<td>Costs</td>
</tr>
<tr>
<td>• Financial costs associated with the development of a demonstration project.</td>
</tr>
<tr>
<td>Efficient and Effective</td>
</tr>
<tr>
<td>• These methods will be efficient and effective to achieve the objective by providing a visual demonstration of the outcome being sought.</td>
</tr>
</tbody>
</table>

Information, education and advocacy:

Advocate or promote the benefits of a compact city coupled with good urban design and the advantages of

Benefits

• To promote and encourage medium density and mixed-use development.

Costs

• Cost of producing or providing the information
medium density and mixed use development.
in written, visual or aural forms.

**Efficient and Effective**
- These methods will be efficient and effective to achieve objectives 3.2.4 and 3.2.5 by promoting increased awareness and understanding.

**Risks**

Risks of acting or not acting:
- The risks of not acting are that the District Plan will not be supported by a range of other mechanisms which encourage mixed density housing and mixed use development.

**Conclusion:** Taking into account the above, Council considers that the methods in this chapter are most appropriate to achieve the objectives.

### 2.6 The Waikato River

#### 2.6.1 Objectives

<table>
<thead>
<tr>
<th><strong>Objective most appropriate to achieve the purpose of the Act:</strong></th>
<th>This objective is most appropriate because it recognises the value of preserving and protecting the Waikato River whilst recognising its regional and national importance. This is consistent with section 5(2)(a) and 5(2)(b) of the Act, which is the sustainable management of natural and physical resources and safeguarding the life-supporting capacity of water and ecosystems. It is also consistent with section 6(a) and 6(d) which shall recognise and provide for the preservation of the natural character, maintenance and enhancement of public access to and along lakes, and rivers. It is also consistent with sections 7(c) and 7(f) which state that particular regard must be given to the maintenance and enhancement of amenity values and the quality of the environment. It also recognises and supports the direction provided in Te Ture Whaimana o te Awa o Waikato – the Vision and Strategy for the Waikato River.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>Objectives not the most appropriate to achieve the purpose of the Act:</strong></th>
<th>Do nothing.</th>
</tr>
</thead>
</table>

- This would not be appropriate because it would not recognise the regional and national importance of the Waikato River, or promote sustainable management of natural resources in accordance with section 5 of the Act.

**Conclusion:** Taking into account the above, Council considers that the objective in this chapter of the plan is the most appropriate to achieve the purpose of the Act.
### 2.6.2 Policies

#### Policies most appropriate to achieve the objective:

**2.2.7**
The health and wellbeing of the Waikato River is restored and protected and the River is celebrated as being at the heart of the region’s identity and a feature of national importance.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2.2.7a</strong></td>
<td>The natural character of the Waikato River, gully system and its margins is preserved and protected from inappropriate subdivision, land use and development.</td>
</tr>
<tr>
<td><strong>2.2.7b</strong></td>
<td>The natural, cultural, heritage and amenity values of the Waikato River are protected, enjoyed and enhanced.</td>
</tr>
<tr>
<td><strong>2.2.7c</strong></td>
<td>Access and connections with the Waikato River are maintained and enhanced.</td>
</tr>
<tr>
<td><strong>2.2.7d</strong></td>
<td>The relationship of Waikato-Tainui with the Waikato River is recognised and provided for, including through a Joint Management Agreement.</td>
</tr>
<tr>
<td><strong>2.2.7e</strong></td>
<td>Communities’ relationships with the Waikato River, including their economic, social, cultural and spiritual relationships, are restored and protected.</td>
</tr>
</tbody>
</table>

**Benefits**
- Policies 2.2.7a and 2.2.7b have environmental benefits as they protect and preserve the Waikato River from inappropriate development and maintain the values of the river.
- The policies have social and cultural benefits as they provide for connectivity and access of the river as well as provide for the historical and cultural significance of the river to Waikato-Tainui.
- Policies 2.2.7d and 2.2.7e recognise the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 which will work in conjunction with the Act to provide direction to restore and protect the health and wellbeing of the Waikato River for existing and future generations.

**Costs**
- Economic costs associated with the provision and maintenance of access connections to the Waikato River, and potentially costs associated with limiting and controlling subdivision, land use and development near the river.

**Efficient and Effective**
- These policies will be efficient and effective to achieve objective 2.2.7 by catering for the protection, enhancement and maintenance of the Waikato River, recognising the cultural, economic and social significance of the area.

#### Policies not most appropriate to achieve the objectives:

- **Do nothing.**
- This approach would not be appropriate as it would not give effect to Te Ture Whaimana o te Awa o Waikato – the Vision and Strategy for the Waikato River.

- **Policies which encourage business opportunities to**
- This approach would not be appropriate as the development of business opportunities around the
develop and make use of the visual amenity of the Waikato River.

| Waikato River, without appropriate protections and preservation mechanisms in place, could result in adverse environmental and cultural effects, and would not give effect to Te Ture Whaimana o te Awa o Waikato – the Vision and Strategy for the Waikato River. |

**Risks**

Risks of acting or not acting.

- There are no risks associated with the protection and celebration of the Waikato River.
- The risk of not acting is that the health and wellbeing of the Waikato River is not protected or restored.

**Conclusion:** Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objectives.

### 2.6.3 Rules

#### Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rules in other chapters of the District Plan that will give effect to this objective include:</td>
<td></td>
</tr>
<tr>
<td>Defining the river as a specific area, with subsequent development of a master plan for future development of the river corridor.</td>
<td></td>
</tr>
<tr>
<td>Encouraging improved access to the river through incentives and the subdivision process.</td>
<td></td>
</tr>
<tr>
<td>Managing land uses on and near the river.</td>
<td></td>
</tr>
<tr>
<td><strong>Benefits</strong></td>
<td></td>
</tr>
<tr>
<td>• The benefit of these rules is they integrate the District Plan’s approach to protecting, restoring and celebrating the Waikato River throughout the District Plan. They also enable a master plan to be developed for the River at a later date.</td>
<td></td>
</tr>
<tr>
<td><strong>Costs</strong></td>
<td></td>
</tr>
<tr>
<td>• There will be financial costs associated with protecting and restoring the river, and also in developing a master planned approach to the river corridor.</td>
<td></td>
</tr>
<tr>
<td><strong>Efficient and Effective</strong></td>
<td></td>
</tr>
<tr>
<td>• These rules will be efficient and effective to achieve objective 2.2.7 by providing an initial framework to protect and manage activities and development on or near the river, with the intention of developing a master plan at a later date.</td>
<td></td>
</tr>
</tbody>
</table>

The objectives and policies are assessment criteria for discretionary and non-complying activities.

| Benefits |
| • This enables discretionary and non-complying activities to be assessed against the broad strategic objectives and policies of the Plan including those relating to the Waikato River. |
| Costs |

2 Strategic Framework
- Potentially less flexibility for alternative forms and locations of development.

**Efficient and Effective**
- This method will be efficient and effective to achieve objectives 2.2.7 by ensuring discretionary and non-complying activities are assessed within the broader objectives and policies for the City.

### Rules not most appropriate to achieve the objectives:

| Do nothing. | This approach would not be effective as it would not give effect to Te Ture Whaimana o te Awa o Waikato – the Vision and Strategy for the Waikato River or enable the management, restoration and celebration of the river as outlined in objective 3.2.7. |

### Risks

Risks of acting or not acting.
- The risks of not acting are that the health and wellbeing of the Waikato River is not protected or restored through the land development process.

**Conclusion:** Taking into account the above, Council considers that the rules in this chapter are most appropriate to achieve the objectives.
2.6.4 Methods Other Than Rules

Methods most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council works and services:</td>
<td>Benefits</td>
</tr>
<tr>
<td>Develop a master Plan for future development of the river corridor.</td>
<td></td>
</tr>
<tr>
<td>Develop and implement Hamilton City Council Three Waters Management Plan.</td>
<td></td>
</tr>
<tr>
<td>Implement Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, (Hamilton City Council and other parties) through integrated river management plan and associated joint management agreements and documents.</td>
<td></td>
</tr>
<tr>
<td>Facilitate public access from the Central City to the riverbank.</td>
<td></td>
</tr>
</tbody>
</table>

Benefits

- The master plan will have benefits across the four wellbeings as it will enable a well-considered plan to be developed and subsequently incorporated into the District Plan via a plan change. The River Management Plan and associated agreements and documents will also enable a well considered approach to the river.
- The methods will also enable infrastructure planning and development that aligns with land use development objectives. It also provides environmental and social benefits through directly undertaking restoration projects and pathway development.

Costs

- There are financial costs to undertaking these projects.

Efficient and Effective

- These methods will be efficient and effective to achieve objective 2.2.7 by restoring, protecting and celebrating the river through access provision, restoration projects and ensuring core Council services such as the provision of Three Waters infrastructure are undertaken in accordance with a Three Waters Strategy.

Risks

Risks of acting or not acting.

- The risks of not acting are that the District Plan relies on the development of a master plan and consequently will be less effective without it. Many of the works and services identified above are unlikely to occur if the District Plan is solely relied upon to achieve the objectives of the Plan.

Conclusion: Taking into account the above, Council considers that the methods in this chapter are most appropriate to achieve the objectives.
2.7 Tangata Whenua, Waikato Tainui

2.7.1 Objectives

**Objective most appropriate to achieve the purpose of the Act:**

2.2.8 Resource management priorities are developed in partnership with tangata whenua.

2.2.9 The health and wellbeing of the Waikato River is restored and protected so that it may sustain abundant life and prosperous communities.

- These objectives are the most appropriate because they recognise the value of consultation and partnership with tangata whenua. The Te Ture Whaiman o Te Awa o Waikato or Vision and Strategy for the Waikato River aims to sustain abundant life and prosperous communities. This is consistent with section 5(2) of the Act in that it enables communities to provide for their cultural wellbeing. This objective is also consistent with section 8 of the Act.

**Objectives not the most appropriate to achieve the purpose of the Act:**

Do nothing.

- This would not be appropriate because it would not provide for collaboration and consultation with tangata whenua. This would not promote sustainable management of natural resources in accordance with section 5 of the Act.

**Conclusion:** Taking into account the above, Council considers that the objective in this chapter of the plan is the most appropriate to achieve the purpose of the Act.

2.7.2 Policies

**Policies most appropriate to achieve the objectives:**

2.2.8 Resource management priorities are developed in partnership with tangata whenua.

and

2.2.9 The health and wellbeing of the Waikato River is restored and protected so that it may sustain abundant life and prosperous communities.

**Policies**

| **2.2.8a** | The relationship tangata whenua have with the City is recognised and promoted. |
| **2.2.8b** | Development considers |

**Effectiveness, efficiency, costs and benefits**

- The policies provide for recognition and promotion of the relationship that tangata whenua have with the area, which will lead to developments that respect the cultural history of the area. The policies have social and cultural benefits as they provide...
effects on the unique tangata whenua relationships, values, aspirations, roles and responsibilities with respect to an area.

2.2.8c
As part of the development process, decisions on land use, subdivision and development include ongoing consultation and collaboration with tangata whenua where appropriate.

2.2.8d
Development and the decisions associated with developments where required are to consider any relevant Iwi Management Plan.

2.2.9a
Provide programmes of action to achieve targets to improve the health and wellbeing of the Waikato River.

2.2.9b
Promote an integrated, holistic and coordinated approach to the management of the natural, physical, cultural and historic resources of the Waikato River.

<table>
<thead>
<tr>
<th>Policies not most appropriate to achieve the objectives:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do nothing.</td>
</tr>
<tr>
<td>• This approach would not be appropriate as land use development may have an adverse impact on the cultural and historic significance of an area and thus have an adverse effect on the relationship tangata whenua have with that land and with the development.</td>
</tr>
</tbody>
</table>

Risks
Risks of acting or not acting.
• The risk of not acting is a breakdown in the relationship between Council, the community and tangata whenua.

<table>
<thead>
<tr>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>• There are financial costs associated with the provision of ongoing consultation time and process involved with development, subdivision and land use.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Efficient and Effective</th>
</tr>
</thead>
<tbody>
<tr>
<td>• These policies will be efficient and effective to achieve objective 2.2.8 by catering for the protection of cultural values, recognising the historic and traditional significance of areas and tangata whenua’s direct relationship with the land.</td>
</tr>
</tbody>
</table>
Conclusion: Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objectives.

2.7.3 Rules

Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| The objectives and policies are assessment criteria for discretionary and non-complying activities. | Benefits  
- This enables discretionary and non-complying activities to be assessed against the broad strategic objectives and policies of the Plan.  
Costs  
- Potentially less flexibility for alternative forms and locations of development.  
Efficient and Effective  
- This method will be efficient and effective to achieve objectives 2.2.8 and 2.2.9 by ensuring discretionary and non-complying activities are assessed within the broader objectives and policies for the City. |

Rules not most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| Do nothing. | Benefits  
- This approach would not be appropriate as land use developments might not consider the cultural and historic significance of an area or the relationship tangata whenua have with the development. |

Risks

Risks of acting or not acting.

- The risk of not acting is a breakdown in the relationship between Council, the community and tangata whenua.

Conclusion: Taking into account the above, Council considers that the rules in this chapter are most appropriate to achieve the objectives.

2.7.4 Methods Other Than Rules

Methods most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| Council works and services: Adopt appropriate place and street names, commemorative signage or pou. | Benefits  
- This method will assist to recognise the cultural relationship between tangata whenua and the area, and will have educational benefits for the wider community. |
Enhance identified Hamilton character areas, precincts and built and natural character.

Costs
- Financial costs associated with undertaking these projects.

Efficient and Effective
- These methods will be efficient and effective to achieve objectives 2.2.8 and 2.2.9 by promoting the relationship between the tangata whenua and the City, and by promoting the Vision and Strategy for the Waikato River. Undertaking these projects would assist to develop and understand the resource management priorities of tangata whenua.

Benefits
- This method will assist to recognise the cultural relationship between tangata whenua and the area, and will have educational benefits for the wider community.

Costs
- Financial costs associated with undertaking these projects.

Efficient and Effective
- These methods will be efficient and effective to achieve objective 2.2.8 by promoting the relationship between tangata whenua, the community and the City. Undertaking these projects would assist to develop and understand tikanga Māori.

Risks
- The risk of not acting is a breakdown in the relationship between Council, the community and tangata whenua.

Conclusion: Taking into account the above, Council considers that the methods in this chapter are most appropriate to achieve the objectives.

2.8 Hamilton’s Identity, Character and Heritage

2.8.1 Objectives

<table>
<thead>
<tr>
<th>Objective most appropriate to achieve the purpose of the Act:</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.2.10 Hamilton’s unique character, heritage and identity are reflected in its built</td>
</tr>
<tr>
<td>- This objective recognises the value of preserving and enhancing the character of the built environment. This is consistent with section 5(2) of the Act as natural and physical resources are to be</td>
</tr>
</tbody>
</table>

Involve and consult with tangata whenua.
Work with tangata whenua to improve community understanding of tikanga and customs (e.g. meaning and significance of waahi tapu sites, sensitivities about funeral activities near food retail activities and the scattering of ashes in waterways).

2.2.10 Hamilton’s unique character, heritage and identity are reflected in its built environment. This is consistent with section 5(2) of the Act as natural and physical resources are to be preserved and enhanced.
environment. sustainably managed. It is also consistent with section 6(f) which refers recognising and providing for the protection of historic heritage from inappropriate subdivision, use and development.

**Objectives not the most appropriate to achieve the purpose of the Act:**

Do nothing.

- This would not be appropriate because it would not provide for the preservation and celebration of Hamilton’s unique character which would not promote sustainable management of natural and physical resources in accordance with section 5 of the Act.

**Conclusion:** Taking into account the above, Council considers that the objective in this chapter of the plan is the most appropriate to achieve the purpose of the Act.

### 2.8.2 Policies

**Policies most appropriate to achieve the objective:**

2.2.10

Hamilton’s unique character, heritage and identity are reflected in its built environment.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.2.10a</td>
<td>Benefits</td>
</tr>
<tr>
<td>Development is sensitive to and enhances Hamilton’s identity and character.</td>
<td></td>
</tr>
<tr>
<td>2.2.10b</td>
<td>- The policies provide for economic benefits by providing a high level of visual amenity through urban design which highlights Hamilton’s character. This then encourages further investment and business opportunities.</td>
</tr>
<tr>
<td>Development enhances Hamilton’s unique character areas, precincts and projects through urban design and public art.</td>
<td></td>
</tr>
<tr>
<td>2.2.10c</td>
<td>- The policies have environmental benefits as they protect and preserve the character and identity of areas, protecting the environment from inappropriate development which may detract from the visual amenity of the area.</td>
</tr>
<tr>
<td>Development is sensitive to and protect Hamilton’s archaeological and cultural heritage sites, structures, areas, landscapes and places.</td>
<td></td>
</tr>
<tr>
<td>2.2.10d</td>
<td>- Policies 2.2.10a, 2.2.10b and 2.2.10c have social and cultural benefits as they enhance the identity of Hamilton and promote a sense of community cohesiveness through urban design and public art.</td>
</tr>
<tr>
<td>Development provides for the protection of historic and cultural heritage from inappropriate subdivision, use and development.</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Costs</strong></td>
</tr>
<tr>
<td></td>
<td>- There may be costs to developers or to the Council in providing development that meets these policies.</td>
</tr>
<tr>
<td></td>
<td><strong>Efficient and Effective</strong></td>
</tr>
<tr>
<td></td>
<td>- These policies will be efficient and effective to</td>
</tr>
</tbody>
</table>
achieve objective 2.2.10 by catering for the preservation and enhancement of Hamilton’s character and requiring further development to reflect surrounding amenity values.

### Policies not most appropriate to achieve the objectives:

**Do nothing.**

- This approach would not be appropriate as growth may have an adverse impact on the uniqueness and character of an area and detract from the visual amenity of spaces.

### Risks

Risks of acting or not acting.

- The risks of acting are that in order to protect historical and archaeological aspects of Hamilton’s character there will be restrictions put in place that may prevent subdivision and other development. This may have an economic risk in that certain development may be hindered through protection of historical features.

- The risks of not acting are that the character and identity of Hamilton will not be recognised and implemented. The characteristics that are unique to Hamilton will not be preserved or enhanced through development which will detract from the visual amenity of the area.

**Conclusion:** Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objectives.

### 2.8.3 Rules

#### Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Benefits</strong></td>
<td></td>
</tr>
<tr>
<td>- The benefits of these rules are that they identify the areas that are particularly special to the City for social or cultural reasons, and endeavour to protect and promote these areas.</td>
<td></td>
</tr>
<tr>
<td><strong>Costs</strong></td>
<td></td>
</tr>
<tr>
<td>- There may be costs associated with managing development in these locations, or in promoting public art in particular localities.</td>
<td></td>
</tr>
<tr>
<td><strong>Efficient and Effective</strong></td>
<td></td>
</tr>
<tr>
<td>- These rules will be efficient and effective to achieve objective 2.2.10 by recognising and protecting areas of unique character and heritage, and encouraging development of areas that will enhance this further.</td>
<td></td>
</tr>
</tbody>
</table>

The objectives and policies

**Benefits**
are assessment criteria for discretionary and non-complying activities. This enables discretionary and non-complying activities to be assessed against the broad strategic objectives and policies of the Plan.

**Costs**

Potentially less flexibility for alternative forms and locations of development.

**Efficient and Effective**

This method will be efficient and effective to achieve objectives 2.2.10 by ensuring discretionary and non-complying activities are assessed within the broader objectives and policies for the City.

<table>
<thead>
<tr>
<th>Rules not most appropriate to achieve the objectives:</th>
</tr>
</thead>
<tbody>
<tr>
<td>No rules to identify or protect character, heritage and identity.</td>
</tr>
</tbody>
</table>

**Risks**

Risks of acting or not acting.

- The risk of not acting is the character and identity of Hamilton will not be enhanced.

**Conclusion:** Taking into account the above, Council considers that the rules in this chapter are most appropriate to achieve the objectives.

### 2.8.4 Methods Other Than Rules

#### Methods most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council works and services: Construct gateways, under the Gateways Policy, including securing land. Implement the Public Art Plan and commission public art. Enhance identified Hamilton character areas, precincts and built and natural character. The development of Local Area Plans</td>
<td>Benefits</td>
</tr>
<tr>
<td></td>
<td>• The benefit of these methods is direct provision of projects which will achieve the objective and policies.</td>
</tr>
<tr>
<td></td>
<td>Costs</td>
</tr>
<tr>
<td></td>
<td>• The costs are primarily financial costs.</td>
</tr>
<tr>
<td></td>
<td>Efficient and Effective</td>
</tr>
<tr>
<td></td>
<td>• These methods will be efficient and effective to achieve objective 2.2.10 by direct provision of projects which achieve the objective and policies.</td>
</tr>
</tbody>
</table>

**Risks**

Risks of acting or not acting.

- The risk of not acting is that the character and identity of Hamilton will not be
enhanced.

**Conclusion:** Taking into account the above, Council considers that the methods in this chapter are most appropriate to achieve the objectives.

## 2.9 Natural Environment

### 2.9.1 Objectives

<table>
<thead>
<tr>
<th><strong>Objective most appropriate to achieve the purpose of the Act:</strong></th>
<th></th>
</tr>
</thead>
</table>
| **2.2.11** Protect and enhance natural character, natural features and landscapes, ecosystems and indigenous biodiversity. | • This objective is most appropriate because it recognises the value of preserving and enhancing the natural environment. This is consistent with:  
  - section 5(2) of the Act in that natural and physical resources are to be sustainably managed.  
  - section 6(b) and (c) with regards to the protection of outstanding natural features and landscapes, and indigenous flora and fauna from inappropriate subdivision, use and development.  
  - section 7(d) which states that particular regard must be given to the intrinsic values of ecosystems.  
  - This also gives effect to the City’s Environmental Sustainability strategy. |

<table>
<thead>
<tr>
<th><strong>Objectives not the most appropriate to achieve the purpose of the Act:</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Do nothing.</td>
<td>• This would not be appropriate because it would not provide for the preservation and enhancement of Hamilton’s ecosystems and landscapes which would not promote sustainable management of natural resources in accordance with section 5 of the Act.</td>
</tr>
</tbody>
</table>

**Conclusion:** Taking into account the above, Council considers that the objective in this chapter of the plan is the most appropriate to achieve the purpose of the Act.
2.9.2 Policies

**Policies most appropriate to achieve the objective:**

2.2.11
Protect and enhance natural character, natural features and landscapes, ecosystems and indigenous biodiversity.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| **2.2.11a** Land use and development protects natural character, natural features and landscapes and ecosystems and promotes positive outcomes for indigenous biodiversity in the Waikato Region. | Benefits
- The policies have environmental benefits as they protect and preserve the environment. This protects the environment from inappropriate development which may detract from the visual amenity of the area and ecology of the city, and encourages the environment to be considered in all decisions. |
| **2.2.11b** Land use and development maintains the extent and, where possible, enhances ecological corridors. | Costs
- There could be financial costs to some development when protecting and promoting the environment. |

**Efficient and Effective**
- These policies will be efficient and effective to achieve objective 2.2.11 by catering for the preservation and enhancement of Hamilton’s natural environment. These policies are also consistent with the Waikato Regional Policy Statement and other City Strategies.

**Policies not most appropriate to achieve the objectives:**

Do nothing.
- This approach would not be appropriate as development may have an adverse impact on Hamilton’s ecological and environmental values and thus detract from the City.

**Risks**

Risks of acting or not acting.
- There are no risks associated with the preservation of environmental and ecological integrity.
- The risks of not acting are a loss of indigenous flora and fauna, ecological integrity and visual amenity through development and growth that is not designed to protect and enhance the environment.

**Conclusion:** Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objectives.
## 2.9.3 Rules

### Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rules in other chapters of the Plan include the following:</td>
<td>Benefits</td>
</tr>
<tr>
<td>Rules to identify and protect areas with high landscape and ecological values, manage effects on the ecology and landscapes of the City, and enhance ecological integrity where possible.</td>
<td>• The environmental benefits of these rules will be to identify and protect identified natural features, ecosystems and landscapes, and to enable all development to be managed to minimise effects on the environment and where possible enhance ecological integrity.</td>
</tr>
<tr>
<td>The objectives and policies are assessment criteria for discretionary and non-complying activities.</td>
<td>Costs</td>
</tr>
<tr>
<td></td>
<td>• There could be financial costs to some development when protecting and enhancing the environment.</td>
</tr>
<tr>
<td></td>
<td>Efficient and Effective</td>
</tr>
<tr>
<td></td>
<td>• These rules will be efficient and effective to achieve objective 2.2.11 by identifying at the strategic level the importance of protection and enhancement of the natural environment, and thereby giving effect to the Act.</td>
</tr>
<tr>
<td>Rules not most appropriate to achieve the objectives:</td>
<td>Benefits</td>
</tr>
<tr>
<td>No rules regarding protection, management or enhancement of natural features, ecosystems and landscapes.</td>
<td>• This method would not be appropriate as it would not give effect to the objective.</td>
</tr>
</tbody>
</table>

### Risks

- Risks of acting or not acting.

---

**Benefits**

- The environmental benefits of these rules will be to identify and protect identified natural features, ecosystems and landscapes, and to enable all development to be managed to minimise effects on the environment and where possible enhance ecological integrity.

**Costs**

- There could be financial costs to some development when protecting and enhancing the environment.

**Efficient and Effective**

- These rules will be efficient and effective to achieve objective 2.2.11 by identifying at the strategic level the importance of protection and enhancement of the natural environment, and thereby giving effect to the Act.

- This method will be efficient and effective to achieve objectives 2.2.11 by ensuring discretionary and non-complying activities are assessed within the broader objectives and policies for the City.

- This method would not be appropriate as it would not give effect to the objective.
The risks of not acting are the loss of natural environment within the City.

**Conclusion:** Taking into account the above, Council considers that the rules in this chapter are most appropriate to achieve the objectives.

### 2.9.4 Methods Other Than Rules

<table>
<thead>
<tr>
<th>Methods most appropriate to achieve the objectives:</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Regulatory methods:</strong> Incentives (e.g. development bonuses, rebates, financial contributions for reserves, discounts) for proposals to:</td>
<td>Benefits</td>
</tr>
<tr>
<td>Retain plant or covenant native bush areas.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Costs</td>
</tr>
<tr>
<td></td>
<td>Efficient and Effective</td>
</tr>
<tr>
<td></td>
<td>These methods will be efficient and effective to achieve objective 2.2.11 by encouraging the retention of native vegetation through an incentive mechanism.</td>
</tr>
<tr>
<td><strong>Council works and services:</strong> Enhance identified Hamilton character areas, precincts and built and natural character.</td>
<td>Benefits</td>
</tr>
<tr>
<td></td>
<td>The benefit of this method is direct provision of projects which will achieve the objective and policies.</td>
</tr>
<tr>
<td></td>
<td>Costs</td>
</tr>
<tr>
<td></td>
<td>Efficient and Effective</td>
</tr>
<tr>
<td></td>
<td>These methods will be efficient and effective to achieve objective 2.2.11 by direct provision of projects which achieve the objective and policies.</td>
</tr>
<tr>
<td><strong>Information, education and advocacy:</strong> Promote gully restoration and conservation of landscape and ecological values.</td>
<td>Benefits</td>
</tr>
<tr>
<td></td>
<td>The benefit of this method is to work with the community to encourage positive outcomes for the natural environment, which has minimal costs for the Council, and provides for community involvement and ownership of these areas.</td>
</tr>
<tr>
<td></td>
<td>Costs</td>
</tr>
<tr>
<td></td>
<td>There will be financial costs associated with promoting the activity. It relies on the community</td>
</tr>
</tbody>
</table>
to respond to assist with the activity.

**Efficient and Effective**

- These methods will be efficient and effective to achieve objective 2.2.11 by encouraging the community to become involved in restoration and conservation. This is effective in promoting community ownership of restoration and conservation projects and supports other more direct (e.g. Council works and services) methods.

**Risks**

Risks of acting or not acting.

The risks of not acting are:

- The District Plan rules help to protect the natural environment from the adverse effects of development, but rely upon development occurring in order for the rules to take effect. The other methods provide a greater range of tools to support enhancement of the natural environment. If the other methods are not used to support the District Plan the objective and policies regarding enhancement of the environment may be more difficult to achieve.

**Conclusion:** Taking into account the above, Council considers that the methods in this chapter are most appropriate to achieve the objectives.

### 2.10 Resource Efficiency

#### 2.10.1 Objectives

<table>
<thead>
<tr>
<th>Objective most appropriate to achieve the purpose of the Act:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2.2.12</strong> Efficient use and development of natural and physical resources, especially land, buildings and infrastructure.</td>
</tr>
<tr>
<td>This objective is most appropriate because it recognises the value of preserving and enhancing the natural environment. This is consistent with section 5(2) of the Act to sustainably manage the use, development, and protection of natural and physical resources. It is also consistent with section 7(c) which states that particular regard must be given to the efficient use and development of resources.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Objectives not the most appropriate to achieve the purpose of the Act:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do nothing.</td>
</tr>
<tr>
<td>This would not be appropriate because it would not provide for the preservation and enhancement of Hamilton’s natural and physical environment, which would not promote sustainable management of natural resources in accordance with section 5 of the Act.</td>
</tr>
</tbody>
</table>

**Conclusion:** Taking into account the above, Council considers that the objective in this chapter of the plan is the most appropriate to achieve the purpose of the Act.
## 2.10.2 Policies

### Policies most appropriate to achieve the objective:

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2.2.12</strong></td>
<td>Efficient use and development of natural and physical resources, especially land, buildings and infrastructure.</td>
</tr>
<tr>
<td><strong>2.2.12a</strong></td>
<td>Development enables and encourages waste minimisation and efficient use of resources through design and construction methods.</td>
</tr>
<tr>
<td><strong>2.2.12b</strong></td>
<td>Buildings should be designed so that they can be adapted in the future for a range of uses.</td>
</tr>
<tr>
<td><strong>2.2.12c</strong></td>
<td>Development is designed to consider and adapt to the expected effects of climate change.</td>
</tr>
<tr>
<td><strong>2.2.12d</strong></td>
<td>Development enables and encourages the efficient use of resources and recognises the benefits resulting from integrated land use planning.</td>
</tr>
</tbody>
</table>

**Benefits**
- The policies provide for long term economic benefits by providing a sustainable approach to resource use and disposal.
- The policies have environmental benefits as they focus on sustainable use of resources when undertaking development.
- The policies have social and cultural benefits as they enhance the liveability of areas and promote sustainability through design and construction.

**Costs**
- There may be financial costs associated with development that incorporates concepts of long term sustainability and efficiency of buildings.

**Efficient and Effective**
- These policies will be efficient and effective to achieve objective 2.2.12 as they encourage design and construction that takes into account future use, climate change and resource efficiency.

### Policies not most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Policies</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Do nothing.</td>
<td>This approach would not be appropriate as it would not promote the sustainable use of resources. It would allow development and the use of resources to occur without looking at the needs of future generations.</td>
</tr>
</tbody>
</table>

**Risks**

Risks of acting or not acting.

- The risks of not acting are environmental risks in terms of the inefficient use of resources. Without these policies development will not be encouraged to consider resource efficiency or future uses.
- It is likely more land would be used for development which resulting in an adverse environmental impact.
**Conclusion:** Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objectives.

### 2.10.3 Rules

#### Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| Rules are included in other chapters of the District Plan as follows:  
Encourage regeneration of existing areas and controlled expansion of new growth into greenfield areas.  
Include rules to encourage energy efficient design, water efficient design and integrate land use with transport.  
Enable waste management facilities.  
Require storage areas in developments and waste minimisation in large developments. | Benefits  
- The benefits of these rules are to enable District Plan provisions that facilitate compact urban design that integrates transport and infrastructure, with controlled expansion into greenfield areas.  
This is considered to be a resource efficient approach to the use of land. It also enables facilities that promote resource efficiency to be provided for in the Plan, and requires a base level of design in buildings to cater for efficient use of waste.  

**Costs**  
- There are potentially opportunity costs associated with limiting alternative uses of land or design of buildings.  

**Efficient and Effective**  
- These rules will be efficient and effective to achieve objective 2.2.12 by ensuring a whole of plan approach to efficient use and development of natural resources, and in particular land, buildings and infrastructure. |

The objectives and policies are assessment criteria for discretionary and non-complying activities.  

<table>
<thead>
<tr>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>- This enables discretionary and non-complying activities, to be assessed against the broad strategic objectives and policies of the Plan.</td>
</tr>
</tbody>
</table>

**Costs**  
- Potentially less flexibility for alternative forms and location of development.  

**Efficient and Effective**  
- This method will be efficient and effective to achieve objectives 2.2.12 by ensuring discretionary and non-complying activities are assessed within the broader objectives and policies for the City. |

#### Rules not most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>No rules around resource</th>
</tr>
</thead>
<tbody>
<tr>
<td>- This would not be an appropriate mechanism to</td>
</tr>
</tbody>
</table>
Risks

Risks of acting or not acting.

- The risks of not acting arise due to the semi-permanent nature of development. If land or buildings are developed in a resource inefficient manner they go onto operate inefficiently and many years pass before they are able to be redeveloped to be more efficient. Redevelopment to achieve efficiency will also incur more resources than if efficiency was designed and constructed from the outset.

**Conclusion:** Taking into account the above, Council considers that the rules in this chapter are most appropriate to achieve the objectives.

### 2.10.4 Methods Other Than Rules

<table>
<thead>
<tr>
<th>Methods most appropriate to achieve the objectives:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Method</strong></td>
</tr>
<tr>
<td>Council works and services:</td>
</tr>
<tr>
<td>Secure necessary land, consents and designations for infrastructure (e.g. land for waste and recycling, and materials recovery activities).</td>
</tr>
<tr>
<td>Demonstrate technologies in key public sites.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Information, education and advocacy:</td>
</tr>
<tr>
<td>Promote the Hamilton Waste Management and Minimisation Plan including:</td>
</tr>
<tr>
<td>- Waste audits and waste reduction to be carried out by high waste generating activities.</td>
</tr>
<tr>
<td>- Re-use, recycling and disposal of waste</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>
including demolition materials. achieve objective 2.2.12 as they:
• Promote resource efficient behaviour.
• Encourage behaviours that will support the ongoing operation of facilities provided under Council works and services, e.g. material recovery facilities.

<table>
<thead>
<tr>
<th>Economic instruments: Develop public-private partnerships and joint ventures with the Crown and other Councils as appropriate.</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• The benefit of this method is to enable alternative funding and management mechanisms to further promote resource efficient outcomes.</td>
</tr>
<tr>
<td>Costs</td>
<td>• There will be financial costs associated with undertaking these activities.</td>
</tr>
<tr>
<td>Efficient and Effective</td>
<td>• These methods will be efficient and effective to achieve objective 2.2.12 by providing alternative funding and management mechanisms to encourage the ongoing operation of resource efficient facilities.</td>
</tr>
</tbody>
</table>

Risks
Risks of acting or not acting.
• The risks of not acting are that this suite of other methods will not be in place to support rules in the District Plan, and consequently it is expected the objective would not be achieved to the same extent.

Conclusion: Taking into account the above, Council considers that the methods in this chapter are most appropriate to achieve the objectives.

2.11 Integrate Land Use, Transport and Infrastructure

2.11.1 Objectives

| Objective most appropriate to achieve the purpose of the Act: |
| --- | --- |
| 2.2.13 | • This objective is most appropriate because it recognises the value of integrating land use developments with the development of infrastructure. This is consistent with section 5(2) of the Act, to sustainably manage the use and development of natural and physical resources. It is also consistent with section 7(c) which states particular regard must be given to the efficient use and development of resources. |

| Objectives not the most appropriate to achieve the purpose of the Act: |
| --- | --- |
| Do nothing. | • This would not be appropriate because it would |
not provide for the integration of Hamilton’s infrastructure developments which would not promote sustainable management of natural and physical resources in accordance with section 5 of the Act.

**Conclusion:** Taking into account the above, Council considers that the objective in this chapter of the plan is the most appropriate to achieve the purpose of the Act.

### 2.11.2 Policies

**Policies most appropriate to achieve the objective:**

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2.2.12</strong></td>
<td>Land use and development is integrated with the provision of infrastructure (including transport, Three Waters services and open space).</td>
</tr>
<tr>
<td><strong>2.2.13a</strong></td>
<td>Development shall not compromise the safe, efficient and effective operation and use of existing infrastructure.</td>
</tr>
<tr>
<td><strong>Benefits</strong></td>
<td>- The policies provide economic benefits for the community by providing a sustainable and efficient approach to land use and the provision of infrastructure that enables integrated development and efficient use of resources.</td>
</tr>
<tr>
<td><strong>2.2.13b</strong></td>
<td>Development allows for future infrastructure needs, including maintenance, upgrading and co-location where appropriate.</td>
</tr>
<tr>
<td><strong>Benefits</strong></td>
<td>- The policies have environmental benefits as they promote well connected infrastructure and transport modes which reduce the impact of inefficient transportation and infrastructure systems. These have a lesser impact on the environment in terms of air quality and use of finite and infinite resources.</td>
</tr>
<tr>
<td><strong>2.2.13c</strong></td>
<td>New development connects well with existing development and infrastructure.</td>
</tr>
<tr>
<td><strong>Benefits</strong></td>
<td>- The policies have social and cultural benefits as they enhance the liveability of areas and promote sustainability through design, connectedness and improving local integration of infrastructure.</td>
</tr>
<tr>
<td><strong>2.2.13d</strong></td>
<td>Development does not result in incompatible adjacent land uses, with respect to existing or planned infrastructure.</td>
</tr>
<tr>
<td><strong>Costs</strong></td>
<td>- There are potentially opportunity costs in terms of how land would otherwise be developed.</td>
</tr>
<tr>
<td><strong>2.2.13e</strong></td>
<td>Rail, cycle, pedestrian, passenger transport and motorised vehicle networks are well connected and integrated across and beyond the City.</td>
</tr>
<tr>
<td><strong>Efficient and Effective</strong></td>
<td>- These policies will be efficient and effective to achieve objective 2.2.13 by catering for the integration of infrastructure and land use development.</td>
</tr>
<tr>
<td><strong>Efficient and Effective</strong></td>
<td>- This is an efficient and effective use of land and infrastructure resources through connectedness, compatibility and the ability of development to cater for future maintenance and upgrading.</td>
</tr>
</tbody>
</table>
2.2.13f
Development should promote strong connections to, and use of, passenger transport and active modes of transport.

Policies not most appropriate to achieve the objectives:

Do nothing.

- This approach would not be appropriate as it would not promote the sustainable use of resources.
- It would allow development and use of resources to occur without looking at the needs of future generations.

Risks
Risks of acting or not acting.

- The risks of not acting are inefficient use of land, where land uses are not integrated with infrastructure which leads to social, economic and environmental effects for the community.

Conclusion: Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objectives.

2.11.3 Rules

Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rules included in other chapters of the District Plan include:</td>
<td></td>
</tr>
<tr>
<td>- Providing for infrastructure to be integrated with development.</td>
<td></td>
</tr>
<tr>
<td>- Protect infrastructure from adverse effects of development.</td>
<td></td>
</tr>
<tr>
<td>- Development is located to maximise efficient use of infrastructure.</td>
<td></td>
</tr>
<tr>
<td>Benefits</td>
<td></td>
</tr>
<tr>
<td>- The benefit of these rules is to enable compact urban design that integrates transport and infrastructure, with controlled expansion into greenfield areas, which is a resource efficient approach to the use of land. The rules also enable development to be located to maximise efficient use of existing infrastructure and to protect infrastructure from development.</td>
<td></td>
</tr>
<tr>
<td>Costs</td>
<td></td>
</tr>
<tr>
<td>- There are potentially opportunity costs in terms of how land would otherwise be developed.</td>
<td></td>
</tr>
<tr>
<td>Efficient and Effective</td>
<td></td>
</tr>
<tr>
<td>- These rules will be efficient and effective to achieve objective 2.2.13 by ensuring that land use and development is integrated with development.</td>
<td></td>
</tr>
</tbody>
</table>
The objectives and policies are assessment criteria for discretionary and non-complying activities.

**Benefits**
- This enables discretionary and non-complying activities to be assessed against the broad strategic objectives and policies of the Plan.

**Costs**
- Potentially less flexibility for alternative forms and location of development.

**Efficient and Effective**
- This method will be efficient and effective to achieve objectives 2.2.13 by ensuring discretionary and non-complying activities are assessed within the broader objectives and policies for the City.

**Rules not most appropriate to achieve the objectives:**

| No rules integrating infrastructure and development. | • This would not be appropriate as it would not support the suite of objectives and policies in this Chapter and throughout the District Plan. |
| • Nor would this support the integrated, compact growth model, with planned expansions into greenfield areas that is outlined in Future Proof and the Regional Policy Statement. |

**Risks**

Risks of acting or not acting.

- The risks of not acting are the potential outcome of a poorly integrated, inefficient City.

**Conclusion:** Taking into account the above, Council considers that the rules in this chapter are most appropriate to achieve the objectives.

### 2.11.4 Methods Other Than Rules

**Methods most appropriate to achieve the objectives:**

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| Regulatory methods: Development contributions and financial contributions consistent with the City’s strategies. | **Benefits**
  - The benefits of these methods are to provide Council with a budget to fund infrastructure related to growth. |
| • There will be a financial cost to development and to the Council to manage development. |
| **Efficient and Effective** |

-
<table>
<thead>
<tr>
<th>Council works and services:</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Annual plans, including infrastructure plans and</td>
<td>• The benefits of these council works and services are the direct provision of infrastructure and</td>
</tr>
<tr>
<td>budgets consistent with the city’s strategies.</td>
<td>facilities for developments.</td>
</tr>
<tr>
<td>• Free Wi-fi broadband provided in the Central City.</td>
<td></td>
</tr>
<tr>
<td>• Development of action plans as described in</td>
<td></td>
</tr>
<tr>
<td>Access Hamilton for parking, safety, travel</td>
<td></td>
</tr>
<tr>
<td>demand, active travel and public transport.</td>
<td></td>
</tr>
<tr>
<td>Benefits</td>
<td>Costs</td>
</tr>
<tr>
<td>• The benefits of these methods will be efficient</td>
<td>• The costs associated are financial costs of provision.</td>
</tr>
<tr>
<td>and effective to achieve objective 2.2.13 by</td>
<td></td>
</tr>
<tr>
<td>providing funding for Council infrastructure</td>
<td></td>
</tr>
<tr>
<td>associated with development.</td>
<td></td>
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<tr>
<td>Costs</td>
<td>Efficient and Effective</td>
</tr>
<tr>
<td>• There will be financial costs associated with</td>
<td>• These methods will be efficient and effective to achieve objective 2.2.13 by directly providing</td>
</tr>
<tr>
<td>undertaking these activities.</td>
<td>infrastructure associated with development.</td>
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<tr>
<td>Efficient and Effective</td>
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<tr>
<td>• These methods will be efficient and effective</td>
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<tr>
<td>to achieve objective 2.2.13 by supporting a</td>
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</tr>
<tr>
<td>package that includes council works and services</td>
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<tr>
<td>and District Plan rules with education, advocacy</td>
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<tr>
<td>and information.</td>
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</table>

<table>
<thead>
<tr>
<th>Information, education and advocacy:</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Advocate for the outcomes stated in Access Hamilton</td>
<td>• The benefits of these methods are that they will provide information, education and advocacy to</td>
</tr>
<tr>
<td>such as increased active travel modes.</td>
<td>support the rules in the Plan, and Council works and services.</td>
</tr>
<tr>
<td>Benefits</td>
<td>Costs</td>
</tr>
<tr>
<td>• The benefits of these methods are that they will</td>
<td>• There will be financial costs associated with undertaking these activities.</td>
</tr>
<tr>
<td>provide information, education and advocacy to</td>
<td></td>
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<tr>
<td>support the rules in the plan, and Council works</td>
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<tr>
<td>and services.</td>
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<tr>
<td>Costs</td>
<td>Efficient and Effective</td>
</tr>
<tr>
<td>• There will be financial costs associated with</td>
<td>• These methods will be efficient and effective to achieve objective 2.2.13 by supporting a</td>
</tr>
<tr>
<td>undertaking these activities.</td>
<td>package that includes council works and services and District Plan rules with education, advocacy</td>
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<td></td>
<td>and information.</td>
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</table>

<table>
<thead>
<tr>
<th>Collaboration/partnerships:</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work with other agencies to develop infrastructure</td>
<td>• The benefits of these methods are to support the rules in the plan, and council works and services.</td>
</tr>
<tr>
<td>that is integrated with land use</td>
<td></td>
</tr>
<tr>
<td>Costs</td>
<td>Efficient and Effective</td>
</tr>
<tr>
<td>• There will be financial costs associated with</td>
<td>• These methods will be efficient and effective to achieve objective 2.2.13 by supporting a</td>
</tr>
<tr>
<td>undertaking these activities.</td>
<td>package that includes council works and services and</td>
</tr>
</tbody>
</table>
Risks

Risks of acting or not acting.

- The risks of not acting are that infrastructure will not be developed in an integrated manner with land use development.

**Conclusion**: Taking into account the above, Council considers that the methods in this chapter are most appropriate to achieve the objectives.

### 2.12 References

- *Future Proof (Waikato)*
- *Proposed Waikato Regional Policy Statement – now Operative May 2016*
- *Waikato Regional Land Transport Strategy Programme*
- *Access Hamilton*
- *Hamilton’s Economic Development Strategy*
- *Hamilton’s Environmental Sustainability Strategy*
- *Hamilton’s City Design Guide Vista*
- *Hamilton Urban Growth Strategy*
- *Hamilton’s Social Wellbeing Strategy*
- *Hamilton’s Active Communities Strategy*
- *Resource Management Act 1991*
- *Te Ture Whaimana o te Awa o Waikato – The Vision and Strategy for the Waikato River*
- *Section 42A Hearing Report: 17 September 2013: Report on submissions and further submissions: Chapters 1 and 2*
- *Reply to Commissioners questions: Operative District Plan - Tangata Whenua*
- *Section 42A Hearing Report: 3, 4, 9, 11 June 2014: Report on submissions and further submissions: Chapter Business 3 and 4 Zones – Supplementary Report*
- *Plan Change 1 (Ruakura Variation) Commissioners Decision Report*
3 Structure Plans

3.1 Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 3: Structure Plans.

Structure planning is a valuable way to achieve integrated management of the effects of developing large land areas. It is a key tool in addressing sustainable management of natural physical resources, particularly in an urban context. Hamilton City has used structure planning for a number of years in order to manage development in key locations within the City.

Structure planning is an important part of achieving an integrated planning approach which aligns land use with infrastructure and funding.

The plans provide an important tool for Council in helping to identify appropriate services, infrastructure, open space, densities, residential and business areas, significant cultural, natural and historic or heritage features and urban design needs for that locality.

The purpose of the structure plans is to:

a) Provide a comprehensive planning approach for an identified area.

b) Achieve a better standard of urban design.

c) Identify infrastructure and service requirements.

d) Achieve the densities envisaged by the Future Proof Strategy.

e) Protect cultural, natural and historic or heritage features.

f) Avoid or mitigate adverse effects on strategic infrastructure.

g) Avoid, remedy or mitigate adverse effects on the environment.

h) Integrate land use, infrastructure and funding at an area level.

The purpose of a structure plan is to plan for the future in an integrated manner by:

a) Outlining a vision for the future.

b) Setting out where growth can be accommodated and setting out a future land use pattern.

c) Provide for staging of development.

d) Guiding infrastructure planning including transport corridors, Three Waters, community facilities and public open space.

e) Identifying the financial requirements which will ensure development feasibility from a Council, infrastructure provider and landowner perspective.

Structure Plans have been developed for Peacocke, Rototuna, Rotokauri and Ruakura. These plans aim to look at the type and location of land uses for these areas with the aim of identifying the optimum spatial pattern taking into account the efficient use of land, environmental protection, amenity, the need to support and protect appropriate existing land use, and opportunities for economic development.
These Structure Plans provide for a range of activities and land uses and are designed to ensure development is undertaken in a managed way and provide good urban design outcomes.

Structure planning helps to manage the use, development and protection of natural and physical resources, including land and structures. It also enables people and communities to provide for their social, economic and cultural wellbeing by catering for and appropriately managing important City development that contain housing, employment land and key services.

Structure planning has been identified as a key tool in:

- The Regional Policy Statement.
- The Future Proof Strategy.
- The Hamilton Urban Growth Strategy.
- Access Hamilton Strategy.

The Structure Plans for Peacocke, Rototuna and Rotokauri were part of the previous Operative Hamilton District Plan.

This section 32 is supported by all of the analysis undertaken for each of the specific structure plan areas, including the section 32 reports prepared for relevant plan changes and variations.

The overall approach of the plan chapter is to assess the objectives and policies which apply to all structure plan areas and then to assess the objectives and policies, and where appropriate rules, which apply to specific structure plan areas.

### 3.2 Objectives

#### Objective most appropriate to achieve the purpose of the Act:

<table>
<thead>
<tr>
<th>3.3.1</th>
<th>Optimised long-term positive environmental, economic, social and cultural effects of greenfield development.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This objective is most appropriate because it encourages greenfield development in a way that optimises long-term positive environmental, economic, social and cultural effects. This is consistent with the purpose of the Act because it:</td>
</tr>
<tr>
<td></td>
<td>- Enables people and communities to provide for their social, economic, and cultural wellbeing by acknowledging that greenfields development can contribute positively to these wellbeings.</td>
</tr>
<tr>
<td></td>
<td>- Helps to sustain the potential of the land resource to meet the reasonably foreseeable needs of future generations.</td>
</tr>
<tr>
<td></td>
<td>- Encourages greenfields development to have positive environmental effects so as to safeguard the life-supporting capacity of air, water, soil, and ecosystems.</td>
</tr>
</tbody>
</table>

The objective encourages:
3.3.2 New urban development is appropriately serviced and properly integrated to minimise City network impacts.

This objective is most appropriate to achieve the purpose of the Act because:

- It will ensure the efficient use and development of land and infrastructure.
- An integrated approach to land development will assist in avoiding, remedying or mitigating adverse effects of activities on the environment.
- It will ensure all necessary infrastructure is in place prior to residents, businesses and other activities establishing, thereby enabling people and communities to provide for their social, economic, and cultural wellbeing.

3.3.3 Effective and integrated management of Three Waters so as to sustainably manage the impact of development on the City’s natural and physical resources.

This objective is most appropriate because it promotes the sustainable management of water resources through the provision of infrastructure in a coordinated manner at the time of development. This enables people and communities to provide for the social, economic and cultural wellbeing (s5(2)) during the development process by ensuring efficient and well-planned infrastructure is in place at the time. This:

- Helps to meet the reasonable foreseeable needs of future generations (s5(2)(a)).
- Avoids, remedies or mitigates adverse effects of activities on the environment (s5(2)(c)).
- Has regard to the efficient use and development of resources (s7(b)).

3.3.4 An integrated and efficient pattern of land use and transportation so as to sustainably manage the impact of development on existing and planned transport infrastructure.

This objective is most appropriate because:

- An integrated pattern of land use and transportation will facilitate the efficient use and development of land and infrastructure.
- An integrated approach to land and transport will assist in avoiding, remedying or mitigating adverse effects of activities on the environment.
- It promotes the sustainable management of land and infrastructure as key physical resources.
This objective ensures consideration of the sustainability of the transport network, which includes:

- Sustaining the potential of the transport network to meet the reasonably foreseeable needs of future generations.
- Avoiding or mitigating adverse effects on the environment.
- The maintenance of amenity values.

It also enables people and communities to provide for their economic and social wellbeing by ensuring that land use and transport are integrated which will provide better access and mobility. It also helps to ensure that there is not a negative effect on the community’s economic wellbeing by allowing land use to occur in a way which compromises existing and planned transport infrastructure with the associated financial costs.

### 3.3.5
**Compatible buildings and activities.**

This objective is most appropriate to achieve the purpose of the Act because it:

- Encourages the sustainable management of physical resources (which includes structures).
- Contributes to the maintenance and enhancement of amenity values.
- Avoids reverse sensitivity issues.
- Enables people and communities to provide for their social, economic and cultural wellbeing by ensuring that the built environment and the activities that occur are compatible.
- Encourages the efficient use and development of structures.

### 3.3.6
**Development responds to land suitability including topography, landscape, natural features, soil type, natural hazards, heritage features and adjoining land uses.**

This objective is most appropriate because it:

- Promotes the sustainable management of natural and physical resources by ensuring that topography, landscape, soil type, natural hazards, heritage features and adjoining land uses are incorporated into development.
- Helps to sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations by ensuring that topography, landscape, soil type, natural hazards, heritage features and adjoining land uses are appropriately responded to.
- Helps to safeguard the life-supporting capacity of
<table>
<thead>
<tr>
<th>3.3.7</th>
<th>A range of well-connected functional public open spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>This objective is the most appropriate because it will ensure that people and communities have a range of functional open spaces which allows them to provide for their social and cultural wellbeing and their health and safety.</td>
<td></td>
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<tr>
<td>These open spaces often contain a variety of uses and values therefore this objective will also contribute towards achieving section 6(a) of the Act; preservation of natural character, 6(c) protection of areas of significant indigenous flora and fauna, 6(d) maintenance and enhancement of public access, 7(c) the maintenance and enhancement of amenity values and 7(f) the maintenance and enhancement of the quality of the environment.</td>
<td></td>
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</tbody>
</table>

| Objectives not the most appropriate to achieve the purpose of the Act: |
| --- | --- |
| No objectives – rely on existing zonings with no provisions relating to structure planning. | This would not achieve the purpose of the Act as it would not allow for people and communities to provide for their economic and social wellbeing. |
| Having no objectives or policy framework for structure planning could encourage out of sequence or sporadic urban development at a higher environmental and financial cost. |
| There would be no structure planning to inform rezoning and development, which would create an ad-hoc approach. This would not provide certainty to residents, landowners and developers as to the future form of development. |
| It is also difficult for landowners or developers and Council to make land use and investment decisions without any certainty as to either timing or form of future urban development. |

Conclusion: Taking into account the above, Council considers that the objectives in this chapter of the plan are the most appropriate to achieve the purpose of the Act.

### 3.3 Policies

**Policies most appropriate to achieve the objective:**

- air, water, soil, and ecosystems.
  - Avoids, remedies, or mitigates any adverse effects of activities on the environment.
  - It will assist in maintaining and enhancing amenity values and the quality of the environment.
3.3.1 Optimised long-term positive environmental, economic, social and cultural effects of greenfield development.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3.3.1a</strong></td>
<td>Development should be in general accordance with the relevant Structure Plan.</td>
</tr>
<tr>
<td><strong>3.3.1b</strong></td>
<td>Development of Structure Plan areas should aim to achieve:</td>
</tr>
<tr>
<td></td>
<td>i. An overall residential density of 16 dwellings per hectare</td>
</tr>
<tr>
<td><strong>3.3.1c</strong></td>
<td>The design of development should provide population densities that support safe efficient passenger transport and opportunities for walking and cycling.</td>
</tr>
<tr>
<td><strong>3.3.1d</strong></td>
<td>Interim land use and development including low density residential development should not compromise the integrity and viability of the land use pattern for the relevant Structure Plan.</td>
</tr>
<tr>
<td><strong>Benefits</strong></td>
<td>The policies have the following benefits.</td>
</tr>
<tr>
<td></td>
<td>• Provides clarity and certainty for landowners, developers and the wider community as development will be in accordance with an agreed Structure Plan.</td>
</tr>
<tr>
<td></td>
<td>• Provides for orderly and well-planned development.</td>
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<tr>
<td></td>
<td>• Provides land use certainty which assists in the planning and funding of infrastructure.</td>
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<tr>
<td></td>
<td>• Provides for housing choice and diversity by providing for different densities.</td>
</tr>
<tr>
<td></td>
<td>• Achieves a more compact urban form.</td>
</tr>
<tr>
<td></td>
<td>• Enables the use of more efficient and sustainable modes of transport.</td>
</tr>
<tr>
<td></td>
<td>• Increased densities enhance the feasibility of public transport.</td>
</tr>
<tr>
<td></td>
<td>• Safeguards future urban land and structure plan vision and outcomes from being compromised by interim development.</td>
</tr>
<tr>
<td></td>
<td>• Limits fragmentation of key future urban land for the City in the interim.</td>
</tr>
<tr>
<td><strong>Costs</strong></td>
<td>The costs of these policies include:</td>
</tr>
<tr>
<td></td>
<td>• Costs for the landowner or developer associated with complying with the relevant structure plan.</td>
</tr>
<tr>
<td></td>
<td>• Potential costs to the developer of having to achieve the target densities if there is not enough market demand for higher densities.</td>
</tr>
<tr>
<td></td>
<td>• Cost to the landowner or developer if land is unable to be used in the interim for other development (e.g. rural lifestyle).</td>
</tr>
<tr>
<td></td>
<td>• Less flexibility.</td>
</tr>
<tr>
<td><strong>Efficient and Effective</strong></td>
<td>The benefits of these policies outweigh the costs. They are efficient and effective in terms of achieving the objective as they are very clear.</td>
</tr>
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</table>
about the form of development envisaged.

**Policies most appropriate to achieve the objective:**

### 3.3.2
New urban development is appropriately serviced and properly integrated to minimise City network impacts.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3.3.2a</strong>&lt;br&gt;The use of land for urban development will not be allowed unless appropriate infrastructure is provided for and the servicing of this land will maintain the efficiency and sustainability of regionally significant existing and planned infrastructure.</td>
<td><strong>Benefits</strong>&lt;br&gt;The policies have the following benefits.&lt;br&gt;• Ensures that infrastructure is in place to support the development.&lt;br&gt;• Provides for a development that is integrated with infrastructure and funding.&lt;br&gt;• Enables the efficient use of infrastructure.&lt;br&gt;• Provides for an orderly and co-ordinated approach to planning and funding infrastructure.&lt;br&gt;• Economic benefits for individuals and the community in the long-term by ensuring that infrastructure is planned for and in place.&lt;br&gt;• Long-term cost implications are addressed at the earliest opportunity.&lt;br&gt;• Promotes coordinated development and the provision of economic and efficient infrastructure.&lt;br&gt;• Development only occurs when key infrastructure is in place.&lt;br&gt;• Efficiency, environmental, social and economic benefits to Council and the community from these policies which require development to have an appropriate level of infrastructure in place, so that it does not occur without Three Waters or transport infrastructure.&lt;br&gt;• Positive environmental effects from planning for and putting in place appropriate infrastructure.&lt;br&gt;• These provisions provide the opportunity for infrastructure to be funded in a staged manner.&lt;br&gt;• Ensures that existing infrastructure is not compromised.</td>
</tr>
<tr>
<td><strong>3.3.2b</strong>&lt;br&gt;New development is able to be adequately serviced in terms of Three Waters and transport infrastructure.</td>
<td><strong>Costs</strong>&lt;br&gt;• Costs associated with ensuring that the development has all necessary infrastructure in place.</td>
</tr>
<tr>
<td><strong>3.3.2c</strong>&lt;br&gt;Development is co-ordinated with the provision of infrastructure and social infrastructure.</td>
<td></td>
</tr>
<tr>
<td><strong>3.3.2d</strong>&lt;br&gt;Staging and sequencing is in general accordance with any staging indicated on the relevant Structure Plan.</td>
<td></td>
</tr>
</tbody>
</table>
Restrictions may be imposed on some development in terms of its location or timing. Financial costs to the developers of having their development staged.

Efficient and Effective

- The benefits provided by these policies outweigh the costs.
- The policies are effective as they ensure the appropriate infrastructure is in place to support development.
- These policies provide clear direction to developers and the community about the expectations of the level of infrastructure required at different stages of the development.
- They are efficient because they link development stages with network capacity and planned infrastructure improvements.

**Policies most appropriate to achieve the objective:**

3.3.3
Effective and integrated management of Three Waters so as to sustainably manage the impact of development on the City’s natural and physical resources.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3.3.3a</strong></td>
<td>Three Waters will be managed in accordance with the relevant Integrated Catchment Management Plan (ICMP).</td>
</tr>
<tr>
<td><strong>3.3.3b</strong></td>
<td>ICPMs shall be developed to determine how to manage Three Waters in an effective and integrated manner including by:</td>
</tr>
<tr>
<td>i. Minimising the effects of urban development on downstream receiving waters.</td>
<td></td>
</tr>
<tr>
<td>ii. Managing the run-off from the different relief and soil types in an integrated manner.</td>
<td></td>
</tr>
<tr>
<td>iii. Sustaining groundwater</td>
<td></td>
</tr>
<tr>
<td>Benefits</td>
<td>The policies have the following benefits.</td>
</tr>
<tr>
<td>- Efficiency, environmental, social and economic benefits to Council and the community from ensuring that the Three Waters are managed in accordance with an ICMP which will provide catchment-wide direction on how to manage water, stormwater and wastewater.</td>
<td></td>
</tr>
<tr>
<td>- Allows for more informed decision making and improved Three Waters integration and management.</td>
<td></td>
</tr>
<tr>
<td>- Provides certainty that an ICMP will be prepared before land use and development occurs.</td>
<td></td>
</tr>
<tr>
<td>- Provides certainty that Three Waters infrastructure is provided and operated in accordance with an ICMP.</td>
<td></td>
</tr>
<tr>
<td>- Efficiency, environmental, social and economic benefits to the Council and the community from having improved Three Waters integration and management.</td>
<td></td>
</tr>
</tbody>
</table>
levels in peat soils as far as practicable.
iv. Safeguarding and enhancing the natural functioning and ecological health of freshwater bodies and areas of indigenous vegetation, water features and habitats.
v. Retaining a hydrological cycle close to the pre-development hydrological cycle as far as practicable.
vi. Maintaining stormwater discharge from the catchment to at or below pre-development levels.
viii. Identifying appropriate and incorporating water-sensitive techniques.
ix. Recognising social, economic, environmental and cultural objectives for the catchment.

- Greater three waters integration achieved.
- Necessary infrastructure is identified and required.
- Adverse effects on water resources are minimised.
- The most efficient, effective and appropriate water sensitive techniques are identified and can be incorporated into development thereby providing long term cost savings arising from more efficient water use.

**Costs**
- Financial and time costs to developers in preparing and implementing ICMPs and managing the Three Waters.
- Opportunities or flexibility for development may be reduced as a result of development having to be in accordance with the ICMP.
- Potential uncertainty over development opportunities or constraints until an ICMP has been prepared and approved.

**Efficient and Effective**
- These policies provide clear direction to developers and the community about the expectations for considering and responding to the need for appropriate Three Waters infrastructure. The policies are effective at ensuring that an ICMP is prepared in order to provide a comprehensive overview of how Three Waters infrastructure will be provided within the catchment, and how it ties into the existing City infrastructure.
- The stated benefits are considered to outweigh their likely costs.
**Policies most appropriate to achieve the objective:**

3.3.4  
An integrated and efficient pattern of land use and transportation so as to sustainably manage the impact of development on existing and planned transport infrastructure.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
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</thead>
<tbody>
<tr>
<td>3.3.4a</td>
<td>Integrated Transport Modelling is undertaken for all Structure Plan areas.</td>
</tr>
<tr>
<td>3.3.4b</td>
<td>Movement routes are integrated with surrounding neighbourhoods and existing and planned transport networks.</td>
</tr>
<tr>
<td>3.3.4c</td>
<td>Enable connectivity with other undeveloped adjoining sites.</td>
</tr>
<tr>
<td>3.3.4d</td>
<td>The transport network support efficient passenger transport and opportunities for walking and cycling.</td>
</tr>
<tr>
<td>3.3.4e</td>
<td>Environmental impacts of building new transport corridor infrastructure are minimised.</td>
</tr>
<tr>
<td>3.3.4f</td>
<td>Opportunities for improved safety accessibility, connectivity and efficiency within the transportation network are provided.</td>
</tr>
</tbody>
</table>

**Benefits**

The policies have the following benefits.

- Ensures Integrated Transport Modelling is undertaken.
- Ensures appropriate capture and assessment of activities generating effects on the transport network.
- Ensures that land use proposals are integrated with the transportation network.
- Promotes alternative modes as means for mitigating effects.
- Reduces the environmental impact of transport infrastructure where possible.
- Minimises the effects on existing and future transport infrastructure.

**Costs**

- Financial cost of undertaking an Integrated Transport Modelling, however the level of detail required will be relevant to the scale of the proposal.
- Development opportunities may be constrained where effects cannot be suitably mitigated.

**Efficient and Effective**

- The benefits provided by these policies outweigh the costs. The policies are effective as they ensure that the appropriate transport infrastructure is in place to support development and that Integrated Transport Modelling has been undertaken. This will help to reduce the impacts of development on the existing and future transport network and ensure integration with land use. These policies provide clear direction to developers and the community about the expectations required in terms of transport.
### Policies most appropriate to achieve the objective:

#### 3.3.5
Compatible buildings and activities.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3.3.5a</strong> Adverse effects of activities near zone boundaries are managed through setbacks, building design, and landscaping.</td>
<td>Benefits&lt;br&gt;The policies have the following benefits.&lt;br&gt;• Manages the adverse effects of activities.&lt;br&gt;• Contributes to the safety and amenity for residents and employees of an area.&lt;br&gt;• Avoids reverse sensitivity issues.&lt;br&gt;• Encourages the efficient use and development of structures.&lt;br&gt;• Protects regionally significant infrastructure and industry.</td>
</tr>
<tr>
<td><strong>3.3.5b</strong> Sensitive land uses avoid adverse effects on and from regionally significant infrastructure and regionally significant industry.</td>
<td>Costs&lt;br&gt;• Potential costs to developers of ensuring that activities near zone boundaries are managed.&lt;br&gt;• Possible restrictions on the scale and location of certain activities in relation to regionally significant infrastructure and industry.</td>
</tr>
<tr>
<td><strong>3.3.5c</strong> Development to avoid adverse effects on the safe, efficient and effective operation and use of existing or planned infrastructure.</td>
<td>Efficient and Effective&lt;br&gt;• The benefits provided by these policies outweigh the costs. The policies are effective as they ensure that reverse sensitivity effects are managed and avoided where possible and that developments is well laid out in terms of where activities are located in relation to one another.&lt;br&gt;• They are also effective in terms of ensuring that regionally significant infrastructure and industry is protected.</td>
</tr>
</tbody>
</table>

### Policies most appropriate to achieve the objective:

#### 3.3.6
Development responds to land suitability including topography, landscape, natural features, soil type, natural hazards, heritage features, adjoining land uses.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3.3.6a</strong> The loss of significant vegetation is minimised.</td>
<td>Benefits&lt;br&gt;The policies have the following benefits.&lt;br&gt;• Protects natural landscapes.</td>
</tr>
</tbody>
</table>
### 3.3.6b
Large-scale earthworks and modifications to landforms are avoided where possible to ensure development retains features of the landscape identified on structure plans.

### 3.3.6c
Road layouts adjacent to identified natural features recognise and retain their natural form where practicable.

### 3.3.6d
The scale and quantum of development and land use type recognises characteristics and suitability and adjoining land uses.

- Avoid potential adverse effects of activities on the environment.
- Provides certainty for developers as to the level of protection and avoidance of adverse effects is expected.
- Natural features are protected.
- Sets controls on activities to avoid, remedy or mitigate adverse effects.

**Costs**
- Potential limitations on developers.

**Efficient and Effective**
- The benefits provided by these policies outweigh the costs. The policies are effective as they ensure that developments minimise their impact on the natural landscape and features.

### Policies most appropriate to achieve the objective:

#### 3.3.7
A range of well-connected functional public open spaces.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3.3.7a</strong></td>
<td>The location and size of public open spaces is provided in accordance with Council’s Open Space Plan/Strategy.</td>
</tr>
<tr>
<td><strong>3.3.7b</strong></td>
<td>Recreational activities are considered for co-location with:</td>
</tr>
<tr>
<td>i. Multifunctional stormwater management.</td>
<td><strong>Benefits</strong></td>
</tr>
<tr>
<td>ii. Walkways and cycleways.</td>
<td>- The community will have a range of functional open spaces.</td>
</tr>
<tr>
<td>iii. Cultural and heritage sites.</td>
<td>- Greater amenity for residents.</td>
</tr>
<tr>
<td>iv. Significant Natural Areas.</td>
<td>- The open space and green nature of residential areas are maintained and enhanced.</td>
</tr>
<tr>
<td><strong>3.3.7c</strong></td>
<td>Promote appropriate and improved access to the Waikato River for the people and communities of Hamilton.</td>
</tr>
</tbody>
</table>

**Costs**
- Costs to developers and Council in providing the level of open space required and providing for improved access to the Waikato River.

**Efficient and Effective**
Waikato River shall be promoted to better enable sporting, recreational and cultural opportunities.  

- The benefits provided by these policies outweigh the costs. The policies are effective as they ensure that open space and recreation is provided for people and communities in an efficient manner.

**Risks**

Risks of acting or not acting.

- The risks of acting are creating a regulatory burden. However it is considered that the provisions as drafted are appropriate.
- The risks of not acting are adverse effects on the environment if development is not well planned or integrated.

It is considered that there is sufficient information to support the approaches being taken.

### 3.4 Objectives – Peacocke Structure Plan

#### Peacocke Natural System

**Objective most appropriate to achieve the purpose of the Act:**

<table>
<thead>
<tr>
<th>Objective</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.4.1.1</td>
<td>Protect and enhance significant natural areas.</td>
</tr>
<tr>
<td></td>
<td>This objective is most appropriate because it:</td>
</tr>
<tr>
<td></td>
<td>- Promotes the sustainable management of natural and physical resources by ensuring that significant natural features are protected and enhanced.</td>
</tr>
<tr>
<td></td>
<td>- Helps to sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations by ensuring that significant natural features are appropriately responded to.</td>
</tr>
<tr>
<td></td>
<td>- Helps to safeguard the life-supporting capacity of air, water, soil, and ecosystems.</td>
</tr>
<tr>
<td></td>
<td>- Avoids, remedies, or mitigates any adverse effects of activities on the environment.</td>
</tr>
<tr>
<td></td>
<td>- Will assist in maintaining and enhancing amenity values and the quality of the environment.</td>
</tr>
</tbody>
</table>

| 3.4.1.2   | Create ecological and open space links between gully and River. |
|           | This objective is the most appropriate because it will ensure that people and communities have an open space network which allows them to provide for their social and cultural wellbeing and their health and safety. |
|           | This objective will also contribute towards achieving section 6(a) of the Act; preservation of natural character, 6(c) protection of areas of significant indigenous flora and fauna, 6(d) maintenance and enhancement of public access, 7(c) the maintenance and enhancement of amenity values and 7(f) the |
### 3.4.1.3
**Development only on suitable slopes and avoid modification of landforms.**

This objective is most appropriate because it:

- Promotes the sustainable management of natural and physical resources by ensuring that development avoids modifying the landscape which protects and enhances the natural environment.
- Helps to sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations by ensuring that development avoids modifying the landscape.
- Avoids, remedies, or mitigates any adverse effects of activities on the environment.
- Enables people and communities to provide for their health and safety by ensuring that development only takes places on suitable slopes.
- Will also assist in maintaining and enhancing amenity values and the quality of the environment.

### Peacocke Built Environment

<table>
<thead>
<tr>
<th><strong>Objective most appropriate to achieve the purpose of the Act:</strong></th>
</tr>
</thead>
</table>
| **3.4.1.4**  
Integrate movement routes with surrounding neighbourhoods. | This objective is most appropriate because:
- An integrated pattern of land use and transportation will facilitate the efficient use and development of land and infrastructure.
- An integrated approach to land and transport will assist in avoiding, remedying or mitigating adverse effects of activities on the environment.
- It promotes the sustainable management of land and infrastructure as key physical resources.
- Enables people and communities to provide for their social, economic and cultural wellbeing by facilitating access and mobility.

This objective ensures consideration of how people move around the structure plan area. Such an approach contributes to:

- Sustaining the potential of the transport network to meet the reasonably foreseeable needs of future generations.
- Avoiding or mitigating adverse effects on the environment. |
<table>
<thead>
<tr>
<th>Section 32 –Operative District Plan</th>
<th>Hamilton City Council</th>
</tr>
</thead>
</table>
| **3.4.1.5** Ensure that higher density development is linked to social and natural amenity. | Environment.  
- The maintenance of amenity values.  
- This objective is most appropriate to achieve the purpose of the Act because it encourages higher density development to also have social and natural amenity (e.g., recreation, open space, close to community facilities).  
- This enables people and communities to provide for their social and cultural wellbeing. It also contributes to the maintenance and enhancement of amenity values. |
| **3.4.1.6** Encourage an overlapping mix of land uses. | This objective is most appropriate because it promotes a mix of land uses and activities capable of meeting the diverse needs of the community enabling people and communities to provide for their social, economic, and cultural wellbeing.  
- The scale and distribution of activities is capable of providing for both the needs of the emerging local community and those of wider city community.  
- Grouping different land use activities also enables an appropriate amenity standard to be achieved which contributes to the maintenance and enhancement of amenity values. |
| **3.4.1.7** Provide a public edge to the gully and River. | This objective is the most appropriate because:  
- It protects the gully and the River from development pressures along its edges by providing for public space.  
- The Waikato River is the most important landscape feature of the structure plan area and it is a nationally significant waterway. This objective helps to manage this resource appropriately.  
- It assists with bank stability, provides amenity, contributes to cultural values, preserves ecological functions, and assists with stormwater management and habitat protection.  
- Enables natural and cultural features like gully systems and remnant indigenous vegetation to be accommodated positively within urban development.  
- Protects the gully and Waikato River as important ecological, historical and cultural areas by providing for reserves with associated amenity benefits. |
3.4.1.8
Utilise natural promontories and edges to develop distinct urban areas.

- This objective is the most appropriate because it focuses on using the natural landscape to define urban areas. This enables people and communities to provide for their social wellbeing and contributes to the amenity of the area by providing distinct urban areas which incorporate natural features.

3.4.1.9
Locate neighbourhood centres within walking distance to recreational areas.

- This objective is the most appropriate because it enables people and communities to provide for their economic, social and cultural wellbeing by ensuring that their day to day needs can be met by providing neighbourhood centres and recreational areas within close proximity. This helps to create a community focal point. It also encourages walking which has health benefits and environmental benefits.

3.4.1.10
Future-proof the Peacocke Structure Plan area.

- This objective is the most appropriate as it recognises the significance of the Peacocke Structure Plan area to Hamilton City and the wider sub-region (being Hamilton, Waipa and Waikato Districts).
- It promotes the sustainable management of the land resource by ensuring that the area is ‘future-proofed’ which will enable people and communities to provide for their social, economic and cultural wellbeing as well as meeting the needs of future generations.

### Peacocke Social Well Being

**Objective most appropriate to achieve the purpose of the Act:**

3.4.1.11
Locate large recreation areas on flat sites at the periphery of dense urban areas.

- This objective is the most appropriate because it will ensure that people and communities have large areas of recreational space in good locations. This allows them to provide for their social and cultural wellbeing and their health.
- It also encourages large recreation spaces to be located close to dense urban areas which provides social and natural amenity.
- More recreational opportunities can be gained from large areas on flat sites.

3.4.1.12
The neighbourhood as the building block of the area.

- This objective is the most appropriate because it enables people and communities to provide for their economic, social and cultural wellbeing by ensuring that developments are based on creating neighbourhoods. This encourages community focal points, better linkages and builds on the
<table>
<thead>
<tr>
<th>3.4.1.13</th>
<th>3.4.1.14</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Create a continuous network of open space.</strong></td>
<td><strong>Regenerate existing suburbs through shared amenities.</strong></td>
</tr>
</tbody>
</table>
| • This objective is the most appropriate because it will ensure that people and communities have a network of open space which allows them to provide for their social and cultural wellbeing and their health.  
• These open spaces often contain a variety of uses and values therefore this objective will also contribute towards achieving section 6(a) of the Act, preservation of natural character, 6(c) protection of areas of significant indigenous flora and fauna, 6(d) maintenance and enhancement of public access, 7(c) the maintenance and enhancement of amenity values and 7(f) the maintenance and enhancement of the quality of the environment. | • This objective is most appropriate because it focuses on improving existing suburbs through shared amenities such as parks, recreation and neighbourhood centres. This enables people and communities to provide for their social, economic and cultural wellbeing. It also enhances amenity values.  
• This objective promotes the sustainable use of natural and physical resources but encourages shared services and facilities to enhance amenity. |
## Peacocke Cultural Environment

### Objective most appropriate to achieve the purpose of the Act:

**3.4.1.15**
Protect historic and culturally significant sites or features.

**3.4.1.16**
Protect surrounding rural views behind ridgelines, distant views to the City and regional landscape features.

- Recovering cultural landscape values is a key aspect of planning for urban development at Peacocke.
- Historically the gullies and river were important sites for Maaori and large areas of land adjoining these features were inhabited. These objectives provide for the protection of historic and culturally significant sites and protect views.
- The objectives are the most appropriate because they promote the sustainable management of natural and physical resources (land and structures) and enable people and communities to provide for their social and cultural wellbeing by protecting culturally important sites and protecting view shafts. It also helps to ensure that these are protected for future generations.
- These objectives also avoid, remedy and mitigate the adverse effects of development on the environment by protecting these features.

### Objectives not the most appropriate to achieve the purpose of the Act:

- A narrower range of objectives which focuses on development and infrastructure only.
  - This approach is not appropriate as it fails to provide for the wellbeing of people and communities and it does not avoid, remedy and mitigate adverse effects on the environment. Such an approach would not take into account the natural and cultural environment and it would not incorporate an overarching urban design strategy.

- No objectives – rely on existing zonings with no provisions relating to Peacocke structure planning.
  - This would not achieve the purpose of the Act as it would not allow for people and communities to provide for their economic and social wellbeing.
  - Having no objectives or policy framework for the Peacocke area could encourage out of sequence or sporadic urban development at a higher environmental and financial cost.
  - This would not provide certainty to residents, landowners and developers as to the future form of development.
  - It is also difficult for landowners or developers and Council to make land use and investment decisions without any certainty as to either timing
3.5 Policies – Peacocke Structure Plan

Peacocke Natural System

*Policies most appropriate to achieve the objective:*

**3.4.1.1**
Protect and enhance significant natural areas.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.4.1.1a</td>
<td>Protect the physical integrity and ecological and stormwater function of the Mangakotukutuku Gully and Waikato River margins.</td>
</tr>
<tr>
<td>3.4.1.1b</td>
<td>Provide an undeveloped open space buffer zone beyond the top edge of the Mangakotukutuku Gully and Waikato River to improve legibility from all parts of the growth cell.</td>
</tr>
<tr>
<td>3.4.1.1c</td>
<td>Encourage lower density development (lot sizes of 800m²+) along the gully network.</td>
</tr>
<tr>
<td>3.4.1.1d</td>
<td>Provide for revegetated gullies and river margins.</td>
</tr>
<tr>
<td>3.4.1.1e</td>
<td>Manage stormwater to minimise the effect of urban development on Mangakotukutuku stream values and functions, maintain the ability of the stream to continue to provide habitat for threatened aquatic species and minimise adverse effects on the stream water quality and habitat.</td>
</tr>
</tbody>
</table>

**Benefits**
- The creation of an area of reserve in the Mangakotukutuku Gully and Waikato River margins helps to protect the natural environment as well as enabling the establishment of recreational nodes.
- Creates a buffer around areas that have been identified as being ecologically sensitive. These areas contain regionally significant flora and fauna which need to be protected.
- Provides for environmentally sensitive stormwater options.
- Protects the gully, river and stream from the adverse effects of development.
- Enhances the environment of the gully and river by providing for re-vegetation.
- Safeguards the Mangakotukutuku stream.
- Protects the intrinsic value of these ecosystems.

**Costs**
- The costs of vesting land as a public reserve and also of acquiring any additional land for this reserve.
- Costs to developers and Council of re-vegetation, and managing and minimising the effects of stormwater.

**Efficient and Effective**
- The policies are effective as the benefits provided are considered to outweigh the costs. The policies are efficient as they ensure that the gully, stream and river are protected and the surrounding environment is enhanced.
### Policies most appropriate to achieve the objective:

**3.4.1.2**
Create ecological and open space links between gully and river.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3.4.1.2a</strong></td>
<td>Provide green corridors between the major arms of the Mangakotukutuku Gully and Waikato River.</td>
</tr>
<tr>
<td><strong>3.4.1.2b</strong></td>
<td>Align collector and local street networks to create strong physical and visual connections between the gully system and the River.</td>
</tr>
<tr>
<td><strong>3.4.1.2c</strong></td>
<td>Provide a green corridor along the Waikato River that provides pedestrian and cycling facilities and amenity.</td>
</tr>
</tbody>
</table>
| **Benefits** | • The policies have the following benefits.  
• The community will have a range of functional open spaces.  
• Greater amenity for residents.  
• The open space and green nature of residential areas is maintained and enhanced.  
• Better links to the River.  
• Provides for recreational activities.  
• Provides for the open space network to be interconnected thereby improving amenity and encouraging greater efficiencies.  
• Recognises the importance of the links between the gully and the Waikato River for the people and communities of Hamilton.  
| **Costs** | • Costs to developers in providing the level of open space required.  
• Costs to the developers and Council of aligning collector and street networks in a way that creates a physical and visual connection between the gully and River.  
| **Efficient and Effective** | • The benefits provided by these policies outweigh the costs. The policies are effective as they ensure that open space and recreation is provided for people and communities in an efficient manner and that ecological features are protected. |

### Policies most appropriate to achieve the objective:

**3.4.1.3**
Develop only on suitable slopes and avoid modification of landforms.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3.4.1.3a</strong></td>
<td>Slopes steeper than 15</td>
</tr>
<tr>
<td><strong>Benefits</strong></td>
<td></td>
</tr>
</tbody>
</table>
degrees are regarded as unsuitable for development given accessibility, stability and extent of earthworks required.

3.4.1.3b
Large-scale earthworks and modifications to landforms should be avoided to ensure development responds positively to the landscape and enables and enables the creation of a distinctive urban form.

- The policies have the following benefits.
- Reduces adverse effects on people and communities and contributes to their health and safety by ensuring that development does not occur on steep slopes.
- Greater amenity for residents.
- Retains and enhances landscape features.
- Enables urban development to respond positively to the landscape character of the area.
- Avoids unduly modifying the natural environment.

Costs
- Development may be restricted in some areas.

Efficient and Effective
- The benefits provided by these policies outweigh the costs. The policies are efficient as they ensure that the landscape is not unduly modified and is retained and enhanced where possible, contributing to the amenity and protecting the environment of the area.

Peacocke Built Environment

Policies most appropriate to achieve the objective:

3.4.1.4
Integrate movement routes with surrounding neighbourhoods.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.4.1.4a</td>
<td>Benefits</td>
</tr>
<tr>
<td></td>
<td>Ensures that the street network takes into account the primary movement routes so that these function efficiently and effectively.</td>
</tr>
<tr>
<td></td>
<td>Provides better access and mobility for people and communities.</td>
</tr>
<tr>
<td></td>
<td>Ensures that the City’s existing and planned transport infrastructure is not compromised.</td>
</tr>
<tr>
<td></td>
<td>Seeks to reduce the impact of major movement barriers which can hinder access and mobility.</td>
</tr>
<tr>
<td>3.4.1.4b</td>
<td>Integrate land use activities with transport.</td>
</tr>
<tr>
<td>3.4.1.4c</td>
<td>Costs</td>
</tr>
<tr>
<td></td>
<td>Impact on landowners of having to design an appropriate transport network.</td>
</tr>
</tbody>
</table>
the integrated transport network.

3.4.1.4d Seek ways to reduce the impact of major movement barriers such as major arterial roads, the Mangakotukutuku Gully and the Waikato River.

### Efficient and Effective

- The benefits of these policies outweigh their costs.
- These policies will be efficient and effective to achieve the objective as they are very clear about integrating movement routes with surrounding neighbourhoods by ensuring there are primary movement routes, creating strong connectivity, enabling access to key facilities and reducing the impact of movement barriers.

### Policies most appropriate to achieve the objective:

3.4.1.5 Ensure that higher density development linked to social and natural amenity.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| 3.4.1.5a Increase density around nodes, parks and riverfront areas. | **Benefits**
| 3.4.1.5b Take advantage of areas of high amenity. | • Provides improved amenity for residents.
| 3.4.1.5c Intersect proposed passenger transport routes with nodes for critical mass of population and efficient interchange capabilities. | • Provides for a range of housing types.
| 3.4.1.5d Encourage urban form that reduces dependency on the car by focusing on intensification and encourages walking, cycling and the use of Passenger transport. | • Helps to ensure that higher density development will be successful by ensuring that it has high amenity.
| | • Encourages the use of public transport and walking/cycling with associated environmental, social and economic benefits of using these modes of transport.
| | • Improves people’s access and mobility.
| | **Costs**
| | • Costs to developers of ensuring that high density development occurs in particular areas.
| | • Cost of providing public transport, walking and cycle links.
| | **Efficient and Effective**
| | • The benefits of these policies outweigh their costs.
| | • These policies will be efficient and effective to achieve the objective as they link high density development with areas of amenity as well as ensuring that these areas are supported by public transport, walking and cycling.
### Policies most appropriate to achieve the objective:

#### 3.4.1.6
Encourage an overlapping mix of land uses.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| **3.4.1.6a**  
Provide a wide variety of land use activities within comfortable walking distance of the highest population densities and amenity. | **Benefits**  
• Promotes a mix of land uses and activities capable of meeting the diverse needs of the community.  
• Provides activities within walking distance of residential areas which encourages reduced car travel.  
• Provides greater amenity for residents.  
• Encourages compatible activities which will reduce adverse effects on people and communities and avoid reverse sensitivity issues.  
• Social and economic benefits associated with a vibrant town centre and suburb. |
| **3.4.1.6b**  
Use mixed-use planning rules to encourage a diverse and compatible range of activities, both vertically and horizontally. | **Costs**  
• Costs associated with ensuring the uses are compatible and reverse sensitivity effects are avoided. |

**Efficient and Effective**  
• Enabling the establishment of a wide variety of land uses is an effective mechanism for contributing to a vibrant suburb and town centre.  
• The benefits of these policies outweigh their costs.

### Policies most appropriate to achieve the objective:

#### 3.4.1.7
Provide a public edge to the gully and river.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| **3.4.1.7a**  
Avoid new development ‘turning its back’ or privatising edges to major natural features and recreational areas. | **Benefits**  
• Provides improved amenity for residents.  
• Provides for CPTED principles to be adhered to.  
• Encourages the use of public transport and walking or cycling with associated environmental, social and economic benefits of using these modes of transport.  
• Improves people’s access and mobility. |
| **3.4.1.7b**  
Avoid the creation of access barriers to allow for a wide spectrum of the resident |
population and visitors to physically access or visually interact with these features.

### Costs
- Costs to developers of ensuring that development occurs in particular areas.
- Cost of providing public transport, walking and cycle links.

#### Efficient and Effective
- The benefits of these policies outweigh their costs.
- These policies will be efficient and effective to achieve the objective as they link high density development with areas of amenity as well as ensuring that these areas are supported by public transport, walking and cycling.

### Policies most appropriate to achieve the objective:

#### 3.4.1.8
Utilise natural promontories and edges to develop distinct urban areas.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| **3.4.1.8a**
Use natural features to define neighbourhood edges and inform the development of a diverse range of living environments across the growth cell. |
| **Benefits**
- Utilises the character of the existing natural landscape and defining landscape elements to reinforce the living environment of neighbourhoods.
- Greater diversity and amenity for residents.
- The open space, natural features and green nature of the riverside area is maintained and enhanced.
- Creates a vibrant and unique place that capitalises on the riverside and its niche relationship with the Waikato River.
- Better links to the River. |
| **Costs**
- Costs to developers of ensuring that development occurs in particular riverside areas.
- Increased development costs which are sympathetic to local landscape character. |
| **Efficient and Effective**
- The benefits provided by these policies outweigh the costs.
- The policies are effective as they ensure that natural features are protected and open space and recreation is provided for people and communities in an efficient manner. |
### Policies most appropriate to achieve the objective:

#### 3.4.1.9
Locate neighbourhood centres within walking distance of recreational areas.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3.4.1.9a</strong> Development should be contained in distinctive neighbourhoods that are walkable and safe and linked by a high quality open space network.</td>
<td><strong>Benefits</strong>&lt;br&gt;The policies have the following benefits.&lt;br&gt;• The community will enjoy improved accessibility and permeability between neighbourhoods.&lt;br&gt;• Greater amenity for residents.&lt;br&gt;• Encourages walking with associated social, health and environmental benefits.&lt;br&gt;• Improves people’s safety.&lt;br&gt;• Improves access and mobility.&lt;br&gt;<strong>Costs</strong>&lt;br&gt;• Costs to developers and Council of providing the level of open space required and safe walking routes.&lt;br&gt;<strong>Efficient and Effective</strong>&lt;br&gt;• The benefits provided by this policy outweigh the costs.&lt;br&gt;• The policy is effective as it ensures that neighbourhoods are walkable and that high quality open space is provided for people and communities. This has social and environmental benefits.&lt;br&gt;• The policy helps to ensure that Peacocke has a high quality urban environment that is based on design excellence, social wellbeing, and environmental responsibility.</td>
</tr>
</tbody>
</table>

### Policies most appropriate to achieve the objective:

#### 3.4.1.10
Future-proof the Peacocke Structure Plan area.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3.4.1.10a</strong> Recognition of the role of Peacocke in the City as well as the sub-region.</td>
<td><strong>Benefits</strong>&lt;br&gt;• Ensuring that development is comprehensively planned and integrated with the provision of City infrastructure and services.&lt;br&gt;• Certainty for owners and developers regarding the development of this land and what it will be used</td>
</tr>
</tbody>
</table>
for.
- Long-term community benefits resulting from addressing planning and relevant resource management issues in advance of subdivision.
- It promotes the sustainable management of the land resource by ensuring that the area is ‘future-proofed’ which will enable people and communities to provide for their social, economic and cultural wellbeing as well as meeting the needs of future generations.

**Costs**
- Restrictions on the range of activities and management of the development at Peacocke.
- Potential higher costs in terms of the development needing to comply with these policies.

**Efficient and Effective**
- The provisions are designed to encourage an appropriate and efficient use of land and infrastructure to enable growth.
- The policy provides an overall, strategic City-wide framework for the development.

### Policies most appropriate to achieve the objective:

**3.4.1.11**
Locate large recreation areas on flat sites at the periphery of dense urban areas.

<table>
<thead>
<tr>
<th>Policies</th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Benefits</strong></td>
<td></td>
</tr>
<tr>
<td>3.4.1.11a Locate formal sports pitches on slopes less than 1:50 and of sufficient coverage to avoid large quantities of cut and fill.</td>
<td>- Responds to the character of the existing natural landscape in a way that recognises the key defining landscape elements of an area.</td>
</tr>
<tr>
<td><strong>Costs</strong></td>
<td></td>
</tr>
<tr>
<td>3.4.1.11b Locate large recreational areas on the periphery of higher density areas where a balance can be struck between proximity and the impact these large areas have on critical population catchments.</td>
<td>- Potential restrictions on where development can occur.</td>
</tr>
<tr>
<td><strong>Efficiency and Effectiveness</strong></td>
<td></td>
</tr>
<tr>
<td>3.4.1.11c Locate formal sports fields on collector or minor arterial routes to ensure the</td>
<td>- The benefits provided by these policies outweigh the costs.</td>
</tr>
<tr>
<td></td>
<td>- The policies are effective as they ensure that</td>
</tr>
</tbody>
</table>
sustainable use of the roading network and limit impact on surrounding neighbourhoods.

development doesn’t undermine the natural environment.
- The policies also ensure a network of open space and recreation is provided for people and communities in an efficient manner.

**Policies most appropriate to achieve the objective:**

### 3.4.1.12
Develop the neighbourhood as the building block of the area.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| **3.4.1.12a** Establish an integrated network of neighbourhoods, each distinctive and each with its core and sense of place. | **Benefits**
- Ensures neighbourhood centres take into account the primary movement routes so these function efficiently and effectively. 
- Provides better access and mobility for people and communities between neighbourhoods.
- Seeks to reduce the impact of major movement barriers which can hinder access and mobility.
- Integrates land use activities with the local resident population.
- Promotes alternative modes which have social, economic and environmental benefits.
- Improves access and mobility. **Costs**
- Impact on landowners of having to design an appropriate legible and connected neighbourhood network. |
| **3.4.1.12b** Focus neighbourhoods around parks, schools, centres, and main streets. | **Efficient and Effective**
- The benefits of these policies outweigh their costs.
- These policies will be efficient and effective to achieve the objective as they are very clear about integrating movement routes. |

---

**Peacocke Social Well Being**

**Policies most appropriate to achieve the objective:**

### 3.4.1.13
Create a continuous network of open space.
<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| **3.4.1.13a** Establish a series of green spaces providing connections and meeting places. | **Benefits**  
- The community will have a range of functional open spaces.  
- Greater amenity for residents.  
- The open space and green nature of residential areas is maintained and enhanced.  
- Recognises the importance of access to the Waikato River for the people and communities of Hamilton.  
- Better links to the River.  
**Costs**  
- Costs to developers and Council in providing the level of open space required and providing for improved access to the Waikato River.  
**Efficient and Effective**  
- The benefits provided by these policies outweigh the costs.  
- The policies are effective as they ensure that open space and recreation is provided for people and communities in an efficient manner. |
| **3.4.1.13b** Ensure a high level of public access to the Waikato River corridor. | **Benefits**  
- Focus on improving existing suburbs through shared amenities such as parks, recreation and neighbourhood centres.  
- Enhances amenity for residents.  
- Encourages greater efficiencies for infrastructure and facilities.  
- Benefits for existing communities by providing improved infrastructure and amenities.  
- Potential cost savings.  
- Better urban design outcomes.  
**Costs**  
- Ensuring that amenities are designed with enough |

**Policies most appropriate to achieve the objective:**

**3.4.1.14** Regenerate existing suburbs through shared amenities.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| **3.4.1.14a** Utilise new investment as an opportunity to improve or develop new amenities where deficiencies are recognised and allow new residents to ‘tap’ into and help sustain existing community structures. | **Benefits**  
- Focus on improving existing suburbs through shared amenities such as parks, recreation and neighbourhood centres.  
- Enhances amenity for residents.  
- Encourages greater efficiencies for infrastructure and facilities.  
- Benefits for existing communities by providing improved infrastructure and amenities.  
- Potential cost savings.  
- Better urban design outcomes.  
**Costs**  
- Ensuring that amenities are designed with enough |
Integrate into the existing urban form and natural and built environments. | capacity for existing residents.  
Efficient and Effective  
- The benefits provided by these policies outweigh the costs.  
- The policies are effective and efficient as they ensure opportunities for shared amenities are taken advantage of which provides social and economic benefits.

Peacocke Cultural Environment

**Policies most appropriate to achieve the objective:**

3.4.1.15  
Protect historic and culturally significant sites or features.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.4.1.15a</td>
<td></td>
</tr>
</tbody>
</table>
Respect known pa sites, burrows pits and other cultural associations with waterways and the land, through the creation of protective reserves or enlightening developers to ways of integrating these features into new development for the benefit of all stakeholders.  
**Benefits**  
The policies have the following benefits.  
- Protects cultural landscapes.  
- Avoids potential adverse effects of activities on the cultural environment.  
- Improved amenity.  
- Encourages the recovering of cultural landscape values.  
- Protects historic and culturally significant sites.  
- Ensures that significant sites and features are retained for future generations.  
**Costs**  
- Potential limitations on developers.  
**Efficient and Effective**  
- The benefits provided by these policies outweigh the costs.  
- The policies are effective as they ensure that historic and culturally significant sites are protected and that development minimises its impact on the cultural landscape and features. |

3.4.1.16  
Protect surrounding rural views behind ridgelines, distant views to City and regional landscape features.
2.4.1.16a
Maintain strategic views from Peacocke Road and the localised knoll near Peacocke Lane to areas outside the growth cell through lower density development and greater building setbacks in these locations.

3.4.1.16b
Restrict the impact of higher density areas on the rural character by generally containing visual effects within the catchment area of the Mangakotukutuku Gully.

3.4.1.16c
Provide greater building setbacks along the Ohaupo and Peacocke Road ridgelines and minimise reverse sensitivity effects of rural activities on urban land uses.

3.4.1.16d
Provide for lower density development (lot sizes of 1000m²+) in areas of undulating topography.

Benefits
The policies have the following benefits:
- Protects view shafts.
- Improved amenity.
- Better urban design outcomes.

Costs
- Potential limitations on developers.

Efficient and Effective
- The benefits provided by these policies outweigh the costs.
- The policies are effective as they ensure that views are protected which will provide greater amenity for residents now and in the future and better design outcomes.

Risks
Risks of acting or not acting.
- The risks of acting are creating a regulatory burden. However it is considered that the provisions as drafted are appropriate.
- The risks of not acting are adverse effects on the environment if developments are not well planned or integrated.

It is considered that there is sufficient information to support the approaches being taken.

3.6 Objectives – Rototuna Structure Plan

**Objective most appropriate to achieve the purpose of the Act:**

| 3.5.1.1 | This objective is appropriate because it: |
| **Minimisation of stormwater quantity and increased quality.** | • Promotes the sustainable management of stormwater.  
• Ensures that stormwater is managed to minimise the effects of urban development on the values and functions of the existing hydrological network, water quality and natural habitats.  
• Encourages natural environment-based systems.  
• Encourages development to be designed in a way that incorporates low impact urban design and development measures.  
• Minimises adverse effects on the environment.  
• Sustains the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations. |
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<tbody>
<tr>
<td><strong>3.5.1.2 Incorporate low impact urban design and development measures into developments.</strong></td>
<td>This objective is most appropriate because it promotes the sustainable management of natural and physical resources by encouraging low impact urban design such as avoiding or minimising impervious surfaces, minimising earthworks during construction, and utilising vegetation to assist in trapping sediments and pollutants. This also avoids, remedies and mitigates adverse effects on the environment and promotes the efficient use of resources. The objective contributes to the maintenance and enhancement of amenity values.</td>
</tr>
</tbody>
</table>
| **3.5.1.3 Create a multi-modal transport network.** | This objective is most appropriate because:  
• It will ensure the efficient use and development of land and infrastructure by creating a multi-modal transport network.  
• Avoids, remedies and mitigates adverse effects on the environment by encouraging public transport, walking and cycling modes which reduces car dependence.  
• Enables people and communities to provide for their social, economic and cultural wellbeing by improving access and mobility. |
| **3.5.1.4 Create high quality urban developments.** | This objective enables people and communities to provide for their social, economic and cultural wellbeing by providing a well-designed and quality living environment. The objective also enhances and maintains amenity values. |

### 3.7 Policies – Rototuna Structure Plan

**Policies most appropriate to achieve the objective:**

| **3.5.1.1** |  |
Minimisation of stormwater quantity and increased quality.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| **3.5.1.1a** Development should minimise the amount of stormwater entering the piped drainage system and aid in the replenishment of natural reserves. | **Benefits**  
- Efficient and effective use of the water resource.  
- Improved water quality.  
- Protection of the natural environment.  
- Protection of the values and functions of the hydrological network and natural habitats.  
- Efficient use of piped drainage systems.  
**Costs**  
- Administrative costs for Council associated with processing applications and assessing compliance.  
- Compliance costs for developers.  
**Efficient and Effective**  
- The long term benefits of the efficient and effective use of the water resource far outweigh the costs of the process to achieve these outcomes. |
| **3.5.1.1b** Promote onsite management and disposal of stormwater wherever practicable. |  
| **3.5.1.1c** Minimise the effects of urban development on the values and functions of the existing hydrological network, water quality and natural habitats. |  
| **3.5.1.1d** New development should incorporate a natural environment-based stormwater system. |  

**Policies most appropriate to achieve the objective:**

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
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</thead>
<tbody>
<tr>
<td><strong>3.5.1.2</strong> Incorporate low impact urban design and development measures into developments.</td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| **3.5.1.2a** Avoid or minimise impervious surfaces, minimise earthworks during construction and utilise vegetation for trapping sediments and pollutants. | **Benefits**  
- Efficient and effective use of the water resource.  
- Improved water quality.  
- Protection of the natural environment.  
- Efficient use of piped drainage systems.  
- Avoids or minimises adverse effects on the environment.  
**Costs**  
- Administrative costs for Council associated with processing applications and assessing compliance.  
- Compliance costs for developers. |
### Efficient and Effective

- The benefits of this outweigh the costs. The policy is efficient and effective as it avoids or mitigates adverse effects on the environment and encourages the efficient use of natural resources.

### Policies most appropriate to achieve the objective:

#### 3.5.1.3
Create a multi-modal transport network.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.5.1.3a</td>
<td>Provide a transport network which encourages a choice of transport modes which is well connected and fit for purpose.</td>
</tr>
<tr>
<td>Benefits</td>
<td>The policies have the following benefits.</td>
</tr>
<tr>
<td>- Promotes alternative modes which have social, economic and environmental benefits.</td>
<td></td>
</tr>
<tr>
<td>- Improves access and mobility.</td>
<td></td>
</tr>
<tr>
<td>- Promotes and efficient transport network by providing for a choice of modes, good connections and a network that is fit for purpose.</td>
<td></td>
</tr>
<tr>
<td>- Minimises the effects on existing and future transport infrastructure.</td>
<td></td>
</tr>
<tr>
<td>Costs</td>
<td>- Costs to developers and Council of providing a network which encourages a choice of transport modes and ensuring it is well connected.</td>
</tr>
<tr>
<td>Efficient and Effective</td>
<td>- The benefits provided by these policies outweigh the costs.</td>
</tr>
<tr>
<td></td>
<td>- The policies are effective as they ensure that a choice of transport modes will be available. This will help to reduce the impacts on the existing and future road network as well as improving people’s access and mobility.</td>
</tr>
</tbody>
</table>

### Policies most appropriate to achieve the objective:

#### 3.5.1.4
Create high quality urban developments.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.5.1.4a</td>
<td>Encourage increased densities in areas of high amenity and close proximity to community and</td>
</tr>
<tr>
<td>Benefits</td>
<td>The policies have the following benefits.</td>
</tr>
<tr>
<td>- Provides improved amenity for residents.</td>
<td></td>
</tr>
</tbody>
</table>
### 3.5.1.4b
Encourage urban form that reduces dependency on private vehicles.

### 3.5.1.4c
New development should incorporate best urban design principles and create high quality and high amenity residential and commercial areas.

- Provides for a range of housing types.
- Helps to ensure that higher density development will be successful by ensuring that it has high amenity.
- Encourages walking to amenities, community facilities and commercial areas which has social, health and environmental benefits.
- Encourages reduced dependency on private vehicles which has social, economic and environmental benefits.
- Improves access and mobility.
- Minimises the effects on existing and future transport infrastructure.
- Encourages the use of best urban design principles which will provide for a high quality urban environment.

#### Costs
- Costs to developers of ensuring that high density development occurs in particular areas.
- Costs to developers and Council of incorporating the best urban design principles.

#### Efficient and Effective
- The benefits of these policies outweigh their costs.
- These policies will be efficient and effective to achieve the objective as they link high density development with areas of amenity.
- The policies also encourage an urban form that reduces dependency on private vehicles which is efficient and effective from an infrastructure cost point of view as well as having social and environmental benefits.
- The last policy is effective as it ensures that new development provides for a high quality urban environment.

### Risks

Risks of acting or not acting for this group of policies:

- The risks of acting are creating a regulatory burden. However it is considered that the provisions as drafted are appropriate.
- The risks of not acting are adverse effects on the environment if developments are not well planned or integrated.
It is considered that there is sufficient information to support the approaches being taken.

### 3.8 Objectives – Rotokauri Structure Plan

<table>
<thead>
<tr>
<th>Objective most appropriate to achieve the purpose of the Act:</th>
<th>This objective is most appropriate because it:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3.6.1.1</strong> Preservation of key natural features and topography that are characteristic of Rotokauri.</td>
<td>Promotes the sustainable management of natural and physical resources by ensuring that natural features and topography are preserved.</td>
</tr>
<tr>
<td></td>
<td>Helps to sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations by ensuring that characteristic natural features and topography of Rotokauri remain.</td>
</tr>
<tr>
<td></td>
<td>Helps to safeguard the life-supporting capacity of air, water, soil, and ecosystems.</td>
</tr>
<tr>
<td></td>
<td>Avoids, remedies, or mitigates any adverse effects of activities on the environment.</td>
</tr>
<tr>
<td></td>
<td>It will assist in maintaining and enhancing amenity values and the quality of the environment.</td>
</tr>
<tr>
<td><strong>3.6.1.2</strong> New urban development in Rotokauri is appropriately serviced.</td>
<td>This objective is most appropriate to achieve the purpose of the Act because:</td>
</tr>
<tr>
<td></td>
<td>It will ensure the efficient use and development of land and infrastructure.</td>
</tr>
<tr>
<td></td>
<td>An integrated approach to land development will assist in avoiding, remedying or mitigating adverse effects of activities on the environment.</td>
</tr>
<tr>
<td></td>
<td>It will ensure all necessary infrastructure is in place prior to residents, businesses and other activities establishing, thereby enabling people and communities to provide for their social, economic, and cultural wellbeing.</td>
</tr>
</tbody>
</table>

### 3.9 Policies – Rotokauri Structure Plan

<table>
<thead>
<tr>
<th>Policies most appropriate to achieve the objective:</th>
<th>Policies Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3.6.1.1</strong> Preservation of key natural features and topography that are characteristic of Rotokauri.</td>
<td><strong>3.6.1.1a</strong> Benefits</td>
</tr>
</tbody>
</table>
Development shall maintain the natural ridgelines.

### 3.6.1.1b
The central green corridor shall function as the principal stormwater drainage channel and a recreational and transportation corridor connecting a wider network of open spaces and natural features.

- Ensures development is complementary to the existing landscape character.
- Responds to the character of the existing natural landscape in a way that recognises the key defining landscape elements of an area.
- Maintains the open space and green nature of the area.
- Land is set aside for stormwater drainage as well as providing a recreational and transport corridor.
- Connects open spaces and natural features which enhances the amenity of the area.

### Costs
- Potential restrictions on where development can occur.

### Efficiency and Effectiveness
- The benefits provided by these policies outweigh the costs.
- The policies are effective as they ensure that development doesn’t undermine the natural environment.
- The policies also ensure a network of open space and recreation is provided for people and communities in an efficient manner.

**Policies most appropriate to achieve the objective:**

#### 3.6.1.2
New urban development in Rotokauri is appropriately serviced.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| **3.6.1.2a** Land for development shall not be released until it can be adequately serviced. | **Benefits**
The policies have the following benefits.
- Ensures that infrastructure is in place to support the development.
- Enables the efficient use of infrastructure.
- Provides for an orderly and co-ordinated approach to planning and funding infrastructure.
- Economic benefits for individuals and the community in the long-term by ensuring that infrastructure is planned for and in place.
- Promotes coordinated development and the provision of economic and efficient infrastructure.
- Development only occurs when key infrastructure
is in place.

- Efficiency, environmental, social and economic benefits to Council and the community from these policies which require development to have an appropriate level of infrastructure in place so that it does not occur without key services.
- Positive environmental effects from planning and putting in place appropriate infrastructure.
- Ensures that existing infrastructure is not compromised.

### Costs

- Costs associated with ensuring that the development has all of the necessary infrastructure in place.
- Restrictions may be imposed on some development in terms of its location or timing. Financial costs to developers of having their development staged.

### Efficient and Effective

- The benefits provided by these policies outweigh the costs.
- The policies are effective as they ensure that the appropriate infrastructure is in place to support development.
- These policies provide clear direction to developers and the community about the expectations of the level of infrastructure required. They are efficient because they link the progression of the development with the provision of infrastructure.

### Risks

Risks of acting or not acting for this group of policies:

- The risks of acting are creating a regulatory burden. However it is considered that the provisions as drafted are appropriate.
- The risks of not acting are adverse effects on the environment if developments are not well planned or integrated.

It is considered that there is sufficient information to support the approaches being taken.

### 3.10 Objectives – Ruakura Structure Plan (also see Appendix 1)

**Objective most appropriate to achieve the purpose of the Act:**
3.7.3.1 Land within the Ruakura Structure Plan Area will be developed in accordance with the vision for the Ruakura Structure Plan area set out in sections 3.7 and 3.7.1.

**Option 1: Objective which ensures land is developed in accordance with the Structure Plan vision**

This objective allows for a comprehensive development to occur. The vision provides a strategic context for the development which:

- Enables a significant new employment area and logistics hub, which has economic benefits for the City and the Waikato Region.
- Maximises the use of existing infrastructure investment.
- Provides opportunities for ongoing research, learning and innovation.
- Has comprehensively planned residential housing, which provides choice and affordability.
- Has a comprehensive network of well-planned open space.
- Integrates with the land use pattern of the City.

This vision allows for people and communities to provide for their economic and social wellbeing by enabling a significant employment area and logistics hub. Maximising the use of infrastructure is part of economic wellbeing as well as avoiding adverse effects on the environment. This approach removes pressure on the transport network by integrating transport network development with land use. It also reduces the need to build new infrastructure.

Providing for research, learning and innovation contributes to economic and social wellbeing as there are positive social and economic outcomes from this.

Allowing for comprehensively planned residential development which provides choice and affordability allows people’s social wellbeing to be met by facilitating a range of housing options to meet people’s needs, including encouraging affordable housing.

Open space is part of social wellbeing as it provides recreation opportunities. It also ties in with avoiding adverse effects on the environment through helping to manage stormwater and encouraging walking and cycling modes.

Integrating with the land use pattern of the City contributes to economic and social wellbeing as this provides greater efficiencies in terms of infrastructure, better connections and greater social cohesion.

**Option 2: Allow development to proceed in accordance with general zoning standards – no link**
This would not allow for a comprehensively planned development nor would there be any overarching strategic context.

This would not offer the level of certainty that the Structure Plan and its associated vision provides. There would be no comprehensive land-use plan for the area, which would make infrastructure planning and funding difficult. It would not allow people and communities to provide for their economic, cultural or social wellbeing as a number of the matters outlined in the vision would not necessarily be addressed.

For example the comprehensive approach to open space and integrating with the land-use pattern of the City. It would also not always avoid, remedy or mitigate adverse effects on the environment as it would encourage a more ad-hoc approach that doesn’t necessarily consider wider environmental effects.

**Reference 2012 section 32 analysis**

### 3.7.3.2
Development and land use activities provide for urbanisation in the Ruakura Structure Plan area and are designed, developed and implemented in a manner which protects the amenity values of surrounding communities and facilities.

*See Appendix 1*

### 3.7.3.3
New urban development within the Ruakura Structure Plan area is serviced by and integrated with the existing and future infrastructure network (Ruakura Strategic Infrastructure – See Figure 2-15 A and B)

*See Appendix 1*

### 3.7.3.4
An integrated and efficient pattern of land use and transportation.

*See Appendix 1*

### 3.7.3.5
Development maintains or enhances indigenous biodiversity values and

*See Appendix 1*
mitigates adverse effects on indigenous biodiversity.

<table>
<thead>
<tr>
<th>3.7.3.6</th>
<th>Option 1: Objective which ensures development at Ruakura doesn’t compromise the Central City</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land use and development in Ruakura Structure Plan occurs in a manner which does not compromise the vitality, functions and amenity of the central city and maintains a hierarchy of business centres in Hamilton.</td>
<td>A number of planning documents recognise the importance of the Central City. The Proposed Regional Policy Statement contains objectives, policies and methods which aim to support the Central City’s role as the primary retail, economic, business and social centre for the Future Proof sub-region. Ensuring that the Central City continues to play this role is part of providing for the economic, social and cultural wellbeing of people and communities in Hamilton.</td>
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<tr>
<th>Option 2: No objective which references the importance of the Central City</th>
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<tbody>
<tr>
<td>While this may have some benefits in terms of allowing the Ruakura development to proceed without the need to consider any impacts on the Central City, it would not meet the economic, social and cultural wellbeing of the wider Hamilton community. All development needs to occur in a way that is consistent with the City’s aims of supporting the Central City as the economic and social hub for the Waikato Region and Hamilton City.</td>
</tr>
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</table>

Reference 2012 section 32

<table>
<thead>
<tr>
<th>3.7.3.7</th>
<th>Option 1: Introduce the objective to develop the logistics hub</th>
</tr>
</thead>
<tbody>
<tr>
<td>The creation of a regionally significant inland port and logistics hub in Hamilton.</td>
<td>This objective is the most appropriate because the efficient distribution of freight has benefits in terms of economic, social and environmental wellbeing.</td>
</tr>
</tbody>
</table>

Freight costs have the effect of increasing the price New Zealander’s pay for imported goods and reducing the net price New Zealand exporters receive for the goods they export. A consequence of being relatively distant from other centres of economic activity is that increases in freight transport costs have a more severe impact on New Zealand than on more centrally-located countries.

Hamilton is strategically located within the so called Golden Triangle of Auckland, Tauranga and Hamilton. It is also well placed to access nationally significant infrastructure such as the Waikato Expressway and the East Coast Main Line. Other locational advantages include the ability to deliver a large development area in a single ownership where agglomeration and land cost benefits can be delivered. Functional |
performance will be improved when compared to a large number of dispersed freight hubs.

Chapter 3.2 of the 2011 Castalia report specifies the key economic drivers for the Ruakura hub as follows.

- Forecast growth in freight volumes (70% increase from 2006-2031).
- To provide opportunities for modal switch between road freight to rail.
- Enabling improvements in container movements.
- Enable improvements to port efficiency.
- Agglomeration effects and the effects of co-location.

The location of the freight terminal also has the potential to reduce the cost of congestion in Auckland. At present, a large proportion of national distribution facilities and intermodal terminals are located in South Auckland. The spatial arrangement of these facilities and terminals is fragmented. Their location contributes to congestion by adding trucks on the road between the ports of Auckland and these facilities. The Ruakura Hub will provide congestion benefit by:

- Enabling the relocation of distribution facilities (or the location of future distribution facilities) away from the congested areas in South Auckland.
- Providing a way to reach the distribution facilities located in South Auckland by road from the south, and enabling transfer to rail.

It is estimated that the freight terminal would result in 50,000 fewer road trips in and around the Auckland, Waikato and Bay of Plenty regions per annum based on current freight levels (2012 Castalia report).

The objective aligns strongly with the government’s policy on Roads of National Significance. Ruakura will be one of the key areas of urban development enabled by the Waikato Expressway supporting economic growth and productivity. The proposal is complementary to the objectives of the expressway and it has the potential to be an exemplar use of integrated land use, transport, and infrastructure planning and funding.

Investment decisions in regards to publically funded infrastructure such as the Waikato Expressway are normally assessed through looking at Benefit Cost Ratios (BCR). This is a measure of the public benefit obtained from an investment. NZTA have advised the
BCR for the Waikato Expressway is 1.4 (i.e. for every $1 invested there is $1.4 of benefits). The Castalia report indicates that when the Ruakura logistics hub, which is enabled by the Expressway, is taken into account the resultant BCR is 2.9. This is a significant change and ensures a far better return on investment for the tax payer.

Development in Ruakura represents a unique opportunity to develop an area of employment land, with a long term vision both in terms of the built form but also economic development. It is envisaged that Ruakura will be one of the primary drivers in business and employment growth and for the ongoing success of a growing Hamilton.

Overall it is considered that a logistic hub in Hamilton presents an excellent opportunity to develop nationally significant freight infrastructure which will result in a more efficient freight system and in net environmental benefits. The development of this land is the most appropriate way of achieving the purpose of the Act which is to “promote the sustainable management of natural and physical resources”. Sustainable management entails managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing while protecting environmental values.

No alternative sites for a logistics hub, with similar attributes are known. Should this objective not be included in the plan the most likely outcome would be a number of dispersed sites around Hamilton and Auckland, which will result in increased energy use and overall a less efficient freight network, and economy.

**Option 2: General industrial zoning**

The area has been identified in a number of strategic documents for employment growth. While a general industrial zone in the Logistics Zone area would not mean that logistics functions couldn’t be located on the land, it is clear that the strategic vision for the site would be lost to the detriment of potential benefits and efficiencies. It is noted that some general industrial parkland is proposed within the structure plan area, this is located in an area removed from the inland port area.

**Option 3: Residential development**

The area has not been identified for residential growth
in strategic documents. Some residential development is proposed in the wider Structure Plan area. Once again residential development in the Logistics Zoned area would dilute the strategic vision for the site to the detriment of potential benefits and efficiencies.

**Option 4: Retain as rural**

This land has already been identified for urban development in a number of strategic planning documents including the Proposed Regional Policy Statement 2010, the Future Proof Strategy and is identified in the Waikato District Plan as a future urban area. The land is seen as being strategically appropriate to accommodate some of Hamilton’s predicted growth, given its attributes including location and access to infrastructure.

The land was transferred to Hamilton City Council from Waikato District Council specifically to enable urban development.

Overall the land has been identified for a range of reasons as appropriate to accommodate urban growth. To retain it as rural may have impacts on other areas which would then be required to accommodate this growth and would be inconsistent with the council’s strategic vision for Hamilton.

*Reference 2012 section 32*

### 3.7.3.8

The continued development of a research, education, innovation and technological activity precinct in a manner which does not compromise the Central City.

**Option 1: Provisions which provide for a research, education, innovation and technology precinct without compromising the Central City**

This precinct provides further employment opportunities and is situated to capitalise on the location of the Waikato Innovation Park, AgResearch Campus and the University of Waikato. The Ruakura development and associated Structure Plan aims to create opportunities for the ongoing development of research, learning and innovation activities recognising the importance of this to the region. It is also important that this aspect of the development occurs in a manner which does not compromise the Central City, given that it will also be providing employment, supporting retail, office development and some mixed-use activities. A number of planning documents recognise the importance of Hamilton Central Business District. The Proposed Regional Policy Statement contains objectives, policies and methods which aim to support the Central City’s role as the primary retail, economic, business and social centre for the Future Proof sub-region. Ensuring that the Central City continues to play this role is part of
providing for the economic, social and cultural wellbeing of people and communities in Hamilton.

**Option 2: Provisions which provide for an unrestrained research, education, innovation and technology precinct**

While this may have some benefits in terms of allowing for research, education, innovation and technological activity at Ruakura to proceed without the need to consider any impacts on the Central City, it would not meet the economic, social and cultural wellbeing of the wider Hamilton community. All development needs to occur in a way that is consistent with the City’s aims of supporting the Central City as the economic and social hub for the Waikato Region and City.

**Option 3: No provision for a research, education, innovation and technology precinct**

The Knowledge Zone components of the Ruakura structure plan are a key part of the development. They reflect a future view of existing land use activities. Making no provision for this would not enable people and communities to contribute to their economic or social wellbeing as this unique opportunity to further develop the region’s research and innovation capabilities as well as expand the education sector could be lost.

*Reference 2012 section 32*

<table>
<thead>
<tr>
<th>3.7.3.9</th>
<th>The creation of a high quality Industrial Park in Ruakura.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Option 1: Provisions to be designed to provide for a particular type of industrial environment</strong></td>
<td>In designing the development concept for the site, particular attention has been given to promoting standards of amenity which will ensure a high quality industrial park environment. It will also assist adjoining land owners and institutions who seek clarity on the form of development envisaged. They also had concerns about some development which although not envisaged on the land could be established if the land had a general industrial zone.</td>
</tr>
<tr>
<td><strong>Option 2: Retain General Industrial Zoning – Let the market decide on development form</strong></td>
<td>The retention of a General Industrial Zoning on the land would have some benefits in terms of development flexibility. Also as the land is in predominantly single ownership it would not necessarily diminish the strategic vision for the development.</td>
</tr>
</tbody>
</table>

That said, given the size of the development area and
### 3.7.3.10
An integrated, well-planned residential environment.

**Option 1: Integrated, well-planned residential environment**

The opportunities offered by the proposal and the efficient use of land can best be maximised through an integrated and strategic approach to planning the development. The land has been identified for development in a number of strategic planning documents including the Future Proof Strategy and a Structure Plan has been developed for the wider R1 land. This includes the development of a small amount of residential land. The creation of specific zones which specify appropriate activities and development controls is seen as a vital component of the overall strategic approach to ensure that the long term positive environmental, economic and social effects of the development are optimised. This objective provides opportunities for linking housing and employment thereby encouraging a “live, work and play” approach.

**Option 2: Ad-hoc approach to development**

Would be unlikely to optimise the long term positive environmental, economic and social benefits of this land.

*Reference 2012 section 32*

### 3.7.3.11
A centre for locally based retail facilities capable of meeting the day to day needs of the immediate surrounding neighbourhoods.

**Option 1: Locally based retail facilities**

This objective enables the people and communities in the surrounding neighbourhoods to have access to local retail facilities which is important from an economic and social point of view. It is important the development contains some local retailing in order to support the surrounding neighbourhoods.

**Option 2: No provision for local facilities**

If no provision is made for local retailing then residents will have to travel elsewhere to meet their needs. This will not enable people to meet their economic and social needs in an effective or efficient manner.

*Reference 2012 section 32*

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**Objectives not the most appropriate to achieve the purpose of the Act:**

- the importance of the area for employment growth within Hamilton, it is considered desirable that there is clarity over development form, in particular a set of specific land uses and amenity controls which will promote a quality industrial park environment.

*Reference 2012 section 32*
No objectives – development at Ruakura not provided for.  
This would not achieve the purpose of the Act as it would not allow for the people and communities of Hamilton to provide for their economic and social wellbeing. Ruakura has been identified as a potential employment area and logistics hub / inland port for some time and this has been outlined in a number of planning documents. Ruakura provides a unique opportunity in terms of the development of a nationally and regionally significant logistics hub and inland port. It also provides employment opportunities and a research, innovation and learning precinct.

A narrower range of objectives.  
This would not achieve the purpose of the Act as objectives which are narrower in focus would be unlikely to achieve the broad environmental, social, economic and cultural outcomes expected under the Act. It would also not allow for an integrated approach to development.

Reference 2012 section 32

**Conclusion:** Taking into account the above, Council considers that the objectives for Ruakura in this chapter of the plan are the most appropriate to achieve the purpose of the Act.

### 3.11 Policies – Ruakura Structure Plan

**Policies most appropriate to achieve the objective:**

#### 3.7.3.1

Land within the Ruakura Structure Plan Area will be developed in accordance with the vision for the Ruakura Structure Plan set out in sections 3.7 and 3.7.1.

#### Policies

<table>
<thead>
<tr>
<th>3.7.3.1a</th>
<th>Effectiveness, efficiency, costs and benefits</th>
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</table>
| The expansion of the City to provide a significant new employment area based around the development of an inland port and regional logistics hub which will form a catalyst for further development and attract a wider range of business to the City. | Benefits  
• Ensuring that development is comprehensively planned and integrated with the provision of infrastructure and services.  
• Certainty for owners and developers regarding the development of this land and what it will be used for.  
• Long-term community benefits resulting from addressing planning and relevant resource management issues in advance of subdivision.  
• Ensures that development occurs in a way which maximises economic benefits, for example by providing for employment growth.  
• Logistics hub and inland port act as a business |

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<thead>
<tr>
<th>3.7.3.1b</th>
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<tr>
<td>Maximise the use of existing infrastructure investment, including the railway network, and align land-use</td>
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</table>
patterns with the area’s planned infrastructure investment to achieve integrated transport and land use development; with an emphasis on logistics and freight.

3.7.3.1c
Create opportunities for the ongoing development of research, learning and innovation activities; recognising the importance of the University of Waikato, the AgResearch Campus and the Waikato Innovation Park to the City and the region.

3.7.3.1d
Develop comprehensively planned areas of residential housing connecting with Fairview Downs, providing a range of housing choice.

3.7.3.1e
Configure land uses around a comprehensive network of well-connected open spaces that will perform multiple functions including recreation, stormwater management, cycleways, and walkways, ecological and amenity.

3.7.3.1f
An area of new development within the City which is integrated and complimentary with the existing and planned land use pattern for the City.

attractor to the region which will have economic benefits.

- Ensuring that opportunities for ongoing development of research, learning innovation activities can be taken advantage of given that these have significant economic and social benefits.

- Provides a significant new employment area on the eastern side of the City. This will provide a more balanced land use pattern on the eastern side of the City from that which currently exists.

Costs

- Restrictions on the range of activities and management of the development at Ruakura.

- Potential higher costs in terms of the development needing to comply with these policies.

Efficient and Effective

- The provisions are designed to ensure that potential adverse effects of the development can effectively be planned for and managed. These policies will be efficient and effective to achieve the objective as they are very clear about the form of development envisaged. They also encourage an appropriate and efficient use of land and infrastructure to enable growth. The policies provide an overall framework for the development.

*Reference 2012 section 32*

<table>
<thead>
<tr>
<th>Policies most appropriate to achieve the objective:</th>
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<tbody>
<tr>
<td>3.7.3.2 Development and land use activities provide for urbanisation in the Ruakura Structure Plan area are designed, developed and implemented in a manner which protects the amenity values of surrounding communities and facilities, while providing for urbanisation.</td>
</tr>
</tbody>
</table>
### 3.7.3.2a
Development and land use will:

i. For existing and future residential activities ensure an appropriate level of amenity; and

ii. Ensure an appropriate level of amenity in relation to existing and future facilities in the University of Waikato, Waikato Innovation Park and AgResearch.

This will be achieved by:

i. Mitigating the adverse effects of noise, vibration, lighting, glare, odour, dust, and air emissions; and

ii. Ensuring attractively designed buildings and landscaped frontages to key public frontages; and

iii. Screening and landscaping adjoining sensitive activities.

### 3.7.3.2b
Land use, subdivision and development of the Ruakura Structure Plan will be undertaken in accordance with Figures 2-14, 2-15A and B, 2-16, 2-17 and 2-18 outlined in Appendix 2 Structure Plans.

### 3.7.3.2c
Interim land use and development long-term will not compromise the integrity and viability of the land use pattern of the Ruakura Structure Plan area.

### 3.7.3.2d
See Appendix 1
The positive effects of logistics, industry, knowledge, residential and open space activities on economic, cultural, social and environmental wellbeing will be encouraged and promoted by providing for these activities.

3.7.3.2e
Logistics, industry, knowledge, residential and open space land zoned as identified on Figure 2-14 will be safeguarded for these purposes.

3.7.3.2f
Industrial land to support the inland port will be released in stages to ensure that co-location and agglomeration benefits of the Inland Port are realised.

Policies most appropriate to achieve the objective:

3.7.3.3
New urban development within the Ruakura Structure Plan area is serviced by and integrated with the existing and future infrastructure network (Ruakura Strategic Infrastructure – See Figure 2-15 A and B)

Policies  Effectiveness, efficiency, costs and benefits
3.7.3.3a Land within the Ruakura Structure Plan will not be developed until adequate infrastructure is provided and a commitment to the development of the Ruakura Strategic Infrastructure is secured by an appropriate legal mechanism.  See Appendix 1

3.7.3.3b Staging and sequencing will ensure the capacity of roading and Ruakura Strategic infrastructure is not
3.7.3.3c
The use and development of land for urban development is appropriate when a Land Development Consent has been granted by the Council.

3.7.3.3d
Development will not result in incompatible adjacent land uses with respect to existing or planned infrastructure.

**Policies most appropriate to achieve the objective:**

3.7.3.4
An integrated and efficient pattern of land use and transportation.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
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<tbody>
<tr>
<td>3.7.3.4a</td>
<td>Integrated Transport Assessments will be undertaken for each Land Development Plan area, and for high traffic generating activities, to manage impacts on existing and planned transport infrastructure including Ruakura Strategic Infrastructure.</td>
</tr>
<tr>
<td>3.7.3.4b</td>
<td>The transport network supports efficient passenger transport and walking and cycling, including dedicated facilities on arterial routes.</td>
</tr>
<tr>
<td>3.7.3.4c</td>
<td>Development is staged to coordinate with the extension and/or construction of the Spine Road and provides ongoing connectivity to the existing and future transport network.</td>
</tr>
<tr>
<td>3.7.3.4d</td>
<td>See Appendix 1</td>
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</table>


When road stopping procedures for parts of Ruakura Road and Percival Road are initiated under the Local Government Act to enable the expansion of the Inland Port alternative access proposals shall accord with the following principles:

i. A route which provides for travel in the general direction of Hillcrest and Silverdale without significant detours in terms of distance, travel times or connectivity;

ii. A route which enables use of alternative modes of transport (particularly walking and cycling); and

iii. A route which avoids severance effects for the Percival / Ryburn Road community.

iv. A route which maintains north-south connectivity for all modes across the East Coast Main Trunk railway line for Percival Road and Ryburn Road properties until an appropriate connection via the Spine Road is operational.

v. A route that avoids direct connection to industrial or logistics properties from Percival Road or Ryburn Road.

3.7.3.4e
There will be no direct connection to properties in the Ruakura Logistics Zone (Land Development Plan Area P) and the Ruakura Industrial Park Zone (Land Development Plan Area F) from the currently formed Percival and Ryburn Roads.
north of the East Coast Main Trunk railway.

3.7.3.4f
Opportunities for improved safety, accessibility, connectivity and efficiency within the transportation network are provided including dedicated facilities on arterial routes.

**Policies most appropriate to achieve the objective:**

3.7.3.5
Development maintains or enhances indigenous biodiversity values and mitigates adverse effects on indigenous biodiversity.

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<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
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<tbody>
<tr>
<td>3.7.3.5a</td>
<td>Development will avoid adverse effects on significant indigenous biodiversity in the first instance, and where effects cannot be avoided, they should be remedied, mitigated or offset in order to maintain indigenous biodiversity values.</td>
</tr>
<tr>
<td>3.7.3.5b</td>
<td>Protect, and where appropriate enhance, the water quality of adjacent streams and gully systems in order to maintain or enhance indigenous biodiversity values.</td>
</tr>
<tr>
<td>3.7.3.5c</td>
<td>Encourage improved indigenous biodiversity outcomes through restoration and enhancement.</td>
</tr>
<tr>
<td>3.7.3.5d</td>
<td>Create a greenway which provides opportunities for improved habitat and ecological benefits in the Ruakura Structure Plan and See Appendix 1</td>
</tr>
</tbody>
</table>
in the downstream receiving environment. The greenway open space and road corridor shall include linear wetlands, their vegetated margins, storage basins, low flow channels, indigenous vegetation planting and amenity planting.

3.7.3.5e
Retain and re-establish viable populations of the black mudfish, longfin eel, shortfin eel, and indigenous lizards within the Ruakura Structure Plan, by the establishment and management of linear wetlands and riparian vegetation.

3.7.3.5f
The Land Development Consent will include methods to ensure maintenance or enhancement of indigenous biodiversity values and mitigation of adverse effects on indigenous biodiversity.

Policies most appropriate to achieve the objective:

3.7.3.6
Land use and development in the Ruakura Structure Plan occurs in a manner which does not compromise the vitality, functions and amenity of the central city and maintains a hierarchy of business centres in Hamilton.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
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</thead>
<tbody>
<tr>
<td>3.7.3.6a</td>
<td>Benefits</td>
</tr>
<tr>
<td></td>
<td>• Protecting the vitality and vibrancy of the Central City.</td>
</tr>
<tr>
<td></td>
<td>• Supports the Central City as the economic and social hub for the Waikato region and Hamilton City.</td>
</tr>
<tr>
<td></td>
<td>• Supports and won’t undermine existing investment in the Central City and the City Heart revitalisation plans.</td>
</tr>
<tr>
<td></td>
<td>Costs</td>
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<td></td>
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</table>
• Restrictions on the range and scale of activities at Ruakura.

**Efficient and Effective**

• The benefits of this approach outweigh the potential costs.

The policy is effective as it will help to manage the use and development of land at Ruakura in a way that sustains the Central City as a key resource for Hamilton and the wider region.

*Reference 2012 section 32*

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**Policies most appropriate to achieve the objective:**

3.7.3.7
The creation of a regionally significant inland port and logistics hub in Hamilton.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>3.7.3.7a</strong> Logistics, freight handling services and supportive activities and infrastructure shall be provided for in the Ruakura Knowledge Zone.</td>
<td>Benefits</td>
</tr>
<tr>
<td><strong>3.7.3.7b</strong> The positive environmental economic and social effects of logistics and freight handling activities and infrastructure shall be recognised and supported.</td>
<td></td>
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</table>

• Providing for logistics and freight handling services and supportive activities and infrastructure will enable the establishment of the hub and facilitate a range of local, regional and national benefits, such as:

• Providing for nationally significant infrastructure in terms of the Inland Port.

• Having a more efficient freight system.

• Integration with efficient infrastructure.

• Lower overall supply chain costs for importers and exporters.

• Offering ease of use for the movement of high volume cargo for off-rail shippers.

• Avoiding congestion through Auckland City and at the Ports.

• Creating co-location opportunities between the intermodal terminal and the adjacent commercial and industrial park at Ruakura.

• Achieving a much greater modal shift to rail, offering shippers a more environmentally acceptable transport solution and reducing transport impacts on the roading network.

Achieve competitive efficiencies for New Zealand importers and exporters through the volume use of rail.
[See report from Castalia Strategic Advisors, Ruakura Intermodal Terminal, October 2010.]

Costs
- This part of the development can only be used for logistics purposes, which excludes other potential uses of this area, which has been identified for urban development.

Efficient and Effective
- There is significant alignment between the proposal and various national, regional and local policy documents.
- The benefits of this approach far outweigh the costs.

The policies are effective as they help to enable the logistics and freight handling components of the development which have significant future benefits for the City and wider region.

Reference 2012 section 32

**Policies most appropriate to achieve the objective:**

**3.7.3.8**

The continued development of a research, education, innovation and technological activity precinct in a manner which does not compromise the Central City.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
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<tbody>
<tr>
<td><strong>3.7.3.8a</strong></td>
<td>Research, education, innovation and technological activities and supporting activities and infrastructure shall be supported and co-located within the Ruakura Knowledge Zone.</td>
</tr>
<tr>
<td><strong>3.7.3.8b</strong></td>
<td>The manufacture and development of prototype goods, where such activities will complement the primary role of research, education and innovation, shall be provided for.</td>
</tr>
<tr>
<td><strong>3.7.3.8c</strong></td>
<td>Activities ancillary to and which support the primary purpose of the zone, such</td>
</tr>
</tbody>
</table>

Benefits
- The benefits of these policies are as follows.
  - Provides for an innovation and research hub.
  - Recognises and enhances an established pattern of land uses in education, research and technology.
  - Provides significant existing and potential employment opportunities.
  - Strengthens the economic base of the region which has positive economic and social outcomes.
  - Provides opportunities to create further complementary activities.
  - Ensures that retail and community activities which support the primary uses of this Zone are provided for.
  - Provides for the development of similar activity types to encourage the shared use of infrastructure, and maximise opportunities for
as retail and community activities, shall be recognised and provided for.

3.7.3.8d
The shared use of infrastructure, including car parking and buildings to maximise efficiencies of use, shall be encouraged.

interaction.

Costs
- The costs are that un-related activities cannot locate in this zone.

Efficient and Effective
- The benefits of this approach far outweigh the costs.
- The policies allow for complementary activities which can leverage off one another.

The policies are effective as they help to enable the innovation and research hub component of the development which has significant future benefits for the City and wider region.

Reference 2012 section 32

Policies most appropriate to achieve the objective:

3.7.3.9
The creation of a high quality Industrial Park in Ruakura.

Policies | Effectiveness, efficiency, costs and benefits
---|---
3.7.3.9a Industrial development shall be well designed and of high quality in the Ruakura Industrial Park Zone. | Benefits
- Providing for Industrial Uses and supportive activities will encourage and facilitate employment growth. The Logistic Zone and Inland Port have been identified as a business attractor to the region. Industrial land will capitalise on this and provide for business growth.
- Restricting the location of noxious or offensive industrial activities within the zone will mean that a number of activities will be excluded from being located in the zone. This is considered to be beneficial to the overall form of development as it will result in a development containing higher levels of amenity. It will also result in a higher level of clarity for adjoining land uses as to the type of development which is envisaged.

Costs
- This part of the development can only be used for industrial purposes which exclude other potential uses of this area which has been identified for urban development.
- Excluding noxious and offensive industrial activities means they will have to be located elsewhere within the city. However the strategic
advantages of the site do not lend itself to this type of activity. There are other established industrial areas where this type of development remains appropriate.

Efficient and Effective

- There is significant alignment between the proposal and various national, regional and local policy documents.
- The benefits of this approach far outweigh the costs.

The policies are effective as they help to enable the industrial components of the development which have significant future benefits for the City and wider region.

References 2012 section 32

### Policies most appropriate to achieve the objective:

**3.7.3.10**

An integrated, well-planned residential environment.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| **3.7.3.10a** Residential areas shall be comprehensively planned and developed in co-ordination with transport network connections. | Benefits
- Planning the residential areas in a comprehensive manner enables urban development to respond positively to the landscape and other characteristics of the area. |
| **3.7.3.10b** Residential areas shall be integrated with and connected to Fairview Downs. | - Integration with the transport network enables more efficient and effective use of infrastructure as well as enables the use of more efficient and sustainable modes of transport. |
| **3.7.3.10c** A range of housing choice shall be provided. | - Integrating and connecting the residential areas with Fairview Downs provides infrastructure and service efficiencies as well as achieves better planning outcomes in terms of land use consistency (i.e. locating residential areas close to one another) and social connectedness. |
| | - Providing for a range of housing choice and affordability means that there will be a number of options open to people who want to live in this area. In doing so housing will potentially cater for a diverse range of people. |
| | - Encouraging affordable housing will help to ensure that people are not excluded from living in the area because of the price of homes. This helps to meet the diverse needs of the community. |
### Costs
- The costs of these policies include the costs associated with undertaking comprehensive planning in a way that integrates with transport and other residential areas, as well as providing for a range of housing choice and affordability.

### Efficient and Effective
- These policies are efficient and effective because they ensure that the residential areas are well planned along with the rest of the Ruakura development.

**Reference 2012 section 32**

### Policies most appropriate to achieve the objective:

#### 3.7.3.11
A centre for locally based retail facilities capable of meeting the day to day needs of the immediate surrounding neighbourhoods.

#### 3.7.3.11a
Activities within the neighbourhood centre shall principally serve the immediate neighbourhood.

#### 3.7.3.11b
The scale and nature of activities within the neighbourhood centre shall not generate significant adverse amenity effects on the surrounding residential area and transport network.

### Benefits
- These policies are concerned with achieving an objective of providing local retail facilities to support the local population while ensure that this activity does not reach a scale that would undermine other areas or generate significant adverse effects. The benefits of these policies are as follows.
  - Ensures that only appropriate activities are located in the structure plan area.
  - Enables the people and communities in the surrounding neighbourhoods to have access to local retail facilities which is important from an economic and social point of view.
  - Provides for an appropriate level of local retailing in order to support the surrounding neighbourhoods.
  - Reduces the need for the local population to travel elsewhere for services.

### Costs
- The costs are that there is a restriction on the scale and nature of activities allowed within neighbourhood centres.

### Efficient and Effective
- These policies will be efficient and effective to achieve the objective as they are very clear about the form of development envisaged.
Risks

Risks of acting or not acting.

- The risks of acting are creating a regulatory burden. However it is considered that the provisions as drafted are appropriate.

- The risks of not acting are adverse effects on the environment and a development that is not well planned or integrated.

It is considered that there is sufficient information to support the approach taken.

**Conclusion:** Taking into account the above, Council considers that the policies in the Ruakura section of this chapter are the most appropriate for achieving the objectives.

### 3.12 Rules

<table>
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<tr>
<th>Rules most appropriate to achieve the objectives:</th>
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<tr>
<td><strong>Method</strong></td>
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<tr>
<td>3.7.4.1 Rules – Ruakura Structure Plan Area.</td>
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**Efficient and Effective**
- The benefits provided by these rules outweigh the costs.
- The rules are effective as they help to ensure that the development occurs in a manner consistent with the structure plan and that appropriate infrastructure is in place to support the development.

Reference 2012 section 32

### 3.7.4.2 Rules – Land Development Rules

See Appendix 1

### 3.7.4.3 Rules – Staging and Traffic Rules

**Benefits**

- Development within the Ruakura Logistics Zone and Ruakura Industrial Park Zone in the Ruakura Structure Plan area has been divided into three stages. The staging is based on the need to provide adequate transport infrastructure, including a connection to the Waikato Expressway. This is to make sure there is an orderly and integrated approach to industrial land across Hamilton City, achieving the vision for the Ruakura area, which has a significant focus on getting the Logistics and Inland Port aspects of the development underway first.

- Stage 1: No more than 80ha of land to be developed before 2021. A connection also needs to be identified between the City’s road network and the completed Waikato Expressway. This is because the freight traffic will eventually need direct access to the Waikato Expressway. Options are currently being evaluated for this connection and a decision on a preferred option is expected prior to the commencement of the Proposed District Plan hearings.

- The internal roading network will not be able to support the volumes of traffic which is why an efficient connection will be needed to the Expressway for the overall development. The rules of this stage further provide up to 80ha can be developed for port and logistics land-use and up to 20ha for industrial land use, provided that the ratio between industrial land use and port and logistics land use is no more than 1:4. The reason for this rule is to ensure that the majority of land developed in the first stage is logistics and inland port related. This is the most significant aspect of the development and needs to get underway first in order to take full advantage of the site and
The rule also sets out the port and logistics area to be located south of the east coast main trunk railway line and industrial land to the south of the railway or immediately north of the Knowledge Hub.

The rule establishes the area as an inland port and logistics hub. This is in accordance with the Structure Plan areas which have been designed to minimise reverse sensitivity, achieve infrastructure efficiencies and encourage compatible land uses.

Stage 2: These rules provide that all connections between the City’s road network and the completed Waikato Expressway be complete and operational. A transport connection must be established between the zones and the completed Waikato Expressway and the Ruakura Industrial Park Zone and Ruakura Logistics Zone within the Ruakura Structure Plan area, and that no more than 115 ha of land is to be developed between 2021 and 2041. The reason for the Stage 2 rules is that the level of development and activity that will be in place by 2021 will mean that all connections between the development and the Waikato Expressway have to be in place. The road network cannot support the level of activity proposed and there must be an efficient connection to the Waikato Expressway. The land allocation of 115 ha is in line with the RPS which seeks to ensure an efficient and effective provision of industrial land across the sub-region that is matched to infrastructure and services.

Stage 3: This rule provides that no more than 210 ha is to be developed between 2041 and 2061. This is consistent with the RPS and is about ensuring that infrastructure and services are matched with land-use and there is not too much mismatching of infrastructure and services. The rule in this Stage relates to establishing a transport connection between the Ruakura Industrial Park Zone and Ruakura Logistics Zone and the Waikato Expressway and the Ruakura Road roundabout and the southern boundary of the General Residential Zone within the Ruakura Structure Plan area. The transport connection must be completed by 2041. If this changes then this could affect the nature of the road to be provided.

Stage 3: This rule provides that no more than 210 ha is to be developed between 2041 and 2061. This is consistent with the RPS and is about ensuring that infrastructure and services are matched with land-use and there is not too much mismatching of infrastructure and services. The rule in this Stage relates to establishing a transport connection between the Ruakura Industrial Park Zone and Ruakura Logistics Zone and the Waikato Expressway and the Ruakura Road roundabout and the southern boundary of the General Residential Zone within the Ruakura Structure Plan area. The transport connection must be completed by 2041. If this changes then this could affect the nature of the road to be provided.
industrial land on the market across the sub-region at any one time.

The overall benefits of the staging rules are as follows.

- Development only occurs when key infrastructure is in place.
- Consistent with the land allocation and staging in the RPS\(^1\).

Refer to Proposed Waikato Regional Policy Statement Section 32 Report (November 2010), in particular the justification for the industrial land staging which is set within a sub-regional context of ensuring that there is not too much industrial land, acknowledging the capacity of existing industrial nodes, prioritisation of nodes, infrastructure provision and funding – especially transport.

- Provides the developer with certainty and allows the City, given the scale of development and unknown nature of much of it, to assess the impact on the City's network infrastructure beyond the Ruakura site.
- Efficiency, environmental, social and economic benefits to Council and the community from these staging rules which require the logistics and industrial park zones to have an appropriate level of infrastructure in place in conjunction with the occurrence of subdivision and development, so that development does not occur without Three Waters or transport infrastructure.
- Positive environmental effects from planning for and putting in place appropriate infrastructure.
- Ensures that development takes place in a coherent and efficient manner, avoids the sporadic and uneconomic development of land and is coordinated with the economic provision of trunk services, arterial roads and open space.
- These provisions provide the opportunity for infrastructure to be funded in a staged manner.
- Ensures that existing infrastructure is not compromised.
- Ensures that the City’s existing water and wastewater infrastructure are not overloaded by the proposed Ruakura development. Taking a staged approach will allow sufficient time for the servicing impacts of the various activities, most of
which are unknown at this stage, to be assessed.

- Staging will give the Council time to better understand the state of the overall infrastructure network.
- Allows a critical mass of activities to be established prior to the completion of the Waikato Expressway to ensure the financial feasibility of the project and to deliver a public benefit on investment in the expressway and any interchanges as quickly as possible.
- Ensures that potential adverse effects of the development can effectively be planned for and managed.
- Ensures that the appropriate land uses which reflect the specific zones are developed in the manner intended and the Ruakura Logistics Zone does not become a de facto general industrial zone.
- Ensures that development occurs in the appropriate locations.
- [Refer to Transportation Assessment Report, July 2012 for reasoning behind staging for transport infrastructure purposes.]

### Costs

- Financial costs to developers and Council to ensure infrastructure is in place that is appropriate to the location and intended use, and that this is in place in conjunction with development.
- Financial costs to developers of having their development staged.

### Efficient and Effective

- These rules provide clear direction to developers and the community about the expectations of the level of infrastructure required at different stages of the development.
- They are efficient because they link development stages with network capacity and planned infrastructure improvements.
- The stated benefits are considered to outweigh their likely costs.

Reference 2012 section 32 and also see Appendix 1

<table>
<thead>
<tr>
<th>3.7.4.4 Rules – Ruakura</th>
<th>Benefits</th>
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</table>
### Strategic Infrastructure Rules

- Ensures that land use and development within the Ruakura Structure Plan Area is in accordance with the infrastructure requirements identified for the relevant zones.
- Provides certainty that infrastructure is in place to support the development.
- Provides for an orderly and co-ordinated approach to planning and funding infrastructure provision.
- Economic benefits for individuals and the community in the long-term by ensuring that infrastructure is planned for and in place.
- Long-term cost implications are addressed at the earliest opportunity.
- Promotes coordinated development and the provision of economic and efficient infrastructure.

### Costs

- Restrictions may be imposed on some development in terms of its location or timing.
- Costs for the landowner/developer associated with complying with the infrastructure provisions.

### Efficient and Effective

- The benefits provided by these rules outweigh the costs.
- The rules are effective as they ensure that the appropriate infrastructure is in place to support the development.

*Reference 2012 section 32*

### Rules not most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>No staging.</th>
<th>This approach would not be appropriate as it would result in out of sequence development which could compromise existing infrastructure, especially the transport network, and have higher costs in the longer term.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>It does not promote the sustainable use of natural and physical resources.</td>
</tr>
</tbody>
</table>

### Risks

#### Risks of acting or not acting.

- The risks of acting are creating a complex planning system with staging requirements that may come at a significant cost to the developer.
- The risks of not acting are:
- the loss of an opportunity to provide a tailored planning framework to address the specific issues associated with land-use.
- having development that is out of synch with infrastructure provision.
- the potential impact on City-wide infrastructure significantly curtailing development capacity resulting in financial impact for the developers.

**Conclusion:** Taking into account the above, Council considers that the rules in the Ruakura section of this chapter are both essential and the most appropriate to achieve the objectives.

### 3.13 References

- **Access Hamilton Strategy, 2010**
- **Commercial and Economic Rationale for the Ruakura Inland Port and Logistics Hub – Consolidated Report to Tainui Group Holdings Limited – March 2012**
- **Conceptual Infrastructure Report – Ruakura Estate – May 2011 (Report by Cardno to Tainui Group Holdings Ltd and Chedworth Park Ltd)**
- **Cost Benefit Analysis of the Waikato Expressway: Incorporating the Impact of the Ruakura Hub- Castalia Strategic Advisors – October 2011**
- **Hamilton City Council 10-Year Plan 2012-22**
- **Hamilton Urban Growth Strategy 2008**
- **FutureProof Growth Strategy and Implementation Plan 2009**
- **Government Policy Statement on Land Transport Funding 2012/13- 2021/2022**
- **Industrial Land Release in the Waikato Regional Policy Statement: An Evaluation of the Impacts at Ruakura, Castalia Strategic Advisors, February 2012**
- **New Zealand Transport Strategy 2008**
- **National Land Transport Programme 2009-2012**
- **National Infrastructure Plan 2011**
- **Waikato Regional Policy Statement 2016**
- **Regional Land Transport Strategy 2011-2014**
- **Ruakura Estate – Strategic Directions and Master Planning Report, September 2010 (prepared by Boffa Miskell for Tainui Group Holdings and Chedworth Park Ltd)**
- **Section 32 Evaluation Summary Hamilton City Proposed District Plan – Proposed Variation 18: Rotokauri Structure Plan and Stage 1 Rezoning October 2007**
- **Section 32 Evaluation Summary for the Hamilton City Proposed District Plan – Proposed Variation 12: Rototuna Structure Plan Update and Rezoning August 2010**
- **Section 32 Report for Proposed Variation No.14: Peacocke Structure Plan August 2007**
- **Transportation Assessment Report, July 2012, prepared by Traffic Design Group**
- **Waikato Expressway Network Plan 2010**
- **Waikato Expressway: Project Summary Statement 2010**
- *Waikato Regional Land Transport Programme 2012-15*

- Section 42A Hearing Report: 3 and 4 December 2013: Report on submissions and further submissions: Chapter 3 Vol 1 and Appendix 2 Vol 2

- Reply to Commissioner questions: Chapter 3 - Structure Plans

- Alastair Black, Gray Matter for Hamilton City Council evidence – Regarding Structure Plans

- Plan Change 1 – Ruakura
4 Residential Zones

4.1 Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 4: Residential Zones. For the related matter of subdivision, see Chapter 23: Subdivision.

The overall approach of the plan chapter is to manage the residential environments in the City. The Residential Zones assist in creating a compact city containing more densely built suburban centres, with an emphasis on urban design. The Residential Zones provide a range of section sizes and lifestyles. This includes providing smaller sections and more compact living environments such as townhouses and city apartments, as well as our traditional larger lots with backyards.

The chapter provides for four residential zones that promote opportunities for different dwelling densities and living environments.

- General Residential Zone.
- Residential Intensification Zone.
- Medium Density Residential Zone.
- Large Lot Residential Zone.

The Residential Zones will result in a compact residential form and will assist in meeting the density targets set out in the RPS. These provide for the social, economic and cultural wellbeing of the City’s residents now and in the future by providing opportunities for a variety of residential opportunities and ancillary activities.

The chapter also provides for the efficient use and development of natural and physical resources of the City through control of land use, including structures and activities. In accordance with the Act, this chapter specifically addresses the maintenance and enhancement of the amenity values (section 7(c)) of the various residential environments and the quality of those environments (section 7(f)). This is achieved through provisions that ensure the character and amenity of residential areas is not adversely impacted by the use and development of land in these zones. Section 7(ba) requires Council to have particular regard to the efficiency of the end use of energy also.

Supporting documents are listed in the References section of this chapter.

4.2 Objectives

<table>
<thead>
<tr>
<th>Objective most appropriate to achieve the purpose of the Act:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4.2.1</strong> A range of housing types and densities is available to meet the needs of all communities.</td>
</tr>
<tr>
<td>- This objective is the most appropriate because it enables people and communities to provide for their social, economic, and cultural wellbeing through providing a variety of residential environments. This objective also seeks to sustain the potential of the City’s residential land resource</td>
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<tr>
<td>Objective</td>
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<tr>
<td>-----------</td>
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<tr>
<td>4.2.1</td>
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<td>4.2.2</td>
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</table>
| 4.2.3 | This objective is the most appropriate because it will ensure that people are provided with safe and healthy houses and living areas. It is the most appropriate means of achieving the following parts of section 7 of the Act in terms of on-site effects. The following are matters that this objective has particular regard to.  
(b) The efficient use and development of natural and physical resources  
(ba) The efficiency of the end use of energy  
(c) The maintenance and enhancement of amenity values  
(f) Maintenance and enhancement of the quality of the environment  
(g) Any finite characteristics of natural and physical resources  
(j) The benefits to be derived from the use and development of renewable energy. |
| 4.2.4 | This objective is the most appropriate because it |
The development contributes to good neighbourhood amenity as the area matures.

recognises that activities and development on residential sites need to avoid, remedy, or mitigate any adverse effects on the surrounding environment.

- It will also ensure that people are provided with safe and healthy residential environments.
- It is the most appropriate means of achieving the following parts of section 7 of the Act in terms of effects on the surrounding environment. The following are matters that this objective has particular regard to:
  
  (b) The efficient use and development of natural and physical resources
  
  (c) The maintenance and enhancement of amenity values
  
  (f) Maintenance and enhancement of the quality of the environment
  
  (g) Any finite characteristics of natural and physical resources.

<table>
<thead>
<tr>
<th>4.2.5</th>
<th>Protect and enhance the character values of the Hamilton East portion of the Residential Intensification Zone.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>•</strong></td>
<td>The objective explicitly recognises the specific character and amenity values of Hamilton East where higher density residential exists.</td>
</tr>
<tr>
<td><strong>•</strong></td>
<td>The objective is appropriate to enable Council and the community to provide for their social, economic and cultural wellbeing (section 5(2)), the efficient use and development of physical resources (section 7(b)), the maintenance and enhancement of the amenity values (section 7(c)), and the maintenance and enhancement of the quality of the environment (section 7(f)) as required by the Act.</td>
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<tr>
<th>4.2.6</th>
<th>Residential activities remain the dominant activity in Residential Zones.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>•</strong></td>
<td>This objective is the most appropriate because it manages the use and development of the residential environment in a way which enables people and communities to provide for their social, economic, and cultural wellbeing.</td>
</tr>
<tr>
<td><strong>•</strong></td>
<td>It ensures that residential land is used for residential purposes and not undermined by commercial activities.</td>
</tr>
<tr>
<td><strong>•</strong></td>
<td>The objective addresses the maintenance and enhancement of amenity values (section 7(c)) and the maintenance and enhancement of the quality of the environment (section 7(f)).</td>
</tr>
<tr>
<td><strong>•</strong></td>
<td>It also ensures that commercial activities are clustered in appropriate areas such as the Central</td>
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</table>
City rather than being dispersed through the City. This ensures the economic viability and wellbeing of Hamilton.

| **4.2.7**  
Activities in Residential Zones are compatible with residential amenity. | • This objective is the most appropriate because it recognises that non-residential activities and development in residential environments need to avoid, remedy, or mitigate any adverse effects on the surrounding environment.  
• The objective meets the purpose of the Act in that it enables local communities to provide for their physical, social, cultural and economic wellbeing while addressing the maintenance and enhancement of amenity values (section 7(c)) and the maintenance and enhancement of the quality of the environment (section 7(f)).  
• The objective recognises that not all activities in a Residential Zone will be of a residential nature but it is important that any effects must be compatible with residential amenity. |
| **4.2.8**  
Residential buildings make efficient use of water and energy resources. | • This objective is the most appropriate because it addresses managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety.  
• Efficient use of water and energy resources will support sustaining the potential of natural and physical resources.  
• This objective gives effect to the National Policy Statement for Renewable Electricity. It recognises renewable electricity generation activities and the benefits of renewable electricity generation as matters of national significance under the Act.  
• In addition section 7(j) of the Act requires Council to have particular regard to the benefits to be derived from the use and development of renewable energy. |
| **4.2.9**  
Buildings and activities at the interface of Residential Zones with other Zones will be compatible with the form and type of development anticipated in the adjacent Zone. | • This objective is the most appropriate to because it recognises that activities and development on residential sites need to avoid, remedy, or mitigate any adverse effects on the surrounding environment. This is a particular issue where residential Zones are adjacent to other Zones.  
• The objective is appropriate to enable Council and the community to provide for their social, |
economic and cultural wellbeing (section 5(2)),
the efficient use and development of physical
resources (section 7(b)), the maintenance and
enhancement of the amenity values (section 7(c)),
and the maintenance and enhancement of the
quality of the environment (section 7(f)) as
required by the Act.

- It will also ensure that people are provided with
safe and healthy residential environments.

4.2.10
Protect the amenity values of the Percival-Ryburn Road
Large Lot Residential Zone, while providing for the
urbanisation for the Ruakura Structure Plan area.

See Appendix 1

4.2.11
Further development within the Percival/Ryburn Road
Large Lot Residential Zone does not compromise future
logistics zoning as provided for in the Regional Policy
Statement.

See Appendix 1

4.2.12
The Ruakura Medium Density Residential Zone
includes an Integrated Retail Development providing
services and community facilities capable of meeting
the day to day needs of the immediate neighbourhood.

See Appendix 1

Objectives not the most appropriate to achieve the purpose of the Act:

To enable a diversity of living environments which meet
the differing needs of the City’s population, and
support the viability of neighbourhood centres and
facilities while protecting residential amenity values.

- An objective like this would not be appropriate,
because its does not align with the density
requirements of the RPS. It suggests that living
environments will be mixed together rather than
specific densities allocated to certain areas.

- Such an objective would potentially lead to fewer
choices for the City’s residential housing stock in
terms of density or diversity of housing. Current
provisions tend to produce a standard 3-4
bedroom single storied house on a 500m2 site.

- While the objective might enable Council and the
community to provide for their social, economic
and cultural wellbeing (section 5(2)), it does not
constitute an efficient use and development of physical resources (section 7(b)), the maintenance and enhancement of the amenity values (section 7(c)), or the maintenance and enhancement of the quality of the environment (section 7(f)) as required by the Act.

- Such an objective may increase potential adverse impacts on the existing characteristics of residential development through poorly designed infill development.
- There would be no certainty for residents as to where these developments are likely to occur.

<table>
<thead>
<tr>
<th>To enable for a range of non-residential activities within residential areas, while ensuring that they do not detract from the amenity values of the area.</th>
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</thead>
</table>
| - This objective allows a broad range of non-residential activities to establish in the residential area. It does not support residential activity as the predominant activity in the Residential Zones.
- It does not address effects on sustainability of the City’s Commercial Zones and infrastructure. Of particular concern is that the economic viability of the Central City continues to be undermined by offices establishing in the residential areas.
- The spread of non-residential activities in residential zones will continue with impacts on the residential character.
- This objective will not support the community to provide for their social, economic and cultural wellbeing (section 5(2)), it does not constitute an efficient use and development of physical resources (section 7(b)), the maintenance and enhancement of the amenity values (section 7(c)), or the maintenance and enhancement of the quality of the environment (section 7(f)) as required by the Act.
- This objective is not the most appropriate to achieve the purpose of the Act. |

**Conclusion:** Taking into account the above, Council considers that the objectives in this chapter of the plan are the most appropriate to achieve the purpose of the Act.

### 4.3 Policies

**Policies most appropriate to achieve the objective:**

<table>
<thead>
<tr>
<th>4.2.1</th>
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<tbody>
<tr>
<td>A range of housing types and densities is available to meet the needs of all communities.</td>
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<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
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### 4.2.1a
A variety of housing densities and types should be developed, consistent with the:

i. Capacity of the existing infrastructure.

ii. Target densities promoted by Future Proof and the RPS. Specifically this means achieving, as a minimum, the following average gross density targets (excluding transport corridors) over time in the Residential zones:

1. 16 dwellings per hectare for development (excluding the identified Large Lot Residential Areas).
2. 30 dwellings per hectare for identified intensification areas.

### 4.2.1b
Higher density residential development should be located within and close to the Central City, suburban and neighbourhood centres, tertiary education facilities and hospital, and in areas serviced by passenger transport.

### 4.2.1c
New residential development shall be able to be adequately serviced in terms of Three Waters infrastructure with the exception of the Ruakura Structure Plan Large Lot Residential Zone.

### Benefits
- The RPS sets out density targets for Hamilton derived from Future Proof. Policy 4.2.1a gives effect to this portion of the RPS and ensures that Hamilton meets the densities. Policy 4.2.1c also ensures that there is sufficient capacity of the infrastructure to service development.

The benefits of this policy are as follows.

- Ability to coordinate infrastructure with intensification.
- Focuses growth into the most appropriate locations.
- Effects of subdivision are localised.
- Provides certainty and stability for communities as to the type of residential environments they can expect in their neighbourhood.
- Retention of lower density in semi-rural, character/heritage areas.
- Ensures density targets are met, yet provides some flexibility for areas with different topographical, infrastructure capacities and locational features.
- Provides for a variety of densities of development within the City, thus providing choices for residents.
- Providing for zones for different densities reduces potential adverse impacts of the characteristics of existing residential zones and, on the adjoining rural Districts.
- Still provides for some infill opportunity within existing residential areas.
- Specific medium density development opportunities introduced.
- Greater certainty for residents as to where these developments are likely to occur.
- Provide greater certainty for the market of where higher density development is anticipated.
- Policy 4.2.1b identifies where higher densities are appropriate. Higher density residential will be enabled in identified areas either in the Central City, around suburban commercial centres or close to the hospital or university. In comparison, the General Residential Zone will be an area of stability, with the current form and density of housing continuing. This Zone is intended to be primarily for residential buildings and activities.
• The benefit of Policy 4.2.1b is that it sets clear expectations for where higher density residential development in appropriate. This provides certainty for homeowners of the type of development that is likely in the future.
• Policy 4.2.1c ensures that development and infrastructure are aligned and that development does not proceed until there is sufficient infrastructure to service it. Infrastructure includes water, wastewater, and stormwater. This policy ensures that every household has an adequate level of servicing. Some flexibility in relation to Three Waters infrastructure is afforded to the Ruakura Structure Plan Large Lot Residential Zones, where the larger lot sizes allow for on-site servicing to be accommodated and the pattern of existing land use and development lends itself to a lower density.

**Costs**

• With the exception of the Large Lot Residential Areas, Policy 4.2.1a is not flexible and does not recognise that in some places (perhaps due to natural features such as topography) these figures may not be achievable. It does not allow lower densities to be provided which the market may demand.
• Developers and residents may not be receptive to new housing types and densities. A lack of uptake would lead to difficulty in meeting RPS.
• There could be pressure for high or medium density development types outside of appropriate areas. This would lead to potential adverse impacts on the character and amenity of existing residential environments.
• Policy 4.2.1a removes the ability for small lot subdivisions in non-zoned areas to occur. There will also be significant change in character for the areas identified for intensification. The policy means that development can not respond to the market if there is a desire to intensify in areas other than those identified.
• Policy 4.2.1c may require developers to upgrade infrastructure which adds cost to the development and ultimately is passed onto the home buyer.

**Efficient and Effective**

These policies will be efficient and effective to achieve objective 4.2.1 by:
- Providing a range of different residential densities and residential environments throughout the City.
- Ensuring that residential land use and infrastructure are aligned.
- Ensuring each dwelling as an appropriate level of servicing.
- Giving effect to the growth management policies of the RPS.
- These policies recognise the need for a range of dwelling types and densities to meet the needs of all aspects of the community. These could range from a large family dwelling with plenty of outdoor space to an inner city apartment. Current projections indicate an aging population as well as a growing population. Different portions of the community have different housing preferences, reflecting income, age, family size, number of children, and cultural factors.
- The RPS sets out dwelling density targets, derived from Future Proof. These will be achieved by managing lot sizes in existing developed areas and subdivision yields in structure plan areas as indicated by Policy 4.2.1a.
- Different density targets are set for greenfield areas and existing urban areas. Greenfield development can be designed to meet a higher density target from the outset, whereas intensification is harder to achieve in existing urban areas with an established land use pattern.
- The policies require residential development to only occur in those areas identified. This approach ensures stability for established parts of the City, that higher density will not occur where it is not identified and provided for.
- Within the Large Lot Residential Zones, density targets are not set, as such areas are unique in terms of their ability to accommodate residential development.

This need for a variety of housing types and densities can be summarised as follows.

**Providing housing/living choice**

- In terms of New Zealand demographics, there is an increasing proportion of people in the 65 years and over age group, over 87% of New Zealanders now live in urban areas and the population is becoming more ethnically diverse. This means that within communities, people have different
- Through people’s lives, their housing requirements change. For example a young couple with two children have significantly different requirements from an elderly person living alone. The $800m^2$ big back yard that is great for growing children is often too much for an elderly person, or even an executive couple. A mix of densities enables communities to respond to the changing needs and demographics of its residents through their lifecycle. The ability for older people to remain living in the same community with their social networks nearby is vitally important. Medium density housing enables people to meet their changing needs without forcing them to move outside their community.

**Full community profile**
- Providing housing choice will also result in a range of purchase prices for the homebuyer. This enables homebuyers from a range of demographics to fulfil their needs.

**Discourages homogeneity of housing style**
- While it is the landowner/developer’s choice as to what the lot size is and the form of the dwelling on it, providing a range of lot sizes enables a range of dwelling types to be provided. This prevents a generic form of housing being delivered and discourages homogeneity.

**Compact and contained urban form**
- Encouraging a more compact urban form is an important method for achieving sustainable development. As outlined above, medium density housing enables a smaller urban footprint. Advantages of a compact urban form are distances to facilities are walkable (services, jobs, recreation, open space), reduced dependence on private vehicles; more efficient use of land resources (reducing sprawl); and more efficient provision of infrastructure, reducing costs (initial, service, and maintenance).
- There are however, instances even within the City’s boundaries, where larger lots are appropriate. In the case of the Rototuna Structure Plan, the use of larger lots is to address the local characteristics such as the need for setbacks from the Waikato Expressway and the steeper sloped topography.
Within the Ruakura Structure Plan there are two areas of Large Lot Residential Zoning. These areas are not currently serviced by full Three Waters infrastructure and the future lot sizes are such to retain this situation in the future. One of these areas is the area bounded by Percival and Ryburn Roads and bounded by the Waikato Expressway. Whilst this area has a Large Lot Residential Zoning, the Ruakura Structure Plan identifies this for Logistics in the longer term.

Policies are targeted to ensure features such as topography, gullies and existing mixed residential/rural character, can be accommodated within lower density development.

**Population mass needed to support commercial centres**

A certain population base is needed to support the various commercial centres including the Central City, suburban centres and neighbourhood centres. It is therefore important that residential land is developed to a sufficient density to provide vibrant and active centres in close walking distance to centres.

The objective is appropriate in that it provides for the sustainable management of the City’s urban land resource in accordance with the Act’s purpose and principles. The policies provide for the maintenance and enhancement of a range of residential character and residential choice and opportunities in the City.

### Policies not most appropriate to achieve the objectives:

| No policy framework. | Having no policies regarding the range of housing types and densities gives no certainty that a variety of densities and living environments would result. This approach will not maintain residential character or amenity as required by section 7 of the Act. |
| Enable various levels of building densities within the residential area taking into account the existing character of these areas and the capacity of the existing infrastructure. | It is considered that this option would not meet the requirements of the Act, or the RPS as detailed above. |
| | This policy is too vague to ensure the densities outlined in the RPS are delivered. The RPS is directive in identifying target densities and the most appropriate location of these densities. |
| | Such a policy has the potential to create adverse impacts on the existing characteristics of residential development through poorly designed |
infill development. There is no certainty for residents as to where these developments are likely to occur.

- This policy is not the most appropriate to achieve the objective. There is less ability to address the impacts on residential character and amenity of infill development and to ensure quality urban design within the City’s residential area.

### Risks

Risks of acting or not acting.

- The risks of establishing a policy framework to ensure efficient use of residential land resource outweighs the risks of not acting.
- The risk of not acting is that the target residential densities established by the Regional Policy Statement will not be met.
- Not acting will result in ad hoc residential development and undermining of the residential character and amenity.

### Conclusion

Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objectives.

<table>
<thead>
<tr>
<th>Policies most appropriate to achieve the objective:</th>
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<tbody>
<tr>
<td>4.2.2 Efficient use of land and infrastructure.</td>
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<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
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<tbody>
<tr>
<td>4.2.2a</td>
<td>Residential development shall use land and infrastructure efficiently by:</td>
</tr>
<tr>
<td></td>
<td>- Delivering target yields from housing development in both greenfield growth areas and intensification areas, as indicated by rules or structure plans.</td>
</tr>
<tr>
<td></td>
<td>- Staging and sequencing the development as indicated by rules or structure plans.</td>
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<tr>
<td></td>
<td>- Otherwise complying with relevant structure plans.</td>
</tr>
<tr>
<td>4.2.2b</td>
<td>New buildings and activities</td>
</tr>
</tbody>
</table>

**Benefits**

- Policy 4.2.2a ensures that Hamilton meets the residential densities targets through rules and structure plans. The benefits of this policy are:
  - Ability to coordinate residential development densities.
  - Focuses growth into the most appropriate locations.
  - Ensures density targets are met.
  - Residential development complies with the structure plans giving greater certainty as to the final outcome.
  - Greater efficiency in the use of land.
  - Greater infrastructure efficiency.

- Policy 4.2.2a also ensures staging and sequencing of development is logical and able to be serviced. Issues such as density and staging are outlined on structure plans. The benefit of this policy is that it
shall mitigate effects on and from regionally significant infrastructure.

### 4.2.2c
Residential land uses should be managed to avoid potential effects such as noise from arterial transport corridors and state highways.

- Policy 4.2.2b recognises the need to manage the residential land uses around regionally significant infrastructure, both existing and proposed. The purpose is to manage the effects that residential activities and structures can have on the infrastructure, and the adverse effects the infrastructure can have on residential uses.
- Regionally significant infrastructure will not be compromised by residential development. The resulting residential environment will also be higher quality for the resident by responding to the effects of regionally significant infrastructure e.g. increased noise levels, vibration etc.
- Policies 4.2.2b and 4.2.2c manage activities and structures in close proximity to significant infrastructure such as major roads. The benefit of these polices is that they:
  - Ensure that residential land uses does not compromise the ability of the road to achieve its main purpose.
  - Reduced potential for reverse sensitivity effects.
  - Public safety is better maintained.
  - An increased level of amenity for those living in close proximity to significant roads.
  - In the case of identified future significant infrastructure, the corridor will be preserved and residential development will be compatible with it.

### Costs
- Policy 4.2.2a is not flexible and does not recognise that in some places (perhaps due to natural features such as topography) residential yield figures identified on structure plans may not be achievable in reality. It does not allow lower densities to be provided which the market may demand and does not allow flexibility with staging.
- The costs associated with policies 4.2.2b and 4.2.2c are all similar.
  - Decreases the development potential of
properties near the infrastructure.

- Decreases the options for activities to locate near the infrastructure, e.g. sensitive activities such as schools and dwellings.
- In the case of brownfield development, is likely to create unusable ‘dead space’ on sites.

**Efficient and Effective**

These policies will be efficient and effective to achieve objective 4.2.2 by:

- Ensuring consistency with the relevant structure plan, thereby ensuring densities are met and staging is adhered to.
- Ensuring staging and sequencing of development is logical and able to be serviced, and development does not proceed until the staging trigger (infrastructure) is met or provided.
- Ensures that residential land uses do not compromise the ability of significant infrastructure to carry out its purpose.
- Public safety is better maintained.
- An increased level of amenity for those living in close proximity to significant infrastructure.

**Efficient Use of Land Resource**

- In order to meet population growth projections by Statistics New Zealand and the four local and regional Councils, Hamilton has to expand in land area.
- Providing a portion of medium density housing and meeting the density targets set by the RPS sets limits on the land area required to meet the future population projections. Providing a range of densities (in particular higher densities) enables more people to be accommodated on a smaller portion of land and is an efficient use of the land resource.

**Efficiency of Infrastructure**

- The form of development influences costs, generally a more compact form of development will incur lower infrastructure costs (both capital and operating). Evidence suggests that linear infrastructure such as streets and Three Waters, as well as other network utilities (power, telecommunications), come at a considerably lower cost per unit the higher the urban density.
The cost of providing this infrastructure will be passed directly onto the home buyer, thus resulting in higher purchase prices for sprawl. A more compact urban form results in shorter, more efficient, cost-effective infrastructure. While fully reticulated servicing for Three Waters is the City Council’s approach in upholding its obligations under the Local Government Act, Public Health Act and Resource Management Act, some flexibility is offered to the Ruakura Structure Plan Large Lot Residential Zone, where many of the existing properties are serviced by septic tanks and the lot sizes are large enough to accommodate on-site wastewater solutions. This area came within the City’s boundaries in 2011.

- In the planning for Rototuna’s growth, the area of land to be zoned Rototuna North East Character Zone, has been factored into the long term planning through the Rototuna Structure Plan. Infrastructure to meet the necessary standards for full urbanisation is anticipated.

**Infrastructure**

- The use of land can be affected by the presence (or not) of infrastructure. Complying with any staging requirements of the District Plan, ensures that infrastructure can be planned in advance of development and the effects of increased densities can be better managed. Infrastructure includes Three Waters and transport networks, as well as social infrastructure such as libraries and community halls.

**Regionally Significant Infrastructure**

- Not only does residential development need to have an adequate level of servicing available, but it needs to respond to regionally significant existing or planned. The policies recognise the need to manage the residential land uses around regionally significant infrastructure, both existing and proposed. The purpose is to manage the effects that residential activities and structures can have on the infrastructure, and the adverse effects that the infrastructure can have on residential uses.
### Policies not most appropriate to achieve the objectives:

| No policy framework.       | Having no policies regarding the efficient use of residential land resource and infrastructure gives no means to achieve the objective. It is considered that this option would not meet the requirements of the Act, National Policy Statements or RPS as detailed above. |

### Risks

Risks of acting or not acting:

- The risk of not acting is increased chance of reverse sensitivity effects arising where inappropriate residential development is placed in close proximity to regionally significant infrastructure.

- The risks of establishing a policy framework to ensure efficient residential development and infrastructure outweighs the risks of not acting.

**Conclusion:** Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objectives.

### Policies most appropriate to achieve the objective:

**4.2.3** Residential development produces good on-site amenity.

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<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
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<tbody>
<tr>
<td><strong>4.2.3a</strong> Residential design shall achieve quality on-site amenity by providing:</td>
<td>Benefits</td>
</tr>
<tr>
<td>i. Private, useable outdoor living areas.</td>
<td>• Good design of housing is critically important to onsite and offsite amenity, especially where there is higher density housing. The policies identify the features important for each residential unit, regardless of what form the dwelling may take e.g. single, duplex or apartment.</td>
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<tr>
<td>ii. Access to sunlight and</td>
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daylight throughout the year.

iii. Adequate service areas to accommodate typical residential living requirements.

iv. Insulation to minimise adverse noise effects.

v. Parking and manoeuvring areas on-site to meet the needs, safety and convenience of residents.

vi. Energy efficient and sustainable design characteristics and technologies where compatible with the scale and form of residential development.

<table>
<thead>
<tr>
<th>4.2.3b</th>
<th>Residential sites adjacent to public space shall achieve visual and physical connectivity to these areas.</th>
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<tbody>
<tr>
<td>4.2.3c</td>
<td>Building design and location shall protect the privacy of adjoining dwellings.</td>
</tr>
<tr>
<td>4.2.3d</td>
<td>Buildings should be designed to conform to natural topography.</td>
</tr>
<tr>
<td>4.2.3e</td>
<td>Development in areas identified for medium and high density residential activities should be in general accordance with the appropriate design assessment criteria.</td>
</tr>
</tbody>
</table>

- The features listed in policy 4.2.3a will ensure functional and high quality living environments for the occupants.
- Policy 4.2.3a(vi) will enable residential dwellings to incorporate energy and water sustainable technologies, thereby reducing the demand for these resources.
- Policy 4.2.3b addresses Crime Prevention CPTED principles and ensures public spaces are safer due to passive surveillance. The benefit of this policy is a safer public environment with increased opportunities for passive surveillance by residential properties.
- The benefit of policy 4.2.3c is that it ensures each dwelling has an appropriate level of privacy. This is important in creating an enjoyable and useable private residential environment.
- Policy 4.2.3d encourages residential buildings to be designed compatibly with their surrounding environment. The benefit is that the final built form will be sympathetic to the surrounding environment and complement it.
- Design Assessment Criteria sets assessment criteria for:
  - All development in the Residential Intensification Zone (brownfields)
  - All development in the Medium Density Zone (greenfields)
  - Multi-unit housing in General Residential Zone, including integrated residential developments, apartments, duplex dwellings and second and subsequent dwellings.
  - Discretionary activity applications, including apartments and duplex dwellings in all residential zones.
- The design assessment criteria enable various aspects of the building and site layout to be assessed. The benefit of imbedding the design assessment criteria in policy 4.2.3e is a higher standard of residential design in the areas with higher residential densities. Incorporation of these features will ensure functional and high quality living environments for the occupants.

**Costs**

- The features listed in policy 4.2.3a may restrict
development of a site achieving its maximum potential. Providing features like private open space and access to sunlight may constrain the development, leading to fewer units on site. This may reduce the potential profit by the developer per unit and lead ultimately to a higher price paid by the homeowner.

- Policy 4.2.3b may lead to less privacy for the homeowner and restrictions on how they develop their site including choice of fencing materials and placement of vegetation.
- Policy 4.2.3c may restrict development of a site achieving its maximum potential. Providing features like private open space may constrain the development, leading to less units on site. This may increase the cost to the developer and ultimately the homeowner.
- Policy 4.2.3d may restrict development of a site achieving its maximum potential and may constrain the design.
- Policy 4.2.3e will create additional assessment criteria which developers will need to address. Addressing these criteria may lead to a modified, more expensive design. This cost will ultimately be passed onto the buyer.

Efficient and Effective

These policies will be efficient and effective to achieve objective 4.2.3 by:

- Identifying components of design that will collectively result in a high level of on-site amenity.
- Providing clear direction for assessing activities in the medium and high density residential areas.
- Incorporating important design features, including access to sunlight, outdoor living space, storage space, visual connectivity to public spaces such as the street, privacy, and off road parking. Incorporation of these features will ensure functional and high quality living environments for the occupants.

Policies not most appropriate to achieve the objectives:

| No policy framework. | A lack of policies regarding on-site amenity would mean no minimum standards for a healthy environment. |
It is considered that this option would not meet the requirements of the RMA or Regional Policy Statement as detailed above.

**Risks**

Risks of acting or not acting.

- The risk of having no policies and standards for on-site amenity is unhealthy, dysfunctional living environments. This will lead to poor urban design outcomes and will not meet the needs of the community.

**Policies most appropriate to achieve the objective:**

**4.2.4**
The development contributes to good neighbourhood amenity as the area matures.

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<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
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</table>
| **4.2.4a**<br>The size and scale of buildings and structures shall be compatible with the locality.<br><br><br>**4.2.4b**<br>Buildings should be designed so that they do not physically dominate or adversely affect the residential character of the neighbourhood.<br><br><br>**4.2.4c**<br>Significant vegetation and trees should be preserved wherever possible.<br><br><br>**4.2.4d**<br>Garages, carports and vehicle access points shall be sited to ensure the safety of all road users and the safe and efficient function of the transport corridor.<br><br><br>**4.2.4e**<br>Development in the General Residential and Large Lot Residential Zones should not detract from or degrade the existing character of the surrounding area. | **Benefits**<br>- Size and scale of buildings contributes to the character of an area. Good design of housing is critically important to offsite amenity, especially where there is higher density housing. The policies identify the features important for buildings, regardless of whether they are dwellings or community buildings.<br>- Policy 4.2.4a will ensure the residential character is maintained through managing the size and scale of buildings. The benefit is residential amenity will be retained.<br>- Policy 4.2.4b ensures the placement of buildings on sites and the scale does not dominate. The benefit is residential amenity and character will be retained. This means certainty for the community as to how their neighbourhood will evolve and change over time.<br>- Policy 4.2.4c requires that significant trees be preserved. Trees take a number of years to mature and contribute significantly to character and amenity. In addition to amenity, trees add value in terms of shading, biodiversity, and streetscape. This policy assists in achieving section 7(d) of the Act.<br>- The benefit of Policy 4.2.4d is to ensure vehicle access and garaging does not negatively affect the safety and performance of the road.<br>- Policy 4.2.4e encourages residential buildings to
be designed compatibly with their surrounding environment. The benefit is the final built form will be sympathetic to the surrounding environment and complement it. This policy gives effect to section 7(c) and 7(f) of the Act.

- The benefits of 4.2.4a, 4.2.4b, 4.2.4c, 4.2.4d and 4.2.4e.
  - Maintenance of the suburban residential character and amenity.
  - Greater focus on the elements of suburban residential character on site that affect the overall neighbourhood character and amenity.
  - Ability for variations from standards to be assessed in terms of effect on the surrounding environment.
  - Allows development to be assessed to ensure a quality urban environment.
  - Safer transport corridor.

Costs

- Policies 4.2.4a, 4.2.4b, and 4.2.4e may restrict development of a site achieving its maximum potential. Taking into consideration the scale and size of surrounding properties may constrain the development, leading to fewer units on site. This may reduce the potential profit by the developer per unit and lead ultimately to a higher price paid by the homeowner.

- The presence of significant vegetation can constrain development of a site. Preserving significant vegetation as promoted by policy 4.2.4c may constrain the maximum potential development in terms of the reduced number of units on site or a compromised design.

- Policy 4.2.4d may restrict development of a site achieving its maximum potential. Reducing the impact on the road as promoted by policy 4.2.4d may constrain the maximum potential development in terms of reduced number of units on site or a compromised design.

Efficient and Effective

- These policies will be efficient and effective to achieve objective 4.2.4 by identifying components of design that will collectively result in a high level amenity for the surrounding residential environment.
Residential development can contribute positively to the street environment in terms of design and safety.

The urban amenity expected by residents can be altered by incompatible development. It is important that any new development be sympathetic to the existing character and amenity.

These policies are effective in achieving the objectives and ensuring protection of residential character and amenity.

**Policies not most appropriate to achieve the objectives:**

| No policy framework. | A lack of policies regarding off-site amenity would mean no minimum standards for a healthy environment. CPTED principles would not be encouraged and poor urban design outcomes would result e.g. reduced public-private visibility and unsafe public environments. It is considered this option would not meet the requirements of the Act or the RPS as detailed above. |

**Risks**

Risks of acting or not acting.

- The risk of having no policies and standards for off-site amenity is unhealthy, dysfunctional living environments. This will lead to poor urban design outcomes and will not meet the needs of the community.

**Policies most appropriate to achieve the objective:**

4.2.5
Protect and enhance the character values of the Hamilton East portion of the Residential Intensification Zone.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
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<tbody>
<tr>
<td>4.2.5a</td>
<td>Benefits</td>
</tr>
<tr>
<td>Development shall:</td>
<td>• The Hamilton East Residential Intensification area has the following characteristics different from high density areas elsewhere within the City:</td>
</tr>
<tr>
<td>i. Enable redevelopment opportunities.</td>
<td>- A diversity of housing styles.</td>
</tr>
<tr>
<td>ii. Ensure that the siting and design of development recognises the strong visual relationship with the streetscape.</td>
<td>- Lower building heights.</td>
</tr>
<tr>
<td>iii. Be provided with landscaping and planting that enhances on site and</td>
<td>- Lower level of site coverage.</td>
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<td></td>
<td>- Large areas of impermeable surfaces.</td>
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<td></td>
<td>- Lack of on site planting.</td>
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<td>- Substantial continuous walls.</td>
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<tr>
<td>iv.</td>
<td>Ensure that extensive areas of hard-surfacing are avoided, wherever practicable.</td>
</tr>
<tr>
<td>v.</td>
<td>Be consistent with the local context, scale and character.</td>
</tr>
<tr>
<td>vi.</td>
<td>Avoid significant adverse effects on the character of the Hamilton East Area.</td>
</tr>
</tbody>
</table>

- Dominance of paved areas.

- The policy contains guidance on the acceptable elements for new development – its design, scale, form and layout, loss of buildings, planting, vegetation and open space. These factors will help minimise adverse effects of infill residential development in Hamilton East Residential Intensification Zone. The policies will assist in retaining a form of development more in keeping with the surrounding Hamilton East character area.

- The policies encourage redevelopment opportunities which will replace some of the existing sausage-block type development over time.

**Costs**

- Policies 4.2.5b, 4.2.5e and 4.2.5f may restrict development of a site achieving its maximum potential. Taking into consideration the scale and size of surrounding properties may constrain the development, leading to fewer units on site. This may reduce the potential profit by the developer per unit and lead ultimately to a higher price paid by the homeowner.

- Undertaking an increased level of landscaping as promoted by Policy 4.2.5c may increase the cost of development. This will reduce the potential profit by the developer per unit and lead ultimately to a higher price paid by the homeowner.

**Efficient and Effective**

These policies will be efficient and effective to achieve objective 4.2.5 by:

- Hamilton East Residential Intensification Zone includes two storey and multi unit accommodation in the sausage block format typical of the 1970s. This area provides for higher levels of development than elsewhere in Hamilton East. Setbacks and separation distances are less pronounced than other Hamilton East development but they are still an important feature. Front yard planting contributes to the strongly vegetated character. In this area, the focus of the District Plan is on the protection of amenity values rather than the character of the existing buildings.

- This will enable Council and the community to
provide for their social, economic and cultural wellbeing (section 5(2)), the efficient use and development of physical resources (section 7(b)), the maintenance and enhancement of the amenity values (section 7(c)), and the maintenance and enhancement of the quality of the environment (section 7(f)) as required under the purpose and principles of the Act 1991.

- The policies are therefore appropriate to achieve the objective of the zone.

### Policies not most appropriate to achieve the objectives:

| No policy framework. | A lack of policies regarding Hamilton East Residential Intensification Area would mean the surrounding Hamilton East Character Area would potentially be undermined by redevelopment within the intensification area. It is considered that this option would not meet the requirements of the Act or RPS as detailed above. |

### Risks

Risks of acting or not acting.

- The risk of not having policies addressing Hamilton East Residential Intensification Area is that redevelopment has an adverse effect on the surrounding character of the area.

### Policies most appropriate to achieve the objective:

**4.2.6** Residential activities remain the dominant activity in Residential Zones.

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<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
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<tr>
<td>4.2.6a</td>
<td>In a study undertaken by Telfer Young in 2009, offices in residential areas provided 10% of the 272, 801m² total available within Hamilton City for office space. Looking at this simplistically, this means the Central City is missing out on 27,512m² of offices that have located elsewhere and the associated activity generated. The study notes that residential offices have grown strongly over the last six years. They are mostly located along major and minor arterial routes, adjacent to suburban shopping centres and the immediate fringe of the Central City. The study also notes that the attraction of the residential office is:</td>
</tr>
<tr>
<td>4.2.6b</td>
<td>A long term investment in conjunction with the owners business.</td>
</tr>
</tbody>
</table>
i. Be ancillary to the residential activity of the site.

ii. Avoid adverse effects on the neighbourhood, character, amenity and the transport network.

iii. Take place within dwellings or ancillary buildings.

iv. Involve no outdoor storage of vehicles, equipment or goods, visible from a public place.

v. Be compatible with the character and amenity of the locality, in terms of location, type and scale of activity, number of visitors to the site, and hours of operation.

4.2.6d Community facilities and community support activities (including managed care facilities and residential centres) shall:

i. Serve a local social or cultural need.

ii. Be compatible with existing and anticipated residential amenity.

4.2.6e Non-residential activities shall be of an appropriate size to maintain character of the site.

- Profile where Central City options mean that occupancy is part of a larger building.
- Ease of access for both staff and clients with either street or on-site parking.

Non residential activities in the residential area are responsible for a large portion of the complaints and non-compliance with the District Plan. Complaints relate to aspects such as signs, traffic generation and noise.

**Benefits**

- Policies 4.2.6a, 4.2.6b, 4.2.6c, 4.2.6d and 4.2.6e provide clear direction about what non-residential activities are appropriate in the residential areas.

- Policy 4.2.6a clearly states that non-residential activities are not acceptable unless their effects are less than minor. This preserves the residential amenity. Non-residential activities have the potential to generate significant adverse effects in the residential areas and this policy addresses those effects.

- Policy 4.2.6b identifies the most appropriate location for visitor facilities and accommodation. By clustering these activities together, there are economic benefits in that visitors to Hamilton know immediately where to locate short-term accommodation and can select the accommodation most appropriate to their needs and budget. Although these activities are primarily residential in that they provide accommodation, the traffic movements are far greater than a normal residential site. Excluding visitor accommodation activities from residential zoned sites preserves residential amenity.

- Policy 4.2.6c enables home-based businesses to establish in the residential zone. Home-based businesses are a legitimate form of business where residential uses still occupy the majority of the dwelling. Some former dwellings have been converted for the purpose of a business and have no residential use. The requirement of the policy that home-based businesses are ancillary to residential use is to discourage conversion of sites or buildings into purely business uses.

- The benefit of this policy is that it enables home-based businesses to establish without the expense of leasing or purchasing a commercial site.
Provided home-based businesses do not generate offsite effects, they are an acceptable form of non-residential activity. The policy establishes guidelines for home-based businesses to ensure they will be consistent with the surrounding residential amenity and character.

- Once the home-based business has become established and grown, it is more appropriate for the business to then be located in either a commercial or industrial zone.

- Policy 4.2.6d recognises that some other non-residential activities may be appropriate in the residential zones. These include facilities that perform a social or cultural function, such as schools, churches and community halls. This policy ensures that the scale and intensity is compatible with the surrounding residential amenity.

- Policy 4.2.6e recognises that any non-residential activity must be appropriate to the setting of the area in terms of size. This has the benefit of retaining the residential character and amenity.

- The benefits of Policies 4.2.6a, 4.2.6b, 4.2.6c, 4.2.6d and 4.2.6e are as follows:
  - Increased certainty for residents as to the level of non-residential activity permitted in the Residential Zones.
  - Residential character and amenity are not undermined by commercial activities.
  - Leakage of commercial activities into the residential area is prevented.
  - Increased number of offices and commercial activities establishing in the Central City and suburban centres.
  - Retention of residential amenity and character.
  - Ability to control traffic generation.
  - Small businesses can establish in a cost effective way.
  - Dwellings retain predominantly residential use.
  - Allows for a sustainable form of living and working which reduces vehicle trips.
  - Ensures that the occupier of the dwelling is involved in the commercial activity.
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<td></td>
<td>-Strengthens the urban form – clear hierarchy of commercial centres.</td>
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<td></td>
<td>-Small-scale, home-based businesses and homestays and small start up ‘business testing’ can continue to operate in the Residential Zones providing for the social and economic wellbeing of operators.</td>
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<tr>
<td></td>
<td>-Enables the establishment of support services to the local community.</td>
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<td></td>
<td>-Potential adverse effects, including cumulative effects, on residential character and amenity, and the sustainability of the Business Zones are able to be considered.</td>
</tr>
</tbody>
</table>

**Costs**

- **Policy 4.2.6a** limits the non-residential activities that can establish in the residential areas. This could constrain the development options for residential sites.
- **Policy 4.2.6b** does not allow visitor accommodation to establish in areas other than those specified by the Visitor Facilities Area. This may mean that the location of these activities as promoted by the District Plan is not consistent with market demand.
- **Policy 4.2.6c** does not allow businesses to grow and expand whilst still remaining in a residential site. Once home-based businesses have grown to a certain size, the policy forces them out of a residential zone. The increased cost of commercial or industrial premises may affect profitability.
- **Policy 4.2.6d** does not set upper limits to the scale and intensity of community support activities on a site. Such matters can be carefully considered in relation to site suitability through the discretionary activity status.
- **Policy 4.2.6e** restricts the size of non-residential operations. This may make such activities economically unviable.
- **The costs of the policies are:**
  - No ability to address cumulative effects of numbers of permitted activities in a neighbourhood. The potential for clustering of home occupations to occur which impacts on the residential character.
  - Reduced passive surveillance during the day.
with the loss of offices in residential areas.
- Does not accommodate businesses which are too big for a home occupation, but too small for commercial premises to be cost effective.
- Increased pressure on commercially zoned sites leading to increased cost.
- Some small-scale business activity not establishing in Commercial zones could lead to some potential impacts on the efficiency, effectiveness and sustainability of the City’s Business Zones.
- Perception that the policy approach deprives owners of development rights or opportunities.
- Costs and timeframe of resource consent process for applicants with community facilities.

**Efficient and Effective**

These policies will be efficient and effective to achieve objective 4.2.6 by:

- Supporting objective 4.2.6 by providing more detail on appropriate activities.
- Providing for the operation of home-based businesses, including homestays, while identifying for residents, applicants and decision makers the anticipated scale, character and intensity of this activity in Residential Zones.
- Providing opportunities for operation of specific community support services for resident’s social and economic wellbeing while ensuring residential character and amenity is retained.
- Identifying appropriate non-residential activities.
- Being easily enforceable through rules which set out clear thresholds.
- The policy is considered the most appropriate to achieve the objective and is clear and enforceable.

Non-residential activities have the potential to generate significant adverse effects in the residential areas. Home-based businesses are a legitimate form of business where residential uses still occupy the majority of the dwelling. Some former dwellings have been converted for the purpose of a business and have no residential use. The requirement of the policy that home-based businesses are ancillary to
residential use is to discourage conversion of sites or buildings into purely business uses.

Provided home-based businesses do not generate offsite effects, they are an acceptable form of non-residential activity. Home-based businesses often perform an incubator role that allows small businesses to become established without the need for commercial sites. Once the home-based business has become established and grown, it is more appropriate for the business to then be located in either a Business or Industrial Zone.

Some other non-residential activities may be appropriate in the Residential Zones. These include community facilities that perform a social or cultural function, such as schools, churches and community halls.

**Policies not most appropriate to achieve the objectives:**

<table>
<thead>
<tr>
<th>No policy framework</th>
<th>An absence of policy recognising that residential zones are primarily for residential activities would not support the objective.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>It is considered that this option would not meet the requirements of the Act or RPS as detailed above.</td>
</tr>
</tbody>
</table>

**Risks**

Risks of acting or not acting.

- Monitoring, research and enforcement information has identified that the current approach is not efficient or effective. The accumulation of non-residential activities in the Residential Zones (in particular offices) is adversely affecting residential character and amenity. It is also taking economic activity away from the centres and Central City and potentially affecting economic sustainability.

**Policies most appropriate to achieve the objective:**

4.2.7
Activities in Residential Zones are compatible with residential amenity.

**Policies**

<table>
<thead>
<tr>
<th>4.2.7a</th>
<th>Adverse effects of activities on the amenity values of the locality shall be minimised including:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>i. Effects of noise, glare, odour dust, smoke, fumes and other nuisances.</td>
</tr>
</tbody>
</table>

**Effectiveness, efficiency, costs and benefits**

**Benefits**

- The amenity of the residential area is not just about buildings and structures. Policy 4.2.7a identifies the potential adverse effects of activities which are unacceptable in the residential areas above specified levels.

- The benefit of this policy is that it identifies potential adverse effects that can accompany activities. This will ensure maintenance of the
ii. Effects on traffic, parking, and transport networks.

suburban residential character and amenity. It also allows the ability to control traffic generation.

**Costs**

Policy 4.2.7a may limit the activities (both residential and non-residential) that can establish in the residential areas. This could constrain the development options for residential sites. The costs of this policy are:

- Non-residential activities may either need a resource consent or consider a site zoned other than residential.
- Perception that the policy approach deprives owners of development rights or opportunities.
- Costs and timeframe of resource consent process for applicants with non complying activities.

**Efficient and Effective**

This policy will be efficient and effective to achieve objective 4.2.7 by:

- Supporting objective 4.2.7 by providing more detail on unacceptable affects of activities.
- Being easily enforceable through rules which set out clear thresholds.
- This policy ensures that all activities in residential zones must be compatible with residential amenity reasonably expected by its residents. This covers effects of activities such as noise, odour, vehicle generation, and hours of operation.
- The policy is considered the most appropriate to achieve the objective and is clear and enforceable.

**Policies not most appropriate to achieve the objectives:**

| Control non-residential activities so that noise, odour, dust, vibration, glare, noxiousness or danger do not cause a nuisance or adversely affect the health of occupants of surrounding residential properties. | While this policy has some useful aspects and identifies effects that may impact on residential amenity, it does not address traffic related affects. This policy is not the most appropriate to achieve the objective. |

**Risks**

Risks of acting or not acting.

- Monitoring, research and enforcement information has identified that the majority of complaints in the residential environment are on amenity issues of noise and
traffic generation. The risk of not addressing this issue is that the number of complaints increase and the amenity of the residential area is affected.

<table>
<thead>
<tr>
<th>Policies most appropriate to achieve the objective:</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.2.8 Residential buildings make efficient use of water and energy resources.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.2.8a Development should encourage the efficient use of energy and water, by:</td>
<td>Benefits</td>
</tr>
<tr>
<td>i. Incorporating water sensitive techniques.</td>
<td>• Policy 4.2.8a requires development to encourage efficient use of energy and water. The part of this policy addressing electricity is consistent with and gives effect to the National Policy Statement for Renewable Electricity. The benefits of this policy are:</td>
</tr>
<tr>
<td>ii. Reducing the use of reticulated electricity.</td>
<td>‒ Long term cost efficiencies for the homeowner (e.g. reduced power bills).</td>
</tr>
<tr>
<td></td>
<td>‒ Reduced reliance on the national grid electricity, increased resilience to power outages.</td>
</tr>
<tr>
<td></td>
<td>‒ Delays the need for Council to obtain extensions to the regional consent for water take.</td>
</tr>
<tr>
<td></td>
<td>‒ Potential to defer further investment in water and wastewater infrastructure.</td>
</tr>
<tr>
<td></td>
<td>‒ Efficient use of water infrastructure (pipes and pump stations).</td>
</tr>
<tr>
<td></td>
<td>‒ Water efficiencies are able to offset stormwater runoff issues with higher impermeable surfaces in higher density developments.</td>
</tr>
<tr>
<td></td>
<td>‒ Helps achieve stormwater management objectives to reduce volume and rate of discharge to the Waikato River as stormwater will be collected for residential purposes rather than using the stormwater reticulated system.</td>
</tr>
<tr>
<td></td>
<td>• Policy 4.2.8a addresses the quality and quantity of stormwater produced by residential sites. The benefits of these policies are:</td>
</tr>
<tr>
<td></td>
<td>‒ Delays the need for Council to obtain extensions to the regional consent for stormwater discharge.</td>
</tr>
<tr>
<td></td>
<td>‒ Potential to defer further investment in</td>
</tr>
</tbody>
</table>
stormwater infrastructure.
- Efficient use of stormwater infrastructure (pipes and pump stations).
- Increased water quality of the Waikato River.
- Helps achieve stormwater management objectives to reduce volume and rate of discharge to the Waikato River.

Costs
- Policy 4.2.8a will create extra expense for the homeowner. Water and energy efficient features will create additional cost such as solar panels, water tanks, rain gardens, green roofs etc.
- Other costs include:
  - Some features may be difficult to implement on multi-unit developments. It may require the establishment of appropriate governance structures, e.g. body corporates, to manage shared infrastructure such as water tanks.
  - Features such as water tanks and rain gardens will require regular maintenance and therefore additional cost.

Efficient and Effective
These policies will be efficient and effective to achieve objective 4.2.8 by:
- Providing more guidance as to how the objective can be achieved, e.g. features that minimise the use of reticulated water, re-use of grey water, reduction in the use of reticulated electricity, and minimised water entering the public stormwater system.
- This objective encourages new residential dwellings to use water and energy efficient technologies. Energy efficiency measures can range in scale appropriate to the building. Owners of single dwellings, for example, may wish to install solar panels on the roof. Apartment buildings have the ability to incorporate more sophisticated energy efficient technology. This could range from orientation of the building to achieve maximum sunlight and use of heat retaining building materials, to energy generation.
- Water technologies will contribute to efficiencies, and result in better long-term management of the water resource. Again, the scale of efficiency
Table 4.2.9

<table>
<thead>
<tr>
<th>Policies not most appropriate to achieve the objectives:</th>
</tr>
</thead>
<tbody>
<tr>
<td>No policies.</td>
</tr>
<tr>
<td>• This would mean that implementation of energy and water efficiency mechanisms were left to the discretion of the homeowner or developer. This would not achieve the following sections of the Act: section 7(b) the efficient use and development of natural and physical resources, 7(ba) the efficiency of the end use of energy, or 7(j) the benefits to be derived from the use and development of renewable energy.</td>
</tr>
</tbody>
</table>

Risks

Risks of acting or not acting.

• One risk of not acting is inefficient and ever-increasing water take from the Waikato River.

• The risks of establishing a policy framework to ensure efficient use of energy and water outweighs the risks of not acting.

Policies most appropriate to achieve the objective:

<table>
<thead>
<tr>
<th>4.2.9</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings and activities at the interface of residential zones with other zones will be compatible with the form and type of development anticipated in the adjacent zone.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.2.9a</td>
<td>Benefits</td>
</tr>
<tr>
<td>Adverse effects of activities that cross zone boundaries should be managed through setbacks, building design, and landscaping.</td>
<td></td>
</tr>
<tr>
<td>• Policy 4.2.9a addresses the potential for reverse sensitivity and incompatible activities located in close proximity to each other. The benefit of this policy is that it identifies mechanisms to mitigate against effects. It means that there will be less potential for adjacent activities to negatively affect each other.</td>
<td></td>
</tr>
<tr>
<td>4.2.9b</td>
<td>Costs</td>
</tr>
<tr>
<td>Buildings and structures on the boundary between residential zones and public areas shall incorporate CPTED principles.</td>
<td></td>
</tr>
<tr>
<td>• Policy 4.2.9b requires consideration of CPTED principles to ensure public spaces are safer due to passive surveillance. The benefit of this policy is a safer public environment with increased opportunities for passive surveillance by residential properties.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Policy 4.2.9a may constrain options for</td>
</tr>
</tbody>
</table>
development. Additional setbacks from the boundary may be required which compromises design and layout.

- Policy 4.2.9b may lead to less privacy for the homeowner and restrictions on how they develop their site including choice of fencing materials and placement of vegetation.

**Efficient and Effective**

- These policies will be efficient and effective to achieve objective 4.2.9 by:
  - Reducing the potential for reverse sensitivity effects.
  - Ensuring CPTED principles are given effect.
- This objective recognises the importance of managing both structures and activities where residential zones adjoin other zones. In most cases this will be reducing the impact that other zones such as business and industrial have on residential amenity. This can and will be managed by both zones through setbacks, design of buildings, and landscaping.
- This objective also recognises the importance of the interface between Residential Zones and public areas such as roads and reserves.

**Policies not most appropriate to achieve the objectives:**

<table>
<thead>
<tr>
<th>No policies.</th>
<th>A lack of policies regarding boundary effects would increase the probability of reverse sensitivity effects and incompatible activities locating adjacent to each other.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>CPTED principles would not be encouraged and would result in poor urban design outcomes e.g. reduced public-private visibility and unsafe public environments.</td>
</tr>
<tr>
<td></td>
<td>It is considered that this option would not meet the requirements of the Act or RPS as detailed above.</td>
</tr>
</tbody>
</table>

**Risks**

Risks of acting or not acting.

- It is considered that there is sufficient information regarding residential issues and options, therefore the risks of not acting outweigh the risk of acting.

- The risks of not acting are:
  - Residential density targets as identified in the RPS are not achieved.
  - Inconsistency with the RPS
- A range of residential living options are not available.
- Infrastructure is not coordinated with intensification.
- Subdivision can happen anywhere giving no certainty to residents.
- Loss of lower density in character/heritage areas.
- Poor design and layout of residential sites — both in terms of on-site amenity and the surrounding environment.
- The residential amenity and character is compromised by business activities.
- Inefficient use of land resource.
- Location of buildings and structures in close proximity to electricity transmission lines compromises the ability of the network.
- Buildings, structures and activities in close proximity to electricity transmission lines decrease safety to residents.
- Reverse sensitivity effects.
- Establishment of activities incompatible with residential.
- Inefficient use of electricity and water resources.

**Policies most appropriate to achieve the objective:**

**4.2.10**
Protect the amenity values of the Percival – Ryburn Road Large Lot Residential Zone, while providing for the urbanisation for the Ruakura Structure Plan area.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4.2.10a</strong> Maintain the low density living environment by limiting the subdivision of land for further residential purposes.</td>
<td>See Appendix 1</td>
</tr>
<tr>
<td><strong>4.2.10b</strong> Maintain efficient management of water supply and the treatment and disposal of stormwater and wastewater.</td>
<td></td>
</tr>
</tbody>
</table>

**Policies most appropriate to achieve the objective:**

**4.2.11** Further development within the Percival/Ryburn Road Large Lot Residential Zone does not compromise future logistics zoning as provided for in the Regional Policy Statement.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4.2.11a</strong> Manage the transition to a logistics zoning by a variation or change to the District Plan</td>
<td>See Appendix 1</td>
</tr>
</tbody>
</table>
when there is sufficient information and certainty about the timing and need for this zoning.

**Policies most appropriate to achieve the objective:**

4.2.12 The Ruakura Medium Density Residential Zone includes an Integrated Retail Development providing services and community facilities capable of meeting the day to day needs of the immediate neighbourhood.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>4.2.12a</strong>&lt;br&gt;An Integrated Retail Development limited in size shall be provided for in a location central to the Ruakura Medium Density Residential Development.</td>
<td>See Appendix 1</td>
</tr>
<tr>
<td><strong>4.2.12b</strong>&lt;br&gt;Activities within the Integrated Retail Development shall principally serve their immediate neighbourhood.</td>
<td></td>
</tr>
<tr>
<td><strong>4.2.12c</strong>&lt;br&gt;The scale and nature of activities within the Ruakura Integrated Retail Development shall not generate significant adverse amenity effects on surrounding residential areas and transport networks.</td>
<td></td>
</tr>
</tbody>
</table>

**Conclusion:** Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objectives.

### 4.4 Rules

<table>
<thead>
<tr>
<th>Rules most appropriate to achieve the objectives:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Method</strong>&lt;br&gt;Four residential zones that accommodate different</td>
<td><strong>Effectiveness, efficiency, costs and benefits</strong>&lt;br&gt;Benefits</td>
</tr>
</tbody>
</table>
types of densities and residential environments.

- The urban zones have a specific density target aligned with the targets set out in the RPS. This means there is increased chance of meeting the density targets.
- The approach to zoning identifies where intensification will occur. This allows coordination of infrastructure with intensification.
- Residential growth is focused into the most appropriate locations.
- Provides areas of stability.
- Effects of subdivision are localised because development is focused into identified areas.
- Provides certainty for communities as to the future level of change or development they can expect.
- Retention of lower density in semi-rural character/heritage areas.
- Activities for each zone can be tailored to match the likely environment.
- Bulk and location standards can be tailored for each zone to enable a certain form of development. For example taller buildings will be enabled in the intensification areas to enable a higher density of living.

**Costs**

- Removes ability for more intense development in areas not zoned for higher density living.
- Significant change in character for the areas identified for intensification.
- Loss of current development rights for some properties.
- Potential for intensification to be identified in unsuitable or unattractive locations.

**Efficient and Effective**

- This method will be efficient and effective to achieve objective 4.2.1 and 4.2.2 by providing four Residential Zones that will ensure the densities, building form and activities achieve the vision for the zone.

<table>
<thead>
<tr>
<th>4.3 Rules</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Residential Zone, Residential Intensification Zone, Large Lot Residential Zone and 4.5 Medium-density Residential Zone</td>
<td>Gives clear expectations of what is anticipated or appropriate within the zone. Buildings and activities have a different status depending on their suitability for a particular zone.</td>
</tr>
<tr>
<td></td>
<td>Activities that may be suitable in a residential area</td>
</tr>
</tbody>
</table>
depending on their size and effects are restricted discretionary, those requiring closer scrutiny of effects are discretionary and those not appropriate are non-complying.

**General Residential**
- The activities permitted are those structures and activities normally expected of a residential area. For example a single dwelling, an accessory building, an ancillary flat, repair or demolition of a dwelling, home-based business and homestay are all permitted.

**Residential Intensification**
- This zone has less permitted activities due to the higher density environment. Activities that are permitted in the General Residential Zone require resource consent in the Residential Intensification Zone. This is because an increased density living results in a more sensitive environment. The design of buildings is more important with apartments and duplex dwellings likely.
- Requiring a resource consent allows the design and functionality to be assessed to ensure a safe and healthy environment for residents. Most activities will also require a resource consent to ensure the effects can be managed and the scale and intensity of the activity is appropriate for a higher density living environment.

**Medium Density Residential**
- Most activities and structures require resource consent. In general, development in the Medium Density Residential Zone is subject to a comprehensive development plan approved by Council. The reason for this is as a greenfields area it is important to get not only the mix of activities correct and in accordance with the structure plan, but also ensure a high level of urban design. The Medium Density Residential Zone is divided into a number of comprehensive development plan areas each of which may have a separate comprehensive development plan.

**Large Lot Residential**
- This zone allows for a range of residential and rural uses. This will allow the character of these areas to be retained and should accommodate the range of activities that currently take place at present.
- The large lot residential zone in Percival and Ryburn Roads bounded by the Waikato Expressway is identified on the Ruakura Structure Plan for logistics in the longer term.

**Costs**

- There will be some activities and buildings that will be required to obtain resource consent due to their potential effect on the surrounding environment. This adds additional cost, complexity and time to those developments.

**Efficient and Effective**

These rules will be efficient and effective to achieve all residential objectives by:

- Ensuring a range of housing types is available, by guiding the predominant form of housing for each zone.
- Efficient use of land and infrastructure by ensuring where appropriate, development is able to be serviced through the resource consent process.
- Residential activities remain the dominant activity in Residential Zones.
- Activities in Residential Zones are compatible with existing amenity.
- Ensuring that use and development of residential zoned land is complementary to the functions and values of the residential zone.

<table>
<thead>
<tr>
<th>4.3.1 and 4.5.3 Rules – Activity Status for Residential Activities and Structures.</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Enables common residential activities and structures to be undertaken without requiring a resource management process.</td>
<td>- Enables the following activities to be undertaken.</td>
</tr>
<tr>
<td>- Within the Large Lot Residential Zone, a more limited range of residential activities are allowed, given the characteristics of the zone, low density population, and lack of infrastructure within the those areas of the Ruakura Structure Plan.</td>
<td>- Residential activities.</td>
</tr>
<tr>
<td>- Enables the following activities to be undertaken.</td>
<td>- Ancillary residential structures.</td>
</tr>
<tr>
<td>- Accessory buildings.</td>
<td>- Maintenance, repair and alterations to existing buildings.</td>
</tr>
<tr>
<td>- Managed care facilities for nine or less people.</td>
<td>- Single dwelling (General Residential only).</td>
</tr>
<tr>
<td>4.3.1 and 4.5.3 Rules – Activity Status for Commercial Activities and Structures.</td>
<td>Benefits</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>- Ancillary flat (General Residential only).</td>
<td>- Gives clear expectations of what is anticipated/appropriate within the zone. Buildings and activities have a different status depending on their suitability for a particular zone.</td>
</tr>
<tr>
<td>- Provides certainty to the community as to what activities/structures might establish in the residential area.</td>
<td></td>
</tr>
<tr>
<td>- The permitted status is accompanied by size restrictions to ensure that the activities/structures are of an appropriate scale to residential environments.</td>
<td></td>
</tr>
<tr>
<td>- For restricted discretionary and discretionary activities, these may be able to be established but depends on the effects being avoided, remedied or mitigated.</td>
<td></td>
</tr>
<tr>
<td>- Ensures a variety of living environments. For example single dwellings will be common in the General Residential whereas apartments and duplexes will be the predominant residential form in the Residential Intensification and Medium Density Zones.</td>
<td></td>
</tr>
<tr>
<td>- Ensures residential amenity and character is retained.</td>
<td></td>
</tr>
<tr>
<td><strong>Costs</strong></td>
<td></td>
</tr>
<tr>
<td>- Limits the variety of residential form within each zone.</td>
<td></td>
</tr>
<tr>
<td>- Limits the development options for each zone.</td>
<td></td>
</tr>
<tr>
<td>- There will be some activities and buildings that will be required to obtain resource consent due to their potential effect on the surrounding environment. This adds additional cost, complexity and time to those developments.</td>
<td></td>
</tr>
<tr>
<td><strong>Efficient and Effective</strong></td>
<td></td>
</tr>
<tr>
<td>These rules will be efficient and effective to achieve objectives 4.2.1, 4.2.6 and 4.2.7 by:</td>
<td></td>
</tr>
<tr>
<td>- Ensuring a variety of residential environments is provided.</td>
<td></td>
</tr>
<tr>
<td>- Providing variety of residential form.</td>
<td></td>
</tr>
<tr>
<td>- Retaining residential amenity.</td>
<td></td>
</tr>
<tr>
<td>- It is the most efficient and effective approach as it ensures that the residential amenity and character is retained.</td>
<td></td>
</tr>
</tbody>
</table>
- Only low impact, small commercial operations are permitted and the size is usually limited by standards.
- Enables the following businesses to establish without requiring a resource consent process, in some zones.
  - Home-based business.
  - Homestay accommodation.
  - Childcare facility for less than six children (General Residential only).
  - Show homes (General Residential only).
  - Conference facilities (Visitor Facilities Area only).
  - Restaurant ancillary to visitor accommodation (Visitor Facilities Area only).
  - Visitor accommodation (Visitor Facilities Area only).
- Enables economic development to continue within the City.
- Provides certainty to the community as to what activities might establish in the residential area.
- The permitted status is accompanied by size restrictions to ensure that the operations are of an appropriate scale and duration to residential environments.
- For restricted discretionary and discretionary activities, these may be able to be established but depends on the effects being avoided, remedied or mitigated.
- Discourages commercial activities in the Residential Intensification and Medium Density Zones due to the higher density and likelihood of adverse effects.
- Focuses visitor accommodation and associated conference facilities and restaurants into the Ulster Street area. This enables those existing activities to continue and expand.
- More economically viable to establish small businesses in residential areas.
- Once businesses outgrow the permitted standards, forces them into other more appropriate zones—retaining the residential amenity.
- Retains Residential Zones for primarily residential
activities but allows mixed-use development where this is appropriate.

- Encourages commercial operations such as offices to locate in more appropriate areas like the Central City.
- Assists in bringing vitality and vibrancy back to the Central City and other business nodes.

**Costs**

- Limits the size of commercial activities that can be undertaken in residential areas.
- Increases the cost for commercial operations as the cost of land and buildings is more expensive in the Business Zones.
- There will be some activities and buildings that will be required to obtain resource consent due to their potential effect on the surrounding environment. This adds additional cost, complexity and time to those developments.
- Once businesses outgrow the permitted standards, forces them into other more appropriate zones.
- Harder to establish commercial operations in the higher density zones.

**Efficient and Effective**

These rules will be efficient and effective to achieve objectives 4.2.4, 4.2.5 and 4.2.6 by:

- Ensuring residential activities remain the dominant activity in Residential Zones.
- Activities in Residential Zones are compatible with residential amenity.
- Residential amenity is retained.
- Economic development can continue as the Residential Zones can act as an incubator for small businesses.
- Commercial activities are directed into more appropriate business or industrial zones where their effects can be better managed.

**4.3.1 and 4.5.3 Rules – Activity Status for Community Activities and Structures.**

**Benefits**

- Gives clear expectations of what is anticipated/appropriate within the zone. Buildings and activities have a different status depending on their suitability for a particular zone.
- Informal recreation and organised recreation are permitted activities to enable these activities to occur on parcels of land which still have a
residential zoning and have yet to be rezoned to an open space zoning.
- Enables community activities to be established within their community where appropriate avoidance, mitigation or remediating of adverse effects is undertaken.
- Retains residential zones for primarily residential activities.

**Costs**
- May limits the location of community facilities to establish.
- Increases the cost for community facilities as the cost of land and buildings is more expensive in the business zones.
- There will be some activities and buildings that will be required to obtain resource consent due to their potential effect on the surrounding environment. This adds additional cost, complexity and time to those developments.
- Activity status may mean community facilities locate some distance from their community catchment (e.g. churches having to locate some distance from their parishioners).

**Efficient and Effective**
These rules will be efficient and effective to achieve objectives 4.2.4, 4.2.5 and 4.2.6 by:
- Ensuring residential activities remain the dominant activity in Residential Zones.
- Community facilities that do establish in Residential Zones are compatible with residential amenity.
- Residential amenity is retained.
- Community facilities are directed into more appropriate zones where their effects can be better managed.

<table>
<thead>
<tr>
<th>4.3.2, 4.5.4, 4.5.5, 4.5.6, 4.5.7 Rules – Ruakura Structure Plan Area General Residential – Staging; Activity Status – Ruakura Medium-Density Residential Zone; Ruakura Structure Plan Area – Staging; Site Coverage; Building Height</th>
<th>See Appendix 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.5.1 and 4.5.2 Rules –</td>
<td>Benefits</td>
</tr>
</tbody>
</table>
### Comprehensive Development Plan requirements for Medium Density Residential.

- Comprehensive and integrated development of the Medium Density Residential area.
- Facilitates the efficient and effective provision of infrastructure including the integration of open space, green infrastructure, cycleways, walkways, streets and car parking facilities.
- Restricts the ad hoc and sporadic development of activities that lack integration with adjacent development and wider activities.
- Allows the development to be assessed on a larger scale than single sites.
- Ensures the dwelling densities are met.

### Costs

- Administrative costs for Council associated with processing applications and assessing compliance.
- Compliance costs for developers.
- For comprehensive development areas not in one ownership, it requires the consents to be jointly prepared.

### Efficient and Effective

- The environmental and social benefits and the wider economic benefits of ensuring the comprehensive and integrated development of the Medium Density Residential Area far outweigh the costs of the process to achieve these outcomes.

### Benefits

- By setting density requirements for new development, Council is ensuring that the density targets as set by the RPS are achieved.
- As each zone has a different density, it will ensure that a variety of residential densities and environments are provided throughout the City.
- Densities provide certainty as to the development (or stability) of all parts of the City.
- Future infrastructure requirements can be planned in advance of development as the maximum number of households can be calculated.
- Provides certainty as to the theoretical development potential of every lot in the City.

### Costs

- Setting densities may constrain development, meaning a lower yield than the developer may desire.

| 4.7 Specific Standards – All Zones. | 4.8 Specific Standards – Ruakura Medium Density Residential Zone. |
| 4.9 Specific Standards – Large Lot Residential Zone. |
| 4.4.1 Density. | 4.6.2 Development Yield. |
The approach to Residential Intensification Zone by requiring development to be within a density range may not give the developer flexibility.

**Efficient and Effective**

These rules will be efficient and effective to achieve objectives:

- 4.2.1 Range of housing types and densities is available to meet the needs of all communities.
- 4.2.2 Efficient use of land and infrastructure.
- It is the most efficient and effective approach as it ensures that the density targets as set by the RPS are achieved. This ensures efficient use of the urban land resource in Hamilton.

*Also see Appendix 1*

**Bulk and location standards:**
- 4.4.2 Site coverage
- 4.4.4 Building height
- 4.4.5 and 4.6.3 Height in relation to boundary
- 4.4.6 Building setbacks
- 4.4.9 Residential buildings – separation and privacy

Site coverage controls the footprint of development that is considered appropriate to each type of residential environment. To allow a larger building and enable higher density, the Residential Intensification and Medium Density Zones have an increased site coverage standard of 50%. There is no restriction on the number of buildings, just the percentage of the site that can be covered by buildings.

The Hamilton East Residential Intensification Zone has a slightly lower site coverage. New development that has been built within the existing 50% rules has resulted in a loss of space around the dwelling and loss of planting and vegetation. The characteristic pattern of development with low site coverage, generous green space and wide setback to boundaries is not achieved through the existing rule.

Similarly the Residential Intensification and Medium Density Zones have an increased height of 12.5m to allow an additional storey and a greater density of units. The Hamilton East area has a slightly lower maximum height of 10m. Current building heights in this area are no more than 9.9m. There are no developments that have achieved the full height of 12.5m. Balancing the concerns of the community about development that is out of scale with the character of the area, with the objectives of the high density area resulted in a modified height of 10m.

The height in relation to boundary rule requires taller buildings to be located further back from the boundary. The benefits of this are that adjoining properties have adequate sunlight. The southern boundary is the most restrictive as this is the northern...
boundary of the adjoining site, with sunlight coming from the northerly direction.

Consideration in this assessment is given to two scenarios in particular. The first is the status quo which provides for a 28° angle on the southern boundary and a 45° angle on all other boundaries. The second is an alternative which provides for a 32° angle to take into account a situation occurring at the equinoxes between the hours of approximately 9:00 a.m. and 3:00 p.m. The status quo is preferred because:

1. The elevation of the sun is greater than 45° approximately between the hours of 10 a.m. and 2 p.m. at the equinoxes thus providing for daylight during a significant portion of the warmer part of the day than the second alternative refers to.

2. It provides for the worst-case scenario in winter when the climate is typically colder and greater benefit is derived from a lower angle to the southern boundary.

3. A 45° angle is formed by a triangle which has equal opposite and adjacent sides which can be easily understood and implemented.

4. It provides a continuation of the existing situation which is supported by the development community and understood by users of the Plan.

Access to sunlight is not a consideration with regards to the road boundary, however the 45° height control plane ensures taller buildings are set back from the front boundary which lessens the dominance on the streetscape. The height in relation to boundary rule does not apply on boundaries between sites zoned Residential Intensification to enable maximum usage of the sites.

Building setbacks provide uniformity to a neighbourhood and determine the relationships and placement between structures. Setbacks allow a certain measure of privacy between neighbours, provide space for light and air circulation, and provide open space for landscaping and recreational use. They also provide distance between neighbours to mitigate noise and odours. Setbacks ensure that there is adequate room for emergency vehicles between and around the properties and access for utility workers who need to deal with power, water, and gas lines. It also provides space for maintenance on the home. Setbacks also improve street visibility. Setbacks vary
depending on the type of road and the amount of traffic that will use it. Higher order roads such as the Waikato Expressway require a larger setback to mitigate against noise and vibration effects of traffic.

Separation and privacy standards ensure an adequate level of privacy between dwellings. The benefit is that there is usable and functional space between buildings.

**Benefits**

- The established character and amenity of street front properties are maintained with higher scale development on rear sites and more compatible scale development in the Hamilton East Residential Intensification Zone.

- A consistent level of amenity and building potential within each zone.

- Site coverage rules ensure that the building footprint is relative to the size of the site.

- Increased site coverage to allow the increased density required of the Residential Intensification Zone and Medium Density Residential Zone.

- Lower site coverage allowance in the Hamilton East Residential Intensification Zone to be more consistent with the surrounding character/amenity of Hamilton East (Special Residential Zone).

- Lower maximum height allowance in the Hamilton East Residential Intensification Zone to be more consistent with the surrounding character/amenity of Hamilton East (Special Residential Zone).

- The height in relation to boundary rule ensures there is adequate sunlight to each dwelling taking into account the shading effect on a southern boundary at the winter solstice.

- Setbacks allow a certain measure of privacy between neighbours, provide space for light and air circulation, and provide open space for landscaping and recreational use.

- Setbacks provide distance between neighbours to mitigate noise and odours.

- Setbacks ensure there is adequate room for emergency vehicles between and around properties and access for utility workers who need to deal with power, water, and gas lines. It also
provides space for maintenance on the home.

- Larger setbacks for properties adjacent to the Waikato Expressway offset the higher noise environment and vibration effects of traffic.
- Separation and privacy standards useable and functional space between buildings.

**Costs**

- Places restrictions on how buildings are to be designed.
- May constrain the maximum development possible on the site.

**Efficient and Effective**

These rules will be efficient and effective to achieve objectives:

- 4.2.3 Residential development produces good on-site amenity.
- 4.2.4 The development contributes to good neighbourhood amenity as the area matures.
- By ensuring that the bulk and location of buildings enable access to sunlight, do not dominate the streetscape, provide living space around the dwelling and mitigate against noise and vibration effects of traffic.
- 4.4.5 and 4.6.3: Maintaining a 45° daylight angle is easily understood and implemented by users of the Plan as it is formed by a triangle with opposite and adjacent sides that are equal.

**4.4.3 and 4.6.5 Permeable surface standards.**

Permeability standards control the amount of the site that can be covered with impermeable surfaces. Requiring a minimum level of permeability for each site allows a portion of stormwater runoff to be managed on site. This reduces the amount of stormwater entering the reticulated stormwater system.

Requiring a minimum level of permeability in the front yard ensures that landscaping of some form is required. Even if this is just sowed in grass, it still provides green relief for the City and assists in stormwater management.

**Benefits**

- Reduced stormwater entering the reticulated system due to infiltration and storage of stormwater within the sub-base.
<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td></td>
<td>• Reduced peak flow of stormwater in storm events.</td>
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<td></td>
<td>• Creates a good standard of visual amenity.</td>
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<td>• Provides green relief.</td>
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<td>• Increased biodiversity.</td>
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<td></td>
<td>• Ecological benefits.</td>
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<td></td>
<td>• Permeable surface standards in the Hamilton East Residential</td>
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<tr>
<td></td>
<td>Intensification Zone will be more consistent with the</td>
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<td></td>
<td>surrounding character/amenity of Hamilton East (Special</td>
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<td>Residential Zone).</td>
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<td></td>
<td>• Improved streetscape.</td>
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<td>• Ensures access to sunlight.</td>
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<td>• Landscaping and use of vegetation can help to soften the</td>
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<td>appearance of large buildings, screen sensitive uses, and</td>
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<td></td>
<td>provide both amenity and human scale.</td>
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<td>• The use of landscaping can significantly add to identity,</td>
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<td></td>
<td>character, and distinctiveness as well as mitigate effects</td>
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<td>associated with building mass or large parking areas.</td>
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<tr>
<td>Costs</td>
<td>• Places restrictions on personal choice when it comes to</td>
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<td></td>
<td>management of the front setback.</td>
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<td></td>
<td>• Does not necessarily result in a good amenity outcome (e.g.</td>
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<td></td>
<td>overgrown lawns).</td>
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<td></td>
<td>• May compromise CPTED principles (e.g. visual connection</td>
</tr>
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<td></td>
<td>between dwellings and the street).</td>
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<tr>
<td>Efficient and Effective</td>
<td>These rules will be efficient and effective to achieve</td>
</tr>
<tr>
<td></td>
<td>objectives 4.2.3, 4.2.4, 4.2.5, 4.2.8 and 4.2.9:</td>
</tr>
<tr>
<td></td>
<td>• By requiring landscaping of the front yard, it ensures</td>
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<td></td>
<td>access to sunlight, increased visual amenity, as well as</td>
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<td></td>
<td>improved management of stormwater.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>4.4.7 Interface between public and private.</th>
<th>The interface standards have several different components:</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.4.8 Fences and Walls.</td>
<td>• All accessory buildings (whether attached to the dwelling</td>
</tr>
<tr>
<td></td>
<td>or detached) must not be located more than 0.5m forward of</td>
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<tr>
<td></td>
<td>the front line of the dwelling.</td>
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<td></td>
<td>• Where a garage or carport faces the road, the setback is</td>
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<td></td>
<td>increased to 8m.</td>
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<td></td>
<td>• At least one principal room window must face the street.</td>
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<tr>
<td>4.4.10 Outdoor living area.</td>
<td>Benefits</td>
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<td>-----------------------------</td>
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</tr>
<tr>
<td><strong>4.4.11 Service Areas.</strong></td>
<td><strong>Benefits</strong></td>
</tr>
<tr>
<td>The Hamilton East Residential Intensification Zone has additional rules controlling wall length, height of buildings and site coverage.</td>
<td></td>
</tr>
<tr>
<td><strong>Benefits</strong></td>
<td></td>
</tr>
<tr>
<td>• The established character and amenity of street front properties are maintained with higher scale development on rear sites and more compatible scale development in the Hamilton East Residential Intensification Zone.</td>
<td></td>
</tr>
<tr>
<td>• Standards to increase the chance of passive surveillance will result in safer public environments.</td>
<td></td>
</tr>
<tr>
<td>• Reduced domination of garages and carports of the road frontage.</td>
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<tr>
<td><strong>Costs</strong></td>
<td></td>
</tr>
<tr>
<td>• Places restrictions on how buildings are to be designed.</td>
<td></td>
</tr>
<tr>
<td>• May constrain the maximum development possible on the site.</td>
<td></td>
</tr>
<tr>
<td><strong>Efficient and Effective</strong></td>
<td></td>
</tr>
<tr>
<td>• These rules will be efficient and effective to achieve objectives 4.2.3 and 4.2.4.</td>
<td></td>
</tr>
<tr>
<td>• These rules are based on CPTED principles and will assist in creating a safer public environment through passive surveillance.</td>
<td></td>
</tr>
<tr>
<td><strong>4.4.10 Outdoor living area.</strong></td>
<td></td>
</tr>
<tr>
<td><strong>4.4.11 Service Areas.</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Benefits</strong></td>
<td></td>
</tr>
<tr>
<td>• Private outdoor living areas contribute to on-site amenity.</td>
<td></td>
</tr>
<tr>
<td>• Increases the range of activities people can enjoy in and around their home.</td>
<td></td>
</tr>
<tr>
<td>• Being located on the northern side of the dwelling will ensure sunlight.</td>
<td></td>
</tr>
<tr>
<td>• Allows private outdoor living areas not just on ground level but also at an upper level balcony or roof deck.</td>
<td></td>
</tr>
<tr>
<td>• The area of private open space varies depending on the form of housing.</td>
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<tr>
<td>• Allows private outdoor living areas to be amalgamated to provide a larger shared space for residents.</td>
<td></td>
</tr>
<tr>
<td>• Requires a designated space for clothes lines and solid waste and recycling storage facilities for each residential unit.</td>
<td></td>
</tr>
<tr>
<td>• Ensures all dwellings including ancillary units have</td>
<td></td>
</tr>
<tr>
<td><strong>Section 32 – Operative District Plan</strong></td>
<td><strong>Hamilton City Council</strong></td>
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<tr>
<td>----------------------------------------</td>
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<tr>
<td><strong>a level of private open space.</strong></td>
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<td><strong>Costs</strong></td>
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<tr>
<td>• Places restrictions on how buildings are to be designed.</td>
<td></td>
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<tr>
<td>• May constrain the maximum development possible on the site.</td>
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<tr>
<td><strong>Efficient and Effective</strong></td>
<td></td>
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<tr>
<td>These rules will be efficient and effective to achieve objective 4.2.3.</td>
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<tr>
<td>These rules will create enhanced on-site amenity for residents.</td>
<td></td>
</tr>
<tr>
<td><strong>4.4.12 and 4.6.4 Residential unit size.</strong></td>
<td><strong>Benefits</strong></td>
</tr>
<tr>
<td><strong>Benefits</strong></td>
<td></td>
</tr>
<tr>
<td>• Ensures that residential units are of an appropriate size for living. This is more of an issue with residential centres than apartments.</td>
<td></td>
</tr>
<tr>
<td>• Provides a range of different unit types which ensures there is a variety of living environments available.</td>
<td></td>
</tr>
<tr>
<td>• The sizes are consistent with ancillary flat size requirements.</td>
<td></td>
</tr>
<tr>
<td><strong>Costs</strong></td>
<td></td>
</tr>
<tr>
<td>• Places restrictions on how buildings are to be designed.</td>
<td></td>
</tr>
<tr>
<td>• May constrain the maximum development possible on the site.</td>
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<tr>
<td><strong>Efficient and Effective</strong></td>
<td></td>
</tr>
<tr>
<td>These rules will be efficient and effective to achieve objective 4.2.1 and 4.2.3.</td>
<td></td>
</tr>
<tr>
<td>These rules will create enhanced on-site amenity for residents.</td>
<td></td>
</tr>
<tr>
<td><strong>4.8.1 Integrated Retail Development (Ruakura Comprehensive Development Plan (CDP) Area A only).</strong></td>
<td><strong>Benefits</strong></td>
</tr>
<tr>
<td><strong>Benefits</strong></td>
<td></td>
</tr>
<tr>
<td>• Provides for mixed-uses in medium-density residential area which provides local services that are easily accessible.</td>
<td></td>
</tr>
<tr>
<td>• Non-residential tenancies have to be connected to residential developments which protects residential amenity of surrounding area.</td>
<td></td>
</tr>
<tr>
<td>• Offices are limited to protect the viability of the Central City.</td>
<td></td>
</tr>
<tr>
<td><strong>Costs</strong></td>
<td></td>
</tr>
<tr>
<td>• Commercial prospects limited because only four types of businesses are allowed and only a maximum of 1500m² is allowed for all commercial</td>
<td></td>
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</tbody>
</table>
tenancies.

- Office space is limited.

**Efficient and Effective**

These rules will be efficient and effective to achieve objective 4.2.6 and 4.2.7 by:

- Ensuring residential activities remain the dominant activity in Residential Zones.
- Activities in Residential Zones are compatible with residential amenity.
- Residential amenity is retained.
- Economic development can continue as it will provide services that are easily accessible to the residential community.
- Larger commercial operations are directed into more appropriate business or industrial zones where their effects can be better managed.

### 4.7.1 Ancillary residential unit.

#### Benefits

- Provides for a variety of densities of development within the City.
- Provides a range of living environments which assists in meeting the needs of a diverse community.
- Assists in the economic feasibility of purchasing a property (additional income from the ancillary flat).
- Provides for new development opportunity General Residential sites over 600m2.
- Retains the provisions for shared accommodation.
- Allows flexibility in how the ancillary unit is provided eg attached, underneath on the ground floor or fully detached.
- Allows flexibility for housing elderly and dependent relatives – they can be close by but still able to live independently.

#### Costs

- May contribute additional loading on the infrastructure networks.
- Unforeseen loading on the infrastructure networks including transport networks.
- May have a cumulative effect where a number of properties develop in this way.
- May undermine the densities in the General
<table>
<thead>
<tr>
<th>Residential Zone. Maximum density is 1 dwelling per 400m², whereas the ancillary unit enables 2 units per 600m².</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Efficient and Effective</strong></td>
</tr>
<tr>
<td>• These rules will be efficient and effective to achieve objective 4.2.1 and 4.2.2.</td>
</tr>
<tr>
<td>• These rules will enable a variety of housing types and densities to meet the needs of the community.</td>
</tr>
<tr>
<td><strong>4.7.2 Childcare Facility.</strong></td>
</tr>
<tr>
<td><strong>Benefits</strong></td>
</tr>
<tr>
<td>• Only low impact, small commercial operations are permitted.</td>
</tr>
<tr>
<td>• Enables the childcare to establish without requiring a resource consent process.</td>
</tr>
<tr>
<td>• The size restrictions ensure that the operations are at a scale and duration appropriate to residential environments. The permitted size is similar to the size of a large family.</td>
</tr>
<tr>
<td>• More economically viable to establish small childcares in residential areas.</td>
</tr>
<tr>
<td>• Once childcares outgrow the permitted standards, forces them into other more appropriate zones retaining the residential amenity.</td>
</tr>
<tr>
<td>• Retains residential zones for primarily residential activities.</td>
</tr>
<tr>
<td>• Childcare operations can establish close to their clients.</td>
</tr>
<tr>
<td>• Retains residential amenity and character.</td>
</tr>
<tr>
<td>• Ability to control traffic generation.</td>
</tr>
<tr>
<td>• Allows small businesses to establish in cost effective way.</td>
</tr>
<tr>
<td>• Dwelling retains predominantly residential use.</td>
</tr>
<tr>
<td>• Ensures easy access to the site with the requirement to be a front or corner site.</td>
</tr>
<tr>
<td>• Nuisance such as noise is managed through Residential Zone noise standards.</td>
</tr>
<tr>
<td>• Similar effects to that of a large family.</td>
</tr>
<tr>
<td>• Can be established anywhere in the Residential Zone.</td>
</tr>
<tr>
<td><strong>Costs</strong></td>
</tr>
<tr>
<td>• Limits the size of childcare activities that can be undertaken in residential areas.</td>
</tr>
<tr>
<td>• Once childcares outgrow the permitted standards,</td>
</tr>
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</table>
forces them into other more appropriate zones.

- Increases the cost for commercial operations as the cost of land and buildings is more expensive in the Business Zones.
- The potential for clustering of childcares to occur which impacts on the residential character.
- Potential to create nuisance with vehicle movements dropping off and picking up.

**Efficient and Effective**

These rules will be efficient and effective to achieve objectives 4.2.6 and 4.2.7 by:

- Ensuring residential activities remain the dominant activity in Residential Zones.
- Activities in Residential Zones are compatible with residential amenity.
- Residential amenity is retained.
- Economic development can continue as the Residential Zones can act as an incubator for small businesses such as childcare.
- Larger commercial operations are directed into more appropriate business or industrial zones where their effects can be better managed.

### 4.7.3 Community Centres, Tertiary and specialised training facilities, Schools and Places of Worship.

These activities require a resource consent however these standards set acceptable parameters including maximum floor area, hours of operation, vehicle access and external visibility of the activity.

**Benefits**

- The size is capped to that similar to a large dwelling to maintain the character of the residential zone.
- The size restrictions ensure that the operations are at a scale and duration appropriate to residential environments.
- Once the community facilities outgrow the standards, forces them into other more appropriate zones retaining the residential amenity.
- Retains residential zones for primarily residential activities.
- Community facilities can establish close to their communities.
- Ensures safety of the transport network with the requirement for no vehicle access onto a major arterial road.
### Nuisance
- Nuisance such as noise is managed through Residential Zone noise standards.
- As the activity will need to go through a resource consent process, other effects can be assessed.

### Costs
- Limits the size of community facilities that can be established/undertaken in residential areas.
- Once community facilities outgrow the standards, forces them into other more appropriate zones.
- Potentially increases the cost for community facilities as the cost of land and buildings is more expensive in the Business Zones.
- Can be established anywhere in the residential zone.

### Efficient and Effective
These rules will be efficient and effective to achieve objectives 4.2.6 and 4.2.7 by:
- Ensuring residential activities remain the dominant activity in Residential Zones.
- Activities in Residential Zones are compatible with residential amenity.
- Residential amenity is retained.
- Communities are able to meet their needs.
- Larger community facilities are directed into more appropriate business or industrial zones where their effects can be better managed.

#### 4.7.4 Dairies.
Dairies require a resource consent in all residential zones.

### Benefits
- Only small commercial operations are permitted.
- The size restrictions ensure that the operations are at a scale appropriate to the residential environment.
- Retains Residential Zones for primarily residential activities.
- Enables convenience needs to be met locally.
- Retains residential amenity and character.
- Ability to control traffic generation through size limits.
- Ensures surrounding amenity is retained by screening of service area.

### Costs
### Operational District Plan

- Limits the size of commercial activities that can be undertaken in residential areas and potentially economic viability.

**Efficient and Effective**

These rules will be efficient and effective to achieve objectives 4.2.6 and 4.2.7 by:

- Ensuring residential activities remain the dominant activity in Residential Zones.
- Activities in Residential Zones are compatible with residential amenity.
- Residential amenity is retained.

<table>
<thead>
<tr>
<th>4.7.5 Home-based business.</th>
<th><strong>Benefits</strong></th>
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<tbody>
<tr>
<td></td>
<td>- Only low impact, small commercial operations are permitted.</td>
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<tr>
<td></td>
<td>- Enables the business to establish without requiring a resource consent process.</td>
</tr>
<tr>
<td></td>
<td>- The size restrictions ensure that the operations are at a scale and duration appropriate to residential environments.</td>
</tr>
<tr>
<td></td>
<td>- More economically viable to establish small businesses in residential areas.</td>
</tr>
<tr>
<td></td>
<td>- Once businesses outgrow the permitted standards, forces them into other more appropriate zones retaining the residential amenity.</td>
</tr>
<tr>
<td></td>
<td>- Retains Residential Zones for primarily residential activities.</td>
</tr>
<tr>
<td></td>
<td>- Encourages commercial operations such as offices to locate in more appropriate areas like the Central City.</td>
</tr>
<tr>
<td></td>
<td>- Increased number of offices and commercial activities establishing in the Central City.</td>
</tr>
<tr>
<td></td>
<td>- Assists in bringing vitality and vibrancy back to the Central City and other business nodes by requiring larger businesses to locate there.</td>
</tr>
<tr>
<td></td>
<td>- Retains residential amenity and character.</td>
</tr>
<tr>
<td></td>
<td>- Ability to control traffic generation.</td>
</tr>
<tr>
<td></td>
<td>- Allows small businesses to establish in cost effective way.</td>
</tr>
<tr>
<td></td>
<td>- Dwelling retains predominantly residential use.</td>
</tr>
<tr>
<td></td>
<td>- Allows for a sustainable form of living and working which reduces vehicle trips.</td>
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<td></td>
<td>- Ensures that the occupier of the dwelling is</td>
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</tbody>
</table>
involved in the commercial activity.

**Costs**
- Limits the size of commercial activities that can be undertaken in residential areas.
- Once businesses outgrow the permitted standards, forces them into other more appropriate zones.
- Increased pressure on commercially zoned sites leading to increased cost.
- Increases the cost for commercial operations as the cost of land and buildings is more expensive in the business zones.
- Can be established anywhere in the residential zone.
- The potential for clustering of home-based businesses to occur which impacts on the residential character.
- Reduced passive surveillance during the day with the loss of offices in residential areas.
- Does not allow for businesses which are too big for a home occupation, but too small for commercial premises to be cost effective.

**Efficient and Effective**
These rules will be efficient and effective to achieve objectives 4.2.6 and 4.2.7 by:
- Ensuring residential activities remain the dominant activity in Residential Zones.
- Activities in Residential Zones are compatible with residential amenity.
- Residential amenity is retained.
- Economic develop can continue as the Residential Zones can act as an incubator for small businesses.
- Commercial activities are directed into more appropriate business or industrial zones where their effects can be better managed.

<table>
<thead>
<tr>
<th>4.7.6 Managed Care Facilities.</th>
<th>All managed care facilities are required to comply with these standards, irrespective of how many people are accommodated.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Benefits</strong></td>
</tr>
<tr>
<td></td>
<td>• The density is one person per 100m² of net site area. This will ensure that managed care facilities establish on sites with sufficient area to provide a reasonable level of on-site amenity and protection of the amenity values of adjoining properties.</td>
</tr>
<tr>
<td>4.7.7 Relocated buildings.</td>
<td><strong>Benefits</strong></td>
</tr>
<tr>
<td>--------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td></td>
<td>· Clear timeframes for complying with standards.</td>
</tr>
<tr>
<td></td>
<td>· Ensures the building is located and connected to permanent foundations quickly to retain residential amenity.</td>
</tr>
<tr>
<td></td>
<td>· Requirement to reinstate exterior to fit in with residential amenity and character.</td>
</tr>
<tr>
<td></td>
<td>· No need for resource consent process.</td>
</tr>
<tr>
<td></td>
<td>· Placement of building is covered by standards.</td>
</tr>
<tr>
<td></td>
<td><strong>Costs</strong></td>
</tr>
<tr>
<td></td>
<td>· Reinstatement of foundations and exterior has to be undertaken within certain timeframes.</td>
</tr>
<tr>
<td></td>
<td><strong>Efficient and Effective</strong></td>
</tr>
<tr>
<td></td>
<td>· These rules will be efficient and effective to achieve objectives 4.2.3, 4.2.4 and 4.2.7 by ensuring residential amenity is retained.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4.7.8 Show Homes.</th>
<th><strong>Benefits</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>· Only low impact, small commercial operations are permitted.</td>
</tr>
<tr>
<td></td>
<td>· Limited number of staff.</td>
</tr>
<tr>
<td></td>
<td>· Maximum duration so it will eventually convert to a normal residential dwelling.</td>
</tr>
<tr>
<td></td>
<td>· Enables the business to establish without requiring a resource consent process (General Residential Zone only).</td>
</tr>
<tr>
<td></td>
<td>· Effects of a show home are similar to that of a normal household e.g. traffic movements, noise,</td>
</tr>
</tbody>
</table>
etc.
- The visual effects of a show home are the same as that of a dwelling so character is consistent with the surrounding residential area.

Costs
- Limits the lifespan of a show home.
- Limits the number of staff.
- Can be established anywhere in the residential zone.
- The potential for clustering of show homes to occur which cumulatively impacts on the residential character.

Efficient and Effective
These rules will be efficient and effective to achieve objectives 4.2.6 and 4.2.7 by:
- Ensuring residential activities remain the dominant activity in Residential Zones.
- Activities in Residential Zones are compatible with residential amenity.
- Residential amenity is retained.

4.7.9 Rest Homes.
All rest homes are required to comply with these standards. Every proposed rest home is required to be assessed through a resource consent process irrespective of how many people are accommodated.

Benefits
- The maximum densities will ensure that rest homes establish on sites with sufficient area to provide a reasonable level of on-site amenity and protection of the amenity values of adjoining properties.
- The densities are different for the General Residential and the Medium Density / Residential Intensification Zones to reflect the different environments.
- The outdoor living area, landscaping and related controls retain amenity for both residents and surrounding residential environment.

Costs
- Limits the number of people to be accommodated on site.
- Constrains the layout of the site.

Efficient and Effective
- These rules will be efficient and effective to
| 4.7.10 Visitor accommodation outside the Visitor Facilities Area. | Achieve objectives 4.2.3, 4.2.4 and 4.2.7 by ensuring residential amenity is retained. 

All visitor accommodation is required to comply with these standards. Every proposed visitor accommodation is required to be assessed through a resource consent process irrespective of how many people are accommodated.

**Benefits**

- The maximum occupancy will ensure that visitor accommodation is of a compatible scale as other activities in the area. This will also protect amenity values by not generating significant noise or traffic effects.
- The ban on the sale of liquor will protect amenity values by not generating noise effects and will ensure the visitor accommodation remains compatible with surrounding activities.

**Costs**

- Limits the number of people to be accommodated on site which could limit commercial profitability.
- Bans the sale of liquor which could limit and supplement source of income.

**Effective and Efficient**

- These rules will be effective and efficient to achieve the objectives by ensuring the special character and amenity values are retained.

| 4.7.11 Integrated Residential Development | While the Hamilton Operative District Plan provided for Comprehensive Residential Developments (CRDs), there was a move away from this type of activity to ensure that general residential land was retained for more ‘traditional’ residential development. Instead, the Partly Operative District Plan provided the opportunity for group housing schemes through the activity status provision for second and subsequent and duplex dwellings.

However, through the appeal process to the decisions on the Proposed District Plan it became apparent that there was a need to specifically provide for situations where a collection of activities to form one development (e.g. retirement village) was provided for.

The introduction of Integrated Residential Development (IRD) provides that opportunity for a variety of housing densities and typologies in either a group housing scheme or retirement village form whilst ensuring a control over the design, layout and

- Minimum site area of 2000m².

- No more than 20% of residential units shall be in the form of apartments.

- Required to undertake a Water Impact Assessment, as described in Volume 2, Appendix 1.2.2.5.
mixture of activities to occur. This avoids the situations that previously occurred through the application of CRDs under the Operative District Plan.

**Benefits**

- The mix of typologies within an IRD will ensure that the development is of a compatible scale as other activities in the area. This will also protect amenity values by not generating unintended significant noise or traffic effects.
- The mixture of residential units, and specifically more than one type, shared facilities and other communal activities (for the exclusive use of the residents of the development and their visitors) established in a comprehensive way on a site will ensure the development functions as an integrated development.

**Costs**

- Controls the number of certain types of topologies on a particular site.
- Constrains the layout of the site.

**Efficient and Effective**

- These rules will be efficient and effective to achieve objectives 4.2.1, 4.2.3, 4.2.4 and 4.2.7 by ensuring residential amenity is retained.

<table>
<thead>
<tr>
<th>4.9.1 Effluent disposal.</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Controls the adverse effects associated with activities, therefore the amenity of the surrounding area should not be compromised.</td>
</tr>
</tbody>
</table>

**Costs**

- Restricts how activities are to be undertaken. If they cannot comply resource consent will be required.

**Efficient and Effective**

- These rules will be efficient and effective to achieve the objectives by ensuring activities are carried out in a manner that is likely to have a minimal effect on the surrounding area.

<table>
<thead>
<tr>
<th>4.9.2 Produce stalls.</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Produce stalls are an activity often located in rural and semi-rural areas. Effects are generally minor however, it is important to place restrictions on their size, the goods they sell and their access.</td>
</tr>
</tbody>
</table>

**Costs**

- Controls the adverse effects associated with activities, therefore the amenity of the surrounding area should not be compromised.
- Restricts how activities are to be undertaken. If they cannot comply resource consent will be required.

**Efficient and Effective**
- These rules will be efficient and effective to achieve the objectives by allowing a range of activities to be undertaken in the Large Lot Residential Zone subject to being within certain parameters.

<table>
<thead>
<tr>
<th>Assessment criteria</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- The Plan identifies that certain activities either by virtue of the activity or due to failing standards are controlled, restricted discretionary, discretionary or non-complying activities.</td>
</tr>
<tr>
<td></td>
<td>- The Plan includes assessment criteria that are able to be applied in the assessment of these activities through the resource consent process. The criteria is grouped clearly under headings relating to the matters Council has reserved control over (for controlled activities) and restricted its discretion (for restricted discretionary activities). These assessment criteria and the introductory ‘how to’ guide are a useful way to guide all parties on how Council is going to administer the provisions of the Plan.</td>
</tr>
<tr>
<td></td>
<td>- The assessment criteria gives transparency and provides clarity for all users on the matters that Council has control or discretion over when considering controlled or restricted discretionary activities, and provides a guide for the consideration of discretionary and non-complying activities.</td>
</tr>
<tr>
<td></td>
<td>- The assessment criteria also seeks to avoid duplication of effort or unnecessary assessment by enabling design based criteria to be disregarded if a more relevant design guide is in place or if the criteria is not considered relevant to the specific activity.</td>
</tr>
</tbody>
</table>

**Costs**
- There is a general duty on an applicant and the Council to consider the assessment criteria firstly for relevance and secondly where considered relevant to assess the application against the criteria to consider the effects.
- There are no identified costs from clarifying in the Plan the matters which will be considered when processing an application.
### Efficient and Effective

- These provisions will be efficient and effective to achieve the objectives by identifying a list of matters which are able to be used as a guide when both preparing and assessing consent applications which eases the administration and use of the District Plan for all parties.

### Rules not most appropriate to achieve the objectives:

#### One zone.

- Having one zone is too generalised to cover all types of residential environments. One zone does not allow intensification to be focused into certain areas and would be ineffective in meeting the density targets set by the RPS. One zone would also result in a largely homogenous residential environment with reduced choice of residential form and style.
- One zone is not the most appropriate way to achieve the objectives.

#### All activities permitted.

- This approach would not achieve any of the objectives. It would not ensure quality design or that residential activities are the dominant activity.
- There is no way of signalling which activities are most appropriate and managing the effects of all activities through standards.
- This approach is not considered the most appropriate way to achieve the objectives.

#### All activities requiring resource consent.

- This approach could potentially achieve the objectives; however it would significantly increase the cost, complexity and time to any development, building or change in use. It would not be the most efficient way to meet the objectives.

#### No density standards.

- This approach would not achieve any of the objectives. It would not ensure the density targets as set by the RPS are achieved, or result in an efficient use of the urban land resource in Hamilton.
- It would result in no certainty for homeowners as to the type of development that would surround them.
- It also does not allow development to be focussed into the most appropriate locations.

### Risks

Risks of acting or not acting.
The risks of not acting are:

- Residential areas are used and developed in ways that do not achieve the objectives and potentially compromise the amenity and character of the residential environment.
- Residential density targets as identified in the RPS are not achieved.
- Inconsistency with the RPS.
- A range of residential living options are not available.
- Infrastructure is not coordinated with intensification because the end development/density is not known.
- Subdivision can happen anywhere at any size giving no certainty to residents.
- Poor design and layout of residential sites – both in terms of on-site amenity and the surrounding environment.
- The residential amenity and character is compromised by commercial activities.
- Inefficient use of land resource.
- Establishment of activities incompatible with residential activities.

It is considered there is sufficient information regarding residential amenity, therefore the risks of not acting outweigh the risk of acting.

This approach is the most appropriate means of giving effect to both the principles of the Act and the RPS.

**Conclusion:** Taking into account the above, Council considers that the rules in this chapter are most appropriate to achieve the objectives.
4.5 Methods Other Than Rules

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Reserves Act Management Plans provide for the preservation and management, for the benefit and enjoyment of the public, of areas possessing some special feature or values such as recreational use, wildlife, landscape amenity or scenic value.</td>
</tr>
<tr>
<td></td>
<td>• Hamilton Urban Growth Strategy provides a blueprint for coordinated, sustainable urban growth.</td>
</tr>
<tr>
<td></td>
<td>Costs</td>
</tr>
<tr>
<td></td>
<td>• Administrative costs to develop and carry out Reserves Management Plans.</td>
</tr>
<tr>
<td></td>
<td>• Administrative costs to embed Hamilton Urban Growth Strategy into the daily practice of administering consents and working with the development community.</td>
</tr>
<tr>
<td></td>
<td>Efficient and Effective</td>
</tr>
<tr>
<td></td>
<td>• These methods are efficient and effective in achieving the objectives because the benefits from their implementation outweigh the costs.</td>
</tr>
<tr>
<td>Council works and services: Provide infrastructure in a manner that supports residential, business, industrial activities in preferred locations in accordance with City and regional growth strategies. Undertake demonstration projects (including public-private) for:</td>
<td>Benefits</td>
</tr>
<tr>
<td>• Mixed-use developments.</td>
<td>• Development will be integrated with the provision of infrastructure in areas identified by the Hamilton Urban Growth Strategy.</td>
</tr>
<tr>
<td>• Medium-density residential.</td>
<td>• Development will happen in suitable locations.</td>
</tr>
<tr>
<td>• Higher-density central city living.</td>
<td>• Demonstration projects can help introduce new concepts in design and test the market.</td>
</tr>
<tr>
<td></td>
<td>• Demonstration projects can provide a model for how development should occur in a sustainable manner.</td>
</tr>
<tr>
<td></td>
<td>Costs</td>
</tr>
<tr>
<td></td>
<td>• Costs of building and maintaining infrastructure.</td>
</tr>
<tr>
<td></td>
<td>• Capital costs of designing and constructing a demonstration project.</td>
</tr>
<tr>
<td></td>
<td>Efficient and Effective</td>
</tr>
<tr>
<td></td>
<td>• These methods are efficient and effective in achieving the objectives because the benefits from their implementation outweigh the costs.</td>
</tr>
</tbody>
</table>
Information, education and advocacy:
Guides and technical advice including information on:
- Planting in the city, including recommendations on native planting.
- Good-quality urban design.
- Low-impact urban design and development principles.
- Efficient water use and conservation.

Advocate or promote:
- Good-quality urban design.
- Water-sensitive approaches to water use and disposal and the benefits of energy and water efficiency mechanisms and changing behaviour.

The benefits of a compact city coupled with good urban design and the advantages of medium-density and mixed-use development.

Manage landowner expectations by clear and consistent information about the timing and sequencing of development of different parts of the city, in accordance with the Hamilton Urban Growth Strategy.

Benefits
These methods support landowners and developers to understand rules and appropriate methods to meet the rules, to achieve quality urban design and a compact sustainable city. This will help to generate a better understanding of the planned growth patterns for the City.

Costs
- There are financial costs in preparing and advertising this information.

Efficient and Effective
- These methods are efficient and effective in achieving the objectives because the benefits from their implementation outweigh the costs.

Risks
Risks of acting or not acting.

- Council considers there is sufficient information regarding the subject matter of the above methods that support the objectives and policies relating to the Residential Zones. The risks of establishing methods to ensure the provision of residential
amenity, good quality urban design and a compact sustainable city are far outweighed by the risks of not acting.

**Conclusion:** Taking into account the above, Council considers that the methods in this chapter are most appropriate to achieve the objectives.

4.6 **References**

- Analysis of rating database for commercial properties in residential zone, 2010
- Residential Intensification Study, Hamilton City Council, 2007
- Housing Affordability and Demand in Hamilton City, Adam Thompson, 2011
- Hamilton Intensification Report, Harrison Grierson, 2010
- Water Services Intensification Study, MWH, 2010
- Office Space in Hamilton, Telfer Young, 2009
- Health Impact Assessment on Residential Intensification in Hamilton Central City, March 2012
- Reply to Commissioner questions: Chapter 4 - Residential Zones
- Reply to Commissioner questions: Residential and subdivision
- Consent Orders to Appeal: Env-2014-AKL-000169 Property Council New Zealand v. Hamilton City Council
5 Special Character Zones

5.1 Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 5: Special Character Zones.

The intention of the Special Character Zones is to protect, maintain and enhance the respective ‘special’ characteristics of those areas. Five special area zones are provided in this District Plan:

- Special Residential Zone.
- Special Heritage Zone.
- Special Natural Zone.
- Temple View Zone.
- Peacocke Character Zone.
- Rototuna North East Character Zone

Within each of these zones, there are several areas which have similar characteristics and can be grouped under the same zone.

Supporting documents are listed in the References section of this chapter.

5.2 Objectives

<table>
<thead>
<tr>
<th>Objective most appropriate to achieve the purpose of the Act:</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Special Character Zones</td>
</tr>
<tr>
<td><strong>5.2.1</strong> The Special Character Zones retain and enhance their identified values.</td>
</tr>
<tr>
<td>This objective is most appropriate to achieve the purpose of the Act because:</td>
</tr>
<tr>
<td>- It will provide for the retention and enhancement of the special values of the identified special residential areas.</td>
</tr>
<tr>
<td>- It will provide for the identification, protection and enhancement of the city’s heritage areas and their associated heritage values. This provides a degree of certainty that historic heritage will be protected which is identified as a matter of national importance under section 6 of the Act.</td>
</tr>
<tr>
<td><strong>5.2.2</strong> Residential development produces good on-site amenity.</td>
</tr>
<tr>
<td>This objective is most appropriate to achieve the purpose of the Act because:</td>
</tr>
<tr>
<td>- It will ensure that the Special Residential Zones achieve quality residential amenity.</td>
</tr>
<tr>
<td>- It will ensure that people are provided with safe and healthy houses and living areas.</td>
</tr>
<tr>
<td>This objective is the most appropriate means of</td>
</tr>
</tbody>
</table>
achieving the following parts of section 7 in terms of on-site effects. The following are matters that this objective has particular regard to:

a) The efficient use and development of natural and physical resources.
b) The efficiency of the end use of energy.
c) The maintenance and enhancement of amenity values.
d) Maintenance and enhancement of the quality of the environment.
e) Any finite characteristics of natural and physical resources.
f) The benefits to be derived from the use and development of renewable energy.

<table>
<thead>
<tr>
<th>Special Residential Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>5.2.3</strong> Recognise, protect and where possible enhance the values of the identified Special Residential Character Zone.</td>
</tr>
<tr>
<td>This objective is most appropriate to achieve the purpose of the Act because it will provide for the recognition, protection and where possible the enhancement of the character values of the identified Special Residential Character Zone. This provides a degree of certainty that historic heritage will be protected which is identified as a matter of national importance under section 6 of the Act.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Special Heritage Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>5.2.4</strong> Recognise, protect and where possible enhance the heritage values of the identified Special Heritage Zone.</td>
</tr>
<tr>
<td>This objective is most appropriate to achieve the purpose of the Act because it will provide for the recognition, protection and where possible the enhancement of the character values of the identified Special Residential Heritage Zone. This provides a degree of certainty that historic heritage will be protected which is identified as a matter of national importance under section 6 of the Act.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Special Natural Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>5.2.5</strong> Create a distinctive residential environment that recognises, protects and enhances water quality, ecological natural, cultural, landscape and recreational values.</td>
</tr>
<tr>
<td>This objective is most appropriate to achieve the purpose of the Act because it will provide for the recognition, protection and where possible the enhancement of the character values of the identified Special Residential Natural Zone including its proximity to Lake Waiwhakareke. In providing for the future development of the Rotokauri area, the Council is required, in terms of its</td>
</tr>
</tbody>
</table>
functions set out in the Act, to “control any actual or potential effects of the use, development or protection of land”. The provision of a Special Character Zone that relates to the existing landscape will enable actual or potential effects arising through the use, development or protection of land to be controlled.

Using landscape elements to form the basis for a distinctive residential character area achieves the purpose of the Act through promoting the sustainable management of the natural and physical resources surrounding Lake Waiwhakareke and the ridgeline area. These resources can be assured a level of protection while still enabling people and communities that establish there to provide for their social, economic, and cultural wellbeing and their health and safety. This will avoid, remedy, or mitigate any adverse effects of activities on the environment. The provision of a distinctive residential character area in this locality will also maintain and enhance amenity values and the quality of the environment (s7).

This is an appropriate objective in a new growth residential area where there is an opportunity to address existing landscape values by creating a character area that responds to its surroundings. In this regard the objective addresses the relevant issue(s) and is the most appropriate way to achieve the purpose of the Act.

This provides a degree of certainty that natural character and ecological values will be protected. The maintenance and enhancement of amenity values is identified as a matter to have particular regard to under section 7 the Act as are the intrinsic values of ecosystems.

<table>
<thead>
<tr>
<th>Temple View Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>5.2.6</strong></td>
</tr>
<tr>
<td>To ensure that development within the Temple View Heritage Area maintains and enhances the special heritage characteristics of the area.</td>
</tr>
</tbody>
</table>

| **5.2.7**       | This objective is most appropriate to achieve the purpose of the Act because it will provide for the |
| To ensure development | |

This objective is most appropriate to achieve the purpose of the Act because it will provide for the recognition, protection and where possible the enhancement of the character values of the identified Temple View Heritage Area. This provides a degree of certainty that historic heritage will be protected which is identified as a matter of national importance under section 6 of the Act.
within the Temple View Character Area maintains and enhances its special character.

recognition, protection and where possible the enhancement of the character values of the identified Temple View Character Area.

This provides a degree of certainty that the existing character elements found within the area are incorporated into any new development and retained in the alteration or additions to existing buildings and structures.

<table>
<thead>
<tr>
<th>Peacocke Character Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>5.2.8</strong></td>
</tr>
<tr>
<td>To ensure urban development within the Peacocke Character Zone delivers high levels of residential amenity, respects and restores the area’s natural environment, and is sustainably integrated with the city as a whole.</td>
</tr>
</tbody>
</table>

This objective is most appropriate because it will provide for the creation of a high level of residential amenity that is integrated and sustainable. It will also ensure development responds positively to the natural character of the area.

The provision of a special character zone, which relates to the existing landscape, will enable actual or potential effects arising through the use, development or protection of land to be controlled while still developing residential development that responds positively to the natural environment. The Plan provisions seek to enable development that will achieve specific outcomes, particularly in relation to recognising local landscape character and promoting quality urban design outcomes that will increase the attraction and use of public space and community focal points.

Using landscape elements to form the basis for a distinctive residential character area achieves the purpose of the Act through promoting the sustainable management of the natural and physical resources. These resources can be assured a level of protection while still enabling the creation of a community that has high levels of amenity, is integrated and sustainable. This will avoid, remedy, or mitigate any adverse effects of activities on the environment. The provision of a distinctive residential character area in this locality will also maintain and enhance amenity values and the quality of the environment (s7).

This is an appropriate objective in a new growth area where there is an opportunity to address existing landscape values by creating a character area that responds to its surroundings. In this regard the objective addresses the relevant issue(s) and is the most appropriate way to achieve the purpose of the Act.

This provides a degree of certainty that a distinctive residential character would be established while the
natural character of the Peacockes area will be protected. The maintenance and enhancement of amenity values is identified as a matter to have particular regard to under section 7 of the Act.

### 5.2.9
To recognise the local significance of the Rototuna ridgeline as a landscape feature and ensure that the form and pattern of residential development in the northeastern area (Rototuna North East Character Zone) of the Rototuna Structure Plan helps retain this underlying landform and is not incompatible with the future operation of the Waikato Expressway or the City’s infrastructure.

This objective is the most appropriate as it reflects the settlement to appeals to Variation 12 of the Hamilton City Council Operative District Plan. This was settled by Court Order dated 24 January 2014. It ensures that any development recognises the significance of the natural landscape and retains this feature. Further it will ensure that development is compatible with the Waikato Expressway and relevant City Infrastructure.

<table>
<thead>
<tr>
<th><strong>Objectives not the most appropriate to achieve the purpose of the Act:</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>No objectives.</td>
<td>Having no objective regarding the protection and/or enhancement of the historic heritage through the Special Character Zones provides no certainty that they will be protected and/or enhanced. The protection of the special values of the areas will essentially be at the discretion of the community and landowners. This approach would be contrary to section 6 of the Act.</td>
</tr>
<tr>
<td>To encourage the protection and where possible the enhancement of the special values of the Special Residential Zones.</td>
<td>An objective like this would encourage protection and where possible the enhancement of the special values of the Special Character Zones implies a degree of discretion, i.e. the community may choose to protect the special values of the Special Character Zones however it is not a requirement. As such there would be no certainty that the heritage and character values will be protected and/or enhanced. As such there would be no certainty that historic heritage will be protected which is identified as a matter of national importance under section 6, Part 2 of the Act.</td>
</tr>
<tr>
<td>To facilitate greater public awareness and appreciation of heritage precincts in the City.</td>
<td>Although this is a worthy objective, the District Plan is not the most appropriate mechanism for achieving this outcome. Public awareness and appreciation of heritage items can be better achieved through other mechanisms such as funding through the “10-Year...”</td>
</tr>
</tbody>
</table>
Conclusion: Taking into account the above, Council considers that the objectives in this chapter of the plan are the most appropriate to achieve the purpose of the Act.

## 5.3 Policies

### Policies most appropriate to achieve the objective:

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| **5.2.1** | **Benefits** *The policies contained in section 5.2.1 will:*  
| **5.2.1a** |  
Cumulative adverse effects on the character of the area are avoided wherever practicable.  
| **5.2.1b** | Development is consistent with the reasons for the site being included within a Special Character Zone.  
| **5.2.1c** | The size and scale of buildings and structures is compatible with the amenity of the locality.  
| **5.2.1d** | Buildings are designed so they do not physically dominate or adversely affect the residential character of the neighbourhood.  
| **5.2.1e** | Significant vegetation and trees should be preserved.  
| **5.2.1f** | New urban development in the Peacocke Structure Plan area should demonstrate consistency with the urban design guide for the development and create residential and commercial areas of high amenity which respond positively to the |
| **Benefits** |  
- Protect the components/features that make up the special character of each area.  
- Ensure that subdivision and development is consistent with the special values of the respective Special Character Zone.  
- Retain vegetation as an important contribution to special character.  
- Ensure interfaces between the building and the street are maintained.  
- Increase awareness of heritage values associated with Special Character Zones.  
- Allow the degree of modification and the effects to be assessed on a case by case basis.  
- Retain a variety of living environments within the City.  
- Retain community identity.  
- Ensures consistency with the urban design guide for the Peacocke Structure Plan.  
- Ensures a high level of amenity for the Peacocke Structure Plan area  
- Ensures the landscape character of the Rototuna North East Character Zone  
| **Costs** | The above policies have the following associated costs.  
| | - Administrative costs for Council associated with processing applications and assessing compliance.  
| | - A loss of some development rights for owners of sites/buildings within these zones.  

### All Special Character Zones

- The Special Character Zones retain and enhance their identified values.
area’s natural environment.

5.2.1g
Urban development in the Rototuna North East Character Zone maintains the natural pattern of the area’s landforms as a key feature of residential development along with ensuring that development retains upper hill slope as legible features of the area’s skyline.

- Limitations on design and location of buildings, including additions to existing buildings.
- Additional time and cost through requiring some developments to be assessed through a statutory process.

**Efficient and Effective**
These policies will be efficient and effective to achieve objective 5.2.1 for the following reasons.

- The above policies recognise those adverse effects that can be generated by inappropriate subdivision and development within the Special Character Zones. Seeking the avoidance of such adverse effects whilst recognising that in some circumstances avoidance of adverse effects may not be possible. In such scenarios there is an expectation that:
  i. The adverse effects will be considered.
  ii. The reasons for any potential adverse effects will be supported by evidence that they are unavoidable.
  iii. Appropriate mitigation and/or remediation will be provided.
- All the areas which have been identified as Special Character Zones, have particular features which make them unique from the rest of the City. It is important that these unique features are identified and any new development does not erode these characteristics.

The policies are effective in preserving the character/heritage values of sites within the Special Character Zones.

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<table>
<thead>
<tr>
<th>Policies not most appropriate to achieve the objective:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Policies to encourage the provision of appropriate residential development.</td>
<td>This policy direction would not be most appropriate as encouraging the provision of appropriate development is not a strong enough standard to ensure the character/heritage values are retained. Without identifying the specific features which contribute to the special character of each area, it is impossible to encourage its retention. There is too much discretion in this policy – to “encourage” and no guidance as to what constitutes “appropriate” development. This is not considered appropriate to achieve the objective.</td>
</tr>
<tr>
<td>No policy framework.</td>
<td>Having no policies regarding the protection of the character/heritage values of the respective Special</td>
</tr>
</tbody>
</table>

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Character Zones provides no certainty that they will be protected. The protection of the special values will essentially be at the discretion of the community and/or landowner.

Risks
Risks of acting or not acting.
- The risks of establishing a policy framework to ensure the protection and where possible the enhancement of character/heritage is outweighed by the risks of not acting.

Conclusion: Council considers there is sufficient information regarding the subject matter of the above Policies that support objective 5.2.1.

### Policies most appropriate to achieve the objective:

All Special Character Zones

#### 5.2.2
Residential development produces good on-site amenity.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>5.2.2a</strong> Residential design achieves quality on-site amenity by providing:</td>
<td></td>
</tr>
<tr>
<td>i. Private, useable outdoor living areas.</td>
<td></td>
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<tr>
<td>ii. Access to sunlight and daylight throughout the year.</td>
<td></td>
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<tr>
<td>iii. Adequate storage space and service areas to accommodate typical residential living requirements.</td>
<td></td>
</tr>
<tr>
<td>iv. Insulation to avoid or mitigate adverse noise effects.</td>
<td></td>
</tr>
<tr>
<td>v. Parking and manoeuvring areas on-site to meet the needs and convenience of residents.</td>
<td></td>
</tr>
<tr>
<td>vi. Energy efficient and sustainable design characteristics and technologies where compatible with the scale</td>
<td><strong>Benefits</strong></td>
</tr>
<tr>
<td>- Good design of housing is critically important to on-site and off-site amenity, especially where there is higher density housing. The policies identify the features important for each residential unit, regardless of what form the dwelling may take e.g. villa or cottage.</td>
<td></td>
</tr>
<tr>
<td>- The features listed in policy 5.2.2a will ensure functional and high quality living environments for occupants.</td>
<td></td>
</tr>
<tr>
<td>- Policy 5.2.2a(vi) will enable residential dwellings to incorporate energy efficient technologies, thereby reducing demand for these resources.</td>
<td></td>
</tr>
<tr>
<td>- Policy 5.2.2b addresses CPTED principles and ensures public spaces are safer due to passive surveillance. The benefit of this policy is a safer public environment with increased opportunities for passive surveillance by residential properties.</td>
<td></td>
</tr>
<tr>
<td>- The benefit of Policy 5.2.2c is that it ensures each dwelling has an appropriate level of privacy. This is important in creating an enjoyable and useable private residential environment.</td>
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<tr>
<td>- Policy 5.2.2d encourages residential buildings to be designed compatibly with their surrounding environment. The benefit is that the final built</td>
<td></td>
</tr>
</tbody>
</table>
and form of residential development.

5.2.2b
Residential sites adjacent to public space should achieve visual and physical connectivity to these areas.

5.2.2c
Building design and location should protect the privacy of adjoining sites.

5.2.2d
Buildings should be designed to conform to natural topography.

form will be sympathetic to the surrounding environment and complement it.

Costs

- The features listed in policy 5.2.2a may restrict development of a site achieving its maximum potential. Providing features like private open space and access to sunlight may constrain the development options.
- Policy 5.2.2b may lead to less privacy for the homeowner and restrictions on how they develop their site including choice of fencing materials and placement of vegetation.
- Policy 5.2.2c may restrict development of a site achieving its maximum potential. Providing features like private open space may constrain the development options.
- Policy 5.2.2d may restrict development of a site achieving its maximum potential and may constrain design.

Efficient and Effective

These policies will be efficient and effective to achieve objective 5.2.2 by:

- Identifying components of design that will collectively result in a high level of on-site amenity.
- Important design features include access to sunlight, outdoor living space, storage space, visual connectivity to public spaces such as the street, privacy, and off road parking. Incorporation of these features will ensure functional and high quality living environments for occupants.

### Policies not most appropriate to achieve the objective:

<table>
<thead>
<tr>
<th>No policy framework.</th>
<th>A lack of policies regarding on-site amenity would mean no minimum standards for a healthy environment.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>It is considered that this option would not meet the requirements of the Act or RPS as detailed above.</td>
</tr>
</tbody>
</table>

### Risks

Risks of acting or not acting.

- The risk of having no policies and standards for on-site amenity is unhealthy, dysfunctional living environments. This will lead to poor urban design outcomes and will not meet the needs of the community.
### Policies most appropriate to achieve the objective:

**Special Residential Zone**

5.2.3 Recognise, protect and where possible enhance the values of the identified Special Residential Zone.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| **5.2.3a**  
Development is consistent with the generally low intensity and low density residential character of the area through:  
i. Providing front and side yard setbacks.  
ii. Providing a low level of site coverage.  
iii. Being consistent with the existing dwelling densities. | **Benefits**  
- Retention of the homogeneity of the building styles for the five cottages to create a ‘minor landmark’ (in the dwelling control area).  
- Protects the valued character (underlying and increasingly scarce building stock) comprising pre-1940 dwellings.  
- Safeguards the identifiable heritage characteristics and key residential enclaves for protection, thereby fulfilling Council obligations under Part 2 of the Act.  
- Identifies the features which create the character e.g. front and side yard setbacks, site coverage, etc.  
- Protects the important elements of character.  
- Ensures passive surveillance and a safer public environment.  
- Retention of mature trees and vegetation. This has benefits for ecological and amenity reasons.  
- Development compatible with the surrounding housing stock.  
- Retains a different residential character from other parts of Hamilton. This retains choice in living environments for Hamilton residents. |
| **5.2.3b**  
Development should retain a strong visual relationship to the streetscape through:  
i. Ensuring any front yard fencing enables visibility with the streetscape.  
ii. Orienting buildings to overlook the street.  
iii. Ensuring the design of buildings avoids creating blank facades facing public spaces. | **Costs**  
- The features listed in policy 5.2.3 may restrict development of a site achieving its maximum potential. Accommodating requirements like side yards and a low site coverage may constrain development options.  
- Policy 5.2.3b may lead to less privacy for the homeowner and restrictions on how they develop their site including choice of fencing materials and placement of vegetation.  
- Many of these policies will result in less choice of |
| **5.2.3c**  
Mature trees and other vegetation should be retained, particularly in the front yard. | |
| **5.2.3d**  
The local context, scale and character are retained. | |
| **5.2.3e**  
Existing valued character elements shall be protected and enhanced by: | |
i. Retaining pre-1940 dwellings within the dwelling control area.

ii. Retaining pre-1939 dwellings within the Claudelands West area.

iii. Ensuring alterations or additions to the streetscape façade of pre-1940 dwellings in the dwelling control area do not adversely affect the special character of the area.

5.2.3f
New buildings and structures are compatible with the form, height and bulk of houses constructed before 1939 in Claudelands West.

5.2.3g
Non-residential activities should not establish in any Special Residential Zone unless potential adverse affects are less than minor.

5.2.3h
Buildings are located only within the front yard setback where other sitings are proven to be impracticable. Buildings located within the front yard setback shall provide mitigation by provision of planting and screening and minimising the prominence of the building in relation to the main dwelling when viewed from the transport corridor.

design and placement of dwellings, including additions to existing dwellings.

- Policy 5.2.3a reduces redevelopment options due to the low intensity/density of development.

**Efficient and Effective**

- These policies will be efficient and effective to achieve objective 5.2.3 by identifying the features which make up the special character of the Special Residential Zone. By identifying these features, it makes it possible to effectively protect them.

### Policies not most appropriate to achieve the objective:

<table>
<thead>
<tr>
<th>No policy framework.</th>
<th>A lack of policies regarding the character of the Special Residential Zone would mean no protection.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>It is considered that this option would not meet the requirements of the Act or as detailed above.</td>
</tr>
</tbody>
</table>
Encourage the protection of houses constructed prior to 1939.

- This policy contains too much discretion in that pre-1939 dwellings are only ‘encouraged’ to be protected. If pre-1939 houses are an integral part of the character then they should be protected and retained.
- It is considered that this option would not meet the requirements of the Act or RPS as detailed above.

**Risks**

Risks of acting or not acting.

- The risks of establishing a policy framework to ensure the protection and where possible the enhancement of the Special Residential Zone is outweighed by the risks of not acting.

**Conclusion:** Council considers there is sufficient information regarding the subject matter of the above policies that support objective 5.2.3.

**Policies most appropriate to achieve the objective:**

**Special Heritage Zone**

**5.2.4**

Recognise, protect and where possible enhance the heritage values of the identified Special Heritage Zone.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>5.2.4a</strong> Development should:</td>
<td></td>
</tr>
<tr>
<td>i. Maintain the predominately low intensity and density characteristics of the area.</td>
<td></td>
</tr>
<tr>
<td>ii. Be compatible with the site layout, site size and dimensions, building form, height, design, materials, scale and other heritage values of the area.</td>
<td></td>
</tr>
<tr>
<td>iii. Ensure that original buildings and structures are retained on the site.</td>
<td></td>
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<tr>
<td>iv. Provide landscaping in keeping with local residential amenity.</td>
<td></td>
</tr>
<tr>
<td>v. Avoid any significant</td>
<td></td>
</tr>
<tr>
<td><strong>Benefits</strong></td>
<td></td>
</tr>
<tr>
<td>• Safeguards the identifiable heritage characteristics and key residential enclaves for protection, thereby fulfilling Council obligations under Part 2 of the Act.</td>
<td></td>
</tr>
<tr>
<td>• Identifies the features which create the character, e.g. site size, building form, etc.</td>
<td></td>
</tr>
<tr>
<td>• Protects the important elements of heritage.</td>
<td></td>
</tr>
<tr>
<td>• Retention of mature trees and vegetation. This has benefits for ecological and amenity reasons.</td>
<td></td>
</tr>
<tr>
<td>• Development compatible with the surrounding housing stock.</td>
<td></td>
</tr>
<tr>
<td>• Retains a different residential character from other parts of Hamilton. This retains choice in living environments for Hamilton residents.</td>
<td></td>
</tr>
<tr>
<td>• Retains Hamilton East Villas as a stylistically consistent, largely coherent and authentic precinct.</td>
<td></td>
</tr>
</tbody>
</table>
Adverse effects on the heritage values of the Special Heritage Zone.

vi. Encourage the protection and ongoing maintenance of the Special Heritage Zone.

vii. Avoid any significant adverse effects on the streetscape appearance of the area.

viii. Avoid removal of any significant vegetation in the Special Heritage Zone.

ix. Reflect the characteristic separation of original dwellings including their open aspect to the streetscape.

x. Ensure that any car parking, servicing, lighting and signage requirements do not adversely affect the heritage character of the area or the relationship of a building with the streetscape.

xi. Ensure that front and side elevations (including roofs) of new buildings and structures are consistent with the design, fenestration, materials and finishes of neighbouring original dwellings.

5.2.4b
Within the Frankton Railway Village, buildings should be single storey with a low pitched gable roof.

5.2.4c
The demolition or removal of a building is allowed only where it has been demonstrated to be the only practicable option.

- Retains housing stock representative of the villa style.
- Protection of one of the largest railway settlements in New Zealand.
- Forces consideration of alternatives other than demolition or removal.
- Protection of a form of development typical of the First Labour Government and Garden City movement.

Costs
- The features listed in policy 5.2.4 may restrict development of a site achieving its maximum potential. Accommodating requirements like large site sizes and lower heights may constrain development options.
- Policy 5.2.4a(i) may lead to less privacy for the homeowner and restrictions on how they develop their site including choice of fencing materials and placement of vegetation.
- Many of these policies will result in less choice of design and placement of dwellings, including additions to existing dwellings.
- Policy 5.2.4c restricts any development options requiring removal or demolition of dwellings.
- Maintaining an older house is costly.

Efficient and Effective
- These policies will be efficient and effective to achieve objective 5.2.4 by identifying the features which make up the special character of the Special Heritage Zone. By identifying these features, it makes it possible to effectively protect them.
- The policies aim to control the unnecessary removal and demolition of original dwellings and protect the area from inappropriate forms of development. This efficiently ensures that the historic heritage values of the area and recognised and protected.
5.2.4d
Non-residential activities should not establish in any Special Heritage Zone unless potential adverse effects are less than minor.

Policies not most appropriate to achieve the objective:

<table>
<thead>
<tr>
<th>Policy</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>No policy framework.</td>
<td>A lack of policies regarding the character of the Special Heritage Zone would mean no protection. It is considered that this option would not meet the requirements of the Act or RPS as detailed above.</td>
</tr>
<tr>
<td>Encourage the retention of dwellings.</td>
<td>This policy contains too much discretion in that pre-1939 dwellings are only ‘encouraged’ to be retained. If houses/villas are an integral part of the character then they should be protected and retained. It is considered that this option would not meet the requirements of the RMA or Regional Policy Statement as detailed above.</td>
</tr>
</tbody>
</table>

Risks
Risks of acting or not acting.

- The risks of establishing a policy framework to ensure the protection and where possible the enhancement of the Special Heritage Zone is outweighed by the risks of not acting.

Conclusion: Council considers there is sufficient information regarding the subject matter of the above policies that support objective 5.2.4.

Policies most appropriate to achieve the objective:

Special Natural Zone

5.2.5
Create a distinctive residential environment that recognises, protects and enhances water quality, ecological, natural, cultural, landscape and recreational values.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.2.5a</td>
<td>Benefits</td>
</tr>
<tr>
<td>Subdivision and development should:</td>
<td>• The open space and ‘green’ nature of residential areas around Rotokauri is maintained and enhanced.</td>
</tr>
<tr>
<td>i. Protect and enhance</td>
<td></td>
</tr>
</tbody>
</table>

5 Special Character Zones
| ii. Maximise visual and physical connections with Lake Waiwhakareke and the Waiwhakareke Natural Heritage Park, including long distance views of the park from public spaces on the ridgelines. | • Development maintains strong visual connectivity to public spaces. |
| iii. Encourage planting schemes that complement the Natural Heritage Park in the Lake Waiwhakareke Landscape Character Area. | • The residential neighbourhood around Lake Waiwhakareke protects and enhances the area’s natural character. |
| iv. Encourage safety and surveillance of public spaces, including the street, through: | • Legibility of the Rotokauri ridgelines are maintained. |
| • Ensuring the form and design of fencing sharing a boundary with public spaces does not obstruct visibility. | • Adverse effects on the environment, including amenity values, are avoided, remedied or mitigated. |
| • Orienting buildings to overlook public spaces. | • The natural values of Lake Waiwhakareke Natural Heritage Park are extended into the surrounding residential neighbourhood. |
| v. Ensure that development contributes to the retention and enhancement of the ridgelines and upper hill slopes as legible features of the Rotokauri skyline. | • Ensures passive surveillance and a safer public environment. |
| vi. Maximise the public amenity value of existing ridgeline roads as viewing opportunities of the City and surrounding rural landscape. | • Identifies the features which create the character e.g. high level of planting, larger site sizes etc. |
| vii. Be consistent with the Rotokauri Structure Plan. | • Retains a different residential character from other parts of Hamilton. This retains choice in living environments for Hamilton residents. |
| viii. Be consistent with the Lake Waiwhakareke Landscape Character Area. | • High level of planting and vegetation. This has benefits for ecological and amenity reasons. |
| Costs | • Ensures the protection of Lake Waiwhakareke from development that is in proximity to the lake, with a focus on water quality and ecological values. |
| • The features listed in policy 5.2.5 may restrict development of a site achieving its maximum potential. Accommodating requirements like large site sizes and high level of planting may constrain development options. | • Ensures the inclusion of a park edge transport corridor on Lot 2 DP425316 that will act as a transition between the open space and built form. This will ensure the park remains accessible, has passive surveillance and any development is appropriately setback from the edge of the park. |
| • Policy 5.2.5a(iv) may lead to less privacy for the homeowner and restrictions on how they develop their site including choice of fencing materials and placement of vegetation. | • Increased compliance costs. |
Design Guide.
i. Ensure that development avoids any adverse effects on the water quality or ecological values of Lake Waiwhakareke

5.2.5b
Non-residential activities should not establish in any Special Natural zone unless potential adverse effects are less than minor.

5.2.5c
Development of Lot 2 DP425316 shall provide a park edge transport corridor that acts as transitional space on the interface of the Special Natural Zone and Open Space Zones.

- In the Lake Waiwhakareke Landscape Character and Ridgeline Character Area increased costs associated with resource consent.
- The actual cost of development in these areas is likely to be higher.
- Reduced flexibility for developers.

Efficient and Effective
- The benefits of this approach significantly outweigh the costs, particularly in achieving a high quality residential environment that takes account of existing natural and physical resources. The Lake Waiwhakareke Landscape Character Area and Rotokauri Ridgeline Area are unique in that they are greenfields areas with special natural / landscape characteristics. It is important the new development in these areas recognises the natural values and enhances them.
- This approach is considered to be efficient.

Policies not most appropriate to achieve the objective:

No policy framework.
- A lack of policies regarding the character of the Special Natural Zone would mean no protection.
- Development may be unresponsive to the surrounding landscape features such as the locally significant western hills and the Natural Heritage Park. This may result in these features being lost under urban development.
- Rotokauri is a greenfield site which provides an opportunity to create distinctive residential neighbourhoods. Without such policies, there would be no linkages with the Rotokauri Structure Plan and Design Guidance.
- It is considered that this option would not meet the requirements of the Act or RPS as detailed above.

Risks
Risks of acting or not acting.
- There is a high level of risk associated with not acting given the local significance of the landscape features present.
- Also, given the recent residential development in the City there is also a sufficient level of risk associated with not acting in terms of surveillance and interface issues.
- The risk of not acting outweighs the risk of acting.
Conclusion: Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objectives.

### Policies most appropriate to achieve the objective:

#### Temple View Zone

<table>
<thead>
<tr>
<th>5.2.6</th>
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</thead>
<tbody>
<tr>
<td>To ensure that development within the Temple View Heritage Area maintains and enhances the special heritage characteristics of the area.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| **5.2.6a** The continued use of the Heritage Area as a focus for the Church of Jesus Christ of Latter-day Saints is provided for. | **Benefits**  
- The policies target only those activities that pose a threat to the features of a site.  
- The policies identify the most important features of the site.  
- Protection of sites with archaeological, historic and cultural significance benefit the whole community and future generations alike.  
- The policies offer varying levels of protection depending on condition and significance of the feature.  
- The integrity of the site is retained.  
- The relationship between features and buildings on the site is protected.  
- Certainty for the community that the features will remain. |
| **5.2.6b** Development within the Heritage Area is sensitive in terms of scale, form and design with the heritage characteristics of the area. | **Costs**  
- The features listed in policy 5.2.6 may restrict development of the site.  
- Increased compliance costs.  
- Increased costs associated with resource consent. |
| **5.2.6c** Fragmentation through subdivision is prevented. | **Efficient and Effective**  
- The benefits of this approach significantly outweigh the costs, particularly in recognising the importance of the Temple and its landscape features.  
- The policies aim to enable the ongoing use of the Heritage Area by the Church or other organisations for a wide range of activities subject to controls that ensure that the overall |
| **5.2.6d** Development should ensure that the siting and design of new buildings and structures are sensitive to the setting and significance of the Temple as a spiritual and physical landmark. | |
should be consistent with the character of the precinct and the pre-eminence of the Temple building.

5.2.6g
Demolition should not adversely impact on the landscape significance of the Temple.

5.2.6h
Works that would adversely affect the strong relationship between the Temple, visitor centre and Temple president’s house are avoided.

5.2.6i
Re-contouring or modification of the landscape recognises the high visibility and prominence of the Temple and provides for the management of effects on archaeological deposits or features.

5.2.6j
The landscape characteristics and qualities of the Heritage Area are retained including open and structured spaces, in particular the formal front entry staircases, lawns, walls and planting boxes.

<table>
<thead>
<tr>
<th>Policies not most appropriate to achieve the objective:</th>
</tr>
</thead>
<tbody>
<tr>
<td>No policy framework.</td>
</tr>
<tr>
<td>• A lack of policies regarding the important features of the Temple View Heritage Area would mean no protection.</td>
</tr>
<tr>
<td>• Development or alterations may be unresponsive to the Temple and the relationship between buildings and landscape features.</td>
</tr>
<tr>
<td>• It is considered that this option would not meet the requirements of the Act or RPS as detailed above.</td>
</tr>
</tbody>
</table>

**Risks**

Risks of acting or not acting.

- The risks of establishing a policy framework to ensure the protection and where possible the enhancement of the Temple View Heritage Area is outweighed by the coherence and integrity of the Heritage Area, the pre-eminence of the Temple itself and the key characteristic elements of the Heritage Area are properly recognised and provided for.

- As a building in active use for religious purposes, it is recognised that proposals may be made for the erection of religious symbolism and effigies in the future in addition to works needed to ensure compliance with building design standards and the functionality and appearance of the Temple.

- The Act, through its purposes and principles, sections, places a considerable responsibility on local authorities to protect cultural heritage. This approach is considered to be efficient in achieving both the objective and the purpose of the Act.
risks of not acting.

**Conclusion:** Council considers there is sufficient information regarding the subject matter of the above policies that support objective 5.2.6.

### Policies most appropriate to achieve the objective:

**Temple View Zone**

#### 5.2.7
To ensure development within the Temple View Character Area maintains and enhances its special character.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| **5.2.7a** Development maintains the character, appearance and relationship to Tuhikaramea Road and the Temple View Village. | **Benefits**  
- Provides flexibility and scope for the ongoing use of these areas.  
- Identifies and protects the distinctive character elements of the Temple View Character Area.  
- Ensures the character value is not adversely affected by activities or structures.  
- Areas of special character form an important part of the cultural history of the City, protection of such sites benefit the whole community and future generations alike.  
- Increase public awareness.  
- Provides certainty for landowners and the community.  
- Protects the ‘gateway entrance’ into Temple View.  
- Development compatible with the surrounding housing stock.  
- Retains a different urban character from other parts of Hamilton. This retains the special character of Temple View.  
- Costs  
- The features listed in policy 5.2.7 may restrict development of a site achieving its maximum potential.  
- Accommodating requirements like retaining the brick walls and retaining the form and style of the Teacher Housing may constrain development options.  
- Increased compliance costs. |
| **5.2.7b** The design of new buildings and structures in terms of their height, materials, scale and form is in keeping with the scale and character of the area. |  
| **5.2.7c** New buildings and structures within the Teacher Housing area are located to retain the existing set back from Tuhikaramea Road. |  
| **5.2.7d** New buildings and structures are located to retain generally consistent spatial character along the Tuhikaramea Road corridor. |  
| **5.2.7e** New structures such as fences and walls within the setback of the Teacher Housing fronting Tuhikaramea Road are consistent with the original colour and materials used throughout the Character Area. |  

5 Special Character Zones
5.2.7f
The existing low brick walls in the front yard of houses fronting Tuhikaramea Road are retained or rebuilt as required.

5.2.7g
Additions, alterations and renovations of the Teacher Housing are implemented in a sensitive and sympathetic manner that retains the form and style of existing buildings and the appearance of the streetscape.

5.2.7h
Works that may affect the treatment of open spaces and boundaries are managed.

5.2.7i
The heritage buildings in Volume 2, Appendix 8, Schedule 8A: Built Heritage are used and developed in a manner that maintains their distinctive heritage values.

- Reduced flexibility for the Temple.

**Efficient and Effective**

- The benefits of this approach significantly outweigh the costs. These policies are effective in identifying and protecting the features of the Church College which are unique and contribute to its character.
- The Act, through its purpose and principles, places a responsibility on territorial authorities to protect heritage values.
- A significant characteristic of the corridor along Tuhikaramea Road is the distinctive low key and simple architectural style of the early missionary houses, used latterly as Teacher Housing. These buildings are set within an open, campus-style landscape. The corridor forms an important gateway to the Temple of the Latter Day Saints and the adjoining Church College Campus.
- The style of the buildings along Tuhikaramea Road and separation distances between them is similar, giving consistency in form. The uniformity in scale and space is reinforced by the extensive use of the standardised cream coloured brickwork throughout Temple View and the low cement brick wall, which encloses the front yards of the houses on both sides of Tuhikaramea Road.
- In providing for future use and development of the Church College campus and Teacher Housing area, it is important to recognise the significant contribution that they make to the diversity and appeal of the City’s built environment.
- This approach is considered to be efficient.

<table>
<thead>
<tr>
<th>Policies not most appropriate to achieve the objective:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>No policy framework.</strong></td>
</tr>
<tr>
<td>- A lack of policies regarding the character of the Temple View Character Area would mean no protection. Features that give the Temple View Character Area its unique character may be removed or extensively modified.</td>
</tr>
<tr>
<td>- It is considered that this option would not meet the requirements of the Act or RPS.</td>
</tr>
</tbody>
</table>

**Risks**

Risks of acting or not acting:

- The risks of establishing a policy framework to ensure the protection and where
possible the enhancement of the Temple View Character Area are outweighed by the risks of not acting.

**Conclusion:** Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objectives.

<table>
<thead>
<tr>
<th>Policies most appropriate to achieve the objective:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Peacocke Character Zone</strong></td>
</tr>
</tbody>
</table>

**5.2.8**
To ensure urban development within the Peacocke Character Zone delivers high levels of residential amenity, respects and restores the area’s natural environment, and is sustainably integrated with the city as a whole.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>

**5.2.8a**
Ensure through Master Planning that urban development is not compromised through inappropriate land use activities.

**5.2.8b**
Ensure the appropriate nature, scale and intensity of urban development is undertaken in an efficient and coordinated manner in order that integrated and efficient development occurs within and between the neighbourhoods and the City as a whole.

**5.2.8c**
Ensure that development is consistent with the Peacocke Structure Plan and any master plan prepared for the area.

**5.2.8d**
Ensure that development of non residential activities are located in areas identified in the Peacocke Structure Plan or any approved Master Plan that provides for such activities.

**Benefits**
- Provide a high quality urban environment that takes into account the natural elements found within the Peacocke area.
- The use of a master planning process ensures existing and future development is integrated, and ensures the development of a community that is liveable, diverse and safe.
- The positive response to the natural features found in Peacocke enables the development of an urban environment that is unique within Hamilton.
- The control of scale and intensity of development will protect the natural character and ecology of the Peacocke area.
- The provision of non residential facilities is essential for the development of a liveable and sustainable community.

**Costs**
The above policies have the following associated costs:
- Administrative costs for Council associated with processing applications and assessing compliance.
- Additional time and cost through requiring some developments to be assessed through a statutory process.

**Efficient and Effective**
These policies will be efficient and effective to achieve the objectives by:
• Retaining and enhancing the particular natural character values of the Peacocke Character Zone.
• Development being compatible with the surrounding amenity.
• Ensuring that use and development is complementary to the natural values of the Peacocke Character Zone.
• Good on-site amenity is retained for the residents.
• Developing an urban area that responds positively to the natural environment found within the Peacocke Area.

**Policies not most appropriate to achieve the objective:**

No policy framework.

• A lack of policies regarding urban design for the Peacocke Character Zone would mean the establishment of a residential environment that lacks amenity and is unsustainable.
• Development within the Peacocke Character Zone may be unresponsive to the natural character of the area and the intended urban design outcomes would not be achieved.
• It is considered that this option would not meet the requirements of the Act.

**Risks**

Risks of acting or not acting.

• The risks of establishing a policy framework to ensure urban development within Peacocke Character Zone is sustainably integrated and delivers high levels of residential amenity outweighs the risks of not acting.

**Policies most appropriate to achieve the objective:**

**Rototuna North East Character Zone**

5.2.9
To recognise the local significance of the Rototuna ridgeline as a landscape feature and ensure that the form and pattern of residential development in the northeastern area (Rototuna North East Character Zone) of the Rototuna Structure Plan helps retain this underlying landform and is not incompatible with the future operation of the Waikato Expressway or the City’s infrastructure.

**Effectiveness, efficiency, costs and benefits**

5.2.9a
Maintain the public amenity value of existing ridgeline

**Benefits**

• Ensures the retention of public amenity of existing ridgelines and viewing points of Hamilton City and
roads and the identified viewing points shown on the structure plan within the open space area as viewing opportunities of the City and surrounding rural landscape.

5.2.9b
Ensure development does not constrain the development, construction or operation of the future Waikato Expressway (Designation E90).

5.2.9c
Ensure development does not constrain the operation of the City’s infrastructure.

5.2.9d
Provide a maximum development yield and minimum average lot size to ensure the character of the natural topography of the area is maintained and the sustainable use of the City’s land resource is promoted while mitigating against the effects from the development of this area of land on the City’s infrastructure.

5.2.9e
Promote a connection across the Waikato Expressway designation (Designation E90), such as an underpass, to facilitate walking and cycle network connectivity between the Rototuna North East Character Zone and the remaining Rototuna Structure Plan area.

the surrounding rural landscape.

- The development, construction and operation of the Waikato Expressway will not be compromised.
- Hamilton’s infrastructure will not be constrained by future development.
- Will ensure the area is developed in a sustainable matter, considering impact on Hamilton’s infrastructure.
- Will retain the character and natural topography of the area.
- Ensures the area is not severed by the Waikato Expressway

Costs
The above policies have the following associated costs:

- Administrative costs for Council associated with processing applications and assessing compliance.
- Additional time and cost through requiring some developments to be assessed through a statutory process.
- Restricts development by providing a maximum development yield and accommodating the natural topography of the area into the design of the development.

Efficient and Effective
These policies will be efficient and effective to achieve the objective by:

- Retaining and enhancing the particular natural character values of the Rototuna North East Character Zone.
- Development being compatible with the surrounding amenity and landscape character.
- Good on-site amenity is retained for the residents.
- Ensuring the Waikato Expressway is able to be developed and operated effectively and efficiently

Policies not most appropriate to achieve the objective:

| No policy framework. | A lack of policies regarding character and topography for the Rototuna North East Character Zone would mean the establishment of a residential environment that lacks amenity and |
negatively impacts the natural character of the area.
- Development within the Rototuna North East Character Zone may be unresponsive to the natural character of the area and the intended urban design outcomes would not be achieved.
- It is considered that this option would not meet the requirements of the Act.

Risks
Risks of acting or not acting.
- The risks of establishing a policy framework to ensure urban development within Rototuna North East Character Zone is sustainably integrated, retains the character and topography of the area and allows for the development and operation of the Waikato Expressway outweighs the risks of not acting.

Conclusion: Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objectives.

5.4 Rules

| Rules most appropriate to achieve the objectives: |
|---|---|
| **Method** | **Effectiveness, efficiency, costs and benefits** |
| Six character zones that accommodate different types of densities, features and environments. | **Benefits** |
| | - Each zone has a specific density target aligned with the existing density. |
| | - The approach to zoning identifies where subdivision will occur. This allows coordination of infrastructure with maximum theoretical yield. |
| | - Provides areas of stability. |
| | - Provides certainty for communities as to the future level of change/development they can expect. |
| | - Effects of subdivision are localized because development is focused into identified areas. |
| | - Retention of lower density in character/heritage areas where large lot size is an important aspect of the heritage/character values. |
| | - Activities for each zone can be tailored to match the likely environment and the unique heritage/character values. |
| | - Bulk and location standards can be tailored for |
each zone to enable a certain form of development. For example where the predominant building form is single storied villas, the standards can retain that building form.

- Character is retained.

**Costs**

- Minimal development potential for some properties.
- Restricts choice with building form and location.

**Efficient and Effective**

- This method will be efficient and effective to achieve objective 5.2.1, 5.2.3, 5.2.4, 5.2.5, 5.2.6, 5.2.7, 5.2.8 and 5.2.9 by providing character zones that will ensure densities, building form and activities protect the important heritage/character elements for each zone.

<table>
<thead>
<tr>
<th>5.3.1 Activity Status Table</th>
<th>Benefits</th>
</tr>
</thead>
</table>
|                             | • Gives clear expectations of what is anticipated/appropriate within each zone. Buildings and activities have a different status depending on their suitability for a particular zone.  
• Activities that may be suitable in each zone depending on their size and effects are restricted discretionary, those requiring closer scrutiny of effects are discretionary and those not appropriate are non complying. |

**Special Residential Zone**

- The activities permitted are those structures and activities normally expected of a residential area. For example a single dwelling, an accessory building, an ancillary flat, alterations or additions, home-based business and homestay are all permitted. The activity status protects dwellings constructed before 1940 on front sites within the dwelling control overlay.

**Special Heritage Zone**

- This zone has less permitted activities due to the heritage nature of the zone. This zone includes Frankton Railway Village, Hamilton East villas and Hayes Paddock. The only permitted activities are those which do not involve changes to the existing buildings such as homestay accommodation and home-based businesses. Accessory buildings are the only new buildings permitted to be constructed.
Special Natural Zone

- The activity status of activities and structures within this zone is very similar to that of General Residential. Because it is a greenfields area single detached dwellings are permitted, as are low impact residential-based activities.

Costs

- There will be some activities and buildings that will be required to obtain resource consent due to their potential affect on the surrounding environment. This adds additional cost, complexity and time to those developments.

Efficient and Effective

These rules will be efficient and effective to achieve all special character objectives by:

- Retaining and enhancing the particular values of each zone.
- Activities in are compatible with the surrounding amenity.
- Ensuring that use and development is complementary to the values of each zone.
- Good on-site amenity is retained for the residents.

<table>
<thead>
<tr>
<th>5.3.1 Activity Status for Special Residential Zone.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Benefits</strong></td>
</tr>
<tr>
<td>Enables common residential activities to be undertaken without requiring a resource management process.</td>
</tr>
<tr>
<td>Enables the following activities to be undertaken.</td>
</tr>
<tr>
<td>- Residential activities.</td>
</tr>
<tr>
<td>- Ancillary residential structures.</td>
</tr>
<tr>
<td>- Ancillary residential unit.</td>
</tr>
<tr>
<td>- Accessory buildings.</td>
</tr>
<tr>
<td>- Alterations and additions to the rear of existing buildings.</td>
</tr>
<tr>
<td>- Managed care facilities for less than nine people.</td>
</tr>
<tr>
<td>- Construction of a single detached dwelling per site.</td>
</tr>
<tr>
<td>- Childcare for less than six children.</td>
</tr>
<tr>
<td>- Home based business.</td>
</tr>
<tr>
<td>- Homestay accommodation.</td>
</tr>
</tbody>
</table>
- Show homes.
- Demolition/removal of existing buildings for dwellings constructed after 1940.
- Interior alterations.
- Maintenance and repairs.

- Enables small scale commercial activities to establish without compromising the primary function of the dwelling for residential purposes.
- Provides certainty to the community as to what activities/structures might establish in this zone.
- The permitted status is accompanied by size restrictions to ensure that the activities/structures are of an appropriate scale to retain the character.
- The streetscape exterior of buildings is retained within the dwelling control area.
- For restricted discretionary and discretionary activities, these may be able to be established but depends on the effects being avoided, remedied or mitigated.
- Ensures a different style of development to the rest of the City.
- Ensures existing character is retained.
- Discourages commercial activities due to incompatibility with the existing character.
- Retains these areas for primarily residential activities.

**Costs**

- Limits the variety of residential form.
- Limits development options.
- There will be some activities and buildings that will be required to obtain resource consent due to their potential effect on the character. This adds additional cost, complexity and time to those developments.

**Efficient and Effective**

These rules will be efficient and effective to achieve objectives 5.2.1, 5.2.2 and 5.2.3 by:

- Ensuring a variety of residential environments is provided.
- Protecting the character of Claudelands West, Hamilton East and the dwelling control area.
### Benefits

- Enables common residential activities to be undertaken without requiring a resource consent process.
- Enables the following activities to be undertaken:
  - Residential activities.
  - Ancillary residential structures.
  - Accessory buildings.
  - Managed care facilities for less than nine people.
  - Home-based business.
  - Homestay accommodation
  - Alterations and additions.
- Enables small scale commercial activities to establish without compromising the primary function of the dwelling for residential purposes.
- Provides certainty to the community as to what activities / structures might establish in this zone.
- The permitted status is accompanied by size restrictions to ensure that the activities/structures are of an appropriate scale to retain the character.
- The streetscape exterior of buildings is retained as this is a key feature of the heritage values.
- Ensures existing character is retained.
- For Restricted Discretionary and Discretionary activities, these may be able to be established but depends on the effects being avoided, remedied or mitigated.
- Ensures a different style of development to the rest of the City.
- Discourages commercial activities due to incompatibility with the existing character.
- Retains these areas for primarily residential activities.

### Costs

- Limits the variety of residential form.
- Limits the development options.
- There will be some activities and buildings that will be required to obtain resource consent due to their potential effect on the character. This adds additional cost, complexity and time to those developments.

**Efficient and Effective**

These rules will be efficient and effective to achieve objectives 5.2.1, 5.2.2 and 5.2.4 by:

- Ensuring a variety of residential environments is provided.
- Protecting the character of Hamilton East Villas, Hayes Paddock and Frankton Railway Village.
- Residential amenity is retained.
- It is the most efficient and effective approach as it ensures that the features contributing to character are retained.

<table>
<thead>
<tr>
<th>5.3.1 Activity Status for Special Natural Zone.</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Enables common residential activities to be undertaken without requiring a resource management process.</td>
</tr>
<tr>
<td></td>
<td>Enables the following activities to be undertaken, consistent with a greenfield residential area.</td>
</tr>
<tr>
<td></td>
<td>- Residential activities.</td>
</tr>
<tr>
<td></td>
<td>- Ancillary residential structures.</td>
</tr>
<tr>
<td></td>
<td>- Accessory buildings.</td>
</tr>
<tr>
<td></td>
<td>- Construction of a single detached dwelling per site.</td>
</tr>
<tr>
<td></td>
<td>- Alterations and additions to existing buildings.</td>
</tr>
<tr>
<td></td>
<td>- Managed care facilities for less than nine people.</td>
</tr>
<tr>
<td></td>
<td>- Childcare for less than six children.</td>
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<tr>
<td></td>
<td>- Home-based business.</td>
</tr>
<tr>
<td></td>
<td>- Homestay accommodation.</td>
</tr>
<tr>
<td></td>
<td>- Show homes.</td>
</tr>
<tr>
<td></td>
<td>- Demolition/removal of existing buildings.</td>
</tr>
<tr>
<td></td>
<td>- Interior alterations.</td>
</tr>
<tr>
<td></td>
<td>- Maintenance and repairs.</td>
</tr>
<tr>
<td></td>
<td>Enables small scale commercial activities to establish without compromising the primary function of the dwelling for residential purposes.</td>
</tr>
</tbody>
</table>
• Provides certainty to the community as to what activities/structures might establish in this zone.
• The permitted status is accompanied by size restrictions to ensure that the activities/structures are of an appropriate scale to retain the character.
• Ensures the predominant character is that of nature, culture or recreation.
• For restricted discretionary and discretionary activities, these may be able to be established but depends on the effects being avoided, remedied or mitigated.
• Discourages commercial activities due to incompatibility with the natural character.
• Retains these areas for primarily residential activities.

**Costs**

• There will be some activities and buildings that will be required to obtain resource consent due to their potential effect on the character. This adds additional cost, complexity and time to those developments.

**Efficient and Effective**

• These rules will be efficient and effective to achieve objectives 5.2.1, 5.2.2 and 5.2.5 by creating natural, cultural and recreational amenity.

<table>
<thead>
<tr>
<th>5.3.1 Activity Status for Rototuna North East Character Zone</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Enables common residential activities to be undertaken without requiring a resource management process.</td>
</tr>
<tr>
<td></td>
<td>• Enables the following activities to be undertaken, consistent with a greenfield residential area.</td>
</tr>
<tr>
<td></td>
<td>- Residential activities.</td>
</tr>
<tr>
<td></td>
<td>- Ancillary residential structures.</td>
</tr>
<tr>
<td></td>
<td>- Accessory buildings.</td>
</tr>
<tr>
<td></td>
<td>- Construction of a single detached dwelling per site.</td>
</tr>
<tr>
<td></td>
<td>- Alterations and additions to existing buildings.</td>
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<tr>
<td></td>
<td>- Managed care facilities for less than nine people.</td>
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<td></td>
<td>- Childcare for less than six children.</td>
</tr>
<tr>
<td></td>
<td>- Home-based business.</td>
</tr>
</tbody>
</table>
- Homestay accommodation.
- Show homes.
- Demolition/removal of existing buildings.
- Interior alterations.
- Maintenance and repairs.

- Enables small scale commercial activities to establish without compromising the primary function of the dwelling for residential purposes.
- Provides certainty to the community as to what activities/structures might establish in this zone.
- The permitted status is accompanied by size restrictions to ensure that the activities/structures are of an appropriate scale to retain the character.
- Ensures the predominant character is that of nature, culture or recreation.
- For restricted discretionary and discretionary activities, these may be able to be established but depends on the effects being avoided, remedied or mitigated.
- Discourages commercial activities due to incompatibility with the natural character.
- Retains these areas for primarily residential activities.

**Costs**

- There will be some activities and buildings that will be required to obtain resource consent due to their potential effect on the character. This adds additional cost, complexity and time to those developments.

**Efficient and Effective**

These rules will be efficient and effective to achieve objectives 5.2.1, 5.2.2 and 5.2.9 by ensuring natural, cultural and recreational amenity.

**5.3.3. Activity Status for Peacocke Character Zone.**

**Benefits**

- Ensures that development within Peacocke retains the character of the area while still allowing for a range of activities.
- Allows activities within Peacocke to be assessed to ensure that they are in accordance with the consented Master Plan and the overall vision for the area.

Ensures that appropriate activities occur within the
<table>
<thead>
<tr>
<th>Section 32 –Operative District Plan</th>
<th>Hamilton City Council</th>
</tr>
</thead>
</table>

**Peacocke Character Zone that create a vibrant and liveable built form.**

**Costs**
- Places restrictions on the ability for activities to be located within these areas.
- Applicants to incur additional financial costs and increase time in processing applications.

**Effective and Efficient**
- It is the most efficient and effective approach as it ensures that the character of and the intended vision for each area is retained. It also ensures that inappropriate activities are not located within these special character areas.

<table>
<thead>
<tr>
<th>5.3.2 Activity Status for development of Lot 2 DP 425316 Lake Waiwhakareke Landscape Character Area</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Benefits</strong></td>
<td></td>
</tr>
<tr>
<td>- Ensures that development on Lot 2 DP425316 occurs in a cohesive, holistic manner which integrates into the sites immediate context; the Lake Waiwhakareke Heritage Park.</td>
<td></td>
</tr>
<tr>
<td>- Allows development to occur in proximity to Lake Waiwhakareke when it has been proven to be able to proceed without having an adverse effect on the ecological values or water quality of the Lake.</td>
<td></td>
</tr>
<tr>
<td>- Ensures Council has full discretion over the subdivision and development of the site.</td>
<td></td>
</tr>
</tbody>
</table>

**Costs**
- Places restriction on the development of the site
- There is a likelihood of higher development costs because of the requirements of the provisions in place.
- Development of the site is likely to be delayed until the provisions such as the requirement for an approved ICMP are in place.

**Efficient and Effective**
The requirement for a Comprehensive Development Plan is efficient and effective as:
- It will ensure the protection of the water quality of the Lake and its ecological and natural values whilst providing for development of the site.
- It requires one comprehensive resource consent to address all the issues of the site in a holistic and cohesive manner.

<table>
<thead>
<tr>
<th>5.3.4. Activity Status for Temple View Zone.</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Benefits</strong></td>
<td></td>
</tr>
<tr>
<td>- Ensures that development within Temple View</td>
<td></td>
</tr>
</tbody>
</table>
retains the character of the area while still allowing for a range of activities.

- Allows activities within Temple View to be assessed against the Comprehensive Development Plan and character of the area to ensure that the character and heritage of the area is retained.
- Ensures that the special character of the Temple View Zone is retained while still allowing for the ongoing use of the area.
- Allows for activities with the Temple View Zone that would assist in the creation of a sustainable community.

**Costs**

- Places restrictions on the ability for activities to be located within these areas.
- More design costs through the requirement to use specific material within the Temple View Zone.
- Applicants to incur additional financial costs and increase time in processing applications.

**Effective and Efficient**

It is the most efficient and effective approach as it ensures that the character of and the intended vision for each area is retained. It also ensures that inappropriate activities are not located within these special character areas.

---

### 5.4 General Standards.

#### 5.4.1 Density.

**Benefits**

- By setting density requirements for new development, Council is ensuring that the character is maintained consistent with the existing lot sizes and density.
- Maintains the density and therefore the character.
- Ensures consistent densities in each zone.
- Ensures there are different densities and lifestyle opportunities provided throughout the City.
- Densities provide certainty as to the development (or stability) of each heritage/character area.
- Future infrastructure requirements can be planned in advance of development as the maximum number of households can be calculated.
- Provides certainty as to the theoretical development potential of every lot in the City.

**Costs**
- Setting densities may constrain development potential.

**Efficient and Effective**

- These rules will be the most efficient and effective approach to achieve objective 5.2.1, 5.2.3, 5.2.4, 5.2.5, 5.2.6, 5.2.7, and 5.2.8 as they ensure the character of each zone is retained.
- It also ensures that a variety of different residential lifestyle opportunities is provided throughout the City.

| Bulk and location standards: | Site coverage controls the footprint of development that is considered appropriate to each type of residential environment. Most zones allow a maximum of 35% or 40% which is consistent with the General Residential areas around the City. However the Ridgeline Character Area has a lower maximum site coverage to reflect the lower density and the need for dwellings to not dominate the skyline. There is no restriction on the number of buildings, just the percentage of the site that can be covered by buildings.

All of the Special Character Zones have maximum height to maintain the predominant character of the area. The Frankton Railway Village and Temple View teachers’ housing have a maximum single storey requirement. The height in relation to boundary requires taller buildings to be located further back from the boundary. The benefits of this are that adjoining properties have adequate sunlight. The southern boundary is the most restrictive as this is the northern boundary of the adjoining site, with sunlight coming from the northerly direction. Access to sunlight is not a consideration with regards to the transport corridor boundary, however the 45° height plane ensures taller buildings are set back from the front boundary which lessens the dominance on the streetscape.

Building setbacks provide uniformity to a neighbourhood and determine the relationships and placement between structures. This is particularly important in the Special Character Zones where setbacks are generally larger and make an important contribution to the character. Setbacks allow a certain measure of privacy between neighbours, provide space for light and air circulation, and provide open space for landscaping and recreational use. They also provide distance between neighbours to mitigate |
| 5.4.2 Site coverage. | |
| 5.4.4 Building height. | |
| 5.4.5 Height in relation to boundary. | |
| 5.4.6 Building setbacks. | |
| 5.4.9 Residential buildings – separation and privacy. | |
noise and odours. Setbacks ensure that there is adequate room for emergency vehicles between and around the properties and access for utility workers who need to deal with power, water, and gas lines. It also provides space for maintenance on the home. Setbacks also improve street visibility. Setbacks vary depending on the type of transport corridor and therefore the amount of traffic that will use it.

Separation and privacy standards ensure an adequate level of privacy between dwellings. The benefit is that there is useable and functional space between buildings.

**Benefits**

- The established character and amenity of street front properties are maintained.
- A consistent level of amenity and building potential within each zone.
- Site coverage rules ensure that the building footprint is relative to the size of the site.
- Lower site coverage retains the surrounding character/amenity.
- Lower maximum height allowance is more consistent with the surrounding character/amenity.
- The height control plane ensures there is adequate sunlight to each dwelling.
- Setbacks allow a certain measure of privacy between neighbours, provide space for light and air circulation, and provide open space for landscaping and recreational use.
- Setbacks provide distance between neighbours to mitigate noise and odors.
- Setbacks ensure that there is adequate room for emergency vehicles between and around the properties and access for utility workers who need to deal with power, water, and gas lines. It also provides space for maintenance on the home.
- Larger setbacks for properties adjacent to the arterial transport corridors offset the higher noise environment and vibration effects of traffic.
- Separation and privacy standards useable and functional space between buildings.
- Provides certainty that special character/heritage values will be protected and/or enhanced through subdivision and development.
- Provides certainty that appropriate residential
amenity will be provided through subdivision and development.

**Costs**
- Places restrictions on how buildings are to be designed.
- May constrain the maximum development possible on the site.

**Efficient and Effective**
- These rules will be efficient and effective to achieve all objectives. By ensuring that the bulk and location of buildings enables access to sunlight, do not dominate the streetscape, provides living space around the dwelling, mitigates against noise and vibration effects of traffic and most importantly retains the character/heritage unique to each area.

| 5.4.3 Permeable surface and planting standards. | Permeability standards control the amount of site that can be covered with impermeable surfaces. Requiring a minimum level of permeability for each site allows a portion of stormwater runoff to be managed on site. This reduces the amount of stormwater entering the reticulated stormwater system.

Requiring a minimum level of permeability in the front yard ensures that landscaping of some form is required. Even if this is just sown in grass, it still provides green relief for the City and assists in stormwater management. In many of the Special Character Zones, the landscaping of the front yard in front of the dwelling contributes to character.

**Benefits**
- Reduced stormwater entering the reticulated system due to infiltration and storage of stormwater within the sub-base.
- Reduced peak flow of stormwater in storm events.
- Creates a good standard of visual amenity.
- Provides green relief.
- Increased biodiversity.
- Ecological benefits.
- Permeable surface standards in the Hamilton East Residential Intensification Zone will be more consistent with the surrounding character/amenity of Hamilton East (Special Residential Zone).
- Improved streetscape. |
- Ensures access to sunlight.
- Landscaping and use of vegetation can help to soften the appearance of large buildings, screen sensitive uses, and provide both amenity and human scale.
- The use of landscaping can significantly add to identity, character, and distinctiveness as well as mitigate effects associated with building mass or large parking areas.

**Costs**
- Places restrictions on personal choice when it comes to management of the front setback.
- Does not necessarily result in a good amenity outcome (e.g. overgrown lawns).
- May compromise CPTED principles (e.g. visual connection between dwellings and the street).

**Efficient and Effective**
- These rules will be efficient and effective to achieve all the objectives. By requiring landscaping of the front yard, it ensures access to sunlight, increased visual amenity, as well as improved management of stormwater. Most importantly it preserves the character of each area.

<table>
<thead>
<tr>
<th>5.4.7 Interface between public and private.</th>
<th>5.4.8 Fences and walls.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The interface standards have several different components.</td>
<td>All accessory buildings and ancillary residential units (whether attached to the dwelling or detached) must not be located forward of the front line of the dwelling.</td>
</tr>
<tr>
<td></td>
<td>Landscaping and planting in the front yard must allow visibility between the dwelling and public spaces.</td>
</tr>
<tr>
<td></td>
<td>The primary entrance on the ground floor must face the street.</td>
</tr>
<tr>
<td></td>
<td>At least one principal room window must face the street.</td>
</tr>
<tr>
<td></td>
<td>Fences adjoining a public space must either have a maximum height of 1.2m, or 1.8m with 50% visibility through it.</td>
</tr>
</tbody>
</table>

**Benefits**
- The established character and amenity of street front properties are maintained.
- Building characteristics that provide visual interest contribute to local character and amenity e.g. avoiding blank monotonous walls.

  - Variation in building walls creates individuality, e.g. balconies, recesses and voids. Continuous building mass will typically be out of scale with the character of adjacent uses. Large buildings with flat walls are often associated with industrial uses and can undermine the residential amenity qualities. Long blank walls will exaggerate adverse mass and character effects.

  - The fencing rules will enable a tall enough fence to provide a safe environment for children and animals and enable privacy but will allow CPTED principles to be implemented through passive surveillance.

  - Low fences are part of the character of these areas.

  - Higher amenity residential areas- tall closed-board fences do not contribute positively to amenity.

  - Standards to increase the chance of passive surveillance will result in safer public environments.

  - Emphasising the front door with preferably a porch or other shelter helps direct visitors and organise on-site planning.

  - Reduced domination of garages and carports of the transport corridor frontage.

**Costs**

- Places restrictions on how buildings are to be designed.

- May constrain the maximum development possible on the site.

- Reduced privacy on some parts of the site adjoining public areas due to fencing requirements.

**Efficient and Effective**

- These rules will be efficient and effective to achieve all the objectives.

- These rules are based on CPTED principles and will assist in creating a safer public environment through passive surveillance.

- Low fences are key characteristics of the building.
<table>
<thead>
<tr>
<th>5.4.10 Buildings and activities within the Temple View Character Area and Temple Heritage Area.</th>
<th>These standards will ensure that the design and colour schemes are consistent with the dominant form of the Temple View Zone.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Benefits</strong></td>
<td></td>
</tr>
<tr>
<td>• The established character and amenity is maintained.</td>
<td></td>
</tr>
<tr>
<td>• The colour and form of structures are part of the character of these areas.</td>
<td></td>
</tr>
<tr>
<td>• Maintains the unique character.</td>
<td></td>
</tr>
<tr>
<td>• Maintains consistency.</td>
<td></td>
</tr>
<tr>
<td><strong>Costs</strong></td>
<td></td>
</tr>
<tr>
<td>• Places restrictions on how buildings are to be designed.</td>
<td></td>
</tr>
<tr>
<td>• May constrain the maximum development possible on the site.</td>
<td></td>
</tr>
<tr>
<td>• Reduced choice with colour.</td>
<td></td>
</tr>
<tr>
<td><strong>Efficient and Effective</strong></td>
<td></td>
</tr>
<tr>
<td>• These rules will be efficient and effective to achieve objectives 5.2.6 and 5.2.7. These rules will retain the character of the Temple area.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5.4.11 Outdoor living area. 5.4.12 Service areas.</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Benefits</strong></td>
<td></td>
</tr>
<tr>
<td>• Private outdoor living areas contribute to on-site amenity.</td>
<td></td>
</tr>
<tr>
<td>• Increases the range of activities people can enjoy in and around their home.</td>
<td></td>
</tr>
<tr>
<td>• Being located on the northern, eastern or western side of the dwelling will ensure sunlight.</td>
<td></td>
</tr>
<tr>
<td>• Allows private outdoor living areas not just on ground level but also at an upper level balcony or roof deck.</td>
<td></td>
</tr>
<tr>
<td>• The area of private open space varies depending on the form of housing.</td>
<td></td>
</tr>
<tr>
<td>• Allows private outdoor living areas to be amalgamated to provide a larger shared space for residents.</td>
<td></td>
</tr>
<tr>
<td>• Requires a designated space for clothes lines and solid waste and recycling storage facilities for each residential unit.</td>
<td></td>
</tr>
<tr>
<td>• Ensures all dwellings including ancillary units have a level of private open space.</td>
<td></td>
</tr>
</tbody>
</table>
### 5.2.2 Ancillary Residential Unit

**Costs**
- Places restrictions on how buildings are to be designed.
- May constrain the maximum development possible on the site.

**Efficient and Effective**
- These rules will be efficient and effective to achieve objective 5.2.2. These rules will create enhanced on-site amenity for residents.

<table>
<thead>
<tr>
<th>Specific Standards: 5.5.1 Ancillary Residential Unit</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Provides</strong> for a variety of densities of development within the City.</td>
</tr>
<tr>
<td></td>
<td>Provides a range of living environments which assists in meeting the needs of a diverse community.</td>
</tr>
<tr>
<td></td>
<td>Assists in the economic feasibility of purchasing a property (additional income from the ancillary flat).</td>
</tr>
<tr>
<td></td>
<td>Retains the provisions for shared accommodation.</td>
</tr>
<tr>
<td></td>
<td>Allows flexibility in how the ancillary unit is provided eg attached, underneath on the ground floor or fully detached.</td>
</tr>
<tr>
<td></td>
<td>Allows flexibility for housing elderly and dependent relatives – they can be close by but still able to live independently.</td>
</tr>
<tr>
<td></td>
<td>Only permitted activities in the Special Residential Zone where they will not adversely affect the character by being located behind the main house.</td>
</tr>
<tr>
<td></td>
<td>Will require resource consents in all the other Special Character Zones where their effects can be assessed.</td>
</tr>
<tr>
<td></td>
<td><strong>Costs</strong></td>
</tr>
<tr>
<td></td>
<td>May contribute additional loading on the infrastructure networks.</td>
</tr>
<tr>
<td></td>
<td>Unforeseen loading on the infrastructure networks including transport networks.</td>
</tr>
<tr>
<td></td>
<td>May have a cumulative effect where a number of properties develop in this way.</td>
</tr>
<tr>
<td></td>
<td>Insensitive design may adversely affect the character qualities of the site.</td>
</tr>
<tr>
<td></td>
<td><strong>Efficient and Effective</strong></td>
</tr>
<tr>
<td></td>
<td>These rules will be efficient and effective to</td>
</tr>
</tbody>
</table>
| Specific Standards: 5.5.2 Childcare facility. | Childcare facilities for less than six children are permitted in four of the Special Character Zones provided they meet the standards set out in rule 5.5.2. **Benefits**

- Only low impact, small commercial operations are permitted.
- Enables the childcare facilities to establish without requiring a resource consent process.
- The size restrictions ensure that the operations are at a scale and duration appropriate to residential environments. The permitted size is similar to the size of a large family.
- More economically viable to establish small childcare facilities in residential areas.
- Once a childcare facility outgrows the permitted standards, this rule forces them into other more appropriate zones, retaining the residential amenity.
- Retains residential zones for primarily residential activities.
- Childcare operations can establish close to their clients.
- Retains residential amenity and character.
- Ability to control traffic generation.
- Allows small businesses to establish in cost effective way.
- Dwelling retains predominantly residential use.
- Ensures easy access to the site with the requirement to be a front or corner site.
- Nuisance such as noise is managed through noise standards.
- Similar effects to that of a large family. **Costs**

- Limits the size of childcare activities that can be undertaken in residential areas.
- Once childcares outgrow the permitted standards, forces them into other more appropriate zones. |
- Increases the cost for commercial operations as the cost of land and buildings is more expensive in the business zones.
- The potential for clustering of childcares to occur which impacts on the character.
- Potential to create nuisance with vehicle movements dropping off and picking up.

**Efficient and Effective**

These rules will be efficient and effective to achieve objective 5.2.1 by:

- Activities in the Special Character Zones are compatible with the surrounding amenity.
- Economic development can continue as the Special Character Zones can act as an incubator for small businesses such as childcare.
- Larger commercial operations are directed into more appropriate business or industrial zones where their effects can be better managed.

**Specific Standards:**

5.5.3 Community Centres, Tertiary and Specialised Training Facilities, Schools and, Places of Worship

These activities require a resource consent in all Special Character Zones. These standards set acceptable parameters including maximum floor area, hours of operation, and external visibility of the activity.

**Benefits**

- The size is capped to that similar to a large dwelling to maintain the character of the residential zone.
- The size restrictions ensure that the operations are at a scale and duration appropriate to residential environments.
- Retains residential zones for primarily residential activities.
- Community facilities can establish close to their communities.
- Nuisance such as noise is managed through noise standards.
- As the activity will need to go through a resource consent process, other effects can be assessed.

**Costs**

- Limits the size of community facilities that can be established or undertaken.
- Potentially increases the cost for community
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>32 – Operative District Plan</td>
<td>Hamilton City Council</td>
</tr>
</tbody>
</table>

5 Special Character Zones

### Efficiency and Effectiveness

- Facilities as the cost of land and buildings is more expensive in the Business Zones.

### Efficient and Effective

These rules will be efficient and effective to achieve objectives 5.2.6 and 5.2.7 by:

- Amenity is retained.
- Larger community facilities are directed into more appropriate business or industrial zones where their effects can be better managed.

#### Specific Standards:

**5.5.4 Dairies.

**Dairies require a resource consent in all Special Character zones.

**Benefits

- Only small commercial operations are permitted.
- The size restrictions ensure that the operations are at a scale appropriate to the residential environment.
- Enables convenience needs to be met locally.
- Retains amenity and character.
- Ability to control traffic generation through size limits.
- Ensures surrounding amenity is retained by screening of service areas.

**Costs

- Limits the size of commercial activities that can be undertaken in the Special Character areas and potentially economic viability.

**Efficient and Effective

- These rules will be efficient and effective to achieve all objectives by ensuring amenity is retained.

#### Specific Standards:

**5.5.5 Home-based business.

Home-based businesses are permitted in all Special Character zones provided they meet the standards set out in Rule 5.5.5.

**Benefits

- Only low impact, small commercial operations are permitted.
- Enables the business to establish without requiring a resource consent process.
- The size restrictions ensure that the operations are
<table>
<thead>
<tr>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Limits the size of commercial activities that can be undertaken in residential areas.</td>
</tr>
<tr>
<td>Once businesses outgrow the permitted standards, forces them into other more appropriate zones.</td>
</tr>
<tr>
<td>Increased pressure on commercially zoned sites leading to increased cost.</td>
</tr>
<tr>
<td>Increases the cost for commercial operations as the cost of land and buildings is more expensive in the business zones.</td>
</tr>
<tr>
<td>Can be established anywhere in the Special Character zones.</td>
</tr>
<tr>
<td>The potential for clustering of home-based businesses to occur which impacts on the character.</td>
</tr>
</tbody>
</table>
- Reduced passive surveillance during the day with the loss of offices in residential areas.
- Does not allow for businesses which are too big for a home occupation, but too small for commercial premises to be cost effective.

**Efficient and Effective**

These rules will be efficient and effective to achieve all the objectives because:

- Residential amenity is retained.
- Economic develop can continue as the home-based businesses can act as an incubator for small businesses.
- Commercial activities are directed into more appropriate Business or Industrial Zones where their effects can be better managed.

### Specific Standards

5.5.6 Managed Care Facilities.

All managed care facilities are required to comply with these standards, irrespective of how many people are accommodated.

**Benefits**

- The density is one person per 100m² of net site area. This will ensure that managed care facilities establish on sites with sufficient area to provide a reasonable level of on-site amenity and protection of the amenity values of adjoining properties.
- The outdoor living area, landscaping and related controls retain amenity for both residents and surrounding residential environment.
- Avoid clustering of managed care facilities in an area.
- Limits the potential for cumulative effects to arise due to clustering.
- Ensures adjoining properties are aware of the activities taking place.
- Secure units are unable to establish under these rules maintain the safety of the surrounding community.

**Costs**

- Limits the number of people to be accommodated on site related to site size.
- Negative response from adjoining properties.

**Efficient and Effective**

- These rules will be efficient and effective to
| Specific Standards: 5.5.7 Relocated buildings | Relocated buildings are permitted in the Special Residential, Special Natural Zone, Rototuna North East Character Zone and Peacocke Character Zone provided they meet the standards set out in Rule 5.5.7. |
| Benefits |  
| • Clear timeframes for complying with standards.  
| • Ensures the building is located and connected to permanent foundations quickly to retain residential amenity.  
| • Requirement to reinstate exterior to fit in with residential amenity and character.  
| • No need for resource consent process.  
| • Placement of building is covered by standards.  
| Costs |  
| • Reinstatement of foundations and exterior has to be undertaken within certain timeframes.  
| Efficient and Effective |  
| • These rules will be efficient and effective to achieve all the objectives by ensuring residential amenity is retained.  
| Specific Standards: 5.5.8 Show Homes | Show homes are permitted in the Special Residential, Rototuna North East Character Zone and Special Natural Zones provided they meet the standards set out in rule 5.5.8. They are Discretionary in the Special Heritage Zone and Discretionary or Non Complying in the Temple View Zone and Peacocke Character Zone. |
| Benefits |  
| • Only low impact, small commercial operations are permitted.  
| • Limited number of staff.  
| • Maximum duration so it will eventually convert to a normal residential dwelling.  
| • Enables the business to establish without requiring a resource consent process.  
| • Effects of a show home are similar to that of a normal household eg traffic movements, noise, etc.  
| • The visual effects of a show home are the same as that of a dwelling so character is consistent with the surrounding residential area. |
### Costs
- Limits the lifespan of a show home.
- Limits the number of staff.
- The potential for clustering of show homes to occur which cumulatively impacts on the residential character.

### Efficient and Effective
These rules will be efficient and effective to achieve objectives 5.2.1, 5.2.3 and 5.2.5 by:
- Ensuring residential activities remain the dominant activity.
- Activities are compatible with residential amenity.
- Residential amenity is retained.

### Specific Standards: 5.5.9 Rest Homes.
All rest homes are required to comply with these standards. Every proposed rest home is required to be assessed through a resource consent process irrespective of how many people are accommodated.

#### Benefits
- The maximum densities will ensure that rest homes establish on sites with sufficient area to provide a reasonable level of on-site amenity and protection of the amenity values of adjoining properties.
- The outdoor living area, landscaping and related controls retain amenity for both residents and surrounding residential environment.

#### Costs
- Limits the number of people to be accommodated on site.
- Constrains the layout of the site.

#### Efficient and Effective
- These rules will be efficient and effective to achieve objectives 5.2.1, 5.2.6 and 5.2.7, by ensuring the character and amenity is retained.

### Specific Standards: 5.5.10 Visitor accommodation.
All visitor accommodation is required to comply with these standards. Every proposed visitor accommodation is required to be assessed through a resource consent processes irrespective of how many people are accommodated.

#### Benefits
- The maximum occupancy will ensure that visitor
accommodation is of a compatible scale as other activities in the area. This will also protect amenity values by not generating significant noise or traffic effects.

- The ban on the sale of liquor will protect amenity values by not generating noise effects and will ensure the visitor accommodation remains compatible with surrounding activities.

**Costs**

- Limits the number of people to be accommodated on site which could limit commercial profitability.
- Bans the sale of liquor which could limit a supplement source of income.

**Effective and Efficient**

- These rules will be effective and efficient to achieve the objectives by ensuring the special character and amenity values are retained.

### Specific Standards:

5.5.11 Retail activities within the Peacocke Character Zone and Temple View Zone

All retail activities with the Temple View Zone and Peacocke Character Zone will be required to comply with the provisions set out within Chapter 6 Business Zones.

**Benefits**

- By requiring retail activities to comply with the provisions of Chapter 6, it will ensure that the appropriate level of service is provided to both the Temple View Zone and Peacocke Character Zone that is not detrimental to the surrounding built environment or the business hierarchy within the City.

**Costs**

- Limiting the size of retail activities within the Peacocke Character Zone and Temple View Zone could limit the economic viability of retail activities.
- Applicants to incur additional financial costs and increase time in processing applications.

**Effective and Efficient**

- These rules will be effective and efficient to achieve the objectives by ensuring that the size, scale and number of retail activities do not compromise the character of the surrounding built environment while still providing the level of service required under the business hierarchy.
<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• The Plan identifies that certain activities either by virtue of the activity or due to failing standards are controlled, restricted discretionary, discretionary or non-complying activities.</td>
</tr>
<tr>
<td></td>
<td>• The Plan includes assessment criteria that are able to be applied in the assessment of these activities through the resource consent process. The criteria are grouped clearly under headings relating to the matters Council has reserved control over (for controlled activities) and restricted its discretion (for restricted discretionary activities). These assessment criteria and the introductory ‘how to’ guide are a useful way to guide all parties on how Council is going to administer the provisions of the Plan.</td>
</tr>
<tr>
<td></td>
<td>• The assessment criteria gives transparency and provides clarity for all users on the matters that Council has control or discretion over when considering controlled or restricted discretionary activities, and provides a guide for the consideration of discretionary and non-complying activities.</td>
</tr>
<tr>
<td></td>
<td>• The assessment criteria also seeks to avoid duplication of effort or unnecessary assessment by enabling design based criteria to be disregarded if a more relevant design guide is in place or if the criteria is not considered relevant to the specific activity.</td>
</tr>
<tr>
<td>Costs</td>
<td>• There is a general duty on an applicant and the Council to consider the assessment criteria firstly for relevance and secondly where considered relevant to assess the application against the criteria to consider the effects.</td>
</tr>
<tr>
<td></td>
<td>• There are no identified costs from clarifying in the Plan the matters which will be considered when processing an application.</td>
</tr>
<tr>
<td>Efficient and Effective</td>
<td>These provisions will be efficient and effective to achieve the objectives by identifying a list of matters which are able to be used as a guide when both preparing and assessing consent applications which eases the administration and use of the District Plan for all parties.</td>
</tr>
</tbody>
</table>
### Rules not most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Reasons</th>
</tr>
</thead>
</table>
| Do nothing.                   | • Having no rules regarding the protection and/or enhancement of special values provides no certainty that they will be protected and/or enhanced.  
                                  • The protection of special values would be at the discretion of the community.  
                                  • Having no rules regarding the provision of residential amenity provides no certainty that it will be provided.  
                                  • The provision of residential amenity would be at the discretion of the community. |
| One zone.                     | • One zone is not the appropriate way to achieve the objectives.  
                                  • Having one zone is too generalised to cover all types of heritage/character environments. One zone does not allow the characteristics of each area to be preserved. One would also result in a largely homogenous residential environment with reduced choice of residential form and style. |
| All activities permitted.     | • This approach is not considered appropriate way to achieve the objectives.  
                                  • This approach would not achieve any of the objectives. There is no way of signalling which activities are most appropriate and managing the effects of all activities through standards. |
| All activities requiring resource consent. | This approach could potentially achieve the objectives; however it would significantly increase the cost, complexity and time to any development, building or change in use. It would not be the most efficient way to meet the objectives. |
| More permissive rules.        | More permissive rules would reduce the certainty that the rules will ensure the desired outcomes. This would not provide certainty that:  
                                  • Special values will be protected and/or enhanced through subdivision and development.  
                                  • Appropriate residential amenity will be provided through subdivision and development. |

**Conclusion:** Taking into account the above, Council considers that the rules in this chapter are most appropriate to achieve the objectives.

### 5.7 Methods Other Than Rules
Methods most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| Council projects and initiatives. Enhance identified Hamilton character areas, precincts and built and natural character. | Benefits
  • Special character zones have been identified because of their unique features and values. Any improvements undertaken by Council will ensure current and future generations enjoy the features and values. |
|                                             | Costs                                          |
|                                             | • Costs to ratepayers for enhancement works in which they may not directly benefit if they do not live, work or play in the special character areas |
|                                             | Effective and Efficient                        |
|                                             | • This method is effective and efficient to achieve the objectives because the identified values of the special character zones will be retained and enhanced |

Risks

Risks of acting or not acting.

• Council considers there is sufficient information regarding the subject matter of the above method that supports the objectives and policies relating to the Special Character Areas.

• The risks of establishing methods to ensure the retention and the enhancement of Special Character Areas are far outweighed by the risks of not acting.

Conclusion: Taking into account the above, Council considers that the method in this chapter is most appropriate to achieve the objectives.

5.8 References

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6 Business 1 to 7 Zones

6.1 Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 6: Business 1 to 7 Zones. For the related assessment of the Central City Zone provisions, refer to Chapter 7.

6.1.1 Achieving Sustainable Management

The overall approach of the plan chapter is to achieve the sustainable management of the distinctive business centres identified in a business centre hierarchy that will support the primacy of the Central City and that will provide the focus for new sustainable business enterprises. The grouping of business activities into centres provides and environment that will draw business and facilities. This agglomeration results in productivity gains arising from economies of scale and efficiencies of inter-connectedness.

The built environment includes buildings and infrastructure and their maintenance, which are important for the social, economic and cultural wellbeing of the community.

The specific sections of the Act which are fundamental to the management approach adopted and the level of intervention sought by regulation to the promotion of a business centres hierarchy are (paraphrased):

- Section 5: the over arching obligation to promote the sustainable management of natural and physical resources; and
- Section 6: the obligation to have particular regard to the efficient use and development of resources, the maintenance and enhancement of amenity values and the maintenance and enhancement of the quality of the environment.

Adoption of a business centres hierarchy aims to promote sustainable urban development. This is in terms of maintaining and reinforcing the vibrancy and vitality of existing centres, consolidating urban development and identifying areas where intensification for residential and commercial activities while achieving wider public and private benefits, promoting the efficient use and maintenance of infrastructure, and enhancing accessibility and passenger transport opportunities to and between centres.

6.1.2 Waikato Regional Policy Statement: Section 6 Built Environment and Future Proof

The District Plan is required to give effect to the RPS which seeks the development of the built environment in an integrated, sustainable and planned manner, consistent with the provisions of Future Proof. Regional policy 6.16 reflects this strategic outcome. Further, the Central City is recognised as the primary, commercial, civic and social centre in the region ahead of the two nominated sub-regional centres of The Base and Chartwell. Table 6-4 hierarchy of major commercial centres in the Future Proof Area records this relationship.

Regional emphasis is on providing for varying levels of commercial activity to meet the wider needs of the community through consolidation of commercial activity in existing
centres. A clear mandate is presented in policy 6.16c) to encourage the greatest diversity, scale and intensity of activities in the Hamilton Central City and to avoid or manage adverse effects from activities which affect the function, vitality or amenity of the Central City.

The Base and Chartwell are identified as ‘sub-regional centres’, being second-tier centres with roles and functions below the Hamilton Central City in the hierarchy of commercial activities.

The Future Proof framework is described more fully elsewhere in this section 32.

6.1.3 Giving Effect to the Hamilton Urban Growth Strategy

The Hamilton Urban Growth Strategy (HUGS) places considerable reliance on achieving a shift in the pattern of development away from continual greenfield expansion towards the intensification of development around key nodes. The Central City and other areas adjacent to business centres as Hamilton East, Frankton and areas of Hillcrest adjacent to the University of Waikato for example are the principal recipients of this intensification strategy. This is aimed at ensuring accessibility and convenience to employment retail, community and entertainment facilities for future residents.

6.1.4 Hamilton Operative District Plan (July 2012)

In contrast, under the current Operative District Plan a permissive policy and zoning framework enables the establishment of many business activities in both suburban areas and industrial zones, and only limited regard can be had to effects on the established infrastructure and built assets such as the Central City.

The Operative District Plan (ODP) was developed during the 1990s. Thinking assumed that widespread commercial development in new and existing centres would not cause significant adverse effects on the Central City, in the absence of clear evidence of actual and potential harm. The ODP lacks any specific strategy in relation to Central City effects. To the contrary, the Plan approach is based upon the view that the increasing diversity and rapidly changing form of business activities requires a management framework capable of accommodating such changes. These are focused on immediate localised effects avoidance or mitigation rather than adherence to any formal City-wide strategy or vision.

In Hamilton, the existing retail network is comprised of three major centres – Hamilton Central City, The Base, and Chartwell. The total retail floor space for the City has been estimated at 381,000m² gross floor area (gfa), 45% of which is located within the Central City.

An investigation of the demand for additional retail floor space has indicated a growth of retail floor space from about 449,000sqm to around 668,000sqm is expected over the next 20 years. The current ‘known’ retail floor space growth capacity in Hamilton City is 163,000m² gfa.

The current distribution of office employment across Hamilton City, represented as floor space, shows that there is an increasing trend for more decentralised activity as firms take advantage of lower rents and land costs – placing greater strain on peripheral infrastructure (FutureProof Business Land Data Assessment, 2010).

The trend has been for the commercialisation of industrial zoned land in particular and the distribution of retail activity in a dispersed manner throughout the City. Office
development has also moved from the Central City to Te Rapa North and to the commercial fringe in Hamilton East for example.

Te Rapa North including the Te Rapa corridor and The Base in particular, has been the principal recipient of new commercial development. Over the period 2004-2012 consents have been issued for over 103,000m² gfa comprising predominantly retail activities (large format retailing, speciality retail and mall development), office development totalling nearly 11,350m² gfa and health care services totalling over 10,000m² gfa for The Base. Substantial additional retail and office activities have established in the wider locality as well.

6.1.5 Rationale for the Adoption of a Business Centres Hierarchy

Establishing a business centres hierarchy enables an understanding of the role and comparative importance of centres to be distinguished from one another. Higher order centres reflect higher levels of investment in the public realm to provide higher amenity, publicly accessible spaces for people and business activities. Further, it gives a framework and clarity for the maintenance of future public and private investment in infrastructure and community facilities at any one location as opposed to another. For example, accessibility reflected in travel patterns, trip generation and levels of passenger transport accessibility should strongly reflect the relative significance of centres. Higher order centres should be more accessible by car and passenger transport and lower order centres should be more accessible from neighbourhoods by walking and cycling.

Research indicates that a large share of future growth in commercial and business activity can be met through consolidation of development within established centres or a selected number of new centres such as Rototuna earmarked to serve the new suburban growth cells in north-east Hamilton. This ‘managed’ approach is suggested to improve the efficiency in and co-ordination of public and private investment in infrastructure community valued assets or facilities and the public transport network. In turn this improves movement (accessibility) between centres and between residential neighbourhoods. This approach is also consistent with the regional policy framework presented in the RPS.

A business centres hierarchy has been developed comprising five tiers of centres.

- Central City.
- Sub-regional.
- Suburban.
- Neighbourhood.
- Localised business zones that support major event facilities.

Seven business zones have been developed to provide for a range of activities, scale and format that can operate individually, on the fringe of, or with other business environments that can combine to define these business centres.

By using the technique of zoning and adopting rules that set standards for environmental performance, this management approach is better able to manage the effects of commercial activities of differing scale, intensity and amenity on business centres and their receiving environment.

The overall aim is to re-establish the primacy of the Central City and to clearly define its relationship with the sub-regional centres and other centres in Hamilton as part of a
wider regional strategy of business centres promoted through the RPS.

6.1.6 Description of the Business Centres Hierarchy

The following description provides a general summary of the typical composition of each level of business centre in the hierarchy. Background reports provide more detailed field based summaries of the features, character, amenity and accessibility attributes and the resource management issues and likely future role of these centres in a business centres hierarchy.

The basic principles are to:

- Encourage the most intensive activities to establish within the Central City, then sub-regional centres and then suburban centres.
- Provide for limited larger format, lower intensity activities on the fringes of these higher order centres.
- Provide for lower order centres to cater for local needs.
- Encourage new business activities to establish in business centres.

A Regional Centre: Hamilton Central City

The Central City (and immediate environs) is the dominant commercial, civic and social centre for the City and region and provides the focal point of employment for the majority of the City’s workforce. Retail activity is a significant component of activities within the Central City and provides an anchor to a wide range of other activities that serve the City and wider region. These include central and local government, education, health and medicine and entertainment. Office activity in particular provides a concentration of employment that supports through efficiencies of agglomeration other activities within the Central City.

While these activities cover a broad area there is a high degree of integration and cohesion between them. This provides a strong context for major public investment in services and facilities that would not otherwise be justified, such as passenger transport services, parks and gardens and streetscape environmental improvements.

The higher amenity public spaces and publicly accessible pedestrian areas in mall developments are a significant component of Central City activity and help to define the character and identity of the City as a place for investment. Maintaining both the concentration and diversity of activity and the quality of the built environment and open spaces are critical factors in preserving and enhancing that character and strengthening the vibrancy of the Central City.

Development of the precinct approach for the Central City reflects the challenge to manage this centre’s future environment for business while achieving high amenity outcomes from public and private investment.

Sub-Regional Centres

The Base and Chartwell are identified as being two sub-regional centres. These are significant destination centres, located on higher order transport corridors (major and minor arterials). They are principally retail centres, but with limited office, community and other services. They serve a large City population catchment in addition to neighbouring towns and settlements in Waikato and Waipa Districts.
They are high traffic generating centres with a significant amount of parking provided on-site. Regular city-wide passenger transport services connect with these centres. There is a mix of mall and small scale speciality stores and large format retailing. These centres are also entertainment centres and are increasingly functioning as important employment nodes.

Chartwell is close to fully developed with further growth constrained by residential development on its boundaries. The Base has significant space for further development, which is being pursued through a ‘comprehensive consent’ that provides for a ten year lapse period to give effect to the development entitlement initially granted in July 2011. Once fully developed, The Base will be significantly larger in its retail, entertainment and employment activities than Chartwell, this is acknowledged in its ‘primary’ sub-regional status. Both centres are expected to continue to provide a similar sub-regional role in the foreseeable future.

The Business 3 zoning characterises activities appropriate to a sub regional centre.

Suburban Centres

The City’s residential neighbourhoods are served by numerous existing suburban centres, being medium sized shopping centres also supporting community services and facilities. Further centres are proposed as part of planned residential expansion in the Rotokauri, Rototuna, and Peacocke Structure Plan areas.

These centres vary in size and character but generally serve or are expected to serve a population catchment of between 13,000-30,000 people. They are medium sized centres (ranging in area from 10,000-20,000m² gfa). The centres are dispersed throughout the suburbs, and generally located on higher order transport corridors (major and minor arterial roads) and accessible to a large vehicle-oriented travelling public. Supermarkets commonly anchor these centres supported by between 20-30 outlets providing limited office, community and other services to a suburban population. Often another large retailer is located in the centre. Service stations can also be a feature.

Some centres are adjacent to open space areas and most have residential neighbours. They are high traffic generating centres with parking predominantly on-site. Passenger transport also serves these centres.

In summary, suburban centres serve a wide range of day-to-day needs of surrounding residential catchments. They provide multi-purpose destinations for customers. The range of activities provided for is broad for this reason.

The Business 5 zoning characterises the type of activities, health-care services, goods, services and employment which are appropriate to a suburban centre.

Neighbourhood Centres

These centres are distributed throughout the residential suburbs. These are limited in their size to ensure the intensity of activity taking place within the centre is constrained and compatible in its character, scale and intensity with the neighbouring residential character.

Neighbourhood centres provide a more limited range of ‘everyday’ goods and services for the immediate residential neighbourhoods but are not intended to provide a one-stop convenience service. Centres are small in land area, shop sizes (generally between 100-200m² gfa) and overall floorspace for each centre is generally between 500m².
5,000m². The largest store is likely to be a superette/dairy at 400m².

Retail outlets are likely to include takeaways, fast food outlets, lunch bars, hairdresser, bakery, fruit and vegetable shops, butchers, and liquor outlets. They can also include laundromats, chemists and realty agents for example. In summary, everyday, convenience business activities are likely to dominate and serve a local neighbourhood.

Activities which have the potential to create adverse effects that are more than minor on the amenity values on the surrounding residential environment are to be assessed through a consent process.

The Business 6 zoning characterises activities being of a scale and nature appropriate for serving a local residential neighbourhood.

Major Events Facilities

A special purpose zoning has be created to provide for and recognise the unique opportunities that land adjacent to major events facilities have to support a variety of commercial activities that where market demand exists, can collocate to these sites and support these commercial enterprises.

Three sites have been identified.

i. One is adjacent to the Claudelands Events Centre.
ii. Adjacent to the Te Rapa Race Course.
iii. Adjacent to Waikato Stadium.

The Business 2 zoning characterises the type and scale of activities envisaged on these sites.

Out of Centre Development – Large Format Retail

It is envisaged that future large format retail growth will be accommodated within existing centres for the life of the Plan, however this zone provides for a range of moderate to low intensity commercial uses and large format retail activities only in circumstances where the primacy, function, vitality, viability and amenity of the Central City and the function, vitality, viability and amenity of the sub-regional centres and the function of the lower order centres in the business hierarchy are not undermined. This zone is predominantly although not exclusively on the fringe of The Base sub-regional centre and the south-west fringe of the Central City.

The Business 4 zoning characterises vehicle oriented, large format activities adjacent to The Base sub-regional centre.

Out of Centre Development – Commercial Fringe

This zone provides for a range of moderate to low intensity commercial uses, large format retail and office activities only in circumstances where the primacy, function, vitality, viability and amenity of the Central City and the function, vitality, viability and amenity of the sub-regional centres and the function of the lower order centres in the business hierarchy are not undermined. The commercial fringe zone is distinguished from the large format retail zone by the fact it provides for offices and a greater range of community facilities that may not be appropriate for, or are unable to locate in centres in the business hierarchy.

The Business 1 zoning characterises commercial fringe areas where office and retail
activities have ‘clustered’ and are more appropriately located outside of the Central City, sub-regional or suburban centres.

**Out of Centre Development – Frankton Commercial Fringe**

This zone provides for a range of light and service industries, wholesale retail, trade and community activities that may not be appropriate for, or are unable to locate in the Central City, Sub-Regional or Suburban Centres identified in the business hierarchy. It specifically excludes the development of any new office or retail activity.

The **Business 7 zoning** characterises a defined area within Frankton and on the fringe of Frankton Suburban Centre that has developed over time to establish a unique character largely functioning as wholesale retail and trade commercial area, serving building, automotive and other industries. These activities are considered non-threatening to the function, primacy, vitality and viability of the Central City and the existing centres within the business hierarchy.

Supporting documents are listed in the References section of this chapter.

### 6.2 Objectives

<table>
<thead>
<tr>
<th>Sub-regional centres</th>
<th>This objective is most appropriate because it defines one of the centres in the business hierarchy by function, scale and activity mix and makes explicit the desire to establish and maintain a complementary relationship between the sub-regional centres and the Central City. It enables people and communities to provide for their social, economic, and cultural wellbeing through providing a managed framework for future business activities to locate and operate while sustaining the potential of the City’s land resource to meet the foreseeable needs of current and future generations. The objective also ensures the efficient use and development of natural and physical resources (section 6(b)) and has regard to finite characteristics of natural and physical resources (section 6(g)). The RPS sets out this relationship in Policy 6.16. Table 6-4 Hierarchy of Major Commercial Centres in the Future Proof area, references the Hamilton Central Business District as a City Centre, and The Base and Chartwell as sub-regional centres. Objective 6.2.1 aligns with and ensures the District Plan gives effect to the RPS and the management of growth through this relationship and the formulation of a business centre hierarchy. This sets out the strategic relationship envisioned and described in Chapter 2: Strategic Framework, of the</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>6.2.1</strong> The Base and Chartwell function as sub-regional centres for business activities providing a scale and diversity of retail floorspace, entertainment facilities and limited offices while not undermining the primacy, vitality, viability, function and amenity of the Central City.</td>
<td></td>
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<tr>
<td>Section 6 – Operative District Plan</td>
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<td>------------------------------------</td>
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<tr>
<td><strong>Suburban Centres</strong></td>
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<tr>
<td><strong>6.2.2</strong></td>
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<tr>
<td>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.</td>
<td></td>
</tr>
<tr>
<td><strong>Neighbourhood Centres</strong></td>
<td></td>
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<tr>
<td><strong>6.2.3</strong></td>
<td></td>
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<tr>
<td>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.</td>
<td></td>
</tr>
<tr>
<td><strong>Major Event Facilities</strong></td>
<td></td>
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<tr>
<td><strong>6.2.4</strong></td>
<td></td>
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<tr>
<td>Significant City events, destinations are supported by complementary commercial activities.</td>
<td></td>
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<tr>
<td><strong>Out of Centre Development – Large Format Retail Zone</strong></td>
<td></td>
</tr>
<tr>
<td><strong>6.2.5</strong></td>
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</tbody>
</table>
| It is envisaged that future large format retail growth will be accommodated within existing centres for the life of the Plan. This objective recognises that special

Distinct Plan. This objective is the most appropriate to achieve the purpose of the Act because it manages the use and development of natural and physical resources in an efficient manner.

This objective is most appropriate because it defines one of the types of centres within hierarchy by function, scale, and activity mix and by their location can anchor community or social development and promote wellbeing and maintain local amenity for people. This distinguishes these centres from the other centres in the hierarchy.

This objective is the most appropriate as it manages the use and development of natural and physical resources in an efficient manner.

This objective is most appropriate because it defines one of the types of centres in the business centres hierarchy by function, scale, activity mix and by location – contributing to the promotion of community wellbeing meeting people’s need to access goods and services on a daily basis.

This objective manages the use and development of natural and physical resources in an efficient manner.

This objective recognises that special circumstances can exist where commercial activity can support major events facilities, and such synergies should be recognised and provided for in a limited number of locations in the City.

The opportunity is provided to secure additional commercial development nearby, and bring benefits to and strengthen the attraction and viability of these stand alone facilities.

The objective also ensures the efficient use and development of natural and physical resources (section 6(b)) and has regard to finite characteristics of natural and physical resources (section 6(g)).

This objective is the most appropriate because it manages the use and development of natural and physical resources in an efficient manner.
<table>
<thead>
<tr>
<th><strong>Section 32 — Operative District Plan</strong></th>
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<tbody>
<tr>
<td>Hamilton City Council</td>
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</table>

| Significant large format retail development beyond the out of centre zones identified is not envisaged for the Plan period. These limited zones provide for out of centre development comprising a range of moderate to low intensity commercial uses (offices and/or large format retail activities and community services) only in circumstances where the primacy, function, vitality, viability and amenity of the the Central City, the function, vitality, viability and amenity of of the sub-regional centres and the function of the lower order centres in the business hierarchy are not undermined. |
| circumstances can exist where commercial activity cannot always locate within established centres. The Plan provides for these circumstances providing there are no suitable alternatives within centres and providing the business hierarchy will not be undermined. |
| The RPS sets out this relationship in Policy 6.16. Table 6-4 Hierarchy of Major Commercial Centres in the Future Proof area, references the Hamilton Central Business District as a City Centre, and the joint memorandum lodged before the Environment Court identifies The Base and Chartwell as sub-regional centres. Objective 6.2.5 aligns with and ensures the District Plan gives effect to the RPS and the management of growth through this relationship and the formulation of a business centre hierarchy. |
| The objective also ensures the efficient use and development of natural and physical resources (section 6(b)) and has regard to finite characteristics of natural and physical resources (section 6(g)). |
| This objective is the most appropriate because it manages the use and development of natural and physical resources in an efficient manner. |

<table>
<thead>
<tr>
<th><strong>Out-of-Centre Development – Commercial Fringe Zone</strong></th>
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</thead>
<tbody>
<tr>
<td><strong>6.2.6</strong> Provide for a range of business activities that support and complement the Central City, Sub-Regional and Suburban Centres.</td>
</tr>
<tr>
<td>These objectives recognise that circumstances can exist where commercial activity cannot always locate within established centres. The Plan provides for these circumstances where activity will support and complement the central city and established centres of the business hierarchy.</td>
</tr>
<tr>
<td>6.2.7 provides for a mix of business, residential and community facilities which due to scale and functional requirements cannot always locate within centres and are considered non-threatening to the function, primacy, vitality, viability and amenity of existing centres.</td>
</tr>
<tr>
<td>These objectives also ensure the efficient use and development of natural and physical resources (section 6(b)) and have regard to finite characteristics of natural and physical resources (section 6(g)).</td>
</tr>
<tr>
<td>The objectives are the most appropriate because they manages the use and development of natural and physical resources in an efficient manner.</td>
</tr>
</tbody>
</table>

| **6.2.7** Provide for a range of community facilities, residential and business |
| See above. |
activities that may not be appropriate for, or are not able to locate in centres in the business hierarchy.

<table>
<thead>
<tr>
<th>6.2.8</th>
<th>Enable sites adjacent to the Hamilton East Suburban Centre to be redeveloped for a range of activities that complement and support the established centre.</th>
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<tbody>
<tr>
<td></td>
<td>The objective identifies that the Commercial Fringe zoned land adjacent to the established Hamilton East Suburban Centre should be developed to complement and support the established centre.</td>
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<tr>
<td></td>
<td>This objective means that the activities that are enabled on this land should contribute positively to the existing centre environment.</td>
</tr>
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<table>
<thead>
<tr>
<th>6.2.9</th>
<th>Provide for a range of light and service industries, wholesale, retail, trade and community activities that may not be appropriate for, or are unable to locate in, the Central City, Sub Regional or Suburban Centres identified in the business hierarchy.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>These objectives recognise that circumstances can exist where commercial activity cannot and has not always located within established centres. The Plan provides for these circumstances where activity will support and complement the central city and established centres of the business hierarchy.</td>
</tr>
<tr>
<td></td>
<td>6.2.9 provides for a range of light and service industries, yard based retail and trade and wholesale retail which are consistent with the established character or trading pattern of the defined Frankton Commercial Fringe Zone and considered non-threatening to the function, primacy, vitality, viability and amenity of existing centres.</td>
</tr>
<tr>
<td></td>
<td>The objective also ensures the efficient use and development of natural and physical resources (section 6(b)) and has regard to finite characteristics of natural and physical resources (section 6(g)).</td>
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</table>

<table>
<thead>
<tr>
<th>6.2.10</th>
<th>Recognise lawfully established existing office and retail activities that have located in the Frankton Area.</th>
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<tbody>
<tr>
<td></td>
<td>6.2.10 recognises and provides for the continued operation of existing office and retail activities that were lawfully established as permitted activities under previous planning regimes but restricts their future expansion or new stand alone office and retail activities to protect the function, primacy, vitality, viability and amenity of the Central City and existing centres within the business hierarchy.</td>
</tr>
<tr>
<td></td>
<td>The objective also ensures the efficient use and development of natural and physical resources (section 6(b)) and has regard to finite characteristics of natural and physical resources (section 6(g)).</td>
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</tbody>
</table>

**Objectives not the most appropriate to achieve the purpose of the Act:**

| Policy Chapter 6.0 of the Operative District Plan (July 2012) and the supporting | Individually and collectively this policy and objective package does not attempt to protect the vitality and vibrancy of established commercial centres or manage |
series of objectives for the Central City (objectives 6.1) Suburban business (objectives 6.2), general business (objectives 6.3), drive-through services (objectives 6.4), and industrial activities (objectives 6.5)

potential adverse effects either from new commercial centres or the expansion of existing commercial centres.

At present, commercial/retail and service activities can be accommodated in industrial zones where restrictions on becoming established and land-use change are minimal. The maintenance of industrial land for industrial activities is also threatened by the decentralisation and relocation of non-industrial activities, including higher trip generating retail activities to suburban locations with the resulting pressures on the transport network and supporting infrastructure services that are not sustainable.

The approach does not align with the Future Proof Strategy or the policy framework of the RPS. Evidence now suggests the Central City decline does not provide for the efficient use and development of physical resources including buildings and public infrastructure. The approach challenges section 6(b), section 6(c) and section 6(f) of the Act, that concern the efficient use and development of physical resources, the maintenance and enhancement of amenity values and the maintenance and enhancement of the quality of those environments where commercial activities occur. Decentralisation and dispersal of commercial and industrial activities will not achieve these outcomes.

**Conclusion:** Taking into account the above, Council considers that the objectives in this chapter of the plan are the most appropriate to achieve the purpose of the Act.
### 6.3 Policies

**Policies most appropriate to achieve the objective:**

#### 6.2.1
The Base and Chartwell function as sub-regional centres for business activities providing a scale and diversity of retail floorspace, entertainment facilities and limited offices while not undermining the primacy, vitality, viability function and amenity of the Central City.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sub Regional Centres</strong></td>
<td>The RPS sets out the framework for a centres hierarchy derived from Future Proof. The Base and Chartwell are listed as being sub-regional centres in this hierarchy.</td>
</tr>
<tr>
<td>6.2.1a</td>
<td>The Waikato Regional Retail Study signals that these centres and the Central City draw patronage from beyond City boundaries. The study also indicates that there is retail ‘leakage’ to Auckland large format centres and primary trading malls. The aim should be to provide a diverse range of high amenity trading environments in the City to stem this leakage.</td>
</tr>
<tr>
<td>6.2.1b</td>
<td>The study also shows that these centres operate with different but overlapping primary trading catchments. While the relationship is a dynamic one, it is desired that expansion of one centre should not undermine the position, vibrancy and vitality of the two other centres. The Central City is however to retain primacy in the hierarchy. Critically the further development of the sub-regional centres should avoid adverse effects on the functionality, vitality, viability and amenity of the Central City.</td>
</tr>
<tr>
<td>6.2.1c</td>
<td>Policies 6.2.1a and 6.2.1b characterise two important elements of sub-regional centres; that the trading catchments extend beyond the City boundaries but remain predominantly retail activities, and that a complementary rather than competing role and relationship must be established between these centres and the Central City for the business hierarchy to function in terms of promoting the sustainable management of the City’s physical resources.</td>
</tr>
<tr>
<td>6.2.1d</td>
<td>Policies 6.2.1c and 6.2.1d provide for sub-regional centres to operate from higher order transport corridors on the City transport network, where vehicle based travel will continue to provide the predominant share of trips to these centres. The design, layout and...</td>
</tr>
</tbody>
</table>
opportunities for passenger transport, walking and cycling.

6.2.1d
Development maintains and enhances the amenity values of the centre as a destination for sub-regional visitors.

6.2.1e
The scale and nature of activities within sub-regional centres do not generate significant adverse effects on neighbouring amenity values.

6.2.1f
Residential development is discouraged from establishing in sub-regional centres.

<table>
<thead>
<tr>
<th>opportunities for passenger transport, walking and cycling.</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.2.1d Development maintains and enhances the amenity values of the centre as a destination for sub-regional visitors.</td>
</tr>
<tr>
<td>6.2.1e The scale and nature of activities within sub-regional centres do not generate significant adverse effects on neighbouring amenity values.</td>
</tr>
<tr>
<td>6.2.1f Residential development is discouraged from establishing in sub-regional centres.</td>
</tr>
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<tr>
<th>built form should demonstrate that other means of mobility are also provided for in getting to, from and within these centres.</th>
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<tbody>
<tr>
<td>Policy 6.2.1e requires the scale of business activity demonstrates compatibility with adjacent land uses and therefore minimises potential adverse effects on the character and amenity of neighbourhoods. The performance of Chartwell is particularly challenged in meeting this requirement.</td>
</tr>
<tr>
<td>Policy 6.2.1f reflects the overall policy position by confirming that centres are primarily commercial environments (with visitor accommodation the only type of residential activity considered appropriate).</td>
</tr>
</tbody>
</table>

**Benefits**

The benefits of policies 6.2.1a and 6.2.1b are:

- Signals that these centres have trading characteristics that are beyond the City boundaries and this needs to be sustained while not undermining the functionality, vitality, viability and amenity of the Central City.
- Provides certainty and priority regarding future public investment in infrastructure through Long-Term Plan works, services and funding.
- Provides greater certainty/confidence for the market considering new or expanded investment in business enterprises to support these sub-regional centres but not at the expense of the performance and vitality of the Central City.
- Critical mass of public and private investment in infrastructure, transport services, buildings and quality open space provides greater economies of scale for the sustainable operation of these centres.
- Acknowledges there is a direct yet dynamic relationship with the Central City in terms of comparative role, scale and diversity of activity and floorspace.
- Reduces the risk of redundancy of building stock.

The benefits of policy 6.2.1c are:

- Expansion will occur in recognised locations that provide a high level of access for residents and for the wider regional community.
- Alternative modes of travel are provided for, and by doing so, the operation of centres can promote
the sustainable management of urban infrastructure and public transport services with their delivery and use by the community.

- Higher order centres require corresponding high level of accessibility sustained by various modes of transport.
- High trip generating activity is located in appropriate centres.

The benefits of policy 6.2.1e are:

- Amenity values of the adjacent environments need to be recognised in the operation of commercial centres.
- Inappropriate scale, design and external appearance and intensity of building should not adversely affect neighbourhoods.

The benefits of policy 6.2.1f are:

- Sub-regional centres are identified as being focused on commercial activity where mixed-use activity can be appropriate but not residential activity, given the sensitivity of managing potential adverse amenity effects.

**Costs**

Costs associated with policies 6.2.1a, 6.2.1b, and 6.2.1f are:

- May not be responsive or sufficiently flexible to respond to changing market trends which may undermine the overall approach to managing the natural and physical resources in order to promote sustainable management.
- Market may consider The Base and Chartwell as being superior centre locations for commercial activities than the Central City which would not be consistent with promoting the sustainable management of natural and physical resources in these business centres in the long term.
- Weakened Central City would undermine the functionality of the hierarchy and challenge the hierarchy’s consistency with the regional policy framework.

Costs associated with policy 6.2.1d are:

- Timing of development and infrastructure provision including the upgrade of the transport network may not align in future years which may cause adverse effects on the amenity values and
<table>
<thead>
<tr>
<th>Policies not most appropriate to achieve the objectives:</th>
</tr>
</thead>
<tbody>
<tr>
<td>No policy framework or retention of existing Operative District Plan policy.</td>
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</tbody>
</table>
Risks of acting or not acting.

- The risks of acting to establish a transparent policy framework to ensure the efficient use of the land and built resource (buildings, open space/public realm and infrastructure) is outweighed by the risks of not acting.
- This approach brings increased certainty for public and private investment to the nominated centres, clustering of activities, and the prospect of maintaining and preferably enhancing the vitality and viability of these centres.
- The risks of not acting are that the RPS will not be given effect to, which would be inconsistent with the requirements of the Resource Management Act 1991 and Council’s statutory responsibilities.
- Continuing the status quo approach of the Operative District Plan will result in the continued unplanned dispersal of retail, office and commercial development occurring in an ad hoc manner throughout the suburban area, the industrial zone and away from the Central City.
- Under this status quo approach Council would retain limited scope to effectively manage the distributional and the long term, cumulative effects (the decentralisation) of business activities on the City.

<table>
<thead>
<tr>
<th>Policies most appropriate to achieve the objective:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>6.2.2</strong></td>
</tr>
<tr>
<td>A distribution of suburban centres that provide a mixed use environment with healthcare 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.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Suburban Centres</strong></td>
<td>These policies emphasises that suburban centres serve their surrounding residential areas and act as a focal point for community development in addition to providing for retail and commercial activities. Policies 6.2.2a – 6.2.2c focus on the critical elements that define the role of suburban centres, namely to anchor local community development and be responsive to meeting many of the needs of surrounding residential communities. Proximity and convenience are enhanced through providing for mixed uses and a diverse range of trading formats. Residential activity above ground floor is supported as part of a viable mixed use development. Policy 6.2.2d reinforces convenience by requiring development integrate with existing transport networks. Accessibility is paramount to achieving and sustaining a centre as a focal point for the community and to provide ongoing opportunities for social</td>
</tr>
</tbody>
</table>
6.2.2b Suburban centres provide an opportunity to reduce the need for travel, by providing for mixed uses, a diverse range of activities, services and trading formats. Residential activities above ground floor level shall be supported.

6.2.2c Suburban centres act as focal points for local community development through the control of size, scale, built form and diversity of activity.

6.2.2d Expansion of existing suburban centres is integrated with existing activities and transport networks.

6.2.2e A comprehensive, urban design-led approach is used to determine the form of suburban centres intended to serve new growth areas.

6.2.2f Recognise Hamilton East as being a fringe employment node to the Central City but ensure potential adverse effects on adjoining areas (including the Central City) and the safety and efficiency of the transport network are avoided.

6.2.2g Recognise that the expansion of healthcare services and facilities maintain viable and accessible medical services and hospital facilities to the regional and city-wide community.

interaction.

Single destination, multi-purpose trips are desirable to promote the sustainable management of the centres.

Policy 6.2.2.e requires an urban design led approach to carefully consider environmental effects and to avoid potential conflict between competing outcomes in new centre development such as traffic efficiency, vehicle access and car parking, pedestrian movement and other elements that influence amenity. New, integrated centre developments will promote sustainable management.

Benefits

The RPS sets out the framework for a centres hierarchy derived from Future Proof. The Hamilton City business hierarchy extends this to include suburban centres which will have trading characteristics below those of sub-regional centres identified in the RPS.

The benefits of policies 6.2.2a – 6.2.2c are:

- Establishes a comparative role and relationship with the Central City in terms of scale and diversity of activity and floor space.
- Ability to signal and manage public infrastructure investment and new commercial and community activity to nominated locations in the suburbs.
- Business centre expansion occurs in locations recognised as providing for convenient access for residents to services and facilities thereby underpinning the expectation that suburban centres continue to function as a focal point for community development.
- Provides certainty regarding future public investment in infrastructure, greater certainty for the market considering new or expanded for business enterprises and the scale of potential effects on neighbouring communities that suburban centres serve.

The benefits of policy 6.2.2d are:

- Traffic efficiency is achieved between the functioning of suburban centres, places of residence and access for the use of community facilities.

The benefits of policy 6.2.2e are:

- New and consolidated, integrated centre developments will promote sustainable
The benefits of policy 6.2.2f are:
- Recognition of the area’s attractive fringe location for commercial activities that is supported by residential intensification and a high level of pedestrian accessibility and passenger transport services.

The benefits of policy 6.2.2g are:
- Acknowledgement of the important medical services and facilities to the wellbeing of the community.

**Costs**

The costs associated with policies 6.2.2a-6.2.2c are:
- May not be responsive or flexible enough to meet changing market trends.
- Development and infrastructure provision may not align in future years.

The costs associated with policy 6.2.2d are:
- Development and infrastructure provision may not align in future years.

The costs associated with policy 6.2.2e are:
- The level of regulation may hamper or slow the pace of integrated development of suburban business centres.

The costs associated with policy 6.2.2f are:
- The market may prefer office and retail activity establishing in Hamilton East in preference to sites in the Central City and therefore weaken the pace of revitalisation of the Central City.

The costs associated with policy 6.2.2g are:
- Lack recognition for the medical ‘precinct’ may result in decentralisation of further services and reduced accessibility.

**Efficient and Effective**

- These policies 6.2.2a-6.2.1e will be efficient and effective to achieve objective 6.2.2 by giving effect to the RPS and enabling cohesive and integrated land use development.
- Policies 6.2.2f and g recognise the unique locational, historic and established built environment character of Hamilton East as an ‘overflow’ commercial fringe area to the Central City.
Overall, these policies are considered to be the most appropriate to achieve objective 6.2.2.

### Policies not most appropriate to achieve the objectives:

| No policy framework or retention of existing Operative District Plan policy. | • The absence of clear policy or the retention of the established policy framework would not be appropriate as either approach would fail to meet and implement the obligations placed on the Council under the RPS.  
  • These approaches would also not meet the requirements of Part 2 of the Act concerning the sustainable management of natural and physical resources.  
  • These approaches would not take into account the long term effects of ad hoc and decentralised development on urban form and function, and the vibrancy and vitality of the recognised commercial centres in the business hierarchy. |

### Risks

#### Risks of acting or not acting.

- The risks of acting to establish a transparent policy framework to ensure the efficient use of the land and built resource (buildings and infrastructure) is outweighed by the risks of not acting.
- The risks of not acting are that the RPS will not be given effect to, which would be inconsistent with the requirements of the Act.
- Continuing the status quo approach of the Operative District Plan will result in further ad hoc commercial development throughout the suburban area and away from the Central City.

### Policies most appropriate to achieve the 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.

### Policies

<table>
<thead>
<tr>
<th>Neighbourhood Centres</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policies in section 6.2.3a-6.2.3b set out the performance parameters and desirable characteristics of neighbourhood centres.</td>
<td>These policies emphasise the localised role of these centres serving their immediate neighbourhoods. They also encourage residential activities above ground floor commercial use. As such, some business activities have the potential to have an adverse effect on the quality and amenity of this environment. The management of adverse effects on neighbourhood amenity is an important consideration.</td>
</tr>
</tbody>
</table>
neighbourhood centres principally serve their immediate neighbourhood.

6.2.3b The scale and nature of activities within neighbourhood centres shall not generate significant adverse amenity effects on surrounding residential areas and transport networks.

6.2.3c Residential activities above ground floor commercial uses are encouraged as part of mixed use development.

**Benefits**

The RPS sets out the framework for a centres hierarchy derived from Future Proof. Neighbourhood centres will have trading characteristics below those of sub-regional centres that have been identified in the RPS, and suburban centres that have been identified in the District Plan.

The benefits of Policies 6.2.3a, 6.2.3b and 6.2.3c are:

- Business activity established within residential neighbourhoods is managed so that adverse effects are avoided on the amenity values and quality of the residential environment through development operating at a scale incompatible with the established character of the area.
- Enables apartment living above ground floor as part of mixed use development and a vibrant local centre.
- Establishes a comparative role and relationship for neighbourhood centres with the Central City in terms of scale and diversity of activity and floor space.

**Costs**

- May not be responsive or flexible enough to meet changing market trends.
- Development and infrastructure provision may not align in future years.
- Scale of neighbourhood development individually or cumulatively may cause adverse effects on amenity values and the quality of the local environment.

**Efficient and Effective**

- These policies will be efficient and effective to achieve the objective 6.2.3 by giving effect to the Regional Policy Statement, derived from Future Proof and specifically policy 6.15 that seeks cohesive and integrated land use development.
- Overall, these policies are considered to be the most appropriate to achieve objective 6.2.3.

**Policies not most appropriate to achieve the objectives:**

| No policy framework or retention of existing District Plan policy. | The absence of clear policy or retention of the established policy framework would not be most appropriate as either approach would fail to meet and implement the obligations placed on the Council |
under the RPS. These approaches also would not meet the requirements of Part 2 of the Act concerning the sustainable management of natural and physical resources. These approaches would not take into account the long term effects of ad hoc and decentralised development on urban form and function, and the vibrancy and vitality of the recognised commercial centres in the business hierarchy.

It is considered that these policy options would not achieve the objective, or the purpose of the Act, and would be contrary to the provisions of the RPS.

### Risks

Risks of acting or not acting.

- The risks of acting to establish a transparent policy framework to ensure the efficient use of the land and built resource (buildings and infrastructure) is outweighed by the risks of not acting.
- The risks of not acting are that the RPS will not be given effect to, which would be inconsistent with the requirements of the Act.
- Continuing the status quo approach of the current District Plan will result in further ad hoc commercial development throughout the suburban area and away from the Central City.

### Policies most appropriate to achieve the objective:

**6.2.4**

Significant City events destinations are supported by complementary commercial activities.

### Policies

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| **Major Event Facilities Fringe**

Policies in section 6.2.4a-6.2.4b set out the parameters for the performance of these specialised business locations.

**6.2.4a**

A limited range of commercial activities can establish outside recognised business centres where they shall directly relate to major events facilities within the City.

**6.2.4b**

These policies recognise the special circumstances that exist for major facilities such as Claudelands Events Centre for entertainment and events of regional and national prominence at Waikato Stadium and Te Rapa Racecourse. This is to cater for commercial opportunities the market sees and to provide for these through co-location.

### Benefits

The RPS sets out the framework for a centres hierarchy derived from Future Proof. Areas of commercial activity that support major events facilities have been identified in the District Plan as warranting recognition in addition to those centres that comprise the business centre hierarchy.

The benefits of this policy.
The range and scale of activity and built form do not undermine the role of any business centre and are consistent with the amenity values neighbouring areas.

- Establishes a comparative role and relationship with the major events facilities which have a City, regional or nationwide catchment for visitors/patrons as a recognised part of a business hierarchy.
- Ability to signal and manage public infrastructure investment and new commercial activity associated with major event facilities such as Claudelands Events Centre, Waikato Stadium and Te Rapa Racecourse.
- Expansion occurs in recognised locations at a scale that adverse effects will be effectively managed.
- Presents opportunities for the market to consider new or expanded business enterprises targeted at the specialist events market and at the same time to manage the scale of potential effects on the neighbourhood.

**Costs**

- May not be responsive or flexible to meet changing market trends.
- Timing of development and infrastructure provision may not align in future years.

**Efficient and Effective**

- These policies will be efficient and effective to achieve objective 6.2.4 by giving effect to the specifically policy 6.15 that promotes cohesive and integrated land use development as a strategic outcome.
- Overall, these policies are considered to be the most appropriate to achieve objective 6.2.4.

**Policies not most appropriate to achieve the objectives:**

| No policy framework or retention of existing District Plan policy. | The absence of clear policy or the retention of the established policy framework would not be appropriate as either approach would fail to meet and implement the obligations placed on the Council under the RPS. |
| The absence of clear policy or the retention of the established policy framework would not be appropriate as either approach would fail to meet and implement the obligations placed on the Council under the RPS. | These approaches also would not meet the requirements of Part 2 of the Act concerning the sustainable management of natural and physical resources that in this case include significant publicly managed facilities promoted for community use on a regional and national level. |

**Risks**
Risks of acting or not acting.

- The risks of acting to establish a transparent policy framework to ensure the efficient use of the land and built resource (buildings and infrastructure) is outweighed by the risks of not acting.
- The risks of not acting are that the RPS will not be given effect to, which would be inconsistent with the statutory requirements of the Act.
- Continuing the status quo approach of the current District Plan will result in further ad hoc commercial development throughout the suburban area and away from the Central City.

### Policies most appropriate to achieve the objective:

#### 6.2.5

Significant large format retail development beyond the out of centre zones identified is not envisaged for the Plan period. These limited zones provide for out-of-centre development comprising a range of moderate to low intensity commercial uses (offices and/or large format retail activities and community facilities) only in circumstances where the primacy, vitality, viability and amenity of the Central City and the function and amenity of the lower order centre’s in the business hierarchy are not undermined.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
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</thead>
<tbody>
<tr>
<td>6.2.5a</td>
<td>6.2.5 a- b</td>
</tr>
<tr>
<td>Large format trading activities may be permitted to locate outside zoned business centres where it can be demonstrated that:</td>
<td></td>
</tr>
<tr>
<td>i. Appropriately zoned land is not available within the Central City, or Sub-regional centres or Suburban centres; and</td>
<td></td>
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<tr>
<td>ii. There is consistency with the assessment criteria to avoid potential adverse effects on primacy function, vitality, viability and amenity of the sub-regional centres and the function of lower order centres; and</td>
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<tr>
<td>iii. The proposal cumulatively does not add to the continued loss of developable industrial land to office or retail</td>
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<tr>
<td>These policies emphasise that this zone provides for ‘out of centre’ development, predominantly large format retail on the fringe of existing centres (predominantly Central City and sub-regional centre) providing it can be demonstrated through a discretionary consent process that sub-policies 6.2.5 a I- III are met.</td>
<td></td>
</tr>
<tr>
<td>Policy 6.2.5 b requires the scale of business activity demonstrates compatibility with adjacent land uses and therefore minimises potential adverse effects on the character and amenity of neighbourhoods. The policy further requires that development integrate with existing transport networks. These zones are predominantly located on high accessibility corridors on the City transport network, where vehicle based travel will continue to provide the predominant share of trips to these centres.</td>
<td></td>
</tr>
<tr>
<td><strong>Benefits</strong></td>
<td></td>
</tr>
<tr>
<td>The RPS sets out the framework for a centres hierarchy derived from Future Proof. The acknowledgement of out of centre zones provide for the larger format trading characteristics of these</td>
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</table>
activities while recognising their position below the identified centres within the business hierarchy.

The benefits of policies 6.2.5a – 6.2.5b are:

- Establishes a comparative role and relationship with the Central City and other centres in terms of scale and diversity of activity and floor space;
- Enables an assessment of effects to be undertaken for commercial development in out of centre locations;
- Provide an acknowledgement of the existence of these ‘legacy sites’ that have established under the permissive framework of the ODP;
- Recognition of their co- location on the periphery of established centres within the business hierarchy;
- Recognition of the area’s attractive fringe location high level of vehicular accessibility close to major and minor arterial transport corridors;
- Provides certainty regarding future public investment in infrastructure, greater certainty for the market considering new or expanded for business enterprises and the scale of potential effects on neighbouring.
- The Plan should provide for these circumstances, provided there are no suitable alternatives within the existing centres and the business hierarchy will not be undermined.

Costs

The costs associated with policies 6.2.5a-b are:

- May not be responsive or flexible enough to meet changing market trends.
- The level of regulation may hamper the location benefits of these zones to large format operators
- May put unnecessary pressure to locate large, bulker activities within centres detrimental to neighbouring amenities.

Efficient and Effective

- These policies will be efficient and effective to achieve objective 6.2.5 by giving effect to the PRPS and specifically policy 6.15 that seeks cohesive and integrated land use development and compact urban form.

| 6.2.5b | Development ensures potential adverse effects on adjacent residential areas | As above |
are avoided, remedied or mitigated and the safety and efficiency of the transport network is maintained.

**Policies not most appropriate to achieve the objectives:**

| No policy framework or retention of existing District Plan policy. | • The absence of clear policy or the retention of the established policy framework would not be appropriate as either approach would fail to meet and implement the obligations placed on the Council under the RPS.  
• These approaches would not take into account the long term effects of ad hoc and decentralised development on urban form and function, and the function, vibrancy, vitality and amenity of the recognised commercial centres in the business hierarchy  
• These approaches also would not meet the requirements of Part 2 of the Act concerning the sustainable management of natural and physical resources that in this case include significant publicly managed facilities promoted for community use on a regional and national level. |

**Risks**

Risks of acting or not acting.

• The risks of acting to establish a transparent policy framework to ensure the efficient use of the land and built resource (buildings and infrastructure) is outweighed by the risks of not acting.

• The risks of not acting are that the RPS will not be given effect to, which would be inconsistent with the statutory requirements of the Act.

• Continuing the status quo approach of the Operative District Plan (2012) will result in further ad hoc dispersal of commercial development throughout the industrial area and away from the Central City.

**Policies most appropriate to achieve the objective:**

6.2.6
Provide for a range of business activities that support and compliment the Central City, Sub-Regional and Suburban Centres.

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<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
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</thead>
<tbody>
<tr>
<td>6.2.6a</td>
<td>6.2.6 a-c</td>
</tr>
<tr>
<td>Business activities may be</td>
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</tr>
</tbody>
</table>
permitted to locate in the commercial fringe zone where it can be demonstrated that:

i. Appropriate land is not available within the Central City, or Sub-regional centres or Suburban centres; and

ii. There is consistency with the assessment criteria to avoid potential adverse effects on primacy function, vitality, viability and amenity of the Central City, sub-regional centres and suburban centres

iii. The role and function of lower order centres are not undermined.

These policies emphasise that this zone provides for ‘out of centre’ development, predominantly large format retail on the fringe of existing centres (predominantly Central City and sub-regional centre) providing it can be demonstrated through a discretionary consent process that sub-policies 6.2.6a i-iii are met.

Policy 6.2.6b requires the scale of business activity demonstrates compatibility with adjacent land uses and therefore minimises potential adverse effects on the character and amenity of neighbourhoods. Policy 6.2.6c further requires that development integrate with existing transport networks. These zones are predominantly located on high accessibility corridors on the City transport network, where vehicle based travel will continue to provide the predominant share of trips to these centres.

**Benefits**

The RPS sets out the framework for a centres hierarchy derived from Future Proof. The acknowledgement of out of centre zones provide for the larger format trading characteristics of these activities while recognising their position below the identified centres within the business hierarchy.

The benefits of policies 6.2.6a – 6.2.6c are:

- Establishes a comparative role and relationship with the Central City and other centres in terms of scale and diversity of activity and floor space;
- Enables an assessment of effects to be undertaken for commercial development in out of centre locations;
- Provide an acknowledgement of the existence of these ‘legacy sites’ that have established under the permissive framework of the ODP;
- Recognition of their co-location on the periphery of established centres within the business hierarchy;
- Recognition of the area’s attractive fringe location high level of vehicular accessibility close to major and minor arterial transport corridors;
- Provides certainty regarding future public investment in infrastructure, greater certainty for the market considering new or expanded for business enterprises and the scale of potential effects on neighbouring.
- The Plan should provide for these circumstances, provided there are no suitable alternatives within the existing centres and the business hierarchy will
not be undermined.

**Costs**

The costs associated with policies 6.2.6a-c are:

- May not be responsive or flexible enough to meet changing market trends.
- The level of regulation may hamper the location benefits of these zones to large format operators.
- May put unnecessary pressure to locate large, bulker activities within centres detrimental to neighbouring amenities.

**Efficient and Effective**

- These policies will be efficient and effective to achieve objective 6.2.6 by giving effect to the RPS and specifically policy 6.15 that seeks cohesive and integrated land use development and compact urban form.

### 6.2.6b

**Development ensures potential adverse effects on adjacent residential areas are avoided, remedied or mitigated.**

As above

### 6.2.6c

**The safety and efficiency of the transport network is not adversely affected.**

This policy ensures that any development will not adversely affect the transportation network.

**Policies not most appropriate to achieve the objectives:**

- **No policy framework or retention of existing District Plan policy.**
  - The absence of clear policy or the retention of the established policy framework would not be appropriate as either approach would fail to meet and implement the obligations placed on the Council under the RPS.
  - These approaches would not take into account the long term effects of ad hoc and decentralised development on urban form and function, and the function, vibrancy, vitality and amenity of the recognised commercial centres in the business hierarchy.
  - These approaches also would not meet the requirements of Part 2 of the Act concerning the sustainable management of natural and physical resources that in this case include significant publicly managed facilities promoted for community use on a regional and national level.
Risks

Risks of acting or not acting.

- The risks of acting to establish a transparent policy framework to ensure the efficient use of the land and built resource (buildings and infrastructure) is outweighed by the risks of not acting.
- The risks of not acting are that the RPS will not be given effect to, which would be inconsistent with the statutory requirements of the Act.
- Continuing the status quo approach of the current District Plan will result in further ad hoc dispersal of commercial development throughout the industrial area and away from the Central City.

Policies most appropriate to achieve the objective:

6.2.7
Provide for a range of community facilities, residential and business activities that may not be appropriate for, or are not able to locate in centres in the business hierarchy.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.2.7a</td>
<td>6.2.7a -b</td>
</tr>
<tr>
<td>Enable a range of community activities such as hospitals, research and innovation, health care centres, education and training centres to establish outside recognised business centres that are:</td>
<td></td>
</tr>
<tr>
<td>i. difficult to accommodate within centres due to their scale and functional requirements</td>
<td></td>
</tr>
<tr>
<td>ii. more appropriately located outside of the Central City, Sub-Regional and Suburban centre zones</td>
<td></td>
</tr>
<tr>
<td>6.2.7b</td>
<td>These policies emphasise that this zone can provide for a range of community facilities as part of ‘out of centre’ development which may not be appropriate either due to their scale and functional requirements. These community facilities deemed non-threatening to the Central City vitality.</td>
</tr>
<tr>
<td>Policy 6.2.7b encourages residential activity to be located adjacent to centres where it can support the role and function of the centre whilst providing a high level of amenity for residents.</td>
<td></td>
</tr>
</tbody>
</table>

Benefits

The RPS sets out the framework for a centres hierarchy derived from Future Proof. The acknowledgement of out of centre zones provide for the larger format trading characteristics of these activities which are considered non-threatening to function and amenity of the existing centre’s in the business hierarchy.

The benefits of policies 6.2.7a – 6.2.7b are:

- Recognises the existing role and relationship of these types of vehicle based community facilities which can occur on the edge of centres without undermining the Central City and other centres in terms of scale and diversity of activity and floor space;
Provide an acknowledgement of the existence of these ‘legacy sites’ that have established under the permissive framework of the ODP;
- Recognition of their co-location on the periphery or fringe of established centres within the business hierarchy;
- Recognition of the area’s attractive fringe location high level of vehicular accessibility close to major and minor arterial transport corridors;
- Provides certainty regarding future public investment in infrastructure, greater certainty for the market considering new or expanded for business enterprises and the scale of potential effects on neighbouring.
- Encourages residential activity that supports local centres

Costs

The costs associated with policies 6.2.7a-b are:
- May encourage these types of activities away from locating in existing centres.
- The level of regulation may hamper the location benefits of these zones to large format operators

Efficient and Effective

- These policies will be efficient and effective to achieve objective 6.2.7 whilst not undermining centres based approach of Policy 6.16 of the RPS

6.2.7b

Residential activity is encouraged in locations adjacent to centres where it can be how to support established and future business activity whilst providing a high amenity living environment.

Policies not most appropriate to achieve the objectives:

No policy framework or retention of existing District Plan policy.
- The absence of clear policy or the retention of the established policy framework would not be appropriate as either approach would fail to meet and implement the obligations placed on the Council under the RPS.
- These approaches would not take into account the long term effects of ad hoc and decentralised development on urban form and function, and in
maintaining the function, vibrancy, vitality and amenity of the recognised commercial centres in the business hierarchy

- These approaches also would not meet the requirements of Part 2 of the Act concerning the sustainable management of natural and physical resources that in this case include significant publicly managed facilities promoted for community use on a regional and national level.

**Risks**

Risks of acting or not acting.

- The risks of acting to establish a transparent policy framework to ensure the efficient use of the land and built resource (buildings and infrastructure) is outweighed by the risks of not acting.

- The risks of not acting are that the RPS will not be given effect to, which would be inconsistent with the statutory requirements of the Act.

- Continuing the status quo approach of the current District Plan will result in further ad hoc commercial development throughout the industrial area and away from the Central City.

**Policies most appropriate to achieve the objective:**

6.2.8

Enable sites adjacent to the Hamilton East Suburban Centre to be redeveloped for a range of activities that complement and support the established centre.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
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<tbody>
<tr>
<td>6.2.8a</td>
<td>This policy suite requires that development that is adjacent to the Hamilton East Suburban Centre is complementary to the centre’s character and scale, and the character and setting of the Waikato River.</td>
</tr>
</tbody>
</table>

**Benefits**

- This policy directs a good urban design approach for development in this location ensuring it responds to the surrounding context and setting.

- It recognises that Hamilton East and the surrounding area have a character and context that should be recognised and responded to by any development.

- It also encourages residential activity to be located in the area where it supports the adjacent centre.

- Any mixed use development is to be complementary of the adjacent centre and ensure the effects of reverse sensitivity are avoided.
### 6.2.8b
Residential activity is encouraged in locations adjacent to the Hamilton East Suburban Centre where it can be shown to support established and future business activity whilst providing a high amenity living environment.

### 6.2.8c
Mixed use development shall provide a range of uses that complement, and support the Hamilton East Suburban Centre which are managed to ensure high levels of amenity for any residential activity and avoid any reverse sensitivity issues.

### 6.2.8d
Office and retail activity shall provide a range of tenancy sizes that are supportive of, and complementary to, the Hamilton East Suburban Centre and Central City.

**Policies not most appropriate to achieve the objectives:**

<table>
<thead>
<tr>
<th>A policy suite that provides for development adjacent to Hamilton East without considering the impacts this may have on the centre.</th>
<th>This policy would undermine the strategic direction of the District Plan's centres hierarchy.</th>
</tr>
</thead>
</table>

### Risks

Risks of acting or not acting:

- Without a policy suite that directs development to be carried out in a way that responds to its context and setting, poorly designed development may occur having a negative impact on the amenity of Hamilton East and the Open Space adjacent to the Waikato River.
Without the need to consider the Hamilton East Suburban Centre, it may be undermined and not operate efficiently and effectively.

<table>
<thead>
<tr>
<th>Policies most appropriate to achieve the objective:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>6.2.9</strong> Provide for a range of light and service industries, wholesale, retail, trade and community activities that may not be appropriate for, or are unable to locate in, the Central City, Sub Regional or Suburban Centres identified in the business hierarchy.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>6.2.9a</strong></td>
<td>6.2.9a</td>
</tr>
<tr>
<td>Enable a range of light and service industries, and activities such as cafes and restaurants, healthcare centres, yard based retail and trade and wholesale retail to establish where the activities are:</td>
<td></td>
</tr>
<tr>
<td>i. difficult to accommodate within centres due to their scale and functional requirements</td>
<td></td>
</tr>
<tr>
<td>ii. more appropriately located outside of the Central City, Sub-Regional and Suburban centre zones; and</td>
<td></td>
</tr>
<tr>
<td>iii. consistent with the established character, or trading pattern of the Frankton Commercial Fringe Zone.</td>
<td></td>
</tr>
<tr>
<td>This policy emphasise that this zone can provide for a range of light and service industries as part of ‘out of centre’ albeit fringe development which may not be appropriate to locate in centre either due to their scale and functional requirements. These activities are deemed non-threatening to the Central City vitality.</td>
<td></td>
</tr>
<tr>
<td><strong>Benefits</strong></td>
<td></td>
</tr>
<tr>
<td>- Recognises the existing role and relationship of these types of facilities which can occur on the edge of centres without undermining the Central City and other centres in terms of scale and diversity of activity and floor space;</td>
<td></td>
</tr>
<tr>
<td>- Provide an acknowledgement of the existence of these ‘legacy sites’ that have established under the permissive framework of the ODP;</td>
<td></td>
</tr>
<tr>
<td>- Recognition of their co-location on the periphery or fringe of established centres within the business hierarchy;</td>
<td></td>
</tr>
<tr>
<td>- Recognition of the area’s attractive fringe location and established character</td>
<td></td>
</tr>
<tr>
<td>- Provides certainty regarding future public investment in infrastructure.</td>
<td></td>
</tr>
<tr>
<td><strong>Costs:</strong></td>
<td></td>
</tr>
<tr>
<td>- May encourage some activities away from locating in existing centres.</td>
<td></td>
</tr>
<tr>
<td><strong>Efficient and Effective</strong></td>
<td></td>
</tr>
<tr>
<td>- These policies will be efficient and effective to achieve objective 6.2.9 whilst not undermining centres based approach of Policy 6.16 of the RPS.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policies not most appropriate to achieve the objectives:</th>
</tr>
</thead>
</table>
No policy framework or retention of existing District Plan policy.

- The absence of clear policy or the retention of the established policy framework would not be appropriate as either approach would fail to meet and implement the obligations placed on the Council under the RPS.
- These approaches would not take into account the long term effects of ad hoc and decentralised development on urban form and function, and maintaining the function, vibrancy, vitality and amenity of the recognised commercial centres in the business hierarchy.
- These approaches also would not meet the requirements of Part 2 of the Act concerning the sustainable management of natural and physical resources that in this case include significant publicly managed facilities promoted for community use on a regional and national level.

**Risks**

Risks of acting or not acting.

- The risks of acting to establish a transparent policy framework to ensure the efficient use of the land and built resource (buildings and infrastructure) is outweighed by the risks of not acting.
- The risks of not acting are that the RPS will not be given effect to, which would be inconsistent with the statutory requirements of the Act.
- Continuing the status quo approach of the current District Plan will result in further ad hoc commercial development throughout the industrial area and away from the Central City.

**Policies most appropriate to achieve the objective:**

6.2.10
Recognise lawfully established existing office and retail activities that have located in the Frankton Area.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| 6.2.10a  | 6.2.10a
The continued operation of existing office and retail activities in Frankton that were lawfully established as permitted activities under previous planning regimes are recognised and provided for. |
| 6.2.10b  | This policy emphasise that this zone recognises and provides for the continued operation of those lawfully established businesses but restricts their expansion or creation of new stand alone retail and office activities to protect the primacy, vitality, viability and amenity of the Central City and the existing centres within the business hierarchy. |
Avoid any increase in, or expansion of, additional standalone office activities.

**6.2.10c**
Avoid any increase in, or expansion of, additional standalone retail activities/tenancies in the zone unless it is yard-based, trade or wholesale in nature.

The benefits of policies 6.2.10a–b are:

- Sets a clear expectation that expansion of existing stand alone office or retail activities or creation of additional office activities and retail tenancies shall be avoided to prevent the undermining the protect the primacy, vitality, viability and amenity of the Central City and the existing centres within the business hierarchy.
- Provide an acknowledgement of the existence of these ‘legacy sites’ that have established under the permissive framework of the ODP;
- Recognition of their co-location on the periphery or fringe of established centres within the business hierarchy;
- Provides certainty regarding future public investment in infrastructure.

The costs of policies 6.2.9a–b are:

- May encourage some activities away from locating in existing centres.
- Provides an alternative provision of office/retail floor space that might otherwise locate in established centres.

**Efficient and Effective**

- These policies will be efficient and effective to achieve the proposed objective 6.2.9 whilst not undermining centres based approach of Policy 6.16 of the RPS

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<table>
<thead>
<tr>
<th>Policies not most appropriate to achieve the objectives:</th>
</tr>
</thead>
<tbody>
<tr>
<td>No policy framework or retention of existing District Plan policy.</td>
</tr>
<tr>
<td>- The absence of clear policy or the retention of the established policy framework would not be appropriate as either approach would fail to meet and implement the obligations placed on the Council under the RPS.</td>
</tr>
<tr>
<td>- These approaches would not take into account the long term effects of ad hoc and decentralised development on urban form and function, and in maintaining the function, vibrancy, vitality and amenity of the recognised commercial centres in the business hierarchy</td>
</tr>
<tr>
<td>- These approaches also would not meet the</td>
</tr>
</tbody>
</table>
requirements of Part 2 of the Act concerning the sustainable management of natural and physical resources that in this case include significant publicly managed facilities promoted for community use on a regional and national level.

Risks

Risks of acting or not acting.

- The risks of acting to establish a transparent policy framework to ensure the efficient use of the land and built resource (buildings and infrastructure) is outweighed by the risks of not acting.
- The risks of not acting are that the RPS will not be given effect to, which would be inconsistent with the statutory requirements of the Act.
- Continuing the status quo approach of the current District Plan will result in further ad hoc commercial development throughout the industrial area and away from the Central City.

Conclusion: It is considered that there is sufficient evidence regarding business patterns and the decentralisation of commercial activities from the Central City that the risk of not acting outweighs the risks of acting and adopting the business hierarchy proposed. On this basis, and taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objectives.

6.4 Rules

Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Zones</td>
<td>Regulatory Method: Formulation of Business Zones</td>
</tr>
<tr>
<td></td>
<td>• Each business zone describes the locational/spatial characteristics of commercial activity that can form part of a core or fringe area of a commercial centre.</td>
</tr>
<tr>
<td></td>
<td>• Business zonings adopted can reflect the existing pattern, scale, character and intensity of commercial activity. It can prescribe a new or changed commercial environment to reflect the area’s position in a business hierarchy or fringe ‘out of centre’ location, and the zone’s intended position in the hierarchy of business centres over the period of the new District Plan.</td>
</tr>
<tr>
<td></td>
<td>• The Business 1 to 7zonings provide a general description of the composition of each level or type of business mix.</td>
</tr>
</tbody>
</table>

Benefits
6 – Neighbourhood centre.
7 – Frankton Commercial fringe.

- The zonings provide a more fine-grained land-use or land management framework to recognise the existing and/or intended business environment for the City.
- The technique of zoning (and rules with environmental performance standards) will assist to better manage the effects of commercial activities of differing scale, intensity and amenity impacts on business centres and their wider receiving environments.
- Promotes the efficient use of the land resource dedicated for business activities.
- Less impact on the environment, by avoiding pristine and valued environmental areas.
- Sets clear expectations on the desired and intended form of new development consistent with the area’s function in a business hierarchy.
- Provides certainty for communities as to the future or intended commercial environment.
- Commercial activities are tailored to match the likely environment.
- Their concentration or co-location avoids encroachment of such activities into more sensitive urban locations such as residential zones or the Industrial zone.

Costs
- Market demand and expectations of property owners and developers could be reduced and may constrain re-development in the short term.
- Costs and information requirements for applicants may increase for promoting development proposals through the resource consenting process.

Efficient and Effective
- The zoning approach as a regulatory method will be efficient and effective to achieve the objectives for the Business Centres Hierarchy by providing a finer grained framework for the assessment of new development proposals in the context of promoting sustainable urban development.

<table>
<thead>
<tr>
<th>Rules not most appropriate to achieve the objectives:</th>
</tr>
</thead>
<tbody>
<tr>
<td>No zoning framework or retention of the provisions of</td>
</tr>
</tbody>
</table>
the Operative District Plan (July 2012).

Service Zone, the Suburban Centre Zone and the Industrial Zone would not align with the regional policy framework for the reasons outlined in section 6.1.1 Achieving Sustainable Management and 6.1.4 Hamilton Operative District Plan.

**Rules most appropriate to achieve the objectives:**

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Activity Status Table</strong></td>
<td></td>
</tr>
</tbody>
</table>
| The type and scale of activity mixes appropriate in each Business zone is listed in Rule 6.3 —Activity Status Table. This Table provides a fine grained activity list generally broken down into the following broad activity groups. | • The table provides a clear expectation of activities provided for dependent upon floor area or other built/operational characteristics, and potential amenity effects.  
• Activity status reflects the general suitability of the activity within each business zone. Activities identified as discretionary require closer scrutiny of effects and activities with the status of non-complying generally not appropriate. The class of non-complying activity indicates that activity is better suited operating/trading at a different level of the Business Centre Hierarchy or location within a business centre.  
• Floor area thresholds are set in many cases to further differentiate between the scale, character and intensity of the activity and its potential adverse effects on the receiving environment across all Business Zones. |
| Industry                    |                                                                                                               |
| Offices                     |                                                                                                               |
| Retail;                     |                                                                                                               |
| Community services;         |                                                                                                               |
| Buildings;                  |                                                                                                               |
| Residential; and            |                                                                                                               |
| Subdivision.                |                                                                                                               |

Activities:

*Industry*

• Generally not provided for apart from service industry in the Business 1, 3,4-6 zones. Industrial activities are provided for in the Industrial zones in the Partly Operative District Plan.

• Ancillary offices and retail activities are provided for in all Business Zones to accommodate the administration functions associated with the daily operation of most businesses.

*Offices*

• Generally provided for in the Business 1 zone depending on gross floor area.

• Offices less than 250m² gfa generally provided for in all Business Zones to accommodate the administration functions and associated with the daily operation of most businesses.
• Offices greater than 500m² gfa generally not provided for in the Business Zones; preference is for larger scale offices to locate in higher order centres under a consenting strategy, and be discouraged from locations in lower order centres.

• Lawfully established offices as of Plan notification is provided for in the Frankton Commercial fringe zone. Expansion of or additional offices shall be avoided in this zone.

• A specific performance standard has been adopted in one case. This recognises the scale of the office entitlements granted through resource consent issued in December 2012 for ‘The Base’. Specific provision was made for office development totalling 11,350m² gfa, with a ten year period available to give effect to this consent. It is not appropriate for land at The Base zoned Business 3 (sub-regional centre) to also retain a non-complying status for offices over 500m² gfa given this circumstance. Therefore, a cap is placed on additional office activity over the 11,350m² entitlement by conferring non-complying activity status for office activities above that already consented. This approach also reinforces the position of the The Base as a sub-regional centre while seeking to promote and strengthen the primacy of the Central City.

Retail

• Retail comprises a number of activity categories relating the sale of goods (small or comparison, bulky or yard based retailing, building improvement centres), or services (banks), entertainment (licensed premises, places of assembly, cinemas for example), and vehicle servicing.

• A specific performance standard has also been adopted for the total retail floorspace (existing and consented) at The Base (Lot 1 and Lot 2). This recognises the scale of the existing and more recent consented retail entitlements granted through resource consent issued in December 2012. Specific provision was made for the Lot 2 retail development with a ten year period available to give effect to this consent. Therefore, a cap is placed on additional retail activity over the total 103,700m² entitlement by conferring restricted-discretionary activity status for retail activities above that already consented. A similar
cap approach is in place for smaller retail tenancies below 400m² which reflects the existing ratio and mix of retail tenancies at The Base, across both Lot 1 and Lot 2.

- This ‘cap’ approach requires a centres assessment to be undertaken for all retail gfa above this consented cap and reinforces the position of The Base as a sub-regional centre (predominantly retail) while seeking to promote and strengthen the primacy of the Central City.

- Most retail forms are provided for in the sub-regional centres (Business 3), and to a lesser extent in Business 1 (commercial fringe) and suburban centres (Business 5).

- Lawfully established retail as of Plan notification is provided for in the Frankton Commercial fringe zone. Expansion of or additional retail tenancies shall be avoided in this zone.

- Yard-based retailing and building improvement centres are provided for in the large format centres (Business 4) and Frankton commercial fringe (Business 7) zone.

- Large format retail is directed towards (Business 4) and to a lesser extent (Business 1) with the exception of the Hamilton East Medical Precinct. Given the (Business 1) zoning in this location, close to the Central City, should not encourage large format retail.

Supermarkets

- Supermarkets commonly anchor suburban centres although are also encouraged within other centres in the hierarchy given the agglomeration benefits these large retail activities bring to the community.

- Supermarkets typically have a store footprint over 1000m² gfa and provide for predominantly domestic supplies with a smaller element of non-domestic comparison goods which should remain subsidiary to its main domestic function.

- Supermarkets ‘out of centre’ are also provided for within the commercial fringe (Business 1) and Large Format Retail (Business 4) and Frankton commercial fringe (Business 7) zone subject to a centres assessment in order that any adverse effects on the centres hierarchy are considered.
### Entertainment services and facilities

- These activities are specifically provided for in the Major Event Facilities (Business 2), sub-regional centres (Business 3) and suburban centre (Business 5) being part of higher order centres convenient and accessible to the wider community.

### Community services

- Comprises health care facilities, community centres, and education and training centres.

- Provided for in the commercial fringe (Business 1 zone), Frankton commercial fringe (Business 7) and to a slightly lesser extent in the Business 3 (sub-regional centres) and suburban centres.

### Health care services

- Health care services are a common land use activity in many suburban and neighbourhood centres and serve the local community catchment surrounding these centres. Increasingly they are diversified health care providers with a range of businesses co-located to achieve synergies of convenience and accessibility for the community. These businesses increasingly occupy large floor areas on larger sites to sustain onsite parking. The trend is for medical services delivery to decentralise into the communities they serve and for businesses to consolidate to occupy larger footprints than historically. On this basis a floor area threshold has been implemented.

- A specific performance standard has been adopted in one case. This recognises the scale of the healthcare (whanau ora) granted through resource consent for ‘The Base’. Specific provision was made for healthcare development totalling 10,750m² gfa, with a ten year period available to give effect to this consent.

- A cap is placed on additional healthcare services over the 10,750m² entitlement by conferring non-complying activity status above that already consented.

### Buildings

- With the exception of minor works, all building activity will require resource consent on the basis of the desire to promote improved building and urban design outcomes.
Residential

- All residential activities will require resource consent. Only ancillary flats are provided for throughout the Business zones, and visitor accommodation is provided for in the Business 1, 2, 3 and 7 zones. This reflects the approach to maintain vibrancy on the ground floor levels within centres and that a mix of residential and non-residential activities requires care in identifying and managing potential amenity effects. Specific provision has been made for apartments on sites in Hamilton East due to their location in relation to the Hamilton East Suburban Centre, the Central City and the Open Space Network.

- Home based businesses located in the specific interface of Hall Street and Seddon Street areas located in the Frankton Living Overlay are also provided for in the Frankton commercial fringe (Business 7) zone.

Benefits

- The Activity Status Table gives clear expectations of what activity type, scale and level of environmental effects are acceptable within each of the Business zones.

- Provides certainty to the future level of change/development that can be expected in the respective business zones.

- Scale and intensity of commercial activity is tied to the future environment for that location.

- The spread of commercial activities into residential and industrial areas is constrained and managed by a more ‘fine tuned’ consenting process, where consideration is given to the location’s role and position in the business hierarchy.

- Facilitates the efficient and effective provision of infrastructure including utility services, roading, and passenger transport to higher order centres in the business hierarchy.

- Bulk and location standards can be tailored for each zone to enable certain forms of development to occur.

- Assessment criteria can be prescribed to define the areas of discretion retained by Council.
- Reduces the chances for reverse sensitivity effects arising between ad hoc, sporadic and incompatible development.
- Better supports the community’s social, economic and cultural wellbeing and the efficient use and development of the City’s natural and physical resources under Part 2 of the Act.
- Gives tangible effect to the growth management policy of the RPS.

**Costs**

- Loss of development rights for some locations held under current ‘laissez faire’ zoning provisions.
- Very limited range of permitted activities so opportunities for commercial development to avoid the resource management consenting process are limited.
- Administration costs for Council associated with processing consents for all classes of activities that are restricted discretionary, discretionary or non-complying.
- Potentially increased consenting and compliance costs for developers promoting commercial ventures. May result in the City losing some development opportunities where commercial activity is ‘footloose’.

**Efficient and Effective**

- These rules will be efficient and effective to achieve objectives 6.2.1 (sub-regional centres), 6.2.2 (suburban centres), 6.2.3 (neighbourhood centres), 6.2.4 (major event facilities), 6.2.5 (large format retail zone), 6.2.6 6.2.7 and 6.2.8 (commercial fringe zone) and 6.2.9 and 6.2.10 (Frankton commercial fringe zone). They will provide for distinctive, clustered commercial areas (business zones) that together comprise business zones that operate in an integrated and sustainable hierarchy of centres, consistent with the regional policy framework.

**Activity Threshold Determinations**

Activity thresholds presented in the Activity Status Table have been adopted to enable Council to manage the scale of effects in a particular business environment. For example effects associated with office, retail, banks, yard-based retailing, building improvement centres, cafes, health care services, and
education and training facilities. These thresholds have been determined after consideration of:

- The current provisions for similar activities.
- Background research carried out during 2009: Hamilton Central Business District (Central City) – Strategic Alignment with Future Proof and Hamilton Urban Growth Strategy.
- Other Council approaches to the management of office and retail activities such as Wellington City Council, Manukau City and Christchurch City Council.
- The research of Speer and Speer and Associates (refer Section 6.6 References).
- The correspondence from Planit Consultants Ltd (refer Section 6.6 references).
- The research of Property Economics (refer Section 6.6 References).
- Feedback received on the Draft District Plan (April 2012).

Primarily, thresholds were adopted to redefine and refine the permissive nature of the existing rules for retailing, large format retailing and mall type development. Under the current Operative District Plan commercial activity is able to establish throughout the City with a minimum of intervention. This has resulted in the ad hoc dispersal of commerce.

The adoption of thresholds, across a range of commercial related activities, enables the class of activity to be scrutinised. The scale, character and intensity of the activity (and amenity values) can then be determined.

**Offices**

- An office activity threshold of 250m² is broadly accepted as being small scale business activity, which in recent years has established in converted dwellings in residential areas. The desire now is to place controls on the extent to which office activities should and can set up outside business centres.
- To ensure large scale office activities are encouraged to locate in higher order centres where office environments are provided for, in particular the Central City, and sub-regional and
suburban centres.

- The activity status signals the preferred location and the consenting path an applicant is to follow, so Council can fully consider a proposal’s merits.

**Retail**

- Retail thresholds are banded: below 150m², 150-399m², 400-999m², and over 1,000m².
- 150m² is a trigger that generally reflects specialist, small scale/boutique retailing that anchor mall type and strip shopping/main street retailing.
- 150-399m² reflects larger scale specialist retail activities that require greater display space.
- 400-999m² reflects the larger format retail or mini-major tenancies that are often dependent on vehicle oriented trading for comparison shopping.
- Yard-based retailing threshold of 400m² mirrors the standard adopted in the Operative District Plan.
- The 1,000m² trigger reflects the trigger in the Operative District Plan, which permits retail over 1,000m² on individual sites to provide for large format retail activities.
- Considered together, these bands define or describe the gradation from convenience to comparison retailing – small local ‘convenience’ businesses can trade within a small local catchment, whereas ‘comparison’ retail activities require superior store locations that attract a customer base from a wider area and are reliant on vehicle access. The 400m² gfa threshold has been accepted by various other Council plans as providing a useful cut-off. Evidence suggests that in the case of lower order centres such as neighbourhood centres these are often anchored by one larger (over 150m² but less than 400m²) tenancy.
- These thresholds have been used by various specialist advisers to Council such as Speer and Heath (refer Section 6.6 References).

**Health care services and education and training facilities**

- Thresholds for health care services and education and training facilities have been adopted based on addressing similar concerns about the dispersal of these activities into the suburbs.
• Recognition has been given to the specific requirements of the medical profession to provide for medical services and facilities to their local communities. This is done through the adoption of stepped thresholds to match the trend for larger, integrated medical services.

• The thresholds encourage growing business enterprises to establish in appropriate locations in conformance with these standards.

Concluding commentary

• A distinction under the Operative District Plan is that many activities are treated as controlled activities, whereas these activities now are to be treated as restricted discretionary (or discretionary) activities so Council can give full consideration to urban design matters and potential adverse distributional effects on the function, vitality, viability and amenity of centres within the business hierarchy. This approach retains Council discretion to permit the establishment of the commercial activity, dependent on the effects being avoided, remedied or mitigated while achieving improved building design, social and economic wellbeing outcomes.

• These rules as methods are considered to be efficient and effective as a means for achieving the objectives.

Rules not most appropriate to achieve the objectives:

No zoning framework or retention of the provisions of the Operative District Plan.

• Retention of the current zoning framework (that comprises the City Centre Zone, the Commercial Service Zone, the Suburban Centre Zone and the Industrial Zone) would not align with the Regional Policy framework.

• The absence of rules would likely continue the trend for the dispersal of retail and office activities from the Central City.

• This approach would not be consistent with promoting the sustainable management of the physical resources including infrastructure and open space areas that make up the Central City.

Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.4 Rules – General Standards:</td>
<td>General Standards</td>
</tr>
<tr>
<td>Section 32 –Operative District Plan</td>
<td>Hamilton City Council</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>6.4.1 Maximum building height.</td>
<td>• Considered together, the general standards provide a package of controls to maintain and enhance the amenity values of business centres and minimise the potential adverse effects on neighbouring activities that arise from trading by commercial activities.</td>
</tr>
<tr>
<td>6.4.2 Height control plane.</td>
<td>• The adoption of different thresholds, for several performance standards across the range of business zones is appropriate. It affords flexibility for the market to promote new development and where non-compliances occur, for these to be considered through the resource consenting process. Consideration can be given to amenity values, traffic effects and the overall scale of social and economic effects on other centres.</td>
</tr>
<tr>
<td>6.4.3 Building setbacks.</td>
<td>• This affords some flexibility within the resource consenting process to consider a proposal’s effects in the context of the site and its position in the business centre’s hierarchy.</td>
</tr>
<tr>
<td>6.4.4 Building intensity.</td>
<td><strong>Specific Standards</strong></td>
</tr>
<tr>
<td>6.4.5 Service areas.</td>
<td>6.4.1 <strong>Maximum Building Height</strong></td>
</tr>
<tr>
<td>6.4.6 Outdoor storage.</td>
<td>• A three tier set of maximum building heights is provided that reflects the anticipated intensity of commercial activity desirable in any particular location. Higher permissible building heights provide greater development entitlement, and encouragement of more intensive activity, vibrancy and vitality. The lower permitted heights for the Business, 5 and 6 zones reflect their locations in more sensitive, residentially characterised neighbourhoods and the desire to provide compatible building height entitlements reflective of those neighbouring zones. In these latter zones the dominance of building bulk over neighbouring land uses is less acceptable.</td>
</tr>
<tr>
<td>6.4.7 Residential development.</td>
<td>6.4.2 <strong>Height in Relation to Boundary</strong></td>
</tr>
<tr>
<td></td>
<td>• A common height control rule is adopted for all business zones in the situation where a property boundary adjoins a residential zone or special character zone. The rule serves to minimise the adverse effects of building bulk on neighbouring amenity values and retain daylight access /minimise shadow effects to those properties. This is the most sensitive interface.</td>
</tr>
<tr>
<td>6.4.8 Active frontages.</td>
<td>6.4.3 <strong>Building Setbacks</strong></td>
</tr>
<tr>
<td></td>
<td>• Standard provisions apply across all business zones</td>
</tr>
</tbody>
</table>

6.4.1 Rototuna Western Neighbourhood Centre.
6.5.2 Rotokauri Suburban Centre Primary Frontage interface.
6.5.3 Ancillary Retail and Office activity in the Frankton Commercial Fringe Zone.
6.5.4 Ancillary Office for Yard Based Activities in the Frankton Commercial Fringe Zone.
6.5.5 Home-based Business in the Frankton Living Area.
6.5.6 Office and retail activities lawfully established and existing at 10 December 2012 in the Frankton Commercial Fringe Zone.
that there shall be no front yard setback except in the case of sites fronting an arterial transport corridor. This is to provide the capability for a site to provide vehicle access to and from the site in a safe manner.

- Rear and side yard setbacks are influenced by whether the site boundary adjoins a residential or special character zone (i.e. the most sensitive receiving environment in amenity terms). A 5m setback is set for the Business 4 zone in order to provide for safe vehicle access.

6.4.4 Building Intensity

- Building intensities are set to encourage more intensive forms of commercial development in the commercial fringe of the Central City, and the sub-regional and suburban centres. This is to promote greater vibrancy and vitality at the ‘cores’ of these centres as they provide the market with the opportunity to attain a mix between convenience and comparison type retail activities.

6.4.5 Service Areas

- The standard aims to provide, as a minimum, for the safe and efficient servicing of commercial sites for goods delivery and waste management. Adoption of a standard ensures a level of amenity is provided on the site for its operation as a business with minimal prospects for adverse effects on neighbouring sites.

6.4.6 Outdoor Storage

- Controls are necessary to manage activities occurring outside of buildings. Controls ensure the location and sale of these activities do not adversely affect amenity values and also limit adverse visual effects. Controls also seek to safeguard the overall and safe operation of the trading enterprise.

6.4.7 Residential Development

- Controls restrict above ground residential activity to suburban and neighbourhood centres to support their mixed use character and encourage residential use as part of the ‘live, work, play’ principles. Controls identify standards expected for outdoor living areas and communal open space to provide on site amenity. In all other centres, residential activity is restricted to an ancillary scale to ensure centres maintain a strong commercial
6.4.8 Active Frontages

- Controls are necessary to ensure adequate compliance with CPTED principles by providing surveillance and active shop fronts on a 24 hour 7 days a week basis. This helps encourage a feeling of safety and vibrancy within suburban and neighbourhood centres.

6.5.1 Rototuna Western Neighbourhood Centre

- Specific standards carried over from Variation 12 seek to achieve a pedestrian friendly, finer grain centre with controls over maximum setbacks and active frontages for the vitality and vibrancy of this western neighbourhood growth node. A consistent approach is maintained in terms of restricting offices, education and training facilities to less than 250m² and restricting maximum tenancy size in line with Rule 6.4.6 and Variation 12.

6.5.2 Rotokauri Suburban Centre Primary Frontage Interface

- This carries over from the Operative District Plan an agreed urban design led outcome for the suburban centre. The rules encourage finer grain smaller tenancy block width by creating strong enclosure with a minimum two passive surveillance and glazing provision, restricted vehicle access/parking within the primary frontage, pedestrian movement and other elements that influence amenity in the built environment.

6.5.3 Ancillary Retail and Office activity in the Frankton Commercial Fringe Zone

- This provision mirrors the similar provision for ancillary retail and office activity in the Industrial Zone and ensures that the ancillary office/retail activity remains the subservient activity to the principal use in this Commercial zone. The rule encourages stand alone retail and office activities towards the Central City, the sub-regional and suburban centres. This is to promote greater vibrancy and vitality at the ‘cores’ of these centres as they provide the market with the opportunity to attain agglomeration benefits.

6.5.4 Ancillary Office for Yard Based Activities in the...
Frankton Commercial Fringe Zone

- This standard provides a level of flexibility for ancillary offices as part of a predominantly yard based activity in this zone. It may apply as an alternative but not in addition to 6.5.3.

6.5.5 Home-based Business in the Frankton Living Area

- This standard sets out the provisions for number of employees, GFA, trip generation, signage, good sold, smoke, noise dust and vibration for Home-based businesses in the Frankton Living Area as identified in the overlay maps.

6.5.6 Office and retail activities lawfully established and existing at 10 December 2012 in the Frankton Commercial Fringe Zone.

- Lawfully established office and retail as of Plan notification is provided for in the Frankton Commercial fringe zone. Expansion of, or additional offices or retail tenancies shall be avoided in this zone. This is to promote greater vibrancy and vitality in the Central City and other established centres within the Business hierarchy.

Benefits

- Standards provide certainty in the assessment of a proposal’s compliance with District Plan standards, the administration of the Plan’s provisions and the ongoing monitoring of compliance with consent conditions.

- Standards assist address issues concerning cumulative effects.

- Standards address the effects of activities across zone boundaries and in particular the sensitive Residential and Special Character Zone boundaries. This approach should minimise reverse sensitive effects.

- Standards promote the efficient use and development of land and its supporting infrastructure for business activities.

- Standards promote acknowledged improved urban design practice through improved building interface with transport corridors and the public realm.

- Standards promote acceptable onsite amenity often as part of a comprehensively planned proposal where there are numerous tenancies.
operating.

- Standards promote amenity maintenance and enhancement in the development of business activities in the nominated business centres.

### Costs

- Possibly limits owners and developers existing entitlements for the future use and re-development of sites.
- Places more restrictions of building design and development, which may restrict design options.
- Places more restrictions of building design and development, which may reduce design flair and increase construction costs.
- Potentially increases the applicant’s costs and information requirements to lodge resource consent applications for business activities in the business zones.

### Efficient and Effective

- These rules will be efficient and effective to achieve objective 6.2.1 concerning the function, vitality, viability and amenity of the sub-regional centres of The Base and Chartwell, objective 6.2.2 concerning the functioning of suburban centres; objective 6.2.3 concerning the functioning of neighbourhood centres; 6.2.4 concerning the functioning of Major Events Facilities, 6.2.5 concerning the role of the large format retail zone and 6.2.6, the role of the commercial fringe zone by ensuring that the bulk, location and scale of development meets good urban design and on-site amenity, and where development is to occur at the interface with the Residential and Special Character Zones, by mitigating potential adverse effects on neighbouring amenity.
- These rules as methods are considered to be efficient and effective as a means of achieving the objectives.

### Rules not most appropriate to achieve the objectives:

| One Zone adopted, rather than seven business zones with A simplified Activity Matrix | The provision of one business zone (City-wide), with one set of performance standards is not likely to achieve the objectives for the business hierarchy set out in the Partly Operative District Plan. It will also be ineffective in and contrary to |
adoption of more extensive use of permitted activity and the controlled activity class of activity
and/or
Performance Standards to apply without the adoption of thresholds for office and retail activity groups or
No general or specific performance standards for business activities occurring in the business zones or business centres.

the policy approach in the Regional Policy Statement to provide for a hierarchy of business centres.

- The adoption of a simplified activity matrix with less rules and fewer performance standards may be desirable, and the activity status for groups of activities which can be simplified has some appeal. However, experience to date suggests that the Operative District Plan (2012) approach does not adequately ‘signal’ which activities (including scale) are most appropriate in the City. Nor does the current approach adequately manage the potential adverse effects, including cumulative effects, of activities locating outside desired and serviced business areas.
- On this basis, the provision of rules to the detail prescribed in the preceding section is considered efficient and effective.

### Risks

Risks of acting or not acting.

- The risks of not acting are that this approach is very likely to continue the noticeable dispersal of office and retail activities and the steady commercialisation of industrial zoned land and suburban development. This is unlikely to promote the sustainable management of existing resources and may duplicate functions away from the established centres including the Central City.
- The risks of not acting are business activity would likely continue to disperse in a fragmented manner throughout the business and non-business areas of the City, placing pressure on the City transport and Three Waters infrastructure network and generating unintended amenity effects on neighbouring land uses, particularly those situated at the interface with new business activity.
- Potentially lead to the inefficient use of the land resource.
- Potentially lead to the inefficient use of the building resource.
- Potentially lead to poor design of the new built environment with the absence of performance standards.
- Will result in an inconsistency with the RPS.
- The approach adopted in Chapter 6 of creating a suite of business zones to describe the characteristic elements of business environments and their aggregation into vibrant and vital business centres and with their effects managed through performance against a range of environmental markers is the most appropriate means of giving effect to the RPS and the purpose and principles of the Act.

**Conclusion:** In summary, there is sufficient information on business patterns and the decentralisation of commercial activities to confirm that the risks of not acting outweigh the need for rules to manage business activity. Taking into account the above, Council
considers that the rules in this chapter are most appropriate to achieve the objectives.

Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rule 6.4.9 Provisions in other chapters.</td>
<td>Rule 6.4.9 provides a list of cross references to other relevant Plan Chapters.</td>
</tr>
<tr>
<td><strong>Benefits</strong></td>
<td></td>
</tr>
<tr>
<td>• Assists Plan users to understand Plan information requirements and eases the administration and use of the Plan by Council and applicants.</td>
<td></td>
</tr>
<tr>
<td><strong>Costs</strong></td>
<td></td>
</tr>
<tr>
<td>• There are not considered to be costs apart from the general duty placed on applicants to satisfy the requirements of the Plan.</td>
<td></td>
</tr>
<tr>
<td>Assessment Criteria.</td>
<td></td>
</tr>
<tr>
<td><strong>Benefits</strong></td>
<td></td>
</tr>
<tr>
<td>• The Plan identifies that certain activities either by virtue of the activity or due to failing standards are controlled, restricted discretionary, discretionary or non-complying activities.</td>
<td></td>
</tr>
<tr>
<td>• The Plan includes assessment criteria that are able to be applied in the assessment of these activities through the resource consent process. The criteria are grouped clearly under headings relating to the matters Council has reserved control over (for controlled activities) and restricted its discretion (for restricted discretionary activities). These assessment criteria and the introductory ‘how to’ guide are a useful way to guide all parties on how Council is going to administer the provisions of the Plan.</td>
<td></td>
</tr>
<tr>
<td>• The assessment criteria gives transparency and provides clarity for all users on the matters that Council has control or discretion over when considering controlled or restricted discretionary activities, and provides a guide for the consideration of discretionary and non-complying activities.</td>
<td></td>
</tr>
<tr>
<td>• The assessment criteria also seeks to avoid duplication of effort or unnecessary assessment by enabling design based criteria to be disregarded if a more relevant design guide is in place or if the criteria is not considered relevant to the specific activity.</td>
<td></td>
</tr>
</tbody>
</table>
### Costs
- There is a general duty on an applicant and the Council to consider the assessment criteria firstly for relevance and secondly where considered relevant to assess the application against the criteria to consider the effects.
- There are no identified costs from clarifying in the Plan the matters which will be considered when processing an application.

### Efficient and Effective
These provisions will be efficient and effective to achieve the objectives by identifying a list of matters which are able to be used as a guide when both preparing and assessing consent applications which eases the administration and use of the District Plan for all parties.

<table>
<thead>
<tr>
<th>Rule 6.8 Other resource consent information</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Assists Plan users to understand Plan information requirements and eases the administration and use of the Plan by Council and applicants.</td>
</tr>
</tbody>
</table>

### Costs
- There are not considered to be costs apart from the general duty placed on applicants to satisfy the requirements of the Plan.

### Efficient and Effective
- Overall, these rules will be efficient and effective to provide clear administration of the Plan’s provisions so as to achieve the objectives for the zone.

### Rules not most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>No assessment criteria</th>
<th>The absence of assessment criteria will result in either a fully flexible and laissez faire planning framework where all classes of activity are permitted, or a highly interventionist approach where, apart from a list of permitted activities all other classes of activity (if listed at all) require a negotiated consent from the Council.</th>
</tr>
</thead>
<tbody>
<tr>
<td>All activities permitted</td>
<td></td>
</tr>
</tbody>
</table>

### Risks

Risks of acting or not acting.
- The risks of acting are a fundamental challenge to the purpose and principles of the Act.
- The risks of not acting are the retention of the established and transparent
practice of assessment criteria being used as guidelines for Council decision making where this discretion has been provided for in a District Plan.

**Conclusion:** Taking into account the above, Council considers that the rules in this chapter are most appropriate to achieve the objectives.

<table>
<thead>
<tr>
<th><strong>Rules most appropriate to achieve the objectives:</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Method</strong></td>
<td><strong>Effectiveness, efficiency, costs and benefits</strong></td>
</tr>
<tr>
<td>Business centres hierarchy – planning maps.</td>
<td>The Planning Maps provide a geographical record of the spatial extent of the various business zones, and the locations (and relationships) where business centres have been identified that comprise one or more business zones.</td>
</tr>
<tr>
<td><strong>Benefits</strong></td>
<td></td>
</tr>
<tr>
<td>• Maps present a clearly defined set of property boundaries to define the exact extent of any business zone.</td>
<td></td>
</tr>
<tr>
<td>• Maps present a clearly defined set of property boundaries to define the exact extent of any business zone that in turn aggregate to define a business centre.</td>
<td></td>
</tr>
<tr>
<td>• Maps are an administratively convenient way to present information concerning the built environment, open space areas, the road network and hierarchy and the neighbouring environments to business zones and centres.</td>
<td></td>
</tr>
<tr>
<td><strong>Costs</strong></td>
<td></td>
</tr>
<tr>
<td>• There are costs in maintaining a City-wide property-based data set as an up to date record.</td>
<td></td>
</tr>
<tr>
<td><strong>Efficient and Effective</strong></td>
<td></td>
</tr>
<tr>
<td>• These rules including plan maps of various scale will be efficient and effective to achieve objective 6.2.1 concerning the functioning of the sub-regional centres of The Base and Chartwell; objective 6.2.2 concerning the functioning of suburban centres; objective 6.2.3 concerning the functioning of neighbourhood centres, 6.2.4 concerning the functioning of major event facilities, 6.2.5 concerning the role of the large format retail zone, 6.2.6-7 the role of the commercial fringe zone and concerning the role of the Frankton commercial fringe zone 6.2.8-9.</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Rules not most appropriate to achieve the objectives:</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Method</strong></td>
<td><strong>Effectiveness, efficiency, costs and benefits</strong></td>
</tr>
<tr>
<td>Absence of planning maps.</td>
<td>• The absence of planning maps to identify the suite</td>
</tr>
</tbody>
</table>
Risks of acting or not acting.

- The risks of not acting are the absence of planning maps which, will make the administration of the Plan extremely problematic for Council and plan users.
- The risks of acting are to retain the planning maps as an integral part of the District Plan. This will assist with the ease of understanding and administration of its provisions by Council staff and Plan users.

Conclusion: Taking into account the above, Council considers the rules in this chapter including the set of plan maps showing the business zones and business centres are most appropriate means to achieve the objectives.

### 6.5 Methods Other Than Rules

<table>
<thead>
<tr>
<th>Methods most appropriate to achieve the objectives:</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulatory methods</td>
<td>Benefits</td>
</tr>
<tr>
<td>As detailed above.</td>
<td>- As detailed above.</td>
</tr>
<tr>
<td>Costs</td>
<td>- As detailed above.</td>
</tr>
<tr>
<td>Efficient and Effective</td>
<td>- These methods will be efficient and effective to achieve objectives outlined in Chapter 6 and the directly related objective in Chapter 2: Strategic Framework by developing, implementing and mapping business zones that on their own or aggregated to form business centres will promote the policy set out in the RPS.</td>
</tr>
<tr>
<td>Other plans and legislation.</td>
<td>Long-Term Plan to programme and fund public infrastructure and road network improvements.</td>
</tr>
<tr>
<td>Council works and services.</td>
<td>Specific programmes identified in the Long-Term Plan and constructed through the planning period.</td>
</tr>
<tr>
<td>Information, education and advocacy.</td>
<td>Urban design advocacy outside the statutory framework of the District Plan. Meetings with sector interest groups such as The Property Council and stakeholders such as Kiwi Income Property Trust, Waikato-Tainui for example.</td>
</tr>
</tbody>
</table>

Risks
Risks of acting or not acting.

• The risks of acting are that all methods can assist with the implementation of the Plan provisions where there are supporting or complementary programmes, budgets and responsibilities for other parts of Council or agencies outside Council.

• The risks of not acting are that the implementation of the Plan lies with the wider community and their understanding and support to give effect to its vision.

**Conclusion:** Taking into account the above, Council considers that the methods in this chapter are most appropriate to achieve the objectives.
6.6 References

Documents that have assisted in the development of the objectives, policies, and rules over the period 2008-2012 include:

- Decision A04512003: Kiwi Property Management Limited and Others v Hamilton City Council (concerning retail references) 26 March 2003
- Feedback received and reviewed on the Draft District Plan (May 2012)
- Hamilton Urban Growth Strategy, Hamilton City Council (September 2008)
- Hamilton City Centre Local Area Plan (April 2012)
- North Shore City District Plan (Updated June 2009) Chapter 15 Business
- Property Economics. Future Proof Land Date Assessment (October 2010)
- Property Economics. Hamilton Centre Surveys Report (June 2010)
- Property Economics. Hamilton City Property Data Assessment Draft Report (June 2010)
- Property Economics. Hamilton Suburban Centres Review (August 2011)
- Robert Speer. Statement of Evidence to Environment Court concerning Council’s approach to commercial zoning in Hamilton (undated)
- Robert Speer. Report correspondence concerning Rototuna Growth Cell and Provision for Local Neighbourhood Shops particularly at Western commercial node and southeast commercial node (30 November 2009)
- Robert Speer. Report concerning Rototuna Suburban Centre and Maximum Floor Area Controls for Retail and Office Activities (30 November 2009)
- The Way Forward – Providing for Business Activities – A Discussion (June 2011)
- Wellington City District Plan. Proposed District Plan Change 66 – Amendments to Suburban Centre provisions and associated definitions
• Wellington City District Plan. Proposed District Plan Variation 5 – Amendments to District Plan Change 48 – Central City Review

Hamilton City Council Proposed District Plan Hearing Evidence 2013-2014

• Lachlan Muldowney for Hamilton City Council – Legal Submission
• Tim Heath for Hamilton City Council – Evidence
• Phil Osborne for Hamilton City Council – Evidence
• Alasdair Gray for Hamilton City Council – Evidence
• Luke O’Dwyer Hamilton City Council – Evidence

• Luke O’Dwyer Hamilton City Council – s32 Analysis Chapter 6

• Section 42A Hearing Report: 3, 4, 9, 11 June 2014: Report on submissions and further submissions: Chapter Business 3 and 4 Zones – Supplementary Report

HCC Response to Commissioner Questions 2014

• Response to Commissioners questions: Chapter 6 – Supermarket Definition
• Response to Commissioners questions: Chapter 6 – Supermarket Definition – updated
• Response to Commissioners questions: Chapter 6 – Business 1 Objectives and Policies
• Response to Commissioners questions: Chapter 6 – Business 2 Childcare facilities
• Response to Commissioners questions: Chapter 6 – Business 3 & 4 LFR
• Response to Commissioners questions: Chapter 6 – Business 3 & 4 Centres Assessment examples
• Response to Commissioners questions: Chapter 6 – Business 3 & 4 ITA Triggers
• Response to Commissioners questions: Chapter 6 – Business 3 v Central City activities
• Response to Commissioners questions: Appendix 1- Assessment Criteria – Centres Viability Assessment
7 Central City Zone

7.1 Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 7: Central City Zone.

The overall approach of Chapter 7 is to provide for a diversity of activities within the Central City to enable productivity gains through agglomeration of business activities which in turn leads to improved social and economic wellbeing for the community. This chapter recognises through the range of activities provided that it is essential that the Central City supports and encourages investment and growth through planning for development and improved urban design outcomes.

The Chapter provides further guidance on the desired character and development of land within the Central City, particularly the three identified Precincts (Downtown, City Living, and Ferrybank) and Riverfront Overlay located within this area. This section 32 evaluation should be read in conjunction with the Central City Zone chapter and provides cross-references to key sections of the Plan that should be considered when undertaking a development.

Many of the objectives, policies and rules contained within the Central City Zone chapter, and analysed as part of this section 32 evaluation, have been derived from stated goals and vision aspirations contained within the Hamilton City Council Local Area Plan (LAP), other Hamilton City strategies (such as Access Hamilton, Active Communities, Economic Development, Environmental Sustainability, Hamilton Urban Growth and Social Wellbeing) and documents (such as the Long-Term Plan, Future Proof, Regional Policy Statement and Management Plans).

The LAP creates a long term vision for the growth and intensification of the Central City over the next 30 to 50 years. It represents a spatial approach to planning the future of the Central City through investigation of potential movement systems, networks, land uses, buildings and how these could successfully come together to make a unique ‘Hamilton character’. The LAP document was prepared in eight stages, as outlined below. It is important to outline these stages here, as they provide useful background as to how and why certain objectives, policies and rules have been developed for the Central City Zone chapter of the Plan. While the staging does indicate a linear process, the preparation of the LAP and Plan provisions have nonetheless been an iterative process, informed by an on-going dialogue with key stakeholders including councillors, council staff, HCC’s Urban Design Panel, landowners and the public.

Stage 1: Document Review and Site Analysis

This stage focused on information gathering and interpretation of the key issues and opportunities informing the study. It involved the review and analysis of existing documentation and an extensive analysis of the study area and its surrounds.

Stage 2: Vision

This stage determined a proposed vision for the Central City, building upon the outcomes and findings of Stage 1 and in close consultation with HCC staff and Councillors.

Stage 3: Urban Structure
This stage determined some of the key interventions required to achieve the desired vision and urban structure within the Central City, identifying where height should be controlled, frontages should be activated and connections enhanced etc.

**Stage 4: Central City Precincts**

This stage broke the Central City study area down into nine precincts, determined by their future land uses and intended character. This stage informed the preparation of high level design guidelines to help guide the District Plan review and to achieve the city vision.

**Stage 5: Implementation**

Following completion of Stages 1-4 above, implementation methods were outlined, describing how the initiatives established throughout the LAP could be actioned and through what means.

**Stage 6: Key Development Sites**

This stage identified seven key development sites within the Central City. These sites illustrate how some of the implementation methods can be applied to specific sites in the city. These sites were chosen due to their location and high potential to transform Hamilton’s Central City. It was considered that they could act as ‘catalyst’ sites, encouraging high quality development or redevelopment within the Central City. Following targeted stakeholder consultation with landowners, high level concept plans were developed for each of these sites in order to provide examples as to the type and form of future development to be encouraged within (certain parts of) the Central City.

**Stage 7: Final Draft LAP Report**

Following completion of Stages 1-6 above, the draft LAP report was completed. The outcomes of this document have informed the Proposed District Plan review.

**Stage 8: Public Feedback**

As part of the wider ‘Fast Forward’ public engagement process for the proposed District Plan, the LAP report was made available to the public during April and May 2012, with opportunity provided for feedback. On 9 and 10 May open days for the business and Central City aspects of the Draft District Plan were held, providing opportunity for feedback on both the LAP and the subsequent District Plan provisions it informed. The public feedback during this time was considered by councillors and council staff and resulted in various amendments to both the LAP and Plan provisions.

As part of the feedback process, a number of workshops were held with HCC’s Urban Design Panel during June and July 2012. These workshops provided both feedback and assistance in responding to issues raised by the wider public.

In summary, consultation and engagement throughout the development of the LAP and Plan provisions has included not less than the following engagement.

- Five meetings/workshops with HCC Councillors.
- Meetings with landowners/representatives of seven key sites within the LAP area.
- The Property Council.
- Opportunity Hamilton.
- Local business ‘Breakfast Session’ with the Mayor.
- Council asset managers.
- Council staff including planning, transport, three waters and urban design.
Council planning consultants.
- Two meetings with the HCC’s Urban Design Panel.

Supporting documents are listed in the Reference section of this chapter.

# 7.1.2 Objectives

<table>
<thead>
<tr>
<th>Objective most appropriate to achieve the purpose of the Act:</th>
<th></th>
</tr>
</thead>
</table>
| **7.2.1** The Hamilton Central City is the heart of the Waikato Region acting as a diverse, vibrant and sustainable metropolitan centre. | - This objective is most appropriate to achieve the purpose of the Act because it promotes a sustainable metropolitan centre, providing for social, economic and cultural wellbeing (section 5 of the Act) of people and communities.
- It is also consistent with 7(b) and 7(c), by promoting a distinct and sustainable urban centre which gives regard to the efficient use and development of resources and the maintenance and enhancement of amenity values – The RPS sets out the framework for a centres hierarchy derived from Future Proof. The Central City is identified as the primary centre at the heart of the region and thus this policy is consistent with the direction provided in Future Proof and the RPS. |
| **7.2.2** The form, scale and diversity of activities support and facilitate the role of the Central City as the Regional Centre. | - This objective is most appropriate to achieve the purpose of the Act because it recognises the need to provide for activities and development appropriate to the Central City – in terms of scale, form and diversity.
- Encouraging a diversity of activities within the Central City provides for productivity gains through agglomeration of business activities which in turn leads to improved social and economic wellbeing for the community. This is consistent with section 5(2) to sustainably manage the use and development of resources (through increasing density in the Central City and protecting productive rural land) to provide for social, economic and cultural wellbeing of people and communities within the Region.
- It is also consistent with 7(b) and 7(c), which state that particular regard must be given to the maintenance and enhancement of the quality of the environment (7(f)). |
<p>| <strong>7.2.3</strong> Amenity values within the Central City that encourage the growth of a sizeable, | - This objective is most appropriate to achieve the purpose of the Act because it encourages sustainable management through requiring high amenity in the Central City in order to encourage |</p>
<table>
<thead>
<tr>
<th>centrally located, residential community.</th>
<th>growth of a centrally located, residential community. This in turn has a range of benefits associated with co-location of the workforce including increased vitality and vibrancy of the Central City, increased sense of ownership, environmental and health benefits through reducing commuting distances and reduction in use of the car and associated vehicle emissions.</th>
</tr>
</thead>
<tbody>
<tr>
<td>- This is consistent with section 5(2) of the Act as it sustains the ability for current and future generations to provide for their social and economic wellbeing by establishing an effective and sustainable supply of residential development. It is also consistent with section 7 which states that particular regard must be given to the maintenance and enhancement of amenity values (7(c)) and the quality of the environment (7(f)).</td>
<td></td>
</tr>
</tbody>
</table>

### 7.2.4

**Increased development opportunities are created by establishing a finer-grain street block pattern for pedestrian accessibility, emphasising linkages to key features and attractions.**

- These objectives are most appropriate to achieve the purpose of the Act because they promote sustainable management through promoting increased development opportunities, enhanced connectivity and pedestrian orientation.
- This is consistent with section 5(2) of the Act by sustaining the potential for natural and physical resources to meet the needs of future generations by providing development opportunities in coordination with provision of appropriate pedestrian infrastructure.
- It is also consistent with 7(b) and 7(f) which state that particular regard must be given to the efficient use and development of resources and the maintenance and enhancement of the quality of the environment (which would occur as a result of increased development opportunities, which carefully consider the needs of pedestrians).

### 7.2.5

**A pedestrian-oriented Central City.**

- This objective is most appropriate to achieve the purpose of the Act through promotion of pedestrian orientation in the Central City. This is consistent with section 5(2) of the Act by sustaining the potential for natural and physical resources to meet the needs of future generations by providing appropriate pedestrian infrastructure.
- It is also consistent with 7(f) which states that particular regard must be given to the maintenance and enhancement of the quality of the environment (which would occur as a result of
<table>
<thead>
<tr>
<th>Location</th>
<th>Objective</th>
</tr>
</thead>
</table>
| **Downtown Precinct**         | • This objective has been informed by the desired future character for the Downtown Precinct, as outlined in the LAP and developed as a result of consultation.  
                                 | • This objective is most appropriate to achieve the purpose of the Act because it promotes sustainable management through promoting centralised, pedestrian oriented growth, enabling Hamiltonians to provide for their social, economic and cultural wellbeing (section 5 of the Act).  
                                 | • This is consistent with section 6(d) as it addresses the maintenance and enhancement of public access to and along rivers – an important objective for Hamilton where the Waikato River is largely hidden from the Central City.  
                                 | • This objective is consistent with 7(b) and 7(c) of the Act, which state that particular regard must be given to the efficient use and development of resources and the maintenance and enhancement of amenity values. |
| **City Living Precinct**      | • This objective has been informed by the desired future character for the City Living Precinct, as outlined in the LAP and developed as a result of consultation.  
                                 | • It is most appropriate because it promotes an increased density and concentration residential and commercial activities within a defined urban precinct. This is consistent with section 5(2) of the Act, to sustainably manage the use and development of natural and physical resources to enable communities to provide for their social, economic and cultural wellbeing (as it limits the need to spread unsustainably into peripheral areas for residential and commercial purposes).  
                                 | • It is also consistent with sections 7(b), 7(c) and 7(f) which state that particular regard must be given to the efficient use and development of resources, the maintenance and enhancement of amenity values and the quality of the environment. |
| **Ferrybank Precinct**        | • This objective has been informed by the desired future character for the Ferrybank Precinct, as outlined in the LAP and developed as a result of consultation.  
                                 | • This objective is most appropriate because it |

increased pedestrian rather than vehicle orientation).
development and activities that promote social and cultural wellbeing.

promotes the sustainable management of resources through development of a cultural tourism precinct, enabling communities and visitors alike to provide for their social and cultural Wellbeing (consistent with section 5(2) of the Act).

- This objective is also consistent with sections 7(b) and 7(c) which state that particular regard must be given to the efficient use and development of resources and the maintenance and enhancement of amenity values.

**Objectives not the most appropriate to achieve the purpose of the Act:**

Do nothing.

- This would not be appropriate because it would not:
  - Focus development within the metropolitan centre.
  - Provide for an appropriate form, scale and diversity of activities; encourage the development of a centrally located residential community.
  - Provide for increased pedestrian permeability, walkability and orientation.
  - Provide for concentrated, dense commercial and residential activities.
  - Provide for a cultural and tourism core.

- A result of the ‘do nothing’ could be urban sprawl, reduced amenity values, reduced environmental values and a decreased quality of life.

- The ‘do nothing’ would not promote the sustainable management of natural and physical resources (section 5 of the Act) and would not address the key direction of Future Proof or the RPS.

**Conclusion:** Taking into account the above, Council considers that the objectives in this chapter of the Plan is the most appropriate to achieve the purpose of the Act.
### 7.1.3 Policies

#### Policies most appropriate to achieve the objective:

**7.2.1**
The Hamilton Central City is the heart of the Waikato Region acting as a diverse, vibrant and sustainable metropolitan centre.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>7.2.1a</strong></td>
<td>Opportunities are provided within the Central City to live, work and play for people of varying ages, cultures, incomes and all levels of mobility.</td>
</tr>
<tr>
<td><strong>Benefits</strong></td>
<td>• The policies provide for economic benefits to the community by: providing a centralised place to live, work and play; creating a distinctive Central City that is a destination for businesses, residents and visitors; promoting economic sustainability; providing efficient modes of transport; and, creating a more attractive Central City through improved connections (visual and physical) to the Waikato River.</td>
</tr>
<tr>
<td><strong>7.2.1b</strong></td>
<td>Activities that assist in generating bustling city streets and distinctive public spaces (including public open space, esplanades and reserves) are encouraged, in a manner that is consistent with the role and function of each Central City precinct.</td>
</tr>
<tr>
<td><strong>Benefits</strong></td>
<td>• The policies have environmental benefits as they: provide a centralised place to live, a high amenity place to work and play - discouraging urban sprawl; encourage the creation of public open spaces and esplanades; promote sustainable transport modes such as walking and cycling; and encourage the restoration or protection and enhancement of connections to the Waikato River.</td>
</tr>
<tr>
<td><strong>7.2.1c</strong></td>
<td>Economic sustainability is promoted.</td>
</tr>
<tr>
<td><strong>7.2.1d</strong></td>
<td>Key attractors and areas of interest within and surrounding the Central City are connected through attractive, efficient and safe passenger transport and pedestrian and cycle links.</td>
</tr>
<tr>
<td><strong>7.2.1e</strong></td>
<td>Visual and physical connections to the Waikato River are</td>
</tr>
<tr>
<td><strong>Benefits</strong></td>
<td>• The policies have social, economic and cultural benefits to the community as they: provide opportunities for people of varying ages, cultures and incomes; encourage bustling city streets and distinctive public spaces for the enjoyment of the community; provide for the financial welfare of owners, employees and communities; improve accessibility through increased transportation opportunities; and improve access to and appreciation of the Waikato River.</td>
</tr>
<tr>
<td><strong>Costs</strong></td>
<td>• There are potential financial costs associated with the establishment of an efficient passenger transport system.</td>
</tr>
<tr>
<td></td>
<td>• There are potentially financial costs associated with establishing economic sustainability in the manner proposed.</td>
</tr>
<tr>
<td></td>
<td>• Providing for physical and visual connections to the</td>
</tr>
</tbody>
</table>
protected and enhanced to support increased residential and business development.

7.2.1f
Development within the Central City Zone should contribute to the restoration and protection of the Waikato Region’s communities’ economic, social, cultural and spiritual relationships with the Waikato River.

7.2.1g
Housing densities are consistent with 50 dwellings per hectare in the Central City.

### Policies not most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do nothing.</td>
<td>This approach would not be appropriate as it would not support the Central City’s important regional role and unique urban qualities. It would not promote a sustainable metropolitan centre, which would not promote the sustainable management of natural and physical resources in accordance with section 5 of the Act.</td>
</tr>
</tbody>
</table>

### Risks

Risks of acting or not acting.

- The risk of not acting is that the Central City may develop as an unattractive city centre, without a clearly defined purpose or regional role.
- The risk of not acting is that developers may choose to invest elsewhere.
- The risk of not acting is an underutilised Central City.
- The risk of not acting is urban sprawl.

### Policies most appropriate to achieve the objective:

7.2.2
The form, scale and diversity of activities support and facilitate the role of the Central City as the Regional Centre.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.2.2a</td>
<td>Benefits</td>
</tr>
<tr>
<td>The multi-functional role of the Central City is protected</td>
<td>• The policies provide for economic benefits to the Waikato River may potentially limit some activities from being undertaken, which could have an economic and social cost.</td>
</tr>
</tbody>
</table>

**Efficient and Effective**

- These policies will be efficient and effective to achieve objective 7.2.1 by promoting the Central City to be the heart of the Region – providing a central area to live, work and play, discouraging urban sprawl and encouraging development to occur in a sustainable and attractive manner.
- It is an effective approach as the identified benefits are considered to outweigh the identified costs.
by supporting investment and development in the Central City, and controlling the distribution, scale, character and cumulative effects of activities that could undermine this role.

7.2.2b
The Central City is promoted as the preferred location for major retail, office, cultural, civic administration and entertainment activities.

7.2.2c
The design of public spaces and buildings ensures high levels of amenity, convenience and safety.

7.2.2d
Heritage resources are recognised and managed to contribute to local amenity values and anchor investment within the Central City.

7.2.2e
The revitalisation of the Central City is promoted and links facilitated with sporting and entertainment facilities and environmental features close to the central area by establishing precincts of key activities.

7.2.2f
Building height and the edge treatment of buildings is managed to enhance the relationship to the public realm and improve public safety.

7.2.2g
The role of key development sites (refer Volume 2, Appendix 5, Figures 1-9) in providing for the revitalisation of the Central City should be reflected in community by: supporting investment and development; promoting the Central City as the preferred location for major retail, office, cultural and entertainment activities; ensuring high levels of amenity and convenience; and, promoting revitalisation.

- The policies have environmental benefits as they: control the scale and character of activities; promote the Central City for cultural and entertainment activities; encourage sustainable transport modes and building design; promote linkages between environmental facilities and the Central City; and, improve the relationship between built form and the public realm.

- The policies have social and cultural benefits to the community as they: support continued investment and development in the Central City; promote the Central City as the major cultural and entertainment hub; ensure high levels of amenity and convenience; recognise and manage heritage resources; promote revitalisation; facilitate linkages; improve public safety; and, promote revitalisation.

**Costs**

- There are potential financial costs to developers associated with adhering to controls and guidance relating to amenity and access.

- Policies potentially limit some activities from being undertaken, which could have an economic and social cost.

**Efficient and Effective**

- These policies will be efficient and effective to achieve objective 7.2.2 by guiding the form, scale and diversity of activities to facilitate the City’s role as the Regional Centre. It is an effective approach as the identified benefits are considered to outweigh the identified costs.
any development proposal and be in general accordance with the design guidance contained in this Plan.

**7.2.2h**
Future development will be undertaken in a manner that protects and appropriately integrates heritage values into the Central City to enhance social and cultural values and the overall attractiveness of the city.

### Policies not most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Policy</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do nothing approach.</td>
<td>This approach would not be appropriate as it would not facilitate the role of the Central City as the Regional Centre. This would not be most appropriate because it would not promote the central focus of the Region to be the Central City, which would not promote sustainable management of natural and physical resources in accordance with section 5 of the Act.</td>
</tr>
</tbody>
</table>

### Risks

Risks of acting or not acting.

- The risk of not acting is that development is not suitable or appropriate to the zone.
- The risk of not acting is an underutilised Central City.
- The risk of not acting is urban sprawl.
- The risks of not acting are the loss of social, environmental and cultural benefits associated with a compact and clearly defined Central City.

### Policies most appropriate to achieve the objective:

**7.2.3**
Amenity values within the Central City that encourage the growth of a sizeable centrally located residential community.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>7.2.3a</strong> Increased levels of residential accommodation within and close to the Central City is promoted and provided for.</td>
<td>Benefits</td>
</tr>
<tr>
<td><strong>7.2.3b</strong> Mixed-use activity within the</td>
<td>- The policies provide for economic benefits to the community by: promoting residential accommodation in close proximity to where people work and supporting mixed-use developments.</td>
</tr>
</tbody>
</table>

- The policies have environmental benefits as they:
Central City is supported, where it is consistent with existing activities, to sustain the vitality of the central area and enable increased use of upper floor areas for business and residential activity.

7.2.3c
Residential development adjacent to or overlooking areas of existing or planned open space is encouraged.

<table>
<thead>
<tr>
<th>Policies not most appropriate to achieve the objectives:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do nothing.</td>
</tr>
<tr>
<td>• This approach would not be appropriate as it would not encourage increased residential density (and protected amenity values) in the Central City.</td>
</tr>
<tr>
<td>• This would not promote sustainable management of natural and physical resources, through reduced urban sprawl, in accordance with section 5 of the Act.</td>
</tr>
</tbody>
</table>

**Costs**
- There are potential financial costs to developers through the creation of mixed use developments and the differing requirements (servicing, daylighting, amenity) of these types of development.
- It may also be difficult to provide affordable housing within the Central City due to high land prices in this location.

**Efficient and Effective**
- These policies will be efficient and effective to achieve objective 7.2.3 by growing the residential population in the Central City whilst protecting amenity values.
- It is an effective approach as the identified benefits are considered to outweigh the identified costs.

**Risks**
Risks of acting or not acting.
- The risk of not acting is that residential development will not increase within the Central City and development will continue to occur in peripheral, often greenfield areas.
- The risk of not acting is that residential development in the Central City will not be supported by high amenity for residents.
7.2.4
Increased development opportunities are created by establishing a finer-grain street block pattern for pedestrian accessibility, emphasising linkages to key features and attractions.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.2.4a Redevelopment provides opportunities to introduce safe, vibrant lanes, arcades and pedestrian links that increase access and connectivity within the Central City.</td>
<td><strong>Benefits</strong>&lt;br&gt;• The policies provide for economic benefits to the community by: providing easy pedestrian access to retail and commercial activities within the Central City.&lt;br&gt;• The policies have environmental benefits as they promote walkability within the Central City with an aim of discouraging vehicle dominance.&lt;br&gt;• The policies have social and cultural benefits to the community as they provide improved connections throughout the City.&lt;br&gt;<strong>Costs</strong>&lt;br&gt;• There are potential financial costs to developers, in terms of development flexibility, associated with activating ground level pedestrian connections.&lt;br&gt;• Financial costs associated with enforcing this policy.&lt;br&gt;<strong>Efficient and Effective</strong>&lt;br&gt;• These policies will be efficient and effective to achieve objective 7.2.4 by improving pedestrian accessibility within the Central City.&lt;br&gt;• It is an effective approach as the identified benefits are considered to outweigh the identified costs.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policies not most appropriate to achieve the objectives:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Do nothing.</td>
<td>• This approach would not be most appropriate as it would not require redevelopment to improve pedestrian connectivity. This would not promote sustainable management of natural and physical resources, through promotion of a sustainable mode of transport, in accordance with section 5 of the Act.</td>
</tr>
</tbody>
</table>

**Risks**
Risks of acting or not acting.
The risk of not acting is that there is poor pedestrian amenity in the Central City and limited foot traffic supporting local businesses.

The risk of not acting is that the Central City is vehicle dominated.

The risk of not acting is that the Central City does not have a human scale, as it becomes designed for the vehicle and not the pedestrian.

### Policies most appropriate to achieve the objective:

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>7.2.5</strong> A pedestrian-oriented Central City.</td>
<td><strong>Benefits</strong></td>
</tr>
</tbody>
</table>
| **7.2.5a** Pedestrian and cycle connections to the Waikato River, Hamilton Transport Centre, Wintec Campus and other destinations are enhanced. | • The policies provide for economic benefits to the community by increasing ease of access between Central City destinations and creating an attractive place for businesses to locate.  
• The policies have environmental benefits as they encourage walking and cycling, improved connections to the Waikato River and increased efficiency and use of public transportation.  
• The policies have social and cultural benefits to the community as they will help to create an easily navigable and attractive Central City. |
| **7.2.5b** Entrances to corridors to the Central City are enhanced through increased activity, building design, streetscape treatment and traffic management to provide attractive and safe pedestrian environments. | **Costs** |
| **7.2.5c** Traffic and transport corridors are managed to enhance passenger transport connectivity, prioritise safety and convenience for pedestrians and cyclists and encourage the removal of unnecessary traffic from within the Central City. | • There are potential financial costs associated with the upgrade, extension, operation and maintenance with associated pedestrian, cycle and public transportation infrastructure. |
| **7.2.5d** Recognise, protect and maintain the strategic transport function of the Hamilton Public Transport Centre. | **Efficient and Effective** |
| | • These policies will be efficient and effective to achieve objective 7.2.5 by helping to create a pedestrian-oriented Central City.  
• It is an effective approach as the identified benefits are considered to outweigh the identified costs. |

### Policies not most appropriate to achieve the objectives:

| Do nothing. | This approach would not be most appropriate as it |

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7 Central City Zone
would not create a pedestrian oriented Central City and would not promote the sustainable management of resources, or the protection of the environment for future generations (section 5 of the Act).

Risks

Risks of acting or not acting.

- The risk of not acting is that there is poor pedestrian amenity in the Central City and limited foot traffic supporting local businesses.
- The risk of not acting is that the Central City is vehicle dominated.
- The risk of not acting is that the Central City does not have a human scale, as it becomes designed for the vehicle and not the pedestrian.

Policies most appropriate to achieve the objective:

**Downtown Precinct**

7.2.6

Continued development and growth which enhances the commercial heart of Hamilton as an attractive, pedestrian oriented city centre that is accessible to all levels of mobility and has a strong relationship with the Waikato River.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.2.6a Retail, dining and other pedestrian-oriented activities are encouraged to locate within the Downtown Precinct, particularly at ground level.</td>
<td>Benefits</td>
</tr>
<tr>
<td>7.2.6b Commercial, offices and residential activities are encouraged to be provided at upper levels.</td>
<td>• The policies provide for economic benefits to the community by providing a distinct Downtown Precinct which: promotes mixed-use activities; is attractive to workers, residents and visitors; and, utilises the natural amenity along the River for additional commercial and retail opportunities.</td>
</tr>
<tr>
<td>7.2.6c Local amenities and a quality of environment that attracts workers, residents and visitors to the Downtown area are provided for.</td>
<td>• The policies have environmental benefits as they provide a Downtown Precinct which: encourages people to live close to where they work; requires a high quality environment; retains the amenity of Garden Place; and, requires riverfront development to provide additional areas of public open space.</td>
</tr>
<tr>
<td>7.2.6d A range of activities, including events to reinforce the area’s vitality, excitement and interest, and</td>
<td>• A balance between enabling appropriate, sustainable development while minimising adverse effects on the environment is promoted.</td>
</tr>
<tr>
<td></td>
<td>The policies have social and cultural benefits to the community as they provide a Downtown Precinct which: encourages an attractive pedestrian environment; provides local amenities, a range of activities and events; and, increased public access to the Waikato River.</td>
</tr>
</tbody>
</table>
that encourage people to visit, live and work in the City are provided for.

7.2.6e
Built form which enhances the integrity and amenity of Garden Place is encouraged.

7.2.6f
Developments within the Riverfront Overlay are required to contribute to opening up the western riverbank area by providing public open space, plaza areas or the promenade, supported by retail, dining and entertainment activities at ground-floor level.

7.2.6g
Diversity in building form and height is encouraged, subject to enhancing and protecting public amenity values and minimising adverse effects on adjoining sites and the public realm.

<table>
<thead>
<tr>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>• There are potential financial costs for Council and developers in ensuring that developments comply with these policies.</td>
</tr>
<tr>
<td>• There are potential logistical and compliance difficulties for Council in promoting the prioritisation of development in the Downtown Precinct.</td>
</tr>
<tr>
<td>• As this Precinct will be the heart of Hamilton, there may be potential financial costs for developers wishing to purchase land in this area, as land prices are likely to be comparatively high.</td>
</tr>
</tbody>
</table>

### Efficient and Effective

• These policies will be efficient and effective to achieve objective 7.2.6 by promoting attractive, pedestrian oriented development and growth within the Downtown Precinct.

• It is an effective approach as the identified benefits are considered to outweigh the identified costs.

<table>
<thead>
<tr>
<th>Policies not most appropriate to achieve the objectives:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do nothing.</td>
</tr>
<tr>
<td>• This approach would not be appropriate as it would not provide attractive, pedestrian oriented development and growth in the Downtown Precinct and would not improve the relationship between the Waikato River and the Central City.</td>
</tr>
<tr>
<td>• This would not promote the sustainable management of resources (section 5), or the maintenance and enhancement of public access to and along rivers (section 6).</td>
</tr>
</tbody>
</table>

### Risks

Risks of acting or not acting.

• The risk of not acting is that there is poor pedestrian amenity in the Central City and limited foot traffic supporting local businesses.

• The risk of not acting is that the Waikato River remains hidden and is not appreciated by those living, working or visiting the Central City.

• The risk of not acting is that the Central City is not the commercial heart of the Region, with development occurring elsewhere.
**Conclusion:** Taking into account the above, Council considers that the objectives in this chapter of the Plan is the most appropriate to achieve the purpose of the Act.

### Policies most appropriate to achieve the objective:

**City Living Precinct**

#### 7.2.7

High-density, sustainable, residential mixed-use development, supporting commercial activities and small to medium scale offices, within a high amenity environment appropriate to attract and retain a significant resident and working population.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>7.2.7a</strong>&lt;br&gt;Safe, legible pedestrian connections are provided to surrounding areas, existing open spaces and local amenities.</td>
<td><strong>Benefits</strong>&lt;br&gt;- The policies provide for economic benefits to the community by providing a distinctive City Living Precinct which:&lt;br&gt;  - Improves connections and linkages; provides higher amenity urban setting.&lt;br&gt;  - Requires commercial office and service activities to be appropriate in scale and to complement the retail function of the Central City&lt;br&gt;  - Enables small, creative and start-up businesses to be established – Future Proofs development through requirements for adaptive floor space.&lt;br&gt;- In addition, the higher density living opportunities adjacent to the Downtown Precinct will promote a higher living population within the Central City to support future commercial growth.&lt;br&gt;- The policies have environmental benefits for the City Living Precinct as they: seek to improve connections between public open space networks; encourage an improved relationship between higher density residential areas and areas of open space; and require flexible design to enable re-use and recycling in years to come.&lt;br&gt;- The higher density living opportunities adjacent to the Downtown Precinct will promote sustainable city growth by reducing need for vehicle use that might otherwise be associated with population growth.&lt;br&gt;- The policies have social and cultural benefits to the community as they encourage a comprehensive, mixed-use development to be established in the City Living Precinct and provide</td>
</tr>
<tr>
<td><strong>7.2.7b</strong>&lt;br&gt;A network of public open spaces (including pocket parks and squares) is provided alongside existing and future pedestrian routes and close to high-density residential and working environments.</td>
<td></td>
</tr>
<tr>
<td><strong>7.2.7c</strong>&lt;br&gt;Residential development is close to existing amenities, including open spaces (such as opposite the north Tristram Street parks), passenger transport, supermarkets and sporting facilities.</td>
<td></td>
</tr>
<tr>
<td><strong>7.2.7d</strong>&lt;br&gt;Development is required to contribute to fostering a high-amenity public and private environment to assist in establishing a sense of community within the inner City.</td>
<td></td>
</tr>
<tr>
<td><strong>7.2.7e</strong>&lt;br&gt;High-quality living environments are encouraged through</td>
<td></td>
</tr>
</tbody>
</table>
appropriately sized and located internal living spaces with adequate external outlook space.

7.2.7f
Commercial office, retail, and service activities and amenities that complement (rather than compete with) the primary retail and office function of the Downtown precinct are encouraged.

7.2.7g
The establishment of a diverse range of fringe, start-up and creative small businesses with an appropriate level of commercial activities and residential development is enabled.

7.2.7h
Flexible and adaptive floor space capable of accommodating different uses over time is required.

<table>
<thead>
<tr>
<th>Policies not most appropriate to achieve the objectives:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do nothing.</td>
</tr>
<tr>
<td>• This approach would not be appropriate as it would not enable high density, high amenity, mixed-use developments within the City Living Precinct. This would not achieve the purpose of the Act (Section 5) of sustainable management of natural and physical resources, or the safeguarding of the environment for future generations.</td>
</tr>
</tbody>
</table>

Costs
• There are potential financial costs to developers to provide appropriate internal living spaces and adequate outlook space in the City Living Precinct.
• There are also potential financial and consenting costs for Council and developers associated with implementing flexible and adaptive design.

Efficient and Effective
• These policies will be efficient and effective to achieve Objective 7.2.7 by creating high density, high amenity mixed use development within the City Living Precinct.
• It is an effective approach as the identified benefits are considered to outweigh the identified costs.

Risks
Risks of acting or not acting.
• The risk of not acting is that the City Living area remains low density, vehicle dominated with underutilised Central City land.
• The risk of not acting is that higher density residential development is not facilitated within the Central City and urban sprawl on the outer edges of Hamilton city is exacerbated.
• The risk of not acting is that the benefits of mixed-use developments are not realised.
Policies most appropriate to achieve the objective:

Ferrybank Precinct

7.2.8
Continued development of the cultural and tourism core of Hamilton including development and activities that promote social and cultural wellbeing.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>7.2.8a</strong></td>
<td>Benefits</td>
</tr>
<tr>
<td>A variety of activities with an emphasis on cultural, entertainment, small-scale retail, recreation and tourist activities, and including provision for office and medium-density residential and supporting land uses (e.g. local supermarket shopping) are provided for.</td>
<td>• The policies provide for economic benefits to the community by establishing a Ferrybank Precinct which provides for a variety of activities to occur within the Central City, and encourages tourism and high quality urban and architectural design.</td>
</tr>
<tr>
<td><strong>7.2.8b</strong></td>
<td>Costs</td>
</tr>
<tr>
<td>Tourism facilities and public amenities, including club facilities close to the Waikato River, are provided for.</td>
<td>• The policies have environmental benefits as they provide a Ferrybank Precinct that encourages public appreciation of the Waikato River and encourages quality urban design to respect the natural environment.</td>
</tr>
<tr>
<td><strong>7.2.8c</strong></td>
<td>Efficient and Effective</td>
</tr>
<tr>
<td>A range of activities that encourage people to visit and spend time in the City should be allowed, including events which will reinforce the area’s vitality, excitement and interest.</td>
<td>• The policies have social and cultural benefits to the community as they provide a Precinct which: places emphasis on cultural and tourist activities; provides public amenities; allows for a range of activities and events to take place; and, encourages development to respect the existing character of this area.</td>
</tr>
<tr>
<td><strong>7.2.8d</strong></td>
<td>Policies not most appropriate to achieve the objectives:</td>
</tr>
<tr>
<td>Quality urban design that respects the form, scale, architecture and heritage value of existing character buildings within the Ferrybank Precinct is encouraged.</td>
<td>• These policies will be efficient and effective to achieve objective 7.2.8 by providing for social and tourism activities within an identified precinct to promote social and cultural wellbeing. It is an effective approach as the identified benefits are considered to outweigh the identified costs.</td>
</tr>
</tbody>
</table>

Benefits

- The policies provide for economic benefits to the community by establishing a Ferrybank Precinct which provides for a variety of activities to occur within the Central City, and encourages tourism and high quality urban and architectural design.
- The policies have environmental benefits as they provide a Ferrybank Precinct that encourages public appreciation of the Waikato River and encourages quality urban design to respect the natural environment.
- The policies have social and cultural benefits to the community as they provide a Precinct which: places emphasis on cultural and tourist activities; provides public amenities; allows for a range of activities and events to take place; and, encourages development to respect the existing character of this area.

Costs

- There are potential financial, administrative, operation and maintenance costs for Council associated with the establishment of activities and events within the Central City and the provision of tourism facilities and public amenities.
- There are potential financial costs for developers associated with adhering to high quality urban design guidelines, and Council in assessing applications against these guidelines.

Efficient and Effective

- These policies will be efficient and effective to achieve objective 7.2.8 by providing for social and tourism activities within an identified precinct to promote social and cultural wellbeing. It is an effective approach as the identified benefits are considered to outweigh the identified costs.
Do nothing.

- This approach would not be appropriate as it would not promote social and cultural wellbeing (as expressed in section 5 of the Act), or the establishment of a Ferrybank Precinct.

### Risks

Risks of acting or not acting.

- The risk of not acting is that tourism in the Central City is not effectively established or promoted.
- The risk of not acting is that new development does not respect the value of character buildings in the Central City.

#### 7.1.4 Rules

**Rules most appropriate to achieve the objectives:**

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| The Central City has been broken up in to three Precincts (Downtown, City Living and Ferrybank.) and one overlay (Riverfront Overlay). | **Benefits**
- Each precinct has a specific vision and rules associated with achieving the vision – providing clarity to the public and developers as to what types of development are considered to be appropriate in each Precinct.
- The Precincts and Overlay ensure development occurs where it is most appropriate (i.e. retail development in the Downtown, residential and small scale, supporting commercial development in Opoia).
- A clear vision and established rules will help to transform some parts of the Central City that are currently underdeveloped and underutilised. |
| Different activity status has | **Benefits**
- Removes developer flexibility to undertake certain activities in certain areas.
- Potentially significant change in character for some Precincts (particularly the City Living Precinct). |
|  | **Efficient and Effective**
- This method will be efficient and effective to achieve objectives 7.2.1-7.2.9 by providing distinct Precincts and an Overlay area that will ensure appropriate development occurs to achieve the overall vision for the zone. |
been assigned to certain activities for each Precinct.

- Clearly established rules to ensure that the vision for each Precinct is achieved and avoiding inappropriate development from occurring.

**Costs**
- Reduced flexibility for developers to undertake certain activities within certain Precincts.

**Efficient and Effective**
- This method will be efficient and effective to achieve objectives 7.2.1-7.2.9 by providing clarity as to what is permitted within each Precinct.

The activity status table identifies:

The following activities as permitted within all three Central City Precincts:

- Ancillary retail.
- Offices $\leq 1000\text{m}^2$ GFA per site
- Retail $\leq 250\text{m}^2$.
- Restaurants/cafes/licensed premises on sites fronting Victoria Street.
- Health Care services at ground floor $\leq 250\text{m}^2$.
- Community centres at ground floor $\leq 250\text{m}^2$.
- Tertiary Education and Specialised Training facilities at ground floor $\leq 250\text{m}^2$.
- Health Care services, Community services, Tertiary Education and Training facilities above ground floor
- Apartments and ancillary residential units above ground floor.
- Demolition of buildings apart from those listed historic buildings.

**Benefits**
- Administrative benefits to users of the Plan as it provides a clear expectation of what is anticipated or appropriate across all zones and environments.
- The identified permitted activities will provide for a good balance and diversity within the Central City, enabling it to be a comfortable and attractive place to live, work, visit and pay.
- The restrictions on ground floor area will contribute to a finer grain Central City: attractive at street level and permeable and attractive for pedestrians. Enabling a slightly larger floor area for retail within the Downtown Precinct, will further establish this Precinct as the go-to retail destination of the district.

**Costs**
- There will be some activities that will be required to obtain resource consent due to their potential effect on the surrounding environment. This adds additional cost, complexity and time to those developments.

**Efficient and Effective**
- This rule will be efficient and effective to achieve objectives 7.2.1 - 7.2.5 by ensuring that appropriate activities are able to be undertaken within the Central City, whilst not allowing inappropriate activities to occur in this area.
- Public art.
- Home-based business.
- Alterations apart from listed historic buildings.
- Minor works.

The following activities are permitted within Precincts 1 and 2:

- Service industry.
- Retail (all sizes, except within the Riverfront overlay and yard-based retail).
- Supermarkets
- Restaurants/cafes/licenced premises, in all other areas.

The following activities as permitted within Precinct 1:

- Offices > 100m² GFA per site.
- Tourism ventures and information centres.
- Places of assembly.

The following activities are permitted within Precincts 2 and 3:

- Ground floor apartments outside primary and secondary frontages.

Note: Permitted activities for other Precincts have not been listed here.

<table>
<thead>
<tr>
<th>General standards on:</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street wall.</td>
<td>There are administrative benefits to Council and users of the Plan.</td>
</tr>
<tr>
<td>Height in relation to boundary.</td>
<td>The rules and standards provide a central point early in the Plan that focuses attention on the range of matters affecting site suitability and the requirement for the appropriateness of the site for development to be addressed. The rules and standards promote a high amenity, Central City.</td>
</tr>
<tr>
<td>Through site links.</td>
<td></td>
</tr>
<tr>
<td>Car parking.</td>
<td></td>
</tr>
<tr>
<td>Service areas.</td>
<td></td>
</tr>
</tbody>
</table>
- Outdoor storage. with increased pedestrian orientation. Exclusions have been provided for situations to ensure efficient and effective use of resources.

**Costs**
- There are potential financial costs for developers associated with adhering to development standards.

**Efficient and Effective**
- These rules will be efficient and effective to achieve objectives 7.2.1-7.2.9 by providing clarity these matters must all be addressed for all locations within the Central City.

### Development of general standards for each precinct.

**Benefits**
- The development of specific standards provides clarity as to what controls are placed on development within each precinct. This approach helps to ensure that the vision for each precinct (i.e. with high pedestrian amenity provided in the Downtown Precinct and residential amenity provided in the City Living Precincts) is able to be achieved and that appropriate development occurs and character values are retained and enhanced.

**Costs**
- Reduced flexibility for developers.

**Efficient and Effective**
- These rules will be efficient and effective to achieve objectives 7.2.1-7.2.9 by providing clarity that appropriate built form will be established in each precinct.

### General standards within each Precinct on:

- Site coverage.
- Building intensity.
- Permeable surfaces.
- Maximum Height control and Bonuses
- Building Setbacks.
- Fences and walls.
- Sunlight protection – Garden Place.
- Active frontages.

**Benefits**
- There are administrative benefits to Council and users of this Plan as rules and standards for each precinct provide a clear direction for developers as to the desired development outcomes within each precinct area. These standards focus attention on the range of matters that affect the types of development that can occur as well as the form, layout, orientation, operation and ground level interaction.

**Costs**
- There are potential financial costs for developers associated with adhering to development standards (such as setbacks, veranda cover etc.).
- Veranda cover.

- Potential administrative and financial costs associated with providing floor area bonuses and off-setting development levies.

**Efficient and Effective**

- These rules will be efficient and effective to achieve objectives 7.2.6-7.2.9 by providing clarity that these matters must all be addressed for all identified precincts within the Central City.

<table>
<thead>
<tr>
<th>Specific Rules or Standards relating to the Riverbank Promenade.</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Protection of the riverbank.</td>
<td>• There are administrative benefits to Council and users of this Plan as specific rules and standards for the Riverbank Promenade provide a clear direction for developers as to the desired development outcomes within this area. These standards focus attention on the range of matters that affect the types of development that can occur as well as protection of the riverbank itself, parking controls and setbacks from reserve areas.</td>
</tr>
<tr>
<td>• Setback from Waikato Riverbank.</td>
<td><strong>Costs</strong></td>
</tr>
<tr>
<td></td>
<td>• There are potential financial costs for developers associated with adhering to development standards (such as protection of the riverbank and setbacks from reserves).</td>
</tr>
<tr>
<td></td>
<td><strong>Efficient and Effective</strong></td>
</tr>
<tr>
<td></td>
<td>• These rules will be efficient and effective to achieve objectives 7.2.6 by providing clarity that these matters must all be addressed for all developments located within the Riverbank Promenade area.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Specific Rules or Standards relating to residential development.</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Density.</td>
<td>• There are administrative benefits to Council and users of this Plan as specific rules and standards for residential development provide a clear direction for developers as to the desired residential development outcomes. These standards focus attention on the range of matters that affect the types of residential development that can occur as well as controls over lot size, density, outdoor living space, communal open space for apartments, floor areas, daylighting and external outlook.</td>
</tr>
<tr>
<td>• Outdoor living areas</td>
<td><strong>Costs</strong></td>
</tr>
<tr>
<td>• Storage areas.</td>
<td>• There are potential financial costs for developers associated with adhering to development standards (such as provision of outdoor</td>
</tr>
<tr>
<td>• Residential Unit Size</td>
<td></td>
</tr>
<tr>
<td>Specific Rules or Standards relating to</td>
<td>Benefits</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>• Interface between public and private.</td>
<td>• There are administrative benefits to Council and users of this District Plan as specific rules and standards for residential and commercial development provide a clear direction for developers as to the desired interface development outcomes. These standards focus attention on the range of matters that affect the types of residential and commercial development that can occur adjoining public space with specific control over accessory buildings, front boundary treatment, and primary entrances.</td>
</tr>
<tr>
<td>• Yard-based retailing.</td>
<td></td>
</tr>
</tbody>
</table>

Efficient and Effective

- These rules will be efficient and effective to achieve objectives 7.2.6 and 7.2.7 by providing clarity that these matters must all be addressed for all developments located within the Riverbank Promenade area.

<table>
<thead>
<tr>
<th>Specific Rules or Standards relating to:</th>
<th>Benefits</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Civic Square.</td>
<td>• There are administrative benefits to Council and users of this Plan to ensure consistency with the provisions in other chapters of the Plan. Specific rules and standards for Civic Square as a destination is to ensure that buildings, structures and activities are designed, located and operated so adverse effects on the amenity of the open space and the surrounding environment are minimised.</td>
<td>• There are potential financial costs for developers</td>
</tr>
</tbody>
</table>

Efficient and Effective

- These rules will be efficient and effective to achieve objectives 7.2.5, 7.2.6 and 7.2.7 by providing clarity that these matters must all be addressed for all developments located within the Central City.
associated with adhering to development standards (such as building height, setbacks and site coverage).

**Efficient and Effective**
- These rules will be efficient and effective to achieve objectives 7.2.1 and 7.2.2 by providing clarity that these matters must all be addressed for all developments located within the Civic Square.

<table>
<thead>
<tr>
<th>Assessment Criteria due to failure of standard or by virtue of existing restricted discretionary or discretionary activity status:</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>New buildings</td>
<td>• The Plan identifies that certain activities either by virtue of the activity or due to failing standards are controlled, restricted discretionary, discretionary or non-complying activities.</td>
</tr>
<tr>
<td>Relocated buildings</td>
<td>• The Plan includes assessment criteria that are able to be applied in the assessment of these activities through the resource consent process. The criteria are grouped clearly under headings relating to the matters Council has reserved control over (for controlled activities) and restricted its discretion (for restricted discretionary activities). These assessment criteria and the introductory ‘how to’ guide are a useful way to guide all parties on how Council is going to administer the provisions of the Plan.</td>
</tr>
<tr>
<td>Parking buildings</td>
<td>• The assessment criteria gives transparency and provides clarity for all users on the matters that Council has control or discretion over when considering controlled or restricted discretionary activities, and provides a guide for the consideration of discretionary and non-complying activities.</td>
</tr>
<tr>
<td>Parking lots</td>
<td>• The assessment criteria also seeks to avoid duplication of effort or unnecessary assessment by enabling design based criteria to be disregarded if a more relevant design guide is in place or if the criteria is not considered relevant to the specific activity.</td>
</tr>
<tr>
<td>Health Care services, Community services, Tertiary Education and Training facilities at ground floor &gt; 250m²</td>
<td>Costs</td>
</tr>
<tr>
<td>Apartments at ground floor within the <strong>Secondary Active Frontage</strong></td>
<td>• There is a general duty on an applicant and the Council to consider the assessment criteria firstly for relevance and secondly where considered relevant to assess the application against the criteria to consider the</td>
</tr>
<tr>
<td>Supermarkets in Precinct 2</td>
<td>--</td>
</tr>
<tr>
<td>Yard based retail &lt; /= to 400m² in Precinct 2</td>
<td>--</td>
</tr>
<tr>
<td>Tourism ventures in Precinct 2</td>
<td>--</td>
</tr>
</tbody>
</table>
effects.
- There are no identified costs from clarifying in the Plan the matters which will be considered when processing an application.

**Efficient and Effective**

These provisions will be efficient and effective to achieve the objectives by identifying a list of matters which are able to be used as a guide when both preparing and assessing consent applications which eases the administration and use of the District Plan for all parties.

### Other Resource Consent Information

<table>
<thead>
<tr>
<th>Benefits</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Assists Plan users to understand Plan information requirements and eases the administration and use of the Plan by Council and applicants.</td>
<td>- There are not considered to be costs apart from the general duty placed on applicants to satisfy the requirements of the Plan.</td>
</tr>
</tbody>
</table>

**Efficient and Effective**

- Overall, these rules will be efficient and effective to provide clear administration of the Plan’s provisions so as to achieve the objectives for the Zone.

#### Rules not most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>One Zone without Precincts.</th>
<th>All activities permitted.</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Having one zone without Precincts (i.e. one set of provisions for the entire Central City area; not dividing it up in to Precincts) is too generalised to achieve the desired vision for the Central City.</td>
<td>- This approach would not achieve any of the objectives. It would not ensure quality design and would not achieve a unique and vibrant Central City.</td>
</tr>
<tr>
<td>- One zone without precincts does not allow for retail and pedestrian oriented activities to be focused in certain areas and would be ineffective in achieving the goals of the Future Planning Framework and the various strategies developed for Hamilton City.</td>
<td>- There is no way of signalling which activities are...</td>
</tr>
<tr>
<td>- One zone would result in a largely homogenous city environment, with reduced variety and character.</td>
<td>-...</td>
</tr>
</tbody>
</table>
most appropriate and managing the effects of all activities through standards.

All activities requiring resource consent.

- This approach would potentially achieve the objectives; however, it would significantly increase the cost, complexity and time to any development, building or change in use.
- It would not be the most efficient way to meet the objectives.

### Risks

**Risks of not acting.**

- The District Plan would not have implementable objectives and policies, and no clear way for Council to ensure that desired outcomes within the Central City are achieved.
- There will be no central location within the District Plan to pull together all the considerations about development suitability for the Central City zone.

**Conclusion:** Taking into account the above, Council considers that the rules in this chapter are most appropriate to achieve the objectives.

### 7.1.5 Methods Other Than Rules

**Methods most appropriate to achieve the objectives:**

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other plans and legislation:</td>
<td></td>
</tr>
<tr>
<td>- Hamilton City Strategies (Access Hamilton, Active Communities, Economic Development, Environmental Sustainability, Hamilton Urban Growth, social Wellbeing)</td>
<td></td>
</tr>
<tr>
<td>- CBD Future 2020 Vision.</td>
<td></td>
</tr>
<tr>
<td>- The Future Proof Sub-Regional Growth Strategy.</td>
<td></td>
</tr>
<tr>
<td>- Regional Policy Statement.</td>
<td></td>
</tr>
<tr>
<td><strong>Benefits</strong></td>
<td></td>
</tr>
<tr>
<td>- These documents provide City-wide direction and a comprehensive vision for the City (including in relation to urban design) and will assist to result in consistent outcomes across the organisation and the City. These documents have informed the approach in the District Plan.</td>
<td></td>
</tr>
<tr>
<td>- The six strategy reports prepared for Council provide detailed analysis of the current situation in Hamilton, projected demographic changes and Council’s proposed response with regards to each of the six strategy topics.</td>
<td></td>
</tr>
<tr>
<td>- The CBD Future 2020 Vision analyses the state of the Central City and puts forward various interventions to improve public spaces and connectivity in this area. This report provides useful background information for some of the objectives, policies and rules outlined in the Central City Zone chapter.</td>
<td></td>
</tr>
<tr>
<td>- Future Proof is a growth strategy for the</td>
<td></td>
</tr>
<tr>
<td>Hamilton City Centre Local Area Plan</td>
<td>Benefits</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td></td>
<td>• The Local Area Plan (LAP) document provides a comprehensive vision and design led approach towards achieving the desired land use and built form outcomes for Hamilton’s City Centre.</td>
</tr>
<tr>
<td></td>
<td>• The rules and standards within the City Centre Chapter are, to a large extent, derived from the intent of the LAP. The LAP provides additional detail, over and above that of the District Plan provisions, in relation to the outcomes sought and methods suggested to achieve these outcomes. This also includes specific design guidelines for each Precinct, the Riverbank Promenade and identified potential future development sites.</td>
</tr>
<tr>
<td></td>
<td>• Developed through a consultative and iterative process the LAP, and the Central City Chapter, promote a design led approach to future planning for the Central City.</td>
</tr>
<tr>
<td></td>
<td>Costs</td>
</tr>
<tr>
<td></td>
<td>• Financial costs in the development of this document, and ongoing costs in maintaining/ implementing the desired outcomes.</td>
</tr>
</tbody>
</table>

Hamilton, Waipa and Waikato Region. This document provides useful information with regards to aspirations for increased residential densities and regeneration – strong themes have resulted in standards and rules within the District Plan.

- The Regional Policy Statement sets the direction for the primacy, vitality and vibrancy of the Central City as the regional centre.

**Costs**

- There would have been financial costs in the development of these strategies and documents, and there will be ongoing costs in maintaining / implementing them.

**Efficient and Effective**

- These methods are efficient and effective to provide background information to objectives 7.2.1-7.2.9 by providing detailed and researched background information, including demographic projections and potential development interventions.
### Efficient and Effective

- This method will be efficient and effective to achieve objectives 7.2.1-7.2.9 by providing relevant and useful guidance information for those wishing to develop in the Central City area.

### Hamilton CityHeart Revitalisation Projects.

**Benefits**

- The Hamilton CityHeart Revitalisation document provides useful information to support the Central City Chapter, through providing details of approved Central City streetscape and public open space upgrades. These projects have already seen an upgrade to Victoria Street and Garden Place.

**Costs**

- Financial costs in the development and maintenance associated with these projects.

**Efficient and Effective**

- These rules will be efficient and effective to achieve objectives 7.2.1-7.2.9 by providing useful information as to the types of projects that have recently been supported by Council and desirable streetscape and public space characteristics.

### Council works and services:

- Council shows leadership in urban design, accessibility, innovation, sustainability and optimisation.
- Provide infrastructure in a manner that supports residential, business, and commercial activities in preferred locations in accordance with Local Area Plan or District Plan goals and objectives.
- Undertake appropriate site investigation, assessment and design, and ensure good management practices are followed for Council controlled infrastructure and community facilities.

**Benefits**

- Council is responsible for numerous public works and services which affect the streetscape and buildings within the City. The Council can show leadership and lead by example (particularly in relation to ‘quality’ of outcomes sought) through these works and services which will in turn have environmental and social benefits for the wider community.
- Through provision of appropriate and required infrastructure, developers will be further enticed to contribute to the commercial, retail and residential growth of the Central City.

**Costs**

- There are financial costs in relation to planning and implementation associated with undertaking these methods.

**Efficient and Effective**

- These methods will be efficient and effective to achieve objectives 7.2.1-7.2.9 by ensuring
development undertaken by Council meets the requirements of the District Plan.

Information, education and advocacy:
- Provide guides and technical advice on good quality urban design (e.g. Vista – highlights key urban design principles)
- Advocate for good quality urban design and the incorporation of public art into the city

Benefits
- There are social, cultural, environmental, and potentially economic benefits for those undertaking developments to understand the outcomes sought by Council and to better incorporate them into Central City developments.

Costs
- There will be financial costs associated with providing the resources to undertake these methods.

Efficient and Effective
- These methods will be efficient and effective to achieve the objectives by providing advice to individuals about how to achieve the outcomes the District Plan seeks to achieve.

Risks
Risks of not acting.
- The rules of the District Plan will operate in isolation without support of a suite of tools available to Council to achieve good environmental or useful background information as to why certain rules and standards have been included.
- Individuals will be left to interpret requirements for urban design without the support of information from Council, or physical examples that Council has undertaken. This will result in risks that development will result in poor safety and urban amenity.

Conclusion: Taking into account the above, Council considers that the methods in this chapter are most appropriate to achieve the objectives.

7.1.6 References
- Access Hamilton 2010
- CBD Future 2020 Vision, 2005
- Hamilton City Council Local Area Plan, November 2011
- Hamilton CityHeart Revitalisation Project, May 2008
- Hamilton City Council Operative District Plan, July 2012
- Hamilton City Council, Parking Management Action plan (March 2010)
- Hamilton City Council, Integrated Transport Plan (March 2010)
- Health Impact Assessment on Residential Intensification in Hamilton Central City, March 2012
- Operative Regional Land Transport Strategy 2011-2041
- Parking Policy Options and Recommendations (McCormick Rankin Cagney NZ Ltd) July 2010
- Property Economics, Proposed District Plan, Hearing Evidence of T. Heath on behalf of Hamilton City Council, October 2013
- Property Economics, Proposed District Plan, Hearing Evidence of P.Osborn on behalf of Hamilton City Council, October 2013
- The New Zealand Urban Design Protocol, March 2005
- Vista, Hamilton Design Guide 2008
- Carl Lucca for Hamilton City Council - Evidence
- Response to Commissioners questions: Chapter 7 - additional points
- Response to Commissioners questions: Chapter 7 – Key Development Site 1
- Response to Commissioners questions: Chapter 7 – Key Development Site 3
- Response to Commissioners questions: Chapter 7 – Key Development Site 3 (further)
- Response to Commissioners questions: Chapter 7 – Key Development Sites 4 and 5
- Response to Commissioners questions: Chapter 7 – RD vs Controlled
- Response to Commissioners questions: Chapter 7 – Design Rules, Height, Active Frontages and Promenade
- Response to Commissioners questions: Chapter 7 – Design Height – Downtown Precinct
- Response to Commissioners questions: Chapter 7 – Off –site amenity provision
- Response to Commissioners questions: Chapter 7 – Bonus off-site amenity provision
8 Knowledge Zone

8.1 Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 8 Knowledge Zone.

Ruakura is a large greenfield development area in excess of 500 hectares to the east of Hamilton. It directly adjoins existing development including residential development concentrated to the east. Existing important land uses in the area include the University of Waikato, AgResearch and Innovation Park as well as some rural residential uses. The area presents a significant development opportunity for Hamilton and has been identified for urban development in a number of strategic planning documents.

A Structure Plan has been developed to look at the type and location of land uses for Ruakura. The aim is to identify the optimum spatial pattern, taking into account the efficient use of land, environmental protection, amenity, the need to support and protect appropriate existing land use, and opportunities for economic development. The Knowledge Zone is an important component of the overall development concept in Ruakura.

The Knowledge Zone encompasses existing land-use activities which provide employment opportunities for education, innovation and research, including the existing Waikato Innovation Park, the AgResearch Centre campus and the University of Waikato. The Zone reflects the importance of these existing physical resources by providing further opportunities for a wide-range of education, research and development activities with supporting retail and mixed-use activities. It provides an opportunity through development to achieve connectivity between the three key facilities in the area.

Future development within the Zone will strengthen the economic base of the region, generating positive economic and social outcomes. The potential for new research and innovation activities related to the activities within the Ruakura Logistics Zone represents a further opportunity for the City.

8.1.1 Statutory Background

The purpose of the Act, the sustainable management of natural and physical resources, is defined in s5(2). It states:

“In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—
sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

avoiding, remedying, or mitigating any adverse effects of activities on the environment”
The innovation/knowledge concept is included in a number of strategic documents including:

a) **The Hamilton Urban Growth Strategy** — Ruakura is specifically identified as an urban expansion area primarily for employment uses. Growth Approach 4 states “to enable the development of a high technology, innovation precinct in Ruakura within the decade in the area around the existing Innovation Park and subsequently releasing additional land for more general employment uses”.

b) **Hamilton Economic Development Strategy** — Acknowledges the role of tertiary education in attracting skilled people to Hamilton and aims to have national and international leadership and continued growth in food, agri-bio and agri-tech research, engineering and manufacturing. It is noted that the establishment of a knowledge/innovation zone has been specifically identified as a flagship project stating “This project will develop an innovation precinct in the Ruakura area of the city, specialising in research, innovation and high-technology businesses. By integrating the future development of Waikato Innovation Park, the research facilities at AgResearch, the University of Waikato and complementary industrial development in the area, we will create a leading science and business precinct. This will support the city’s long term capability in the food, agri-bio and agri-tech sectors as well”.

c) **Future Proof** — This strategy seeks to guide future urban growth and development in Hamilton City, and Waipa and Waikato Districts over the next 50 years. The document recognises Ruakura as a high technology innovation precinct and a more general employment area. It allocates 310ha of industrial business land.

d) **Proposed Regional Policy Statement 2010** — Ruakura is identified as a Strategic Industrial Node with an industrial land allocation to 2061, as notified, of 130ha.

Following the identification of Ruakura for urban expansion, an agreement was reached to transfer the land from Waikato District to Hamilton City to enable its development. The Long Term Council Community 2009-2019 Plan also identified development in Ruakura as one of the ways in which Hamilton could plan for a vibrant future.

The ongoing development of the Zone provides the opportunity to create a wider range of activities that complement its research and innovation functions. It is recognised that the enduring success of such activities relies increasingly upon being able to provide research facilities near related commercial activities which will increase the profile and value of innovation and research.

The Knowledge Zone also needs to provide for supporting retail and commercial activities which act as a focal point and increase the attractiveness for innovation and research facilities and their employees. Development concepts for activities within the zone have been developed as part of the Ruakura Structure Plan. This identified the zone as being appropriate for a neighbourhood centre to be included in the activity mix. This centre will be developed at a scale that reflects the Business Centres Hierarchy. Activities within neighbourhood centres shall principally serve their immediate neighbourhood. The scale and nature of activities within neighbourhood centres shall not generate significant adverse amenity effects on surrounding residential areas and transport networks. It is centred on a ‘main street’ precinct with a large public plaza. This area makes provision for a passenger transport hub to provide connectivity to the Central City. This area is within sub-precinct C of the Knowledge Zone Precincts as identified within Chapter 3 which identifies that no development occurs before 2041 within this
area.

Supporting documents are listed in the References section of this chapter.

8.2 Objectives

<table>
<thead>
<tr>
<th>Objective most appropriate to achieve the purpose of the Act:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>8.2.1</strong> Support the continued development and expansion of research, education, innovation and technological activity precincts at the University of Waikato, Waikato Innovation Park, AgResearch and Precinct C that comprise the Knowledge Zone.</td>
</tr>
<tr>
<td><strong>Option 1: Introduce the objective to support the continued development of a research, education, innovation and technological precinct at Ruakura</strong></td>
</tr>
<tr>
<td>This objective is the most appropriate because education, innovation and research have benefits in terms of economic and social wellbeing. The importance of the existing activities in the zone has long been signalled as vital for a prosperous future for Hamilton and the wider region. They are also facilities that have benefited from significant public investment. The structure planning process has identified a number of opportunities to protect these uses and enable others that complement and increase the level of vitality present in the zone.</td>
</tr>
<tr>
<td><strong>Option 2: Retain as existing</strong></td>
</tr>
<tr>
<td>The retention of existing controls on the area is not considered to be an appropriate outcome. A large amount of development is proposed surrounding the Knowledge Zone. It is important that the transition from rural edge to commercial edge is dealt with effectively and opportunities such as interconnectivity and commercial areas to increase the vitality of the zone are utilised. It is considered that there are a number of synergies between the Knowledge Zone and the surrounding development that can be utilised.</td>
</tr>
<tr>
<td><strong>Option 3: General business zone</strong></td>
</tr>
<tr>
<td>It is not considered that a general business zone would be appropriate for these areas as it would not acknowledge the importance of the key activities in the area and may result in development that would compete directly with the Central City for office uses.</td>
</tr>
<tr>
<td><strong>Reference 2012 section 32</strong></td>
</tr>
<tr>
<td><strong>8.2.2 Maximise opportunities for increased accessibility, connectivity and efficiency for all modes of transport within the Knowledge Zone.</strong></td>
</tr>
<tr>
<td><strong>Option 1: Integration with efficient infrastructure</strong></td>
</tr>
</tbody>
</table>
| The strategic location of the Knowledge Zone within the city and within the region has the potential to deliver significant positive economic, environmental and social benefits. In particular there are opportunities to future proof the provision of a public transport hub, including provision for passenger rail transport in the Zone. The significant public
Investment in the Waikato Expressway will enable efficient transport within the region.

**Option 2: The logistic hub not integrated with efficient infrastructure**
This could happen through not having future proofed for a public transport hub or inefficient connections to the road network or the Waikato Expressway. This would be a failure to capitalise on the locational benefits and public investment opportunities available.

*Reference 2012 section 32*

### 8.2.3
Maximise the long-term, positive, environmental, economic, cultural and social benefits of the Knowledge Zone.

<table>
<thead>
<tr>
<th>Option 1: Strategic approach to development</th>
</tr>
</thead>
<tbody>
<tr>
<td>The opportunities offered by the proposal and the efficient use of land can best be maximised through a strategic approach to planning. The land has been identified for development in a number of strategic planning documents and a structure plan has been developed for the wider R1 land. The creation of a specific zone which specifies appropriate activities and development controls is seen as a vital component of the overall strategic approach to ensure that the long term positive environmental, economic and social effects of the Knowledge Zone are optimised.</td>
</tr>
</tbody>
</table>

**Option 2: Ad hoc approach to development**
Ad hoc development would be unlikely to optimise the long term positive environmental, economic and social benefits of the Knowledge Zone.

*Reference 2012 section 32*

### 8.2.4
To manage the potential adverse effects of activities within the Knowledge Zone.

<table>
<thead>
<tr>
<th>Option 1: Do nothing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Potential for adverse effects to affect the general amenity of residents, students, employees, visitors and the environment.</td>
</tr>
</tbody>
</table>

**Option 2: Avoid, remedy or mitigate adverse effects**
Through various mechanisms including the separation of incompatible uses and development controls it is envisaged that a high standard of amenity will be retained. It is acknowledged that there is potential for adverse effects resulting from development with the adjoining logistics and industrial zones. These have been addressed through the planning provisions to avoid remedy or mitigate adverse effects in line with the purpose of the Act.

The management of the potential adverse effects are considered to achieve the economic, social and cultural wellbeing for the community and achieve the sustainable management of the environment.
<table>
<thead>
<tr>
<th>Reference 2012 section 32</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.2.5 The Ruakura Retail Centre serves other activities within and adjoining the Ruakura Structure Plan area while not undermining the primacy, function, vitality and amenity of the Central City and the function of other centres.</td>
</tr>
<tr>
<td>8.2.6 The University of Waikato develops and operates successfully and contributes to the economic, social and cultural wellbeing of the City.</td>
</tr>
<tr>
<td>8.2.7 Development within these two adjoining precincts (A and B) is integrated and enables the scale and configuration of buildings and open space to contribute positively to the visual amenity values of the wider Ruakura area.</td>
</tr>
</tbody>
</table>

| Option 1: Acknowledge the special role of the University of Waikato in contributing to the economic, social and cultural wellbeing of the city |
| Option 2: Not acknowledge the special role of the University of Waikato in contributing to the economic, social and cultural wellbeing of the City |
| Such an approach would likely result in a missed opportunity for the research and innovation sector of Ag Research, Waikato Innovation Park and the University to achieve connectivity between all land uses and provide further opportunities for a wide range of education, research and development opportunities. |

| Reference 2012 section 32 |

**Objectives not the most appropriate to achieve the purpose of the Act:**

| To allow for general office uses in the zone. |
| This objective was rejected due to concerns that this approach would result in impacts to the vitality of the Central City. |
| To allow for retail uses outside of the planned neighbourhood centre as shown on the Ruakura Structure Plan. |
| This objective was rejected due to concerns that this approach would result in impacts on the vitality of existing retail areas and in particular the Central City. A bulk retail area would also have potential impacts on the levels of vitality within the zone. |

**Conclusion:** Taking into account the above, Council considers that the objectives in this
chapter of the plan are the most appropriate to achieve the purpose of the Act.

8.2 Policies

<table>
<thead>
<tr>
<th>Policies most appropriate to achieve the objective:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>8.2.1</strong></td>
</tr>
<tr>
<td>Support the continued development and expansion of research, education, innovation and technological activity precincts at the University of Waikato, Waikato Innovation Park, AgResearch and Precinct C that comprise the Knowledge Zone.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>8.2.1a</strong></td>
<td></td>
</tr>
<tr>
<td>Research, education, innovation and technological activities and their supporting infrastructure and ancillary activities be encouraged within the Knowledge Zone.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Providing for education, research, innovation, supportive activities and infrastructure will enable the continued growth and development of the Knowledge Zone and facilitate a range of local, regional and national benefits, including:</td>
</tr>
</tbody>
</table>

- Providing for an innovation and research hub.
- Recognising and enhancing an established pattern of land uses in education, research and technology.
- Provides significant existing and potential employment opportunities.
- Strengthens the economic base of the region which has positive economic and social outcomes.
- Provides opportunities to create further complementary activities.
- Ensures that retail and community activities which support the primary uses of this zone are provided for.
- Provides for the development of similar activity types to encourage the shared use of infrastructure, and maximise opportunities for interaction. |

<table>
<thead>
<tr>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposal needs to be balanced against other potential uses of the area which have been identified for urban development.</td>
</tr>
</tbody>
</table>

- A key point to note is the size of the overall Ruakura area (over 500 hectares), in which a mix of land uses is proposed, and the Knowledge Zone will cover part of the land. A long term vision has been developed and has been allowed for in the development of the objectives, policies and rules. |
### 8.2.1f
Development within Precinct C is integrated with activities authorised through a Land Development Consent

### 8.2.1g
Development within Precincts A, B and D of the Knowledge Zone is integrated with activities authorised through a Concept Plan Consent.

Opportunities such as general industrial / employment uses and commercial uses in the Knowledge Zone have been discounted as they don’t maximise the advantages offered by the strategic location of the site and are unlikely to offer the same opportunities in terms of creating an education, research and innovation hub.

**Efficient and Effective**

- There is significant alignment between the proposal and various policy documents including the Hamilton Urban Growth Strategy and the Hamilton Economic Development Strategy. The benefits of this approach far outweigh the costs.
- The policies allow for complementary activities which can leverage off one another.
- The policies are effective as they help to enable the innovation and research hub component of the development which has significant future benefits for the City and wider region.

*Reference 2012 section 32*

*Also see Appendix 1*
### Policies most appropriate to achieve the objective:

#### 8.2.2
Maximise opportunities for increased accessibility, connectivity and efficiency for all modes of transport within the zone.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>8.2.2a</strong> The development of at-grade pedestrian and cycling connections from the Knowledge Zone into the University of Waikato campus are to be provided for.</td>
<td><strong>Benefits</strong>&lt;br&gt;• Efficiencies between other parts of Hamilton and the zone will help to maximise the economic benefits. Improved connection between the different facilities in the zone will also help to raise the value of the area and add to its character. <strong>Costs</strong>&lt;br&gt;• Infrastructure improvements will normally require capital investment. It will be important that public investment generates public benefits. Some projects may not be possible, such as the proposed railway link, until a critical mass of people and development has been established. It is vital that these proposals form part of the strategic planning for the site so that they can be delivered efficiently and effectively when they are required. <strong>Efficient and Effective</strong>&lt;br&gt;• Strategic planning is critical to the success of these measures.&lt;br&gt;• The benefits provided by these policies outweigh the costs.&lt;br&gt;• The policies are effective as they help to ensure that transport infrastructure is in place to support the use of all modes of transport. This will help to reduce the impacts of development on the existing and future transport network and ensure integration with land use.</td>
</tr>
<tr>
<td><strong>8.2.2b</strong> Provide for the establishment of an integrated passenger transport hub that can include both road and rail networks shall be provided to service the Knowledge Zone and surrounding catchment upon the demand arising.</td>
<td></td>
</tr>
</tbody>
</table>

---

### Policies most appropriate to achieve the objective:

#### 8.2.3
Maximise the long-term, positive environmental, economic, cultural and social effects of the Knowledge Zone.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>

---

8 Knowledge Zone

Page 8-8
8.2.3a
A range of development in a form and at a scale shall be enabled to provide for:

i. The configuration of activities, buildings and infrastructure within the Knowledge Zone to maximise its appeal as a place to work and socialise.

ii. A distinctive identity and a high level of amenity and function.

iii. A hierarchy of connected open space through the Knowledge Zone and connections to other areas within the Ruakura Structure Plan area.

iv. Limited residential and accommodation activity where it complements the primary innovation and research function.

v. The clustering of appropriate activities around a future passenger transport hub and plaza shall be promoted to maximise the use and efficiency of these elements.

Benefits
A quality development form will be enabled by the proposal. Benefits include the following:

- Provides for an orderly and well-planned development.
- Contributes to social and cultural wellbeing by making provision for spaces which people can use to socialise.
- Contributes to amenity for employees and people who use the area.
- Provides for a range of functional open spaces.
- Enables the use of more efficient and sustainable modes of transport.

Costs
- An overly prescriptive approach to development form may restrict the ability for innovation and reaction to market forces and demands.

Efficient and Effective
- The benefits provided by these policies outweigh the costs. The form and layout has been considered as part of a Structure Plan process.
- The land is in single ownership and there is significant co-operation between the different parties involved.
- Future public transport options are acknowledged and the development has been designed to not foreclose these opportunities.

Reference 2012 section 32
Also see Appendix 1

Policies most appropriate to achieve the objective:

8.2.4
To manage the potential adverse effects of activities within the Knowledge Zone.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.2.4a</td>
<td>Activities within the zone shall be located where potential adverse effects on security and safety will be avoided.</td>
</tr>
<tr>
<td>8.2.4b</td>
<td>Activities shall be located</td>
</tr>
</tbody>
</table>

Benefits
The Knowledge Zone will sit within an urban environment. Directly to the east will be the Ruakura Logistics Zone and to the north the Ruakura Industrial Park Zone. These areas have been designed to ensure that they do not result in an unreasonable loss of amenity to other areas. Within the Knowledge Zone the importance of creating and retaining a high
within the zone to minimise potential reverse-sensitivity effects on one another.

**8.2.4c** Activities sensitive to potential adverse effects shall not establish in locations within the zone where effects from activities outside the zone will be more than minor.

<table>
<thead>
<tr>
<th>Policies most appropriate to achieve the objective:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>8.2.5</strong> The Ruakura Retail Centre serves other activities within and adjoining the Ruakura Structure Plan area while not undermining the primacy, function, vitality and amenity of the Central City and the function of other centres.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>8.2.5a</strong> The Ruakura Retail Centre is to provide a mixed use environment that meets the day-to-day retail, commercial and community needs of the Ruakura Structure Plan Schedule area and adjoining residential catchment.</td>
<td></td>
</tr>
<tr>
<td><strong>8.2.5b</strong> The scale and nature of activities and the rate of amenity environment is also acknowledged. The benefits include:</td>
<td></td>
</tr>
<tr>
<td>• Managing the adverse effects of activities.</td>
<td></td>
</tr>
<tr>
<td>• Providing for people and communities’ health and safety.</td>
<td></td>
</tr>
<tr>
<td>• Contributing to amenity for employees and other users of the area.</td>
<td></td>
</tr>
<tr>
<td>• Avoiding reverse sensitivity issues.</td>
<td></td>
</tr>
</tbody>
</table>

**Costs**

- There are costs associated with this approach as it limits the types of activities that can occur on a particular site and could sterilise some areas from development and therefore may have implications in terms of the value of land. This is not such an issue in this case as much of the land is predominately in single ownership.

**Efficient and Effective**

- The benefits provided by these policies outweigh the costs.
- The policies are effective as they ensure that reverse sensitivity effects are managed and avoided where possible and development is well laid out in terms of where activities are located in relation to one another.

*Reference 2012 section 32*

See Appendix 1
development are managed to avoid adverse effects on the primacy, function, vitality and amenity of the Central City and the function of other centres.

8.2.5c
A range of activities is provided for so that the Ruakura Retail Centre acts as a focal point for local community development through the control of size, scale, built form and diversity of activity.

8.2.5d
A comprehensive, urban design-led approach, including integration with transport networks, is used to determine the form of the Ruakura Retail Centre.

Policies most appropriate to achieve the objective:

8.2.6
The University of Waikato develops and operates successfully and contributes to the economic, social and cultural wellbeing of the City.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.2.6a</td>
<td>A mixture of activities shall be enabled to be carried out while retaining the principal purpose.</td>
</tr>
<tr>
<td>8.2.6b</td>
<td>The positive effects of use and development shall be recognised.</td>
</tr>
<tr>
<td>8.2.6c</td>
<td>Adverse effects on neighbourhood amenity values shall be minimised.</td>
</tr>
<tr>
<td>8.2.6d</td>
<td>Development should enable the scale and configuration of buildings and open space to contribute positively to</td>
</tr>
</tbody>
</table>

Benefits
Supporting the function and development of the University of Waikato is a key outcome sought for the zone. A successful University has clear benefits for Hamilton and the wider region. Benefits include:

- Allowing the University to carry out a range of functions while retaining the principle purpose of an education provider.
- Clustering of education and innovation activities within the University will continue to allow positive effects to be realised.
- Development at a scale that is sensitive and reflective of its surrounds will benefit the wider community and ensure the area contributes positively for visual amenity.
- Achieving well designed buildings at the interface with public areas.
the visual amenity values of the City.

8.2.6e

Quality urban design, particularly at their interface with public areas, shall be encouraged.

8.2.5f

Encourage long term planning for the University which integrates buildings, facilities and open spaces through the use of applications for Concept Plan Consents.

<table>
<thead>
<tr>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>• There is potential for higher costs in terms of the development needing to comply with these policies. This is particularly relevant within the public interface.</td>
</tr>
<tr>
<td>Efficient and Effective</td>
</tr>
<tr>
<td>• The benefits provided by these policies outweigh the costs.</td>
</tr>
<tr>
<td>• It is important that compliance and development costs for the University are kept as low as possible, while also recognising the need for having well designed public interfaces.</td>
</tr>
<tr>
<td>• These policies will be efficient and effective to achieve the objective as they are very clear about the form of development envisaged and seek to ensure that development is in accordance with an overall concept plan. They also encourage quality urban design and improved amenity.</td>
</tr>
</tbody>
</table>

Reference 2012 section 32

Risks

Risks of acting or not acting.

• The risks of acting are potentially the short-term disruption to the operation of existing facilities through the construction process.

• The risks of not acting is the loss of the opportunity to maximise the social and economic benefits and opportunities associated with the existing facilities within this area and the zone as a whole.

Conclusion: Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objectives.

8.3

Rules

Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>8.3 Activity Status Table.</td>
<td>Benefits</td>
</tr>
<tr>
<td>• The Activity Status Table has been designed to ensure that only appropriate activities establish in the zone. The provisions have been designed to be enabling as far as possible. In part this is in recognition of the structure plan process that has already been undertaken on the site.</td>
<td></td>
</tr>
<tr>
<td>• Rule 8.4 contains a link to the rules on Structure Plans. Land use and development in the</td>
<td></td>
</tr>
</tbody>
</table>
Knowledge Zone shall comply with rules 3.7.3.1, 3.7.3.2, 3.7.3.3, 3.7.3.6 and 3.7.4 in Chapter 3: Structure Plans. If they don’t they will be non-complying activities. The rules in the Structure Plans chapter relevant to Ruakura relate to:

- Development being in accordance with the Ruakura Structure Plan and associated maps and infrastructure plans.
- Preparation of an Integrated Catchment Management Plan.
- Infrastructure requirements.
- Staging Rules for the Innovation Park Precinct of the Knowledge Zone in the Ruakura Structure Plan Area.

- The benefits of these rules are set out in the Structure Plan chapter section 32 report. Activities will be non-complying if they don’t meet these requirements because in a number of cases aspects of the development will need a certain level of infrastructure and services in place before it can go ahead. In the case of the Knowledge Zone there are also reverse sensitivity issues which can be managed through staging.

**Costs**

- There is an administrative burden for some activities particularly where assessment against detailed assessment criteria is required. There will also be costs to the developer of resource consent applications and associated compliance.

**Efficient and Effective**

- These rules will be clear, efficient and effective to achieve the objectives by optimising the long term positive, environmental, economic and social effects of the Knowledge Zone.

*Reference 2012 section 32*

<table>
<thead>
<tr>
<th>8.4 General Standards</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>contain rules on issues such as Concept Plans, the locations of buildings and activities, site coverage, permeable surfaces, access, setback, height, building design.</td>
<td>The general standards set out building and activity locations to ensure a high level of amenity. Other key development controls include restricting access from Ruakura Road and providing for setbacks from the Ruakura Industrial Park Zone.</td>
</tr>
</tbody>
</table>

**Costs**

- Places restrictions on the location of buildings and activities and how they are designed. The
Restrictions are important to ensure the appropriate outcomes are achieved in the Knowledge Zone and for adjoining uses.

**Efficient and Effective**
- The general standards set out are the best method for achieving high levels of amenity and ensuring development occurs appropriately within the Knowledge Zone.
- The benefits associated with the approach outweigh the costs.

### 8.5 Specific Standards for AgResearch and Waikato Innovation Park

<table>
<thead>
<tr>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provides additional standards on AgResearch and Waikato Innovation Park that relate to noise control, building design and ancillary offices.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>The specific standards may result in some compliance costs but on balance this is considered acceptable given the outcomes being sought.</td>
</tr>
</tbody>
</table>

**Efficient and Effective**
- The benefits of this approach outweigh the costs. The specific standards will provide more certainty on how the AgResearch and Waikato Innovation Park areas will develop over time.

### 8.6 Rules – Specific Standards for University of Waikato Campus including concept plan requirement, building setbacks, service areas, building standards, and ancillary offices.

<table>
<thead>
<tr>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Establishes a requirement to produce a Concept Plan.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Some compliance costs but on balance this is considered acceptable.</td>
</tr>
</tbody>
</table>

**Efficient and Effective**
- The benefits of having a Concept Plan outweigh the costs associated with getting one. This will assist in the long term planning of the University of Waikato campus going forward.

### 8.8 Matters of Control and 8.9 Matters of Discretion and Assessment Criteria.

<table>
<thead>
<tr>
<th>Benefits</th>
</tr>
</thead>
</table>
| The Plan identifies controlled and restricted discretionary activities. It also identifies activities which do not meet general or specific standards as restricted discretionary activities. The matters of control and assessment criteria include general criteria on the effects of not complying with a standard, and the extent to which the proposal is
consistent with objectives and policies of the Plan. They also include assessment criteria specific to the effects of a proposal or development on a range of factors such as amenity, urban design principles, and transport considerations. The matters of control and assessment criteria are a useful way to flag to an applicant and a processing planner the matters which will be considered for controlled and restricted discretionary activities, and provide a guide for discretionary and non-complying activities. They also provide clarity for all users.

**Costs**
- There are no identified costs from clarifying in the Plan the matters which will be considered when processing an application.

**Efficient and Effective**
- These rules will be efficient and effective to achieve the objectives by identifying a list of matters which cross-reference back to the objective and policies, as well as effects from development that will be considered when processing resource consent applications for controlled or restricted discretionary activities.

*Reference 2012 section 32*

### Risks

- **Risks of acting or not acting.**
  - The risks of acting are creating an overly complex planning system with a number of different zones.
  - The risks of not acting are the loss of an opportunity to provide a tailored planning framework to address the specific issues associated with the land area to be covered by the zone.

**Conclusion:** Taking into account the above, Council considers that the rules in this chapter are most appropriate to achieve the objectives.

### 8.6 References

*Future Proof Growth Strategy 2009*
*Proposed Waikato Regional Policy Statement 2010*
*Hamilton Urban Growth Strategy 2008*
*Hamilton City Strategies*
*Section 32 Proposed District Plan 2012*
9 Industrial Zone

9.1 Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 9: Industrial Zone.

The overall approach of the chapter is to achieve the sustainable management of industrial land within the City.

9.1.1 Achieving Sustainable Management

The Industrial Zone is a general industrial zone that covers the majority of the industrial areas within the City. The Rotokauri Employment Area is recognised as a distinct area within the Industrial Zone given its greenfield location and the opportunity afforded for new development to provide for a comparatively higher amenity environment. This area is to the west of the Te Rapa Bypass and will fulfil a transitional role in stepping down the effects of industrial activity on more sensitive neighbouring future residential and commercial activities in Rotokauri.

Adopting this approach to the management of industrial activity is suggested to provide for the efficient use and development of natural and physical resources of the City (section 7(b)), being the industrial land resource of the City, through control of land use, including structures and activities. The chapter also addresses the maintenance and enhancement of amenity values (section 7(c)) within industrial areas, and the maintenance and enhancement of the quality of the environment (section 7(f)) of the Act.

This approach allows for areas in the City that are included within the Industrial Zone, but are considered to have characteristics that differentiate them from the general industrial area to be specifically identified and subject to tailored management frameworks. It is suggested that these management frameworks will further provide for the maintenance and enhancement of amenity values and quality of the urban environment.

Those areas identified as having a differentiating set of characteristics have been recommended to be included within the Plan as:

- The Riverlea Industrial Area
- The Te Rapa Corridor; and
- The Greenwood / Kahikatea Corridor.

Specific area provisions for these areas tailor to their character have been included.

The Industrial Zone establishes a framework for managing land use on industrial land, and to manage potential adverse effects, in particular those effects on residential and open space zones. The Industrial Zone provisions are formulated based on several key principles. These are that:

Industrial land is a finite and valuable physical resource that needs to be used efficiently and effectively for employment purposes to provide for the social and economic wellbeing of the City.
Industrial land should be retained for industrial uses as those uses can generally not establish and operate in other parts of the City due to the range of effects associated with industrial uses.

The amenity values of industrial areas should be enhanced in line with a greater focus on urban design matters throughout the Plan. It is considered that in the majority of the Industrial Zone, the use of performance standards is sufficient to achieve the level of amenity desired and expected of an Industrial Zone. Where Council considers a higher level of scrutiny is desirable and a more controlled approach required is along identified major arterial corridors within the Industrial Zone. This approach ensures that a higher level of amenity is achieved on those sites considered to be ‘highly visible’. Those corridors identified include Te Rapa Road, Avalon Drive, Lincoln Street, Greenwood Street and Kahikatea Drive.

The industrial land base in the City provides a significant portion of the employment land within the City, and is a key economic driver for the regional economy. Industrial land represents a finite and valuable physical resource that needs to be recognised and protected. The Industrial Zone provisions have been formulated to be enabling of industrial uses, but restrictive of non-industrial uses.

The Industrial Zone provisions ensure that industrial land is not occupied by land uses that are non-industrial, unless they are either ancillary to industrial use, support industrial uses, or are more appropriately located within an industrial environment than within a business centre (referred to in the provisions as being ‘consistent’ with industrial uses). These activities have been specifically identified and provided for in the Activity Status table.

This will reduce the potential for industrial land to be ‘diluted’ by non-industrial uses. Dilution would eventually result in pressure for new industrial land to be zoned elsewhere, and for existing industrial land to be rezoned to commercial uses. Promoting the efficient use of the industrial land resource is also important to ensuring the success of the City’s economy.

The range of land uses that are provided for within industrial areas are intended to complement the commercial uses that are concentrated in the Central City and the other commercial/business centres in the City. This complementary role is both in terms of providing locations for industrial land uses that are unsuitable for the commercial/business centres, and also avoiding non-industrial land uses establishing in industrial locations as that would compete with these business centres as an alternative location for those commercial uses. Avoiding non-industrial land uses establishing in industrial locations also reduces the potential reverse sensitivity issues that can arise (where more sensitive land uses establish in close proximity to industrial land uses).

Council aims to improve general amenity levels in the industrial zones and more particularly in the greenfield location of Rotokauri, where activity classes have been made more onerous for the establishment of new industrial activity, light industrial activity and service industry. This approach will assist to manage potential adverse effects for these activities establishing in this greenfield location and adjacent to more sensitive residential and commercial uses as Rotokauri develops.
9.1.2 Hamilton Operative District Plan (July 2012)

A review of the operative provisions for industrial areas was undertaken in 2009 in preparation for Variation 21 to the then Hamilton City Proposed District Plan, and has fed directly into the formulation of the Industrial Zone.

Variation 21 was prepared in response to identified issues with non-industrial land uses establishing within industrial areas of the City (in particular offices and large format retailing), with an associated loss of commercial activities from the Central City, and a demonstrable impact on the vitality and viability of the Central City. Whilst Variation 21 was withdrawn, the issues with industrial land and the impacts on the Central City remained, and the Industrial Zone provisions have drawn on the philosophy of this earlier work.

9.1.3 Regional Policy Statement

The District Plan is required to give effect to the RPS. The RPS provides an overview of the resource management issues of the region, and states the policies and methods to achieve integrated management of the natural and physical resources of the region. Section 6 of the RPS relates to the topic of the ‘Built Environment’ and seeks the development of the built environment in an integrated, sustainable and planned manner consistent with the provisions of the regional growth strategy Future Proof. Policy 6.16 ‘Commercial development in the Future Proof area’ promotes the consolidation of commercial activities within existing commercial centres. A clear mandate is presented in policy 6.16 which states that “Commercial activities are to be managed to:

f) maintain industrially zoned land for industrial activities unless it is ancillary to those industrial activities, while also recognising that specific types of commercial development may be appropriately located in industrially zoned land;

The Industrial Zone directly provides for this strategic outcome by avoiding non-industrial uses within industrial areas. Policy 6.14 adopts identifying strategic industrial nodes for future industrial development, and avoiding industrial development elsewhere at a scale that could undermine the role of the strategic nodes. The Industrial Zone provides for this outcome through inclusion of industrial land at Rotokauri and Te Rapa North (which are identified industrial growth nodes within the RPS).

9.1.4 Hamilton Urban Growth Strategy

The Hamilton Urban Growth Strategy is a related document to Future Proof and sets a strategy of ‘a compact and sustainable City’. The Hamilton Urban Growth Strategy was developed in parallel with the Future Proof strategy and as a result both are significantly aligned between the two strategies. The Hamilton Urban Growth Strategy is regarded as providing more localised interpretation of the Future Proof principles and has been used to guide the development of the District Plan.

In contrast, under the Operative District Plan a permissive Industrial Zone exists that does not manage non-industrial uses effectively. Formulated during the 1990s, the current plan assumed that widespread commercial development outside of the existing commercial centres and within industrial areas would not cause significant adverse effects, and instead focused on immediate localised effects' avoidance or mitigation only.
The outcome over the past decade has been the development of substantial retail and office activities in the Industrial Zone which has affected the availability of industrial land by competing for land zoned for industrial use and by increasing amenity expectations. Such development has also undermined the status of the key commercial centres in the City, particularly the Central City. Non-industrial development also creates issues of reverse sensitivity in relation to traditional industrial activity and increases land values that have limited the viability of industrial development in some locations. It has also had a profound effect on transportation network capacity and the need for significant public expenditure to address the effects on network performance.

Currently, the industrial areas within the City are concentrated in several locations. The primary industrial location is the State Highway 1 corridor from Te Rapa Road (north of Wairere Drive), Avalon Drive, Lincoln Street, Greenwood Street and Kahikatea Drive. Other industrial areas are Te Rapa Road (south of Wairere Drive), the Rotokauri Stage 1 industrial growth cell west of the North Island Main Trunk Railway Line, an industrial area in Frankton along Kent Street and Norton Road, and industrial areas at Collins Road, Riverlea Road, and the Peachgrove Road/Ruakura Road industrial area.

Within the Industrial Zone substantial, undeveloped ‘greenfield’ industrial growth cells are provided for in accordance with Future Proof. These are located in Rotokauri (a stage 2 area) and Te Rapa North. Rotokauri is an extensive greenfield site and land has been set aside as part of a 950ha growth cell on the north western part of the City.

Supporting documents are listed in the References section of this chapter.

### 9.2 Objectives

<table>
<thead>
<tr>
<th>Objective most appropriate to achieve the purpose of the Act:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>9.2.1</strong> Industrial land activities are able to establish and operate within the zone in an efficient and effective manner.</td>
</tr>
<tr>
<td>• The objective supports the establishment and operation of industrial land uses within the industrial areas of the City.</td>
</tr>
<tr>
<td>• The objective is the most appropriate because it promotes industrial land uses establishing and operating in locations identified for that purpose. Conversely it restricts the ability of non-industrial uses establishing in such areas. The objective promotes the efficient and effective utilisation of the City’s industrial land resource for industrial uses to meet the foreseeable needs of current and future generations. It also enables people and communities to provide for their social, economic, and cultural wellbeing; satisfying section 5 of the Act.</td>
</tr>
<tr>
<td>• The objective also ensures the efficient use and development of natural and physical resources (section 7(b)) and has regard to finite characteristics of natural and physical resources (section 7(g)).</td>
</tr>
<tr>
<td>• Objective 9.2.1 ensures the District Plan gives effect to the RPS through enabling industrial land uses to occur on land specifically provided (i.e.</td>
</tr>
<tr>
<td>Section 32 – Operative District Plan</td>
</tr>
<tr>
<td>-------------------------------------</td>
</tr>
</tbody>
</table>
| 9.2.2 Non-industrial activities which establish and operate within the zone do not undermine the primacy, function, vitality and amenity of the Central City, the sub-regional centres and the function of the lower order business centres. | • The objectives allows for non-industrial activities to establish and operate in the industrial zone where they do not undermine the role of the Central City, sub-regional centres and the lower order business centres.  
• The objective is the most appropriate as it recognises that there may be a need to provide for commercial activity outside of the established business hierarchy. These activities must be shown to be able to operate without undermining the Central City, the Sub-Regional Centres and the lower order business centres such as suburban and neighbourhood centres. |
| 9.2.3 The amenity levels of industrial areas are to be enhanced. | • The objective seeks to ensure that amenity levels within the industrial areas of the City are enhanced from present levels.  
The objective is the most appropriate because it promotes enhanced amenity levels within industrial areas of the City, while retaining the ability to utilise industrial land for employment purposes in an efficient and effective manner to meet the social, economic, and cultural wellbeing.  
• The objective promotes functional and attractive industrial employment areas and contributes to raising amenity levels within the City generally. Although lower standards of amenity are characteristic of industrial locations currently, the objective promotes a general improvement in amenity levels of industrial locations, and this need not result in a lower level of industrial land utilisation that would prevent the City’s industrial land resource being able to meet the foreseeable needs of current and future generations.  
• The objective also ensures the maintenance and enhancement of amenity values (section 7(c)) and the maintenance and enhancement of the quality of the environment (section 7(f)) of the Act. |
| 9.2.4 The adverse amenity impacts of industrial activities on residential and open space areas are to be avoided. | • The objective ensures that amenity impacts arising from industrial land uses are managed at the interface with more environmentally and amenity sensitive residential and open space areas.  
• The objective is the most appropriate because it recognises the adverse amenity impacts on residential and open space areas. Impacts on |
these sensitive land uses need to be avoided to enable the community to provide for their social, economic and cultural wellbeing, and to have suitable amenity levels within the residential and open space parts of the City.

- The objective of seeking the avoidance of adverse amenity impacts directly contributes to ensuring the efficient use and development of natural and physical resources (section 7(b)) being the residential and open space areas, the maintenance and enhancement of amenity values (section 7(c)) within residential and open space areas, and the maintenance and enhancement of the quality of the environment (section 7(f)).

- This approach supports and is therefore enabling of the adoption of an Amenity Protection Area overlay/notation along boundaries adjacent to residential areas.

<table>
<thead>
<tr>
<th>9.2.5</th>
<th>To optimise the benefits of the regionally significant freight village facility at Crawford Street.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The objective recognises this regionally significant infrastructure and requires that regard is given to the socio-economic benefits gained from its development and use.</td>
</tr>
<tr>
<td></td>
<td>Objective 9.2.5 ensures the District Plan gives effect to RPS through enabling industrial land uses to occur on land zoned for industrial use and strategic transport network.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>9.2.6</th>
<th>Recognise lawfully established existing office and retail activities that have previously located in the Te Rapa Corridor whilst encouraging a return to industrial uses in the future.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The objective recognises the Te Rapa Corridor as a confined area where a number of activities have lawfully established under the previous district plan regime. This provides planning certainty for those activities that have established as permitted activities and cannot rely on an existing resource consent. It also conveys that it is anticipated the area will begin to transition back to an industrial zone.</td>
</tr>
<tr>
<td></td>
<td>This allows for the efficient use of resources, providing certainty to this area of the industrial zone as per section 7 of the Act.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>9.2.7</th>
<th>Enable the redevelopment of the site in a state of land use transition described as Lot 3 DP S270, Pt Lot 3 DRO 346, Pt Lot 2 DRO 346, Pt Lot 1 DP S4044 and LOT: PT 2 DP: S4044 to include provision</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The new objective and policies for the identified sites provides for the transition of the site from Industrial to more mixed use residential. Given the local setting and context, it recognises that the site is under transition and has a unique location adjacent to the subregional centre (The Base), Ashurst Park and the residential suburb of Pukete.</td>
</tr>
<tr>
<td></td>
<td>The site that this applies to has become an</td>
</tr>
</tbody>
</table>
for managed care facilities; retirement villages, rest homes and visitor accommodation in a manner that achieves a high level of on-site amenity for those activities whilst ensuring that reverse sensitivity effects on surrounding industrial activities are avoided.

| Objectives not the most appropriate to achieve the purpose of the Act: |
| To accommodate a wide range of industrial development and associated activities together with appropriate non-industrial activities in an environmentally sustainable manner. |

- An objective like this would not be appropriate, because it does not align with the RPS. This objective would enable non-industrial commercial activities to establish within industrial areas, to the detriment of the Central City and other commercial centres in the City, and to the inefficient utilisation of the industrial land resource of the City.

- Such an objective would also increase the severity of reverse sensitivity effects within industrial areas by allowing non-industrial activities in industrial areas, resulting in a less efficient utilisation of the City’s industrial land resource.

- This objective is not the most appropriate to achieve the purpose of the Act.

- While the objective might enable Council and the community to provide for their social, economic and cultural wellbeing (section 5(2)), it does not constitute an efficient use and development of physical resources (section 7(b)), nor recognise the finite characteristics of natural and physical resources (Section 7(g)) as required by the Act, in relation to the industrial land resource.

| To enhance the amenity values of industrial areas in public places, along major arterial roads and at the interface with non-industrial areas. |

- An objective like this would not be appropriate, because it only promotes enhancement of amenity values in industrial areas at the interface with other zones, along major arterial routes and in ‘public places’, and would have no effect in the majority of the industrial areas.

- The objective does not support a more general enhancement of amenity values in industrial areas in their entirety.

- The objective would not contribute to the general enhancement of amenity values throughout the City, given that the industrial areas of the City

isolated industrial remnant within a locality characterised by residential development, open space areas, large format retail, offices and service uses.

- The objective recognises the need to ensure that the effects of reverse sensitivity are avoided, not compromising the ability of industrial activities to continue to operate.
form a large component of the City’s land area, and the objective would have no effect in raising amenity standards for the majority of that area.

- The objective also focuses on all of the interfaces with non-industrial areas, regardless of whether the adjoining use is likely to be adversely affected or not.
- This objective is not the most appropriate to achieve the purpose of the Act.
- The objective would not adequately enable the maintenance and enhancement of amenity values (section 7(c)) to be met.

To accommodate a wide range of industrial development and associated activities together with appropriate non-industrial activities within the Frankton Area

- An objective like this would not be appropriate, because it does not align with the RPS. This objective would enable non-industrial commercial activities to establish within the Frankton Area, to the detriment of the Central City and other commercial centres in the City, and to the inefficient utilisation of the industrial land resource of the City.
- This objective is not the most appropriate to achieve the purpose of the Act.
- While the objective might enable Council and the community to provide for their social, economic and cultural wellbeing (section 5(2)), it does not constitute an efficient use and development of physical resources (section 7(b)), nor recognise the finite characteristics of natural and physical resources (Section 7(g)) as required by the Act, in relation to the industrial land resource.

**Conclusion:** Taking into account the above, Council considers that the objectives in this chapter of the plan are the most appropriate to achieve the purpose of the Act.

### 9.3 Policies

<table>
<thead>
<tr>
<th>Policies most appropriate to achieve the objective:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>9.2.1</strong></td>
</tr>
<tr>
<td>Industrial land activities are able to establish and operate within the zone in an efficient and effective manner.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>9.2.1a</strong></td>
<td></td>
</tr>
<tr>
<td>Industrial land is used for industrial activities.</td>
<td><strong>Benefits</strong></td>
</tr>
</tbody>
</table>

- The extent of utilisation of industrial land for employment purposes to meet the social, economic and cultural wellbeing of people and the
community is maximised.

- The policy establishes the clear intent that industrial land shall be used for industrial uses, and not commercial uses, which are able to establish and operate in other parts of the City.
- The policy establishes clear expectations for the form of land use anticipated and encouraged within industrial areas. The policy also directly gives effect to policy 6.16 of the RPS.

**Costs**

- Policy 9.2.1a restricts the ability for non-industrial uses to establish and operate in industrial areas, which has an economic cost for landowners and commercial developers. As with any form of regulation that restricts the ability of the market to establish land uses in the City, there is some economic cost, and a cost in terms of the ability of people and the community to provide for their social, economic and cultural wellbeing.

**Efficient and Effective**

The policy will be efficient and effective in achieving objective 9.2.1 by:

- Establishing a clear policy for the forms of development that are desirable in the industrial areas of the City (i.e. industrial uses), and those that are not (i.e. non-industrial uses).
- The policy directly gives effect to the RPS in terms of land for industrial uses being specifically identified for the purpose, and ensuring commercial development is not located on land specifically provided for industrial activities.
- Industrial uses are not able to establish and operate in other parts of the City due to higher sensitivities in commercial/business centres, residential areas, and other locations. The policy directs industrial uses to specifically-identified industrial land. This also serves to relieve pressure on other parts of the City that might otherwise be subject to proposals for industrial development.
- The benefits of the policy identified above are considered to significantly outweigh the costs identified above.
- The policy is considered to be the most appropriate to achieve objective 9.2.1 for the above reasons.
9.2.1b
Except as specifically provided for, non-industrial activities establish and operate only where they are ancillary to industrial activities, support industrial activities, or are consistent with industrial land activities.

Benefits
- The benefits of the policy are that some flexibility is able to be applied for non-industrial land uses seeking to establish and operate within industrial areas.
- The policy explicitly acknowledges that activities that are ‘ancillary’ to industrial activities, or are activities ‘supporting’ industrial activities, or are activities that are ‘consistent’ with industrial land uses, may establish within industrial areas.
- The policy complements 9.2.1a as it makes provision for these three specific forms of non-industrial activities.
- The policy enables specific and limited forms of commercial development to establish and operate within industrial areas, and provides clarity as to what they are.
- The policy limits the nature and scale of any commercial activities able to establish, and aims to reverse the trend of the last decade where mainly commercial activities were seeking out industrial locations.
- The policy is enabling of the rules governing the acceptable scale of ancillary retail and office activities in the Industrial Zone.

Costs
- Policy 9.2.1b has costs in that other forms of commercial land use within industrial areas are not provided for within the policy. This has economic costs for industrial landowners and developers who may otherwise consider commercial opportunities on particular sites.
- There are also costs in terms of people and the community providing for their economic, social and cultural wellbeing, given the restrictive nature of the policy.
- There are potential economic costs arising from the specific forms of commercial development provided for in industrial areas, particularly if those services were more efficiently and effectively provided elsewhere in the City. Commercial development may compromise or restrict the ability of industrial uses establishing and operating.

Efficient and Effective
The policy will be efficient and effective in achieving objective 9.2.1 by:

- Establishing a clear policy for the forms of specific commercial development that are desirable in the industrial areas of the City.
- Not contravening the industrial land strategy of the RPS as the forms of commercial development specifically provided for are limited in both scope and scale.
- The extent of commercial land use ancillary to industrial uses, that are supporting Industrial uses, or are consistent with industrial land uses, will be limited by the associated methods that give effect to this policy.
- The benefits of the policy identified above are considered to significantly outweigh the costs.

<table>
<thead>
<tr>
<th>9.2.1c</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Benefits</strong></td>
</tr>
<tr>
<td>The policy provides for specified non industrial uses to establish and operate along identified corridors, provided that they do not impact adversely on the central city or other business centres.</td>
</tr>
<tr>
<td>It provides a location for businesses to establish that for a variety of reasons are unable to locate in centres.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>The policy still excludes general retail and office activities from operating in the zone. As with any form of regulation that restricts the ability of the market to establish land uses in the City, there is some economic cost.</td>
</tr>
<tr>
<td>Notwithstanding the fact that specified non-industrial activities may establish on industrial land through this policy framework, this still may reduce the amount of land available for industry in Hamilton.</td>
</tr>
</tbody>
</table>

**Efficient and Effective**

The policy will be efficient and effective in achieving objective 9.2.1 by:

- The policy is clear that only specified non-industrial activities can operate on these corridors.
- The policy directs these land uses to locate in these areas giving certainty to landowners.
- The policy still ensures the protection of the established business hierarchy by ensuring that these activities can only operate where they do not adversely affect the central city or other business centres.

### 9.2.2

Non-industrial activities which establish and operate within the zone do not undermine the primacy, function, vitality and amenity of the Central City, the sub-regional centres and the function of the lower order centres in the business hierarchy.

<table>
<thead>
<tr>
<th><strong>9.2.2a</strong></th>
<th><strong>Benefits</strong></th>
</tr>
</thead>
</table>
| Non-industrial activities do not adversely affect industrial activities in the Industrial Zone, or impact adversely on the strategic role of the Central City as the primary office, retail, and entertainment centre, and the other business centres in the City. | - The policy provides a clear statement as to the two key reasons why the objective is critical to achieving the purpose of the Act.  
  - The uncontrolled spread of non-industrial uses in industrial areas will adversely affect the industrial use of the Industrial Zone.  
  - The strategic role of the Central City and the role of the other business/commercial centres will be undermined through such development.  
- The policy provides a clear position that neither outcome is desirable.  
- There are economic benefits from a policy that clearly states the outcomes to be achieved or avoided.  
- The policy provides a clear and concise framework for consideration of resource consent applications.  
- There are economic benefits to industrial land uses being able to establish and operate in industrial areas unhindered by non-industrial land uses establishing.  
- There are related benefits in terms of the social, economic and cultural wellbeing of people and the community arising from industrial areas maximising utilisation for employment purposes, in a manner unhindered by other uses that can establish elsewhere in the City. |

### Costs
- Policy 9.2.1c has costs in that non-industrial uses are not provided for within the policy. This has economic costs for industrial landowners and developers who may otherwise consider commercial opportunities on particular sites.
- There are also costs in terms of people and the community providing for their economic, social and cultural wellbeing, given the restrictive nature of the policy (in terms of what is excluded from establishing.)
- As with any form of regulation that restricts the ability of the market to establish land uses in the City, there is some economic cost. Related to that are costs in terms of the ability of people and the community to provide for their social, economic and cultural wellbeing.

**Efficient and Effective**

The policy will be efficient and effective in achieving objective 9.2.1 by:

- Establishing a clear policy that non-industrial uses shall not be allowed to adversely affect the industrial use of the zone, or adversely impact on the strategic role of the Central City and commercial/business centres in the City.
- The policy directly gives effect to the RPS in terms of land for industrial uses being specifically identified for the purpose. It also ensures commercial development is not located on land specifically provided for industrial activities.
- The policy prevents non-industrial uses establishing and operating in areas specifically identified for industrial purposes.
- The policy avoids an inefficient allocation of industrial land that cannot be easily replicated elsewhere in the City.
- Without the policy, the industrial uses may seek land beyond the City boundary with a loss of economic activity for the City as a result.
- The benefits of the policy identified above are considered to significantly outweigh the costs.

<table>
<thead>
<tr>
<th>9.2.2b</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>In limited circumstances, new supermarkets may establish in the Industrial Zone where it can be demonstrated that:</strong></td>
</tr>
<tr>
<td>i. suitable land is not available within the business centres; and</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>- The policy provides the opportunity for supermarkets to establish in the Industrial Zone where they would have difficulty establishing in a business centre due to a lack of available land and can prove that the establishment of a supermarket will avoid any adverse effects on the established business hierarchy.</td>
</tr>
<tr>
<td>- This gives effect to Objective 9.2.2 which allows for non-industrial activities to establish in the</td>
</tr>
<tr>
<td>ii. the potential adverse effects on the primacy, function, vitality, and amenity of the centres within the business hierarchy are avoided.</td>
</tr>
<tr>
<td>---</td>
</tr>
<tr>
<td>Costs</td>
</tr>
<tr>
<td>Efficient and Effective</td>
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<td></td>
</tr>
</tbody>
</table>

### Policies not most appropriate to achieve the objective:

<table>
<thead>
<tr>
<th>No policy framework.</th>
<th>This approach would not be appropriate to achieve objective 9.2.1.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Having no policies regarding the use of industrial land would lead to a wide variety of non-industrial land uses establishing and operating in industrial areas. The outcome would be industrial areas that cannot function efficiently or effectively as an industrial land resource and the undermining of the viability of the Central City as the primary commercial centre for the City.</td>
</tr>
<tr>
<td></td>
<td>• The outcome potentially would be a City that is decentralised in urban form, business activity and without a functioning Central City or hierarchy of commercial/business centres in the City.</td>
</tr>
<tr>
<td></td>
<td>• An absence of any policy framework would also allow residential and community activities that are incompatible with industrial land use, and would introduce reverse sensitivity issues.</td>
</tr>
<tr>
<td></td>
<td>• It is considered that this policy option would not achieve the objective, or the purpose of the Act, and would be contrary to the industrial strategy of the RPS.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Enable industrial land to be used for a wide variety of commercial land uses in addition to industrial land.</th>
<th>This policy would not be appropriate to achieve objective 9.2.1.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• As above, a policy that enabled a wide variety of commercial land uses within industrial areas would undermine the ability of industrial areas to operate in an effective and efficient manner.</td>
</tr>
</tbody>
</table>
The policy would also undermine the viability of the Central City to perform as the primary commercial centre for the City. Allowing commercial uses to establish in a wide variety of other (cheaper) locations the market would result in a City that is decentralised in urban form without a functioning Central City or hierarchy of commercial/business centres in the City.

- It is considered that this policy option would not achieve the objective, or the purpose of the Act, and would be contrary to the industrial strategy of the RPS.

### Risks

Risks of acting or not acting.

The risks of acting are considered to be well known and have been taken into consideration. The risks are that commercial land uses that might otherwise establish in industrial areas due to location or lower land values, and instead will have to locate within commercial centres, may act as a disincentive to establish or expand within the City.

- The risks of establishing a policy framework to ensure efficient and effective utilisation of the industrial land resource is considered to be outweighed by the risks of not acting.
- The risks of not acting are that the absence of a policy framework controlling the type of land uses able to establish within industrial areas will lead to a wide range of non-industrial land uses establishing and operating. The outcome is lower utilisation of industrial land for industrial purposes.
- The risks of not acting are that the District Plan will fail to achieve the industrial strategy policies of the RPS.

### Policies most appropriate to achieve the objective:

#### 9.2.3

The amenity levels of industrial areas are to be enhanced.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.2.3a</td>
<td><strong>Benefits</strong></td>
</tr>
</tbody>
</table>
| Amenity levels within the Industrial Zone are improved with the use of landscaping and screening, restrictions on site layout, enhanced design of buildings, ensuring orientation of buildings towards the site frontage, and enhanced urban design outcomes. | • The policy will support an improvement in amenity levels within industrial areas.  
• The policy will support improvements in amenity levels City-wide by ensuring industrial areas contribute to the enhancement of City-wide amenity levels.  
• The policy clearly identifies how the objective will be achieved by including reference to specific measures, being landscaping, screening, site layout, building design, building orientation, |
and a focus on urban design outcomes. This provides clarity and certainty as to how the objective will be achieved.

- Environmental benefits result as the amenity levels within industrial areas are enhanced to create more attractive and functional environments for business operations, and workers.

- Economic benefits occur from the policy providing a focus on improved amenity levels within industrial areas and leads to a general improvement of amenity levels. The result will be higher industrial property values, greater utilisation of the industrial land resource (due to higher land values acting as an incentive), and the likelihood of improved productivity.

**Costs**

- Costs to industrial landowners and developers who will have to accommodate the policy in undertaking design of new industrial properties and redevelopment of existing properties. The economic costs are considered to be moderate and are outweighed by the wider economic benefits.

- There are some economic costs associated with any form of regulation that restricts the ability of the market to establish and operate industrial uses in the City.

- Related to that are costs in terms of the ability of people and the community to provide for their social, economic and cultural wellbeing.

- These economic costs are considered to be outweighed by the wider economic benefits.

**Efficient and Effective**

The policy will be efficient and effective to achieve objective 9.2.2 by:

- Establishing a clear and concise policy approach for how amenity levels within industrial areas will be enhanced. The policy identifies the broad topic areas that will be relied on to achieve enhancing amenity levels in industrial areas. This provides a high level of certainty as to how the objective will be achieved.

The policy contributes to the enhancement of City-wide amenity by providing a focus on industrial
areas.

- The policy signals a clear approach to achieve the objective, but it is not a policy that prevents high levels of utilisation of industrial land or inhibits the ability of industrial uses to establish and operate within industrial areas.
- The benefits are considered to significantly outweigh the costs.

**Policies not most appropriate to achieve the objective:**

<table>
<thead>
<tr>
<th>Policy</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>No policy framework regarding amenity levels within industrial areas.</td>
<td>This would not be appropriate as there would be no implementing policy for the objective, and no improvement in amenity levels within the industrial areas of the City.</td>
</tr>
<tr>
<td></td>
<td>An absence of any policy framework would not provide certainty for industrial landowners and developers as to how the objective would be implemented.</td>
</tr>
<tr>
<td>Amenity levels to be enhanced at specific locations only.</td>
<td>This policy would only partially achieve the objective, and only within the geographic locations specified in the policy.</td>
</tr>
<tr>
<td></td>
<td>Such a policy would have no impact on amenity levels elsewhere within the industrial areas of the City, i.e. the majority of the industrial land resource.</td>
</tr>
<tr>
<td></td>
<td>A policy that has no impact on lifting amenity levels for the majority of the industrial land resource will not be effective in achieving the objective.</td>
</tr>
</tbody>
</table>

**Risks**

Risks of acting or not acting.

- The risks of acting are considered to be well known and have been taken into consideration.
- The risks are that the policy approach is too restrictive and limits the effective utilisation of the industrial land resource. This would have a detrimental effect on the ability of the City’s industrial land resource to meet the social, economic and cultural wellbeing of people and the community.
- The policy imposes a higher expectation for the level of on-site amenity and for the contribution of industrial sites to the amenity outcomes within the adjoining public realm (streets, parks etc.).
- The risks of establishing a policy framework that sets clear expectations for improvements in amenity levels throughout the industrial zone is considered to be outweighed by the risks of not acting.
- The risks of not acting are that the absence of a policy framework for amenity levels
in industrial areas will lead to no change from the status quo.

<table>
<thead>
<tr>
<th>Policies most appropriate to achieve the objective:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>9.2.4</strong></td>
</tr>
<tr>
<td>The adverse amenity impacts of industrial activities on residential and open space areas are to be avoided.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>9.2.4a</strong></td>
<td></td>
</tr>
<tr>
<td>The adverse effects of industrial activities are contained within the Industrial Zone boundary to avoid adverse effects on amenity within other zones, particularly the Residential, Special Character and Open Space Zones.</td>
<td></td>
</tr>
<tr>
<td><strong>Benefits</strong></td>
<td></td>
</tr>
<tr>
<td>• The policy takes a clear stance that at the interface of the Industrial Zone adverse amenity effects need to be avoided and clearly identifies how the objective will be achieved.</td>
<td></td>
</tr>
<tr>
<td>• The policy makes it clear that it is the Residential Zone, Special Character and the Open Space Zones that are the most susceptible to amenity effects.</td>
<td></td>
</tr>
<tr>
<td>• The policy establishes a clear focus for where amenity effects are to be managed.</td>
<td></td>
</tr>
<tr>
<td>• The policy clearly establishes that within industrial areas, effects do not need to be avoided, although as per policy 9.2.2a amenity levels within industrial areas are to be enhanced compared to existing levels.</td>
<td></td>
</tr>
<tr>
<td>• Environmental benefits arise from improving the amenity levels at the interface of industrial areas with other zones. Properties in other zones, but particularly residential properties and the City’s open spaces, receive a higher degree of protection from industrial premises in close proximity.</td>
<td></td>
</tr>
<tr>
<td>• Economic benefits occur as the policy provides a focus on avoidance of amenity effects at the Industrial Zone interface, which will lead to general improvement of amenity levels on both sides of the zone interface.</td>
<td></td>
</tr>
<tr>
<td>• The industrial areas are large areas of land within the City, with the majority of sites within the Industrial Zone having no interface with other zones. For those properties the policy has a benign effect, and is positive in the sense that it establishes where effects do not need to be avoided.</td>
<td></td>
</tr>
<tr>
<td><strong>Costs</strong></td>
<td></td>
</tr>
<tr>
<td>• Some costs are associated with the policy, as industrial landowners and developers of industrial property will have to accommodate the intent of the policy in undertaking design of new industrial</td>
<td></td>
</tr>
</tbody>
</table>

9 Industrial Zone
properties and redevelopment of existing properties, where there is a zone interface involved.

- For properties on the boundary of the Industrial Zone there are some economic costs from the more restrictive regime.
- There are also some costs associated with any form of regulation that restricts the ability of the market to establish and operate industrial uses in the City. Related to that are costs in terms of the ability of people and the community to provide for their social, economic and cultural wellbeing.

**Efficient and Effective**

These policies will be efficient and effective to achieve objective 9.2.3 by:

- Establishing a clear and concise policy approach for how amenity levels along the interface between the Industrial Zone and the Residential and Open Space Zones are to be controlled.
- The policy sets clear expectations for the extent of effects allowable at the boundary of the Industrial Zone, and provides a high level of certainty as to how the objective will be achieved.
- The policy contributes to the enhancement of City-wide amenity by providing a focus on the boundary of industrial areas and the interface with other zones. The threshold of avoidance is also a higher threshold along the industrial zone boundary and will make an important contribution to city-wide amenity.
- The policy will not prevent high levels of utilisation of industrial land or inhibit the ability of industrial uses to establish and operate within industrial areas.
- The policy does result in costs for industrial property owners and developers, while the environmental benefits are spread more widely to the City generally, and owners and occupiers of residential properties near the industrial interface.
- The benefits of the policy identified above are considered to significantly outweigh the costs.
<table>
<thead>
<tr>
<th>9.2.4b</th>
<th>Benefits</th>
</tr>
</thead>
</table>
| The establishement of noxious or offensive activities within the Riverlea Industrial Area, or in locations near the boundary with Residential, Special Character and Open Space Zones, where there will be adverse amenity effects on these locations, shall be avoided. | - The policy expresses a clear and concise position on noxious or offensive activities located on industrial properties near Residential, Special Character and Open Space Zones.  
- The policy provides clarity to the matter, which would not exist otherwise. The term ‘noxious or offensive activities’ has a precise meaning within the District Plan, and in summary is a list of activities likely to generate significant odour and other amenity effects beyond the boundary of the site where they are located.  
- The policy sets a clear directive for industrial landowners and developers to locate any activities that fall within the category of noxious or offensive (as defined in the District Plan) a sufficient distance from the Residential Zone, Special Character or Open Space Zones to ensure effects are avoided.  
- The policy enables noxious and offensive activities where there will not be adverse amenity effects on the Residential or Open Space Zone, either because of the scale of effects generated by the activity, or that there is a sufficient buffer to avoid any effects.  
- There are environmental, social and economic benefits for owners and occupiers of Residential Zone properties and users of Open Space Zone parks and reserves. The policy provides a level of protection from the noxious or offensive activities located within Industrial Zones. |

<table>
<thead>
<tr>
<th>Costs</th>
<th></th>
</tr>
</thead>
</table>
| - There are some costs associated with any form of regulation that restricts the ability of the market to establish and operate industrial uses in the City. In relation to this policy it is a specific form of industrial activity being regulated, and the list of activities defined in the District Plan as ‘noxious or offensive’ are now relatively uncommon. Accordingly, the level of economic costs is considered low. Related to that are costs in terms of the ability of people and the community to provide for their social, economic and cultural wellbeing, but similarly these are low.  
- There are some costs associated with the policy, as industrial landowners and developers of industrial |
property will have to accommodate the intent of the policy in the design of new industrial properties and redevelopment of existing properties near the boundary with the Residential or Open Space Zones.

**Efficient and Effective**

These policies will be efficient and effective to achieve objective 9.2.4 by:

- Establishing a clear and concise policy approach for the establishment of noxious or offensive activities near the interface with the Residential and Open Space Zones. For noxious or offensive activities not near this interface with these other zones the policy will have no effect.
- Targeting the core issue enabling these activities to establish in locations where there are no sensitive land uses nearby.
- The policy provides a high level of certainty for all parties as to how the objective will be achieved in relation to noxious or offensive activities.
- The policy contributes to the enhancement of City-wide amenity by providing a focus on noxious or offensive activities which are typically the most effects-generating industrial activities.
- The policy is considered efficient and effective as it does not unduly restrict all noxious or offensive activities, but rather targets locations where such activities are likely to generate significant effects due to proximity to sensitive land uses.
- The policy will not prevent noxious or offensive activities, or inhibit the ability of industrial uses to establish and operate within industrial areas. In particular, noxious or offensive activities need to be able to establish and operate within the Industrial Zone as they will not be suitable in any other part of the City.
- The benefits of the policy identified above are considered to significantly outweigh the costs.

<table>
<thead>
<tr>
<th>9.2.4c</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additional standards apply to activities within the Amenity Protection Areas in order to minimise adverse effects on the amenity of residential sites or other sensitive sites</td>
<td>The policy clearly indicates the need to adhere to additional standards for those activities within the Amenity Protection Area.</td>
</tr>
<tr>
<td></td>
<td>This policy provides a framework that justifies the inclusion of the Amenity Protection Area within the zoning maps.</td>
</tr>
</tbody>
</table>
adjacent to land within the Industrial Zone.

- There are environmental, social and economic benefits for owners and occupiers of Residential Zone properties and users of sensitive sites. The policy provides a higher level of protection from the noxious or offensive activities located within Industrial Zones.

**Costs**
- There are some costs associated with the establishment of higher standards within the Amenity Protection Area as Industrial land owners and developers will have to accommodate the standards within the design of new industrial development or redevelopment near the boundary with Residential or sensitive land use.

**Efficient and Effective**
When read with the existing policies, 9.2.4c further provides for the efficient and effective achievement of Objective 9.2.4 by:
- Establishing a clear direction for the establishment of industrial activities near the interface with Residential and sensitive activities.
- Providing a high level of certainty for how the objective will be achieved in relation to offensive or noxious activities and building design requirements.

**Policies most appropriate to achieve the objective:**

9.2.5
To optimise the benefits of the regionally significant freight village facility at Crawford Street.

**Policies**

9.2.5a
Logistics, freight-handling services and supportive activities and infrastructure are provided for within Crawford Street Freight Village.

**Effectiveness, efficiency, costs and benefits**

**Benefits**
- The benefits of the policy are that the extent of utilisation of industrial land for logistics, freight-handling services and supportive activities provides for a long-term, strategic approach to the integration of land use and transport infrastructure.
- There are economic and strategic benefits to logistics and freight handling facilities being able to establish and operate in industrial areas unhindered by non-industrial land uses.
- There are related benefits in terms of the social, economic and cultural wellbeing of people and the
community arising from industrial areas maximising utilisation for employment purposes.

- The policy establishes clear expectations for the form of land use anticipated at Crawford Street Freight Village to be encouraged within the industrial area.
- The policy gives effect to Policy 6.3 of the RPS.

**Costs**

- Policy 9.2.5a restricts the ability for non-industrial uses to establish and operate in industrial areas, which has a cost for landowners and commercial developers.
- Regulation that restricts the ability of the market to establish land uses in the city, attracts some economic cost and a cost in terms of the ability of people and the community to provide for their social, economic and cultural wellbeing.

**Efficient and Effective**

The policy will be efficient and effective in achieving objective 9.2.5 by:

- Establishing a clear policy for the form of development that is desirable in this specific industrial area of the city (i.e. a logistics/freight-handling hub).
- Giving effect to the RPS in terms of land for industry being located where there is good access to strategic transport networks and road, rail or freight hubs.
- The benefits of the policy are considered to significantly outweigh the costs.

<table>
<thead>
<tr>
<th>9.2.5b</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Activities sensitive to the adverse effects of logistics and freight-handling facilities avoid locating in proximity to the Crawford Street Freight Village</td>
<td><strong>Benefits</strong></td>
</tr>
<tr>
<td></td>
<td>- Benefits of the policy are that it establishes a clear focus for where amenity effects are to be managed.</td>
</tr>
<tr>
<td></td>
<td>- There will be environmental benefits from the policy as the amenity levels at the interface of the Freight Village with other zones will be greatly improved, with a more restrictive set of provisions arising from this policy.</td>
</tr>
<tr>
<td></td>
<td>- Economic benefits as a result of the policy providing a focus on avoidance of amenity effects at the Freight Village interface. This will lead to a more supportive planning regime for freight-handling and infrastructure in this specific</td>
</tr>
</tbody>
</table>
The extent of utilisation of industrial land for logistics, freight-handling services and supportive activities provides for a long-term strategic approach to the integration of land use and transport infrastructure.

**Costs**
- Industrial landowners and developers of industrial property will have to accommodate the intent of the policy when undertaking design of new industrial properties and redevelopment of existing, where a zone interface is involved. For properties on the boundary of the Crawford Street Freight Village there are some economic costs from the more restrictive regime.
- There are costs associated with any form of regulation that restricts the ability of the market to establish and operate industrial uses in the City. Related to that are costs in terms of the ability of people and the community to provide for their social, economic and cultural wellbeing.

**Efficient and Effective**
This policy will be efficient and effective to achieve objective 9.2.5 by:
- Establishing a clear and concise policy approach for how amenity levels along the interface at the Freight Village are to be controlled.
- Without the policy there would be no implementation framework for how the objective is to be achieved, and consequently reverse sensitivity issues would arise at the Freight Village interface.

**Benefits**
- This policy will ensure that the amenity levels at the public interface of the Crawford Street Freight Village are maintained and future development will need to take this into account.

**Costs**
- The policy maintains the status quo.

**Effective and Efficient**
- The policy allows development to occur on the site that maintains the amenity level that currently exists.

**Policies most appropriate to achieve the objective:**

<table>
<thead>
<tr>
<th>Location</th>
<th>9.2.5c Visual amenity effects at the boundary of the Crawford Street Freight Village with the Mangaharakeke Drive transport corridor are maintained.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
<td>Costs</td>
</tr>
<tr>
<td>Visual amenity effects at the boundary of the Crawford Street Freight Village with the Mangaharakeke Drive transport corridor are maintained.</td>
<td>This policy will ensure that the amenity levels at the public interface of the Crawford Street Freight Village are maintained and future development will need to take this into account.</td>
</tr>
<tr>
<td>The policy maintains the status quo.</td>
<td>Costs</td>
</tr>
<tr>
<td>The policy allows development to occur on the site that maintains the amenity level that currently exists.</td>
<td>Effective and Efficient</td>
</tr>
</tbody>
</table>
9.2.6
Recognise lawfully established existing office and retail activities that have previously located in the Te Rapa Corridor whilst encouraging a return to industrial uses in the future.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.2.6a</td>
<td>Industrial activity is encouraged to locate within the Te Rapa Corridor.</td>
</tr>
<tr>
<td>Benefits</td>
<td>• The policy sends a clear direction that industrial activity should locate in the Te Rapa Corridor first and foremost.</td>
</tr>
<tr>
<td>Costs</td>
<td>• The policy doesn’t encourage other types of activity to locate in the area creating a potential cost for land owners by reducing development opportunity.</td>
</tr>
<tr>
<td>Efficient and Effective</td>
<td>The policy will be efficient and effective in achieving objective 9.2.6 by:</td>
</tr>
<tr>
<td></td>
<td>• The policy is directive in encouraging industrial activities to locate in the corridor as per the objective.</td>
</tr>
</tbody>
</table>

9.2.6b
The continued operation of existing office and retail activities in the Te Rapa Corridor that were lawfully established as permitted activities under the previous planning regime are recognised and provided for.

| Benefits | • The policy provides certainty to those office and retail activities that established as permitted activities under the previous district plan and may not have an existing resource consent to rely on. |
| Costs    | • By providing for the on-going use of these established activities it is likely that the return of industrial activities to the corridor will be slower. |
| Efficient and Effective | The policy will be efficient and effective in achieving objective 9.2.6 by: |
|          | • Providing protection of existing retail and office activities that established as permitted activities in the corridor under the previous planning regime. |

9.2.6c
Avoid any increase in additional office or retail activities/tenancies.

| Benefits | • This policy is in line with the overall direction that industrial land is to be used for industrial purposes. By avoiding the increase in office or retail tenancies, further industrial land will not be lost to these activities. |
- This policy ensures business hierarchy and strategic direction of the Plan are not undermined through the spread of stand alone office or retail activities outside of identified business centres.

**Costs**
- This places restrictions on existing businesses ability to add tenancies to their premises.

**Efficient and Effective**
The policy will be efficient and effective in achieving objective 9.2.6 by:
- Clearly signalling that while existing business may be able to continue to operate, they are unable to add tenancies to their premises. This will assist in encouraging industrial businesses to return to the zone.

**9.2.6d**
Avoid any expansion of existing office or retail activities/tenancies.

**Benefits**
- This policy is in line with the overall direction that industrial land is to be used for industrial purposes. By avoiding the expansion of office or retail activities, further industrial land will not be lost to these activities.
- This policy ensures business hierarchy and strategic direction of the Plan are not undermined through the spread of stand alone office or retail activities outside of identified business centres.

**Costs**
- This places restrictions on existing businesses ability to expand their premises.

**Efficient and Effective**
The policy will be efficient and effective in achieving objective 9.2.6 by:
Clearly signalling that while existing business may be able to continue to operate, they are unable to expand. This will assist in encouraging industrial businesses to return to the zone.

**Policies not most appropriate to achieve the objective:**

<table>
<thead>
<tr>
<th>Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>A policy framework that permits all office and retail activity.</td>
</tr>
<tr>
<td>A policy that protects all existing offices whether they have been lawfully established creating difficulties with enforcement</td>
</tr>
</tbody>
</table>

This would not be appropriate as it would not signal that the industrial zone is to be used for industrial activities. This would be against Future Proof, the RPS and the strategic direction of the plan.

This would be inappropriate as it would offer protection to activities that have not lawfully established creating difficulties with enforcement.
Policies most appropriate to achieve the objective:

9.2.7
Enable the redevelopment of the site in a state of land use transition described as Lot 3 DP 5270, Pt Lot 3 DRO 346, Pt Lot 2 DRO 346, Pt Lot 1 DP S4044 and LOT: PT 2 DP: S4044 to include provision for managed care facilities; retirement villages, rest homes and visitor accommodation in a manner that achieves a high level of on-site amenity for those activities whilst ensuring that reverse sensitivity effects on surrounding industrial activities are avoided.

9.2.7a
The development of managed care facilities; retirement villages and resthomes and visitor accommodation are managed, located and designed to:

i. Avoid adverse effects from surrounding non-residential activities; and

ii. Provide a high level of onsite amenity for the activities identified; and

iii. Ensure adjacent non-residential activities are not subject to the effects of reverse sensitivity; and

iv. Ensure adverse effects on the surrounding residential and open space areas are avoided; and

v. Ensure that the interface with adjacent residential and open space uses is treated sensitively.

Benefits
• The policy manages the development of the identified activities and ensures that development provides a suitable level of amenity and manages issues associated with reverse sensitivity.

Costs
• The provision of non-industrial activities in the industrial zone removes the likelihood that industrial activities will continue to use this site.

Efficient and Effective
The policy will be efficient and effective in achieving objective 9.2.7 by:

• Providing a policy direction for development of the specified sites in accordance with the relevant objective.

9.2.7b
Any development on this transitional site shall ensure vehicle and pedestrian access between Karewa Place and Maui Street.

Benefits
• The policy ensures that development of the site will provide a through link that ensures vehicle and pedestrian access between Karewa Place and Maui Street.

Costs
• The policy imposes costs on the land owner for development. The requirement for the link has
been established through traffic engineering advice and will assist in reducing adverse effects on the network.

**Efficient and Effective**
The policy will be efficient and effective in achieving objective 9.2.7 by:

- Ensuring that development of the site provides access between Karewa Place and Maui Street.

**Conclusion**
Taking into account the above, Council considers that the 17 policies in this chapter are the most appropriate to achieve the objectives.

### 9.4 Rules

#### Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>One industrial zone to cater for industrial development in different parts of the City whilst recognising the unique circumstances afforded to the Rotokauri Employment Area, the Riverlea Industrial Area and the Te Rapa, Greenwood and Kahikatea Corridors are to be met through elevated activity status rules for selected activities.</td>
<td>Benefits</td>
</tr>
<tr>
<td>Benefits</td>
<td></td>
</tr>
<tr>
<td>- The Industrial Zone is a general industrial zoning that is applied to the industrial locations within the City, the vast majority of which are existing industrial areas.</td>
<td></td>
</tr>
<tr>
<td>- There are benefits from having one zone as rules and standards are tailored in recognition of the characteristics of industry.</td>
<td></td>
</tr>
<tr>
<td>- Recognition of the Rotokauri Employment Area establishes higher performance thresholds for activities establishing in this new greenfield area to ensure that adverse effects on future, more sensitive neighbouring residential and business activities, can be properly managed.</td>
<td></td>
</tr>
<tr>
<td>- Recognition of the Riverlea Area as having differentiating characteristics that require elevated performance thresholds in order to protect the amenity of each area.</td>
<td></td>
</tr>
<tr>
<td>- The Te Rapa Corridor and Greenwood / Kahikatea Corridors have been identified as areas where specified activities may occur over and above the rest of the industrial zone, accordingly they have specific activity status tables that relate to these uses.</td>
<td></td>
</tr>
<tr>
<td>- Previous retail and office activity established in the Te Rapa corridor have been provided recognition</td>
<td></td>
</tr>
</tbody>
</table>
in 9.3.2. This ensures that those activities that have established as permitted activities under previous planning regimes are able to continue to operate.

**Costs**

- One Industrial Zone is not considered to generate additional costs. The Industrial Zone is based on an equivalent general industrial zoning from the Operative District Plan. The Rotokauri Employment area provisions reflect those provisions confirmed for the overall Structure Plan for Rotokauri.
- Higher thresholds and the potential need for consent for some identified activities in the Riverlea Area.

**Efficient and Effective**

- Having one zone will be efficient and effective to achieve objectives 9.2.1, 9.2.2 and 9.2.3 by providing zone provisions that cater for the industrial areas within the City.
- The zone provisions provide for the management of industrial and non-industrial land uses, and amenity outcomes in an efficient and effective manner.

<table>
<thead>
<tr>
<th>Providing for new buildings and alterations and additions as Permitted activities where they are not located on identified major arterial transport corridors, within the Crawford Street Freight Village or the Te Rapa North Industrial Zone and; Requiring those new buildings or alterations and additions located on identified transport corridors to be assessed as Controlled Activities.</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- Provides additional certainty to industrial land owners and developers around the establishment of new industrial buildings.</td>
</tr>
<tr>
<td></td>
<td>- Allows for performance standards to create amenity levels for the establishment of new industrial buildings.</td>
</tr>
<tr>
<td><strong>Costs</strong></td>
<td><strong>Efficient and Effective</strong></td>
</tr>
<tr>
<td>- There will be a cost associated with lower amenity levels if compared to requiring every industrial building to be consented.</td>
<td>- The rule will provide for higher amenity levels on “gateway” sites which is an efficient way of</td>
</tr>
<tr>
<td>- There is still a cost to developers/land owners of those sites on the corridors identified, however this is considered to be minor.</td>
<td></td>
</tr>
<tr>
<td>- It is considered that the benefits of this amendment outweigh the costs.</td>
<td></td>
</tr>
</tbody>
</table>
providing a higher level of amenity within Hamilton’s Industrial Zone without creating an expectation that all areas of the Industrial Zone need assessment against design guidelines.

The rule clearly identifies those corridors where buildings will require consent to ensure higher amenity levels are achieved, which provides certainty to land owners and developers.

9.3 Activity Status Table:
Non-Complying Activity Status for Noxious and Offensive Activities within the Rotokauri Employment Area and Riverlea Industrial Area

**Benefits**

- The Activity Status Table provides clear expectations of what land uses are anticipated and appropriate within the Rotokauri Employment Area and Riverlea Industrial Area.
- The Non-Complying activity status clearly communicates the desire to ensure these activities do not establish in these areas.
- This rule provides the communities of these areas certainty in the control of noxious or offensive activities.

**Costs**

- The Non-Complying activity status severely reduces the ability of noxious or offensive activities to establish in these areas, removing the ability of certain industries/businesses to locate in these areas.
- It is considered that the benefits of this status outweigh the costs.

**Efficient and Effective**

- The Activity Status Table as a method will be efficient and effective to achieve objectives 9.2.2 and 9.2.3 by establishing in a clear manner those areas of the Industrial Zone where the establishment of noxious or offensive activities is not supported, creating higher levels of amenity. The inclusion of specifically identified areas ensures an efficient approach to the Industrial Zone and Noxious or Offensive activities as is clearly distinguishes between where these activities are anticipated and where their establishment is not supported.

9.3 Activity Status Table:
Industrial.
Rotokauri Employment Area.

**Benefits**

- The Activity Status Table provides clear expectations of what land uses are anticipated and appropriate within the Industrial Zone and the Rotokauri Employment Area.
- There is a distinction between land uses and building works with each having an activity status.
- There is also a distinction between activities provided for to recognise the amenity outcomes sought.
- Subject to compliance with standards, there are a wide range of permitted activities, considered suitable (without resource consent).
- In the Rotokauri Employment Area ‘any industrial activity’, ‘light industrial activity’ and ‘service industrial activity’ are either restricted discretionary or controlled activities, to manage potential adverse effects at the interface with more sensitive neighbouring activities.
- There are a limited number of restricted discretionary activities, and discretionary activities; for which additional assessment criteria apply.
- Suitability is determined on a site specific basis. Non-complying activity status applies to activity groups in the Rotokauri Employment Area which are discouraged from establishing in this greenfield location because of the area’s proximity to the proposed Rotokauri Suburban Centre.
- The Activity Status Table provides clear and precise identification of activity status, and establishes clear demarcation between activities that are permitted and those that require consent.

**Costs**
- There will be some land uses and works, related to buildings, that will require resource consent.
- Identification of activities that are restricted discretionary or discretionary adds additional cost, complexity and time to undertake development. Those costs are largely borne by industrial landowners and developers who seek resource consent.

**Efficient and Effective**
- The Activity Status Table as a method will be efficient and effective to achieve objectives 9.2.1 to 9.2.3 by establishing in a clear manner land use and works to buildings that are permitted, as versus those that require resource consent.
- The land use category ‘any industrial activity’ is a permitted activity which is the intended primary
<table>
<thead>
<tr>
<th>9.3 Activity Status Table: Industrial. Riverlea Industrial Area.</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• The Activity Status Table method is enabling of industrial development.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>9.3.1 Activity Status Table for the Greenwood/Kahikatea Corridor</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• The rule provides for specified non industrial activities to establish and operate in the defined corridor.</td>
</tr>
</tbody>
</table>
• By defining an area, the rule framework ensures that these activities are able to be established in Hamilton, without compromising the remainder of the industrial zone.

Costs
• This rule framework restricts the area that these types of activities can occur in.
• By providing for non-industrial activities, the rule framework increases competition for industrial activities looking to locate on these corridors.

Efficient and Effective
• The activity status table will achieve the direction set out in Policy 9.2.1c by clearly identifying specified uses.

| 9.3.2 Activity Status Table for the Te Rapa Corridor |
| Benefits |
| • The rule provides for specified non-industrial activities to establish and operate in the defined corridor. |
| • The rule also provides protection for those activities that established under the previous planning regime. |
| Costs |
| • By providing for the on-going use of these established activities it is likely that the return of industrial activities to the corridor will be slower. |

Efficient and Effective
The activity status table will achieve the direction set out in Policy 9.2.1c by clearly identifying specified uses. It will also effectively deliver objective 9.2.6 and its subsequent policies by providing a framework that allows for existing activities to continue to operate.

9.3.3: Comprehensive Development Consent. 9.3.4: Status of a Comprehensive Development Consent.

Adoption of the Comprehensive Development Consent (CDC) approach offers land owners and developers a strategic management framework for land and infrastructure development. It provides for staging that aims to ensure public infrastructure services and transport corridors are provided to a standard acceptable to Council while site development can proceed with a minimum of additional consenting requirements. Non conformance will trigger a more robust consenting process for developers.

Benefits
Achieving growth in new industrial development at a comprehensive scale is considered to offer benefits for both the developer and the Council. These include:

- Agreeing on and achieving coherent and orderly development.
- The efficient use and timing of public investment in new infrastructure.
- Anticipated traffic effects that are acceptable on the transport network.
- Contributions made to meet the servicing costs of public infrastructure.
- The scale and intensity of internal development relates to the level of public infrastructure and transport network proposed.

**Costs**

- There are not considered to be additional costs borne from well planned and integrated development between the public and private sectors.
- This approach is superior to development occurring on an ad hoc and incremental basis without an appreciation of the scale and intensity of development overall that is expected.

**Efficient and Effective**

The rule will be efficient and effective to achieve objectives 9.2.1 to 9.2.3 by ensuring acceptable and timely infrastructure provision is achieved at key locations.

The rule as a method is considered to be efficient and effective as a means for achieving the objectives.

<table>
<thead>
<tr>
<th>General Standards: 9.4.1 Building setbacks</th>
<th>The standard sets a 5m front setback on local or collector transport corridors, and a building envelope for buildings located on arterial transport corridors, and nil ‘other setbacks’ except where adjoining the Residential or Open Space Zone or a state highway, where the setback is 8m.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Benefits</strong></td>
<td>The standard imposes targeted setbacks for identified situations where a setback serves a purpose. In the majority of industrial site situations, minimal setbacks apply resulting in high levels of site utilisation to be achieved to</td>
</tr>
<tr>
<td>General Standards:</td>
<td>The standard sets a 20m maximum building height</td>
</tr>
<tr>
<td>-------------------</td>
<td>-----------------------------------------------</td>
</tr>
</tbody>
</table>

- Ensure efficient use of the City’s industrial land resource.
  - Setbacks have been imposed where there is a demonstrable amenity benefit, being adjacent to the Residential and Open Space Zones, and when adjoining arterial transport corridors.
  - The standard is simple and sets clear and easily understood setbacks that can be used to determine the net usable area and the theoretical development potential of an industrial site.

**Costs**

- Setting minimum setbacks will constrain development, resulting in a lower yield for an industrial landowner or developer.
- Setbacks do restrict development potential, and reduce flexibility.
- There is a cost related to this level of restriction that is borne by industrial landowners and developers.

**Efficient and Effective**

- The rule will be efficient and effective to achieve objectives 9.2.1 to 9.2.3 by ensuring suitable amenity outcomes are achieved at key locations, i.e. along state highway corridors, and when industrial sites are adjacent to Residential and Open Space Zone properties.
- The rule is efficient and effective as it targets the more sensitive boundaries, and maintains a permissive approach where industrial properties are adjoining each other.
- The vast majority of industrial properties do not adjoin a arterial transport corridor, nor are they adjacent to a property within the Residential or Open Space Zones.
- The exception to the above is the 5m front setback for all properties. This is considered necessary to ensure appropriate relationships to the street and design outcomes relating to the public realm, given the size of buildings and extent of site coverage provided for within the zone.
- The rule as a method is considered to be efficient and effective as a means for achieving the objectives.
9.4.2 Building Height
a) Maximum building height
b) Height of container stacking for Crawford Street Freight Village
c) Height of lighting towers, poles, aerials, loading ramps, link spans, flagpoles, machinery rooms, and cranes and other lifting or staking equipment in Crawford Street Freight Village

9.4.3 Height in relation to boundary.

limit, reduced to 10m where the building is located within the Amenity Protection Area, and a Height Control Plan (3m plus 45 degrees, or 28 degrees on southern boundaries).

Benefits
- The 20m maximum height standard is a relatively generous standard that enables high levels of utilisation of industrial land.
- More restrictive standards are only considered to be justified based on the adjoining land being more sensitive (in particular the Residential Zone or Open Space Zone).
- The standard is targeted to potential amenity effects, but is otherwise enabling of industrial development.
- The more generous maximum height standards for container stacking, light towers, cranes, etc within Crawford Street Freight Village reflects the specialised nature of the equipment operations within this area.
- A 15m maximum height standard applies in the Rotokauri Employment Area to recognise the potentially more sensitive neighbouring environment.

Costs
- Setting maximum height limits will impose some constraint on development. Few industrial buildings in the City exceed 20m in height so the level of constraint is considered low.
- More restrictive standards apply in locations where other uses in close proximity require greater levels of restriction, but the extent of regulation is considered to be matched by the necessity of maintaining amenity levels in these locations.
- As a restriction it results in a lower yield for an industrial landowner or developer.

Efficient and Effective
- The rule will be efficient and effective to achieve objectives 9.2.1 to 9.2.3 by ensuring suitable amenity outcomes are achieved at key locations, (i.e. those in close proximity to properties within the Residential, Special Character and Open Space Zones and in the Rotokauri Employment Area).
| | The rule is efficient and effective as it targets the more sensitive locations, with a generous height limit in all other areas.  
Given the vast majority of industrial properties do not contain land within the Amenity Protection Area or are adjacent to the Residential Zone, Special Character or Open Space Zones, the extent of restriction is considered moderate, and well-targeted to address amenity issues.  
There is considered to be a low level of restriction for industrial sites that are not restricted by the above locational constraints.  
The rule as a method is considered to be efficient and effective as a means for achieving the objectives. |
|---|---|
|**General Standards:**  
9.4.4 Site coverage. | The standard sets 100% maximum building coverage for industrial sites, unless all or part of the site is within the Amenity Protection Area and the Rotokauri Employment Area, in which case coverage is reduced to 75%.  
**Benefits**  
- The standard sets a default 100% maximum site coverage which is effectively unlimited site coverage, except for where a site is within the Amenity Protection Area and the Rotokauri Employment Area.  
- The 75% site coverage maximum where there is an Amenity Protection Area or Rotokauri Employment Area remains a relatively generous standard given the typical size of industrial properties, and still enables high levels of utilisation of industrial land as per the objectives.  
- The more restrictive standard is considered to be justified based on the adjoining land use being more sensitive. The standard is targeted to potential amenity effects, but is otherwise enabling of industrial development.  
**Costs**  
- Setting maximum building coverage limits will constrain development to some extent, although as the limit is 100% except where part of the site is within the Amenity Protection Area/Rotokauri Employment Area, there is effectively no limit apart from the practical considerations of stormwater disposal, parking and loading space provision, and landscaping. |
A more restrictive standard applies in locations where Residential Zone properties are adjoining or in close proximity (i.e. there is an Amenity Protection Area in place). While the extent of regulation is considered to be matched by the necessity of maintaining amenity levels in these locations, the restriction results in a lower level of utilisation and development potential for an industrial landowner or developer.

**Efficient and Effective**

- The rule will be efficient and effective to achieve objectives 9.2.1 and 9.2.3 by ensuring the efficient and effective utilisation of industrial land can be achieved (objective 9.2.1), while adverse amenity impacts on Residential Zone properties are avoided (objective 9.2.3).
- The rule is efficient and effective as it targets the sensitive interface where amenity issues are of greater significance, and retains a generous coverage threshold in all other areas.
- Given that the vast majority of industrial properties do not contain land within the Amenity Protection Area, the extent of restriction is considered moderate, and well-targeted to addressing amenity issues.

**General Standards:**

**9.4.5 Permeable surfaces**

The standard applies a 10% permeability threshold as part of promoting sustainable urban development. In essence, onsite effects are to be managed on site in terms of stormwater runoff.

**Benefits**

- The standard sets a default to effectively promote improved management of onsite effects arising from built development in order to achieve a more environmentally sustainable form of development. Exceptions are provided to allow for minor works and for changes in use that would otherwise be permitted and do not reduce the area of permeable surface below what existed before the date of plan notification, allowing for efficient use of industrial land.
- The standard provides a clear and concise level of control that does not provide unnecessary restrictions on industrial development.

**Costs**

- Setting restrictions on site development for
industrial property owners and occupiers may result in loss of flexibility and options. The extent of the cost is considered to be outweighed by the benefits of promoting sustainable site development.

**Effective and Efficient**

- The rule will be efficient and effective to achieve objective 9.2.2 by ensuring sustainable building development on industrial sites.
- The extent of regulation is considered to be suitable for the extent of the effectiveness in terms of the positive outcomes able to be achieved by the standard.
- The rule is efficient and effective as it targets and is responsive to the potential effects of site development by industrial owners.

### General Standards: 9.4.6 Site layout.

The standard applies restrictions within the front portion of industrial properties to enhance the amenity outcomes and in particular the relationship between the site and street. The standard applies a 50% maximum of the area between the front building on the site and the front boundary able to be used for parking and/or vehicle manoeuvring. In addition that no part of the front setback (5m or 15m depending on whether the site is fronting a state highway) can contain plant or machinery. This standard also restricts plant and machinery within front setback and no storage of containers forward of front building line of any building fronting a transport corridor within the Crawford Street Freight Village.

**Benefits**

The standard addresses two matters that can detrimentally affect the amenity outcomes of industrial development in relation to the streetscape and the public realm providing clear and concise levels of control.

- Large expanses of parking and asphalt manoeuvring space at the front of sites.
- The presence of plant and machinery such as air-conditioning units being sited within the front setback.
- Does not impose a restriction on industrial development.
- The standard includes a qualifying criteria (that if buildings are more than 15m from the front
boundary then the car parking and manoeuvring space standard does not apply)

- The term front setback for the plant and machinery part of the standard has a clear meaning.
- The standard is considered to be concise, well targeted, and effective in enhancing the amenity of industrial areas given the prominence of the front portion of industrial properties from public land.

**Costs**

- Restricting the manner in which industrial property owners and occupiers can utilise the front portion of industrial sites has a cost in that some flexibility and possibly development options are lost.
- The standards require the site layout to accommodate parking, vehicle manoeuvring and plant and machinery in other parts of the site. The extent of that cost is considered moderate given the level of permitted site coverage, the typical size of industrial properties, and the resulting flexibility in formulating development options and opportunities.

**Efficient and Effective**

- The rule will be efficient and effective to achieve objective 9.2.2 by ensuring that high levels of utilisation of the industrial land resource can still be achieved, whilst still effectively addressing urban design and streetscape matters.
- The extent of regulation is considered to be suitable for the extent of the effectiveness in terms of the positive outcomes able to be achieved by the standards.
- The rule is efficient and effective as it targets the interface of industrial properties with the street where the greatest improvement in amenity issues within industrial locations is able to be achieved.

**General Standards:**

9.4.7 Service and outdoor storage areas in the Rotokauri Employment Area.

The standard sets out four specific and measurable design requirements to be satisfied concerning the avoidance of storage in front and side yards, area and scale. The intention is to promote a high quality building environment having high levels of internal (within the site) and external (beyond the site).
amenity and establish a positive relationship to the street frontage and the surrounding environment.

**Benefits**

- The standard sets a high amenity expectation to manage the location and intensity of outdoor storage to enable better protection of amenity values.
- The standard is targeted but is otherwise enabling of industrial development.

**Costs**

- Setting a standard will constrain site development to some extent and may impose building design challenges. The extent of the cost is considered moderate when measured against the enhancement at the interface of the industrial property with the street, where the greatest improvement in amenity can be achieved.

**Efficient and Effective**

- The rule will be efficient and effective to achieve the objective by promoting industrial development with higher amenity to the street frontage of sites.

**General Standards: 9.4.8 Provisions in other Chapters.**

The rule provides a cross-reference to other chapters where provisions may apply to activities within the Industrial Zones.

**Benefits**

- The rule provides cross-references to other parts of the District Plan that may need to be analysed to determine compliance and activity status. There are benefits in terms of ease of administration and use of the District Plan.

**Costs**

- There are not considered to be any costs as the rule simply provides clear cross-references to other rules in the District Plan.

**Efficient and Effective**

- The rule will be efficient and effective to achieve the objectives by enabling ease of use of the District Plan, and clear administration.

**Specific Standards: 9.5.1 Ancillary retail and office activity.**

The rule states that no ancillary retail activity shall occupy more than a combined total of the equivalent of 50% of the floor area of the principal industrial activity on the site in the Industrial Zone and the
Rotokauri Employment Area. Ancillary retail activities are industrial activities that have an on-site retail component, such as a showroom or factory shop.

**Benefits**

- The rule is part of a framework of rules that regulate retail activities within the Industrial Zone.
- Ancillary retail and office are provided for as a permitted activity subject to this rule restricting the extent of floor area able to be included as ancillary retail.
- The rule is considered to be clear and concise, enabling of some retail activities where associated with the primary industrial activity on the site, whilst maintaining the principle of ‘industrial land for industry’ that forms the core of the Industrial Zone.

**Costs**

- There would be a cost if providing for ancillary retail and office undermined the ‘industrial land for industry’ principle by enabling large areas of industrial floor space to be used for non-industrial purposes.
- Should the uptake of ancillary retail and office provision be especially high, this would lead to large land areas within the Industrial Zone being unavailable for industrial purposes, contrary to objective 9.2.1.

**Efficient and Effective**

- The rule will be efficient and effective as a means to achieve objective 9.2.1 by providing for limited provision for retail ancillary to an industrial use.
- The thresholds will be effective in ensuring ancillary retail activities are genuinely ancillary, and the overall extent of industrial land used by ancillary retail activities remains limited.
- Some provision for ancillary retail and office is considered necessary as this is a core part of some manufacturing and industrial activity, and assists with the success of those businesses.
- The rule is clear and concise, and is subject to thresholds that will ensure that the benefits outweigh the potential costs.

| Specific Standards: 9.5.2 Ancillary offices for | The rule provides a framework for yard based activities to contain an ancillary office without relying |
yard-based activity.

<table>
<thead>
<tr>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The rule is part of a framework of rules that regulate office activities within the Industrial Zone.</td>
</tr>
<tr>
<td>• Ancillary office is provided for as a permitted activity subject to this rule restricting the extent of floor area able to be included as ancillary office.</td>
</tr>
<tr>
<td>• Other forms of office activity that are not ancillary are not provided for within the Industrial Zone, with provision instead being within commercial / business centres.</td>
</tr>
<tr>
<td>• The rule is considered to be clear and concise, enabling of some office activities where associated with the primary yard-based industrial activity on the site, whilst maintaining the principle of ‘industrial land for industry’ that forms the core of the Industrial Zone.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>• There would be a cost if providing for ancillary offices undermined the ‘industrial land for industry’ principle by enabling large areas of industrial floor space to be used for non-industrial purposes.</td>
</tr>
<tr>
<td>• Should the uptake of ancillary office provision be especially high, this would lead to large land areas within the Industrial Zone being unavailable for industrial purposes, contrary to objective 9.2.1.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Efficient and Effective</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The rule will be efficient and effective as a means to achieve objective 9.2.1 by providing for limited provision for offices that are ancillary to a yard-based industrial use.</td>
</tr>
<tr>
<td>• The thresholds will be effective in ensuring that ancillary office activities are genuinely ancillary, and that the overall extent of industrial land used by ancillary office activities remains limited.</td>
</tr>
<tr>
<td>• Some provision for ancillary office is considered necessary as this is a core part of some yard-based activities.</td>
</tr>
<tr>
<td>• The rule is clear and concise, and is subject to thresholds that will ensure that the benefits are considered to outweigh the potential costs.</td>
</tr>
</tbody>
</table>
Specific Standards:

9.5.3 Buildings in the Rotokauri Employment Area.

Specific standards for building design are set out covering minimum setbacks from site boundaries and the front boundary, the provision of windows on the transport corridor front facade of the building, the location/orientation of the principal pedestrian entrance, the height of fences and walls, and the location of loading spaces.

The aim is to have buildings clearly visible to people from the street with clearly delineated pedestrian access ways to the building entrance, and with surveillance of the street from the building satisfying CPTED principles.

**Benefits**

- The rule forms part of the framework for managing the land use and promoting a high amenity employment area in a greenfield environment.
- The standard is considered to be clear and concise, and easily administered.

**Costs**

- There would be costs to industrial owners and developers in how buildings are designed and oriented in relation to the street front but it is considered that site development options overall will not be unduly limited. The extent of the cost is considered moderate.

**Efficient and Effective**

- The rule will be efficient and effective as a means to achieve objective 9.2.1 by providing for positive building design outcomes that are able to be achieved through the standards adopted.
- The rule is clear and concise as to what is provided for and what is not, and incorporates scale thresholds that is easily understood and administered. The benefits are considered to outweigh the potential costs.

<table>
<thead>
<tr>
<th>9.5.5 New supermarkets in the Industrial Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.5.6 Extensions to existing supermarkets in the industrial zone</td>
</tr>
<tr>
<td>9.5.7 Extensions to existing supermarkets in the Industrial Zone, not existing at 15 September 2015.</td>
</tr>
</tbody>
</table>

This set of standards is specific to establishing or extending supermarkets in the Industrial Zone. They are in place to reinforce the policy which requires supermarkets to ensure that there is not land available in centres or that will not adversely affect the central city or other business centres in the hierarchy.

**Benefits**

- The rule allows supermarkets to establish and operate where they are able to demonstrate that...
the proposal will not undermine the role and function of other centres within the localised catchment in the business hierarchy.

**Costs**
- The rules place restrictions on the ability of supermarkets to establish and expand in the industrial zone.

**Efficient and Effective**
- The rules effectively and efficiently address policy 9.2.2b by outlining the circumstances where supermarkets can establish and expand in the industrial zone.
- The rules clearly outline the requirements needed to be provided for an application to establish or expand a supermarket in the industrial zone.

| 9.5.8 Office and retail activities lawfully established at 10 December 2012 | The provision provide a framework for assessing those existing office and retail activities located in the Te Rapa corridor |
| 9.5.9 Office and retail activities established at 10 December 2012. | **Benefits** |
| | • The rules provide for existing office and retail activities to continue to operate within the Industrial Zone where they meet the required criteria, providing certainty for land owners. |
| | **Costs** |
| | • By providing for the on-going use of these established activities it is likely that the return of industrial activities to the corridor will be slower. Equally there is continued choice and opportunity for such activities outside of business centres. |
| **Efficient and Effective** | • The rules clearly outline the information required for activities that are seeking to utilise the standards under 9.5.8 and 9.5.9. |
| | • The rules provide the detail required to ensure objective 9.2.6 and its subsequent policies are provided for. |

| 9.5.10 Managed care facilities, retirement villages and rest homes in the area identified in Figure 9.3a | These provisions relate to the land identified in Figure 9.3a and provided for under Objective 9.2.7. |
| **Benefits** | • The specific standards for the site provide a framework for development to be assessed against. Given the nature of the environment, these standards control development and issues |
associated with reverse sensitivity.

**Costs**
- The rule framework imposes standards on the development of any new industrial activities on the site once any form of residential development has taken place.

**Efficient and Effective**
- The standards provide clear direction on how the site is to be developed and transition to residential activities.

<table>
<thead>
<tr>
<th>9.5.11 Building Setbacks in the Crawford Street Freight Village</th>
<th>These provisions relate to the land identified under Objective 9.2.5.</th>
</tr>
</thead>
</table>

**Benefits**
- These standards will ensure that the amenity levels of the interface of the Crawford Street Freight Village and Mangaharakeke Drive are maintained, ensuring development is adequately setback from this arterial corridor.
- Shorter setbacks are required on transport corridors that carry less traffic, allowing for the site to be well utilised.

**Costs**
- There is a cost associated with controlling setbacks on a site; however this must be weighed against the benefits this provides.

**Effective and Efficient**
- The standards provide a clear direction for development of the Crawford Street Freight Village.

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The Plan identifies that certain activities either by virtue of the activity or due to failing standards are controlled, restricted discretionary, discretionary or non-complying activities.</td>
</tr>
<tr>
<td></td>
<td>The Plan includes assessment criteria that are able to be applied in the assessment of these activities through the resource consent process. The criteria are grouped clearly under headings relating to the matters Council has reserved control over (for controlled activities) and restricted its discretion (for restricted discretionary activities). These assessment criteria and the introductory ‘how to’ guide are a useful way to guide all parties on how</td>
</tr>
</tbody>
</table>
Council is going to administer the provisions of the Plan.

- The assessment criteria gives transparency and provides clarity for all users on the matters that Council has control or discretion over when considering controlled or restricted discretionary activities, and provides a guide for the consideration of discretionary and non-complying activities.
- The assessment criteria also seeks to avoid duplication of effort or unnecessary assessment by enabling design based criteria to be disregarded if a more relevant design guide is in place or if the criteria is not considered relevant to the specific activity.

**Costs**

- There is a general duty on an applicant and the Council to consider the assessment criteria firstly for relevance and secondly where considered relevant to assess the application against the criteria to consider the effects.
- There are no identified costs from clarifying in the Plan the matters which will be considered when processing an application.

**Efficient and Effective**

These provisions will be efficient and effective to achieve the objectives by identifying a list of matters which are able to be used as a guide when both preparing and assessing consent applications which eases the administration and use of the District Plan for all parties.

9.8 Other resource consent information.

- The rule provides a list of cross-references within Chapter 1: Plan Overview and Volume 2, Appendix 1: District Plan Administration.

**Benefits**

- The rule provides cross-references to other parts of the District Plan that may need to be analysed to determine compliance, and to assist plan-users understand the requirements of the District Plan.
- There are benefits in terms of ease of administration and use of the District Plan.

**Costs**

- Some costs would be incurred to provide for other
rules in the District Plan. The cost analysis of these are undertaken in other chapters of this section 32 analysis.

**Efficient and Effective**

- The rule will be efficient and effective to achieve the objectives 9.2.1 to 9.2.3 by enabling ease of use of the District Plan, and clear administration.

### Rules not most appropriate to achieve the objectives:

#### Multiple industrial zones.

- Having multiple industrial zones, based on either geographical locality or some other strongly differentiating characteristic, was considered but rejected in favour of a single Industrial Zone with the exception of recognising the Rotokauri Employment Area. The reasons were that there were not sufficiently strong differentiating characteristics to divide up the industrial areas of the City. With the exception of Rotokauri which is an undeveloped ‘greenfield’ industrial area, the other industrial areas are existing and established localities that are fairly homogenous in land use, intensity and character. Rotokauri is an undeveloped ‘greenfield’ location which provides opportunities for generating different outcomes, to justify a modified set of zone provisions based around achieving higher urban design and higher urban amenity in the long term.

- Consideration was given to an overlay along arterial routes to recognise the more commercial focus of some sites along these corridors. This was rejected on the basis that properties in these locations remained with industrial land uses, and that whilst there was a greater presence of retail and office uses, that the differentiating factors were evident but not strong enough to justify separate zones or overlays.

- Multiple zones would create a more complex set of provisions to manage land use within industrial areas, and the additional complexity was considered to outweigh the marginal extent of benefits that would accrue from this approach.

#### All activities requiring resource consent.

- This approach could not achieve the objectives as it would significantly increase the cost, complexity and time of any development, building or change in use.

- In particular objective 9.2.1 would not be achieved
as even industrial land uses would require consent to establish, which would restrict efficient and effective industrial development within the zone.

While the approach may be able to achieve objectives 9.2.2 and 9.2.3, the approach would be costly, not achieve objective 9.2.1, and would not be the most efficient way to meet the objectives.

**Risks**

Risks of acting or not acting.

The risks of acting are considered to be well known and have been taken into consideration.

- The risks are that the rules framework (the Activity Status Table and standards) is too restrictive and would act as a deterrent to industrial development occurring in the industrial areas, or that the regulation is poorly applied resulting in distorted outcomes. This would have a detrimental effect on the ability of the City’s industrial land resource to provide for this form of industrial activity and to meet the social, economic and cultural wellbeing of people and the community.

- With new buildings and additions/alterations to existing buildings requiring resource consent as a controlled activity on identified corridors, the resource consent process is important to ensure positive design outcomes are achieved that would not otherwise be achieved to justify a greater intervention of regulatory control.

- The risks of not acting are that non-industrial land uses proliferate within industrial areas, leading to an inefficient and ineffective use of the City’s industrial land resource.

- The risks of not acting are that the industrial land strategies within the RPS are undermined, and ineffective.

- The risks of not acting are that industrial land uses are ‘forced out’ of industrial areas due to reverse sensitivity issues. Such industrial land uses would not be able to relocate elsewhere within the City, resulting in their relocation outside of the City with loss of employment and other effects.

- The risks of not acting are the objectives remain unfulfilled, with industrial areas not used efficiently and effectively, amenity levels within industrial areas not being improved and adverse amenity impacts occurring at the interface with Residential and Open Space Zones.

- It is considered that there is sufficient information on industrial issues, and the risks of not acting outweigh the risk of acting.

**Conclusion:** Taking into account the above, Council considers that the rules in this chapter are the most appropriate to achieve the objectives 9.2.1, 9.2.2 and 9.2.3.

### 9.5 Methods Other Than Rules

Chapter 9: Industrial Zone relies entirely on regulatory methods for the implementation of objectives and policies. These regulatory methods have been evaluated above.

Volume 2, Appendix 1: District Plan Administration includes a section 1.8 Other Methods
of Implementation which does list methods that are not based on district plan regulations (i.e. rules). Examples relevant to Chapter 9: Industrial Zones are national environment standards, national policy statements, other relevant legislation such as Hazardous Substances and New Organism Act 1996, urban design guides and other technical advice, and the Hamilton Urban Growth Strategy.

None of these are methods that Chapter 9: Industrial Zone relies on for the implementation of objectives 9.2.1-9.2.3, and the associated policies.

### 9.6 References

- *Future Proof Growth Strategy and Implementation Plan, Future Proof Partners, 2009*
- *Hamilton Urban Growth Strategy, Hamilton City Council, April 2010*
- *Proposed Waikato Regional Policy Statement, Waikato Regional Council, November 2010*
- *Section 42A Hearing Report: 5, 6, 9, 10 December 2013: Report on submissions and further submissions: Chapter 9 Industrial Zone*
- *Response to Commissioners questions: Chapter 9 Industrial Zone*
- *Response to Commissioners questions: Chapter 9 Industrial Zone and 25.15 Transportation (Day 2)*
10 Ruakura Logistics Zone

10.1 Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 10: Ruakura Logistics Zone.

Ruakura is a large greenfield development area in excess of 500 hectares to the east of Hamilton. It directly adjoins existing development including residential development concentrated to the east and the University of Waikato to the south. Existing important land uses in the area include AgResearch and Innovation Park as well as some rural residential uses. The area presents a significant development opportunity for Hamilton and has been identified for urban development in a number of strategic planning documents. A Structure Plan has been developed to look at the type and location of land uses for Ruakura with the aim of identifying the optimum spatial pattern taking into account the efficient use of land, environmental protection, amenity, the need to support and protect appropriate existing land use, and opportunities for economic development. The location and extent of the Logistics Zone was a product of this structure planning process.

The overall approach of the plan chapter is to provide for the development of a regional logistics hub which will form a strong economic anchor for the City and Region. Ruakura is strategically located to satisfy increasing national demand for facilities to efficiently handle freight, particularly that originated at the Ports of Tauranga and Auckland. The Logistics Zone will provide for the Inland Port and supporting logistics activities and infrastructure.

The proposed Inland Port will be developed adjacent to the East Coast Main Line and the Waikato Expressway. The location of both road and rail infrastructure will allow the proposed port to be intermodal so freight can be transferred between road and rail. Railway sidings will be required off the main line to provide the Port with the necessary railway facilities. Other critical infrastructure includes the development of container hardstand areas, lighting masts, security infrastructure, CCTV, communications and data management as well as fire and hazardous substance response facilities. The development of a comprehensive stormwater management and treatment network will be required to be planned at the outset of development.

10.1.1 Statutory Background

The purpose of the Resource Management Act, the sustainable management of natural and physical resources, is defined in s5(2). It states:

“In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—
sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

safeguarding the life-supporting capacity of air, water, soil, and ecosystems;
and avoiding, remedying, or mitigating any adverse effects of activities on
the environment”

The land at Ruakura has been identified for development in a number of strategic
documents including:

a) **The Hamilton Urban Growth Strategy** – Ruakura is specifically identified as an
urban expansion area primarily for employment uses. Growth Approach 4 states
“to enable the development of a high technology, innovation precinct in Ruakura
within the decade in the area around the existing Innovation Park and
subsequently releasing additional land for more general employment uses”.

b) **Access Hamilton** – Ruakura identified as a large employment area. The proposal is
based on a long-term strategic vision that seeks to create new employment in the
east of the city and provide a high value strategic asset. The study also
acknowledges the existing east/west distribution between employment and
residential activities leading to imbalanced peak flows is identified as an issue for
Hamilton.

c) **Future Proof** – This strategy seeks to guide future urban growth and development
in Hamilton City, and Waipa and Waikato Districts over the next 50 years. The
document recognises Ruakura as a high technology innovation precinct and a
more general employment area. It allocates 310ha of Industrial Business Land.

d) **Proposed Regional Policy Statement 2010** – Ruakura is identified as a Strategic
Industrial Node with an industrial land allocation to 2061 of 405ha.

Following the identification of Ruakura for urban expansion an agreement was reached
to transfer the land from Waikato District to Hamilton City to enable its development.
The Long Term Community Plan also identified development in Ruakura as one of the
ways in which Hamilton could plan for a vibrant future.

The next step was to look at an appropriate mix of activities for the development land.
This evolved with reference to a number of policy documents and papers including the:

- Regional Land Transport Programme 2012-2015.

The development of a freight interchange and associated supporting land use is seen as
an optimal response to this guidance and the locational and strategic advantages of the
land, and would be consistent with the purpose of the Act in that it enables the social,
economic and cultural wellbeing of the people of Hamilton.

The key to maximising the benefits of the proposal will be increasing the functional
efficiency of the freight infrastructure. This will be through efficient connections to road
and rail, efficiency of scale and utilisation of new technology.

An efficient freight system, particularly one that utilises rail infrastructure will have a direct correlation to the efficient end use of energy.

10.2 Objectives

**Objective most appropriate to achieve the purpose of the Act:**

<table>
<thead>
<tr>
<th>10.2.1</th>
<th>Logistics and Inland Port land uses establish and operate in an efficient and effective manner.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option 1: Introduce the objective to develop the logistics hub</td>
<td></td>
</tr>
<tr>
<td>This objective is the most appropriate to achieve the purpose of the Act because the efficient distribution of freight has benefits in terms of economic, social and environmental wellbeing.</td>
<td></td>
</tr>
<tr>
<td>Freight costs have the effect of increasing the price New Zealander’s pay for imported goods and reducing the net price New Zealand exporters receive for the goods they export. A consequence of being relatively distant from other centres of economic activity is that increases in freight transport costs have a more severe impact on New Zealand than on more centrally-located countries.</td>
<td></td>
</tr>
<tr>
<td>Hamilton is strategically located within the so called Golden Triangle of Auckland, Tauranga and Hamilton. It is also well placed to access nationally significant infrastructure such as the Waikato Expressway and the East Coast Main Line. Other locational advantages include the ability to deliver a large development area in a single ownership where agglomeration and land cost benefits can be delivered. Functional performance will be improved when compared to a large number of dispersed freight hubs.</td>
<td></td>
</tr>
<tr>
<td>Chapter 3.2 of the 2011 Castalia report specifies the key economic drivers for the Ruakura hub these are:</td>
<td></td>
</tr>
<tr>
<td>- Forecast growth in freight volumes (70% increase from 2006-2031).</td>
<td></td>
</tr>
<tr>
<td>- To provide opportunities for modal switch between road freight to rail.</td>
<td></td>
</tr>
<tr>
<td>- Enabling improvements in container movements.</td>
<td></td>
</tr>
<tr>
<td>- Enable improvements to port efficiency.</td>
<td></td>
</tr>
<tr>
<td>- Agglomeration effects and the effects of co-location.</td>
<td></td>
</tr>
<tr>
<td>The location of the freight terminal also has the potential to reduce the cost of congestion in Auckland. At present, a large proportion of national distribution</td>
<td></td>
</tr>
</tbody>
</table>
facilities and intermodal terminals are located in South Auckland. The spatial arrangement of these facilities and terminals is fragmented. Their location contributes to congestion by adding trucks on the road between the ports of Auckland and these facilities. The Ruakura hub will provide congestion benefit by:

- Enabling the relocation of distribution facilities (or the location of future distribution facilities) away from the congested areas in South Auckland.
- Providing a way to reach the distribution facilities located in South Auckland by road from the south, and enabling transfer to rail.

It is estimated that the freight terminal would result in 50,000 fewer road trips in and around the Auckland, Waikato and Bay of Plenty regions per annum based on current freight levels (2012 Castalia report).

The objective aligns strongly with the government’s policy on Roads of National Significance. Ruakura will be one of the key areas of urban development enabled by the Waikato Expressway supporting economic growth and productivity. The proposal is complementary to the objectives of the expressway and it has the potential to be an exemplar use of integrated land use, transport, and infrastructure planning and funding.

Investment decisions in regards to publically funded infrastructure, such as the Waikato Expressway, are normally assessed through looking at Benefit Cost Ratios (BCR). This is a measure of the public benefit obtained from an investment. NZTA have advised the BCR for the Waikato Expressway is 1.4 (i.e. for every $1 invested there is $1.4 of benefits). The Castalia report indicates that when the Ruakura Logistics hub, which is enabled by the Expressway, is taken into account the resultant BCR is 2.9. This is a significant change and ensures a far better return on investment for the tax payer.

Development in Ruakura represents a unique opportunity to develop an area of employment land, with a long term vision both in terms of the built form but also economic development. It is envisaged that Ruakura will be one of the primary drivers in business and employment growth and for the ongoing success of a growing Hamilton.

Overall it is considered that a logistic hub in Hamilton presents an excellent opportunity to develop nationally significant freight infrastructure which will
result in a more efficient freight system and in net environmental benefits. The development of this land is the most appropriate way of achieving the purpose of the Act which is to “promote the sustainable management of natural and physical resources”. Sustainable Management entails managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing while protecting environmental values.

No alternative sites for a logistics hub, with similar attributes are known. Should this objective not be included in the plan the most likely outcome would be a number of dispersed sites around Hamilton and Auckland which will result in increased energy use and overall a less efficient freight network, and economy.

Option 2: General industrial zoning
The area has been identified in a number of strategic documents for employment growth. While a general industrial zone in the Logistics Zone area would not mean that logistics functions couldn’t be located on the land, it is clear that the strategic vision for the site would be lost to the detriment of potential benefits and efficiencies. It is noted that general industrial land within the Ruakura Industrial Park Zone is proposed within the structure plan area, this is located in an area removed from the Inland Port area.

Option 3: Residential development
The area has not been identified for residential growth in strategic documents. Some residential development is proposed in the wider structure plan area. Once again residential development in the logistics zoned area would dilute the strategic vision for the site to the detriment of potential benefits and efficiencies.

Option 4: Retain as rural
This land has already been identified for urban development in a number of strategic planning documents including the Proposed Regional Policy Statement 2010, FutureProof and is identified in the Waikato District Plan as a future urban area. The land is seen as being strategically appropriate to accommodate some of Hamilton’s predicted growth given its attributes including location and access to infrastructure.

The land was transferred to Hamilton City Council from Waikato District Council specifically to enable urban development.
Overall the land has been identified for a range of reasons as appropriate to accommodate urban growth. To retain it as rural may have impacts on other areas which would then be required to accommodate this growth and would be inconsistent with the council’s strategic vision for Hamilton.

*Reference 2012 section 32
Also see Appendix 1*

<table>
<thead>
<tr>
<th>10.2.2</th>
<th>Optimise the long-term positive environmental, economic and social effects of the Rukaura Logistics Zone.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Option 1: Strategic approach to development</strong></td>
<td>The opportunities offered by the proposal and the efficient use of land can best be maximised through a strategic approach to planning. The land has been identified for development in a number of strategic planning documents including the Future Proof Strategy and a structure plan has been developed for the wider R1 land. The creation of a specific zone which specifies appropriate activities and development controls is seen as a vital component of the overall strategic approach to ensure that the long term positive environmental economic and social effects of the logistics hub are optimised.</td>
</tr>
<tr>
<td><strong>Option 2: Ad hoc approach to development</strong></td>
<td>Would be unlikely to optimise the long term positive environmental, economic and social benefits of the logistics hub.</td>
</tr>
<tr>
<td><strong>Reference 2012 section 32</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Also see Appendix 1</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>10.2.3</th>
<th>Adverse effects of logistics and freight-handling activities and infrastructure are avoided or mitigated.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Option 1: Do nothing</strong></td>
<td>Potential for adverse effects to affect general amenity of residents, visitors and the environment.</td>
</tr>
<tr>
<td><strong>Option 2: Avoid all potential adverse effects</strong></td>
<td>An overly precautionous approach to the avoidance of adverse effects has the potential to severely limit the operation of the inland port and associated logistics activities. The Inland Port, by its very nature, requires large functional buildings and a large number of vehicle movements. Rather development proposals should seek to minimise adverse effects in line with the purpose of the Act.</td>
</tr>
<tr>
<td><strong>Option 3: Sustainably manage adverse effects while still acknowledging the functional requirements of the Inland Port.</strong></td>
<td>It is important the function and efficiency of the port and logistics activities are acknowledged. Adverse effects related to the scale of the activity envisaged and the requirement for heavy truck movements are</td>
</tr>
</tbody>
</table>
to be sustainably managed. This can be achieved through various mechanisms including the separation of incompatible uses, integrated catchment management planning and development controls.

*Reference 2012 section 32
Also see Appendix 1*

<table>
<thead>
<tr>
<th>Objectives not the most appropriate to achieve the purpose of the Act:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>To allow general commercial activity.</strong></td>
</tr>
<tr>
<td>Due to the costs involved in developing the inland port infrastructure, and the nature of the infrastructure (such as security and MAF/customs facilities), it is important that the freight and logistics area is occupied by businesses which utilise the facilities provided by the inland port rather than more general industrial or employment activities. A critical mass of such businesses is required for the inland port to be economically successful and operate efficiently. The objective is therefore not the most appropriate for achieving the purpose of the Act.</td>
</tr>
</tbody>
</table>

| **View the inland port as land use rather than freight infrastructure.** |
| A potential risk to enabling the local, regional and national benefits of the inland port facility is to view the proposal as simply a land use rather than infrastructure. The inland port and associated logistics activities will form an important part the national freight distribution network, and will result in efficiencies in the wider economy. |
| If the Logistics zone were to be viewed as land use with a focus more on its internal benefits, in a similar way we would look at a general industrial area there is a risk that the synergies and strategic links with the Waikato Expressway would not be given due weight. This would also not provide the opportunity to improve the efficiency of our national infrastructure and the comparative competitiveness of our economy will be lost. |

| **To allow residential/mixed-use.** |
| The nature of the proposed activities means that separation between incompatible uses is a key way in which potential adverse effects can be managed. |

**Conclusion:** Taking into account the above, Council considers that the objectives in this chapter of the plan are the most appropriate to achieve the purpose of the Act.
10.2.1 Logistics and Inland Port land uses establish and operate in an efficient and effective manner.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.2.1a</td>
<td>Benefits</td>
</tr>
<tr>
<td>Logistics, freight handling services and supportive activities and infrastructure shall to the land allocation set out in Chapter 3.7h and the provision of required infrastructure, including roading and Three Waters.</td>
<td></td>
</tr>
</tbody>
</table>

Benefits
- Providing for logistics and freight handling services and supportive activities and infrastructure will enable the establishment of the hub and facilitate a range of local, regional and national benefits as discussed above.

Costs
- The proposal needs to be balanced against other potential uses of the area which has been identified for urban development.
- A key point to note is the size of the overall Ruakura area (over 500ha), a mix of land uses is proposed, and the Logistics Zone will cover part of the land. A long term vision has been developed and has been allowed for in the development of the objectives, policies and rules. Opportunities such as general industrial and employment uses, commercial and residential uses in the Logistics Zone have been discounted as they don’t maximise the advantages offered by the strategic location of the site and are unlikely to offer the same opportunities in terms of creating an economic hub.

Efficient and Effective
- There is significant alignment between the proposal and various national, regional and local policy documents.

Reference 2012 section 32

Policies most appropriate to achieve the objective:

10.2.2 Optimise the long term positive environmental, economic and social benefits of the Ruakura Logistics Zone.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.2.2a</td>
<td>Benefits</td>
</tr>
</tbody>
</table>
The development of the Ruakura Logistics Zone shall proceed in a manner in which agglomeration benefits and operational efficiency are supported.

10.2.2b Logistics and freight-handling activities and infrastructure shall be integrated into Hamilton’s pattern of development.

10.2.2c Activities that do not support the logistics and freight-handling role of the logistics hub shall be avoided.

10.2.2d Freight handling and supporting activities and infrastructure shall be provided for in Sub A of the Ruakura Logistics Zone. Logistics and supporting activities and infrastructure shall be provided for in Sub B of the Ruakura Logistics Zone. Activities that do not support the freight-handling function of Sub Area A and the logistics function of Sub Area B shall be avoided.

Policies most appropriate to achieve the objective:

10.2.3 Adverse effects of logistics and freight handling activities and infrastructure are sustainably managed

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| 10.2.3a  | The adverse effects of logistics and freight handling activities and associated structures and infrastructure shall be avoided or mitigated by:  
|          | i. Ensuring an appropriate                      |
| Costs and Benefits | Addressing potential adverse effects including those relating to; large industrial type buildings, security, health and safety requirements, continuous night and day operations, outdoor storage areas, truck and rail yards, and car parks is vital to the long term success of the Port. The scale of the site and its relative isolation from other |

Reference 2012 section 32
Also see Appendix 1
<table>
<thead>
<tr>
<th>Form and type of development in accordance with Figure 2-14 Ruakura Structure Plan – Land use (Appendix 2)</th>
<th>Uses (excluding Percival and Ryburn Road rural residential properties) and the way in which the area has been spatially developed through a structure plan process, addresses the majority of potential adverse effects.</th>
</tr>
</thead>
<tbody>
<tr>
<td>ii. Separating logistics and freight handling services and supportive activities and infrastructure from sensitive activities.</td>
<td>Efficient and Effective</td>
</tr>
<tr>
<td>iii. Ensuring that development visible from key transport corridors and open spaces meets the appropriate bulk, location and design standards.</td>
<td>Provisions have been designed to be efficient but to retain the ability for council to have control over a number of critical elements such as design at the public interface and the protection of amenity for those properties within the Percival, Ryburn Road large lot residential area Overall the controls are relatively simple, which in many ways is a reflection of the benefits of a structure planning process and a development area in single ownership.</td>
</tr>
</tbody>
</table>
| iv. Imposing amenity controls to ensure that the adverse effects of logistics and Inland Port activities are avoided or mitigated when assessed from adjoining facilities or existing residential dwellings and Large Lot Residential zoned areas. | Reference 2012 section 32  
Also see Appendix 1 |
| v. Through the preparation, approval and implementation of a Noise and Vibration Management Plan that manages all noise generating activities in the Inland Port. |  |
| vi. Providing for the establishment of a Community Liaison Committee to enable the discussion and seek resolution of matters of potential concern to neighbouring residents and the owners and operators of the Inland Port. |  |
Risks

Risks of acting or not acting,

- The risks of acting are creating regulatory burden. However it is considered that the provisions as drafted are appropriate.
- The risks of not acting are adverse effects on the environment.

Conclusion: Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objectives.

10.4 Rules

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>10.3 Activity Status Table</td>
<td>Benefits</td>
</tr>
<tr>
<td></td>
<td>• The Activity Status Table has been designed to ensure that only appropriate activities establish in the zone. The provisions have been designed to enable development through the resource consent process, as to ensure the appropriate infrastructure is in place before development proceeds. In part this is in recognition of the Structure Plan process that has already been undertaken for the site.</td>
</tr>
<tr>
<td></td>
<td>• The importance of controlling the impact of the development at the public interface is acknowledged.</td>
</tr>
<tr>
<td></td>
<td>• All buildings within 50m of a transport corridor, including the Waikato Expressway will require restricted discretionary consent.</td>
</tr>
<tr>
<td></td>
<td>• The rules contain a link to the provisions of Chapter 3 on Structure Plans under ‘All Other Activities’. All activities other than permitted shall comply with the rules in the Structure Plan chapter. If they don’t they will be non-complying activities. The rules in the Structure Plan chapter relevant to Ruakura relate to:</td>
</tr>
<tr>
<td></td>
<td>- Development being in accordance with the Ruakura Structure Plan and associated maps and infrastructure plans.</td>
</tr>
<tr>
<td></td>
<td>- Preparation of an Integrated Catchment Management Plan.</td>
</tr>
<tr>
<td></td>
<td>- Infrastructure requirements.</td>
</tr>
<tr>
<td></td>
<td>- Staging rules for Ruakura Logistics Zone and Ruakura Industrial Park Zone.</td>
</tr>
</tbody>
</table>
- Staging Rules for General Residential Zone and Medium Density Residential Zone in the Ruakura Structure Plan Area.
- Staging Rules for the Innovation Park Precinct of the Knowledge Zone in the Ruakura Structure Plan Area.

- The benefits of these rules are set out in the Structure Plan chapter section 32 report. Activities will be non-complying if they don’t meet these requirements because in a number of cases aspects of the development will need a certain level of infrastructure and services in place before it can proceed.
- Various stages of the development require specific infrastructure to be in place, this is particularly important in terms of transport.
- These rules allow the Council to ensure that the appropriate infrastructure is in place before development proceeds.

**Costs**

- Cost to the developer of resource consent applications and associated compliance.
- There is administrative burden for some activities prior to the Expressway being opened. However it is considered that this is appropriate given the scale of activities envisaged for the site.

**Efficient and Effective**

- These rules will be clear, efficient and effective to achieve objective 10.2.3 by optimising the long term positive, environmental, economic and social effects of the logistics hub.

### 10.4 Development controls.

**Benefits**

- An important development control is 10.4.1 which determines the scale of the activity prior to the Waikato Expressway. This is a balance between a number of competing goals including ensuring that the proposal would have appropriate impacts on the local road network, while ensuring that opportunities aren’t missed and that the a development containing the required mass has developed. See also Chapter 3 Structure Plans – Ruakura Structure Plan.
- The development controls also set out the form and nature of buildings, landscape screening and interface standards to ensure that key interfaces
achieve an appropriate level of amenity.

- The size and function of office development within the zone is tightly controlled by rule 10.4.9.
- The development controls set out the form of development required to achieve an efficient and functional logistics activity while ensuring that the most critical interfaces are addressed. This includes controls for the large lot residential zone bounded by Percival, Ryburn Roads and the Waikato Expressway until such time as this area ceases to be used for residential purposes and is zoned in accordance with the structure plan.

Cost

- The form of development is not necessarily of a significant scale.
- The proposal includes mitigation for a number of residential dwellings. There is a cost of this mitigation and the amenity of these dwellings may be affected by the construction of the Waikato Expressway. In the longer term the large lot residential zone is identified as being logistics on the Ruakura Structure Plan.

Reference 2012 section 32

Rules not most appropriate to achieve the objectives:

Prohibited Activity Rule restricting the size and location of development of the Inland Port until the Waikato Expressway is operational and appropriate infrastructure is in place.

- The introduction of a Prohibited Activity Rule for certain activities is a very blunt tool and is generally not considered to be best practice.
- A prohibited activity is one that the Act, regulations or a plan specifically describe as being prohibited. Prohibited activities must expressly prohibit an activity without exceptions. The decision to include prohibited activity status should be backed with strong evidence of its necessity, including justification through objectives and policies.
- Given that the intention is not to expressly prohibit logistics activities and that the objectives and policies would be unlikely to justify the rule it is considered unlikely that the mechanism would survive scrutiny in the Court.
- A resource consent application cannot be made for a prohibited activity and consent cannot be granted. The prohibited activity status is the most restrictive of any activity status and therefore must be used with care.
• The introduction of this rule solely to the R1 Land would be seen as being unjustified. It means that no planning application can be made for any activity regardless of its merits. Logistics activities would be confined to the area to the south of the railway. No other development could be considered, even where it could be demonstrated that positive outcomes could be achieved.

• The prohibited activity rule would not allow any planning application for new buildings or infrastructure prior to the Expressway being operational. So even if there was a clear completion date for the expressway the developer would not be able to construct roads or buildings until the Expressway was open.

• While not strictly an impact to the developer it is considered that a prohibited activity rule could affect the value of the lifestyle properties which may limit the ability for residents to relocate to sites where the best use of the land remains residential rather than logistics.

Risks
Risks of acting or not acting.

• The risks of acting are creating an overly complex planning system with a number of different zones.

• The risks of not acting are the loss of an opportunity to provide a tailored planning framework to address the specific issues associated with the land area to be covered by the zone.

Conclusion: Taking into account the above, Council considers that the rules in this chapter are the most appropriate to achieve the objectives.

10.6 References

• Access Hamilton 2010

• Commercial and Economic Rationale for the Ruakura Inland Port and Logistics Hub – Consolidated Report to Tainui Group Holdings Limited, Castalia Strategic Advisors – March 2012

• Cost Benefit Analysis of the Waikato Expressway: Incorporating the Impact of the Ruakura Hub- Castalia Strategic Advisors – October 2011

• FutureProof Growth Strategy 2009

• Government Policy Statement on Land Transport Funding 2012/13- 2021/2022

• Hamilton Urban Growth Strategy 2008
- **Industrial Land Release in the Waikato Regional Policy Statement: An Evaluation of the Impacts at Ruakura, Castalia Strategic Advisors, February 2012**

- **Long Term Community Plan 2009-19**

- **National Land Transport Programme 2009-2012**

- **National Rail Strategy 2005**

- **National Infrastructure Plan 2010**

- **National Infrastructure Plan 2011**

- **New Zealand Transport Strategy 2008**

- **Productivity Commission Report - International Freight Transport Services Inquiry – April 2012**

- **Regional Land Transport Strategy 2011-2014**

- **Review of Castalia Reports on Ruakura and Implications, Berl, April 2012**

- **Ruakura Intermodal Terminal, Castalia Strategic Advisors, October 2010**

- **Ruakura Estate: Strategic Directions and Master Planning Report, Boffa Miskell September 2010**

- **Waikato Expressway Summary Statement and Plan 2010**

- **Waikato Regional Policy Statement**

- **Ruakura Plan Change – See Appendix 1**
11 Ruakura Industrial Park Zone

11.1 Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 11: Ruakura Industrial Park Zone.

Ruakura is a large greenfield development area in excess of 500ha to the east of Hamilton. It directly adjoins existing development, including residential development concentrated to the east, and the University of Waikato to the south. Existing important land uses in the area include AgResearch and Innovation Park as well as some rural residential uses. The area presents a significant development opportunity for Hamilton and has been identified for urban development in a number of strategic planning documents.

A Structure Plan has been developed to look at the type and location of land uses for Ruakura with the aim of identifying the optimum spatial pattern, taking into account the efficient use of land, environmental protection, amenity, the need to support and protect appropriate existing land use, and opportunities for economic development. The Ruakura Industrial Park Zone is an important component of the overall development concept in Ruakura.

Key attributes of the Ruakura Industrial Park Zone include its location adjoining strategic infrastructure including the expressway, the inland port, and important educational, research and innovation facilities. Its location means it also has a role as a gateway into Hamilton.

The Industrial Park concept will be achieved by restricting certain types of industrial activities, requiring a high standard of design for all buildings, landscaping and buffer areas, yard controls and requiring setbacks from sensitive land uses and arterial roads.

The provisions also seek to ensure that the Ruakura Industrial Park Zone is not occupied by land uses that are non-industrial, unless they are either ancillary to industrial use, support industrial uses, or are more appropriately located within an industrial environment than a business centre. This will reduce the potential for industrial land to be diluted by non-industrial uses, resulting in pressure for new industrial land to be zoned elsewhere, and for existing industrial land to be rezoned to commercial use.

11.1.1 Statutory Background

The purpose of the Act, the sustainable management of natural and physical resources, is defined in s5(2). It states:

“In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

safeguarding the life-supporting capacity of air, water, soil, and ecosystems;
and

avoiding, remedying, or mitigating any adverse effects of activities on the environment”

The land at Ruakura has been identified for development in a number of strategic documents including:

a) **The Hamilton Urban Growth Strategy** – Ruakura is specifically identified as an urban expansion area primarily for employment uses. Growth Approach 4 states "to enable the development of a high technology, innovation precinct in Ruakura within the decade in the area around the existing Innovation Park and subsequently releasing additional land for more general employment uses”.

b) **Access Hamilton** – Ruakura identified as a large employment area. The proposal is based on a long term strategic vision that seeks to create new employment in the east of the city and provide a high value strategic asset. The study also acknowledges the existing east/west distribution between employment and residential activities leading to imbalanced peak flows is identified as an issue for Hamilton.

c) **Future Proof** – This strategy seeks to guide future urban growth and development in Hamilton City, and Waipa and Waikato Districts over the next 50 years. The document recognises Ruakura as a high technology innovation precinct and a more general employment area. It allocates 310ha of Industrial Business Land.

d) **Proposed Regional Policy Statement 2010** – Ruakura is identified as a Strategic Industrial Node with an industrial land allocation to 2061 as notified of 130ha.

Following the identification of Ruakura for urban expansion an agreement was reached to transfer the land from Waikato District to Hamilton City to enable its development. The “10-Year Plan” also identified development in Ruakura as one of the ways in which Hamilton could plan for a vibrant future.

The next step was to look at an appropriate mix of activities for the development land. The development of a freight interchange and associated supporting business park is seen as an excellent response to the locational and strategic advantages of the land, and would be consistent with the purpose of the Act in that it enables the social, economic and cultural wellbeing of the people of Hamilton.

The key to maximising the value of the zone will be enabling the establishment of a high quality industrial area that benefits from its locational and co-locational attributes and that relates well to adjoining land uses.

### 11.2 Objectives

<table>
<thead>
<tr>
<th>Objective most appropriate to achieve the purpose of the Act:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>11.2.1</strong> Industrial land uses, appropriate to the Industrial Park and surrounding environment, are able to establish and operate in an efficient and effective manner.</td>
</tr>
</tbody>
</table>
been long signalled in a range of strategic documents. The Ruakura Industrial Park Zone differs from the general industrial zone in that it envisages predominantly light industrial uses. It is considered appropriate for this zone to have a different mix of activities given its relationship with the logistics zone and the surrounding land use.

Development in Ruakura represents a unique opportunity to develop an area of employment land with a long term vision, both in terms of the built form and economic development. It is envisaged that Ruakura will be one of the primary drivers in business and employment growth and in the ongoing success of a growing Hamilton. The area has excellent accessibility to other areas of Hamilton including the Central City, and to infrastructure including the Waikato Expressway, the national rail network and the Inland Port. The key to success will be maximising the strategic and co-locational benefits of the land.

No alternative sites for an Industrial Park of this scale and with similar attributes are known.

**Option 2: General industrial zoning**

The area has been identified in a number of strategic documents for employment growth. While a similar form of development could be developed through industrial zoning rather than the Ruakura Industrial Park Zone the proposed zoning adds a further level of certainty to the planning outcome and clarifies the strategic vision for the land.

**Option 3: Residential development**

The area has not been identified for residential growth in strategic documents. Some residential development is proposed in the wider structure plan area. Once again residential development in the Ruakura Industrial Park Zone area would dilute the strategic vision for the site to the detriment of potential benefits and efficiencies.

**Option 4: Retain as rural**

This land has already been identified for urban development in a number of strategic planning documents including the Proposed RPS, Future Proof and is identified in the Waikato District Plan as a future urban area. The land is seen as being strategically appropriate to accommodate some of Hamilton’s predicted growth given its attributes, including location and access to infrastructure.

The land was transferred to Hamilton City Council.
from Waikato District Council specifically to enable urban development.

Overall the land has been identified for a range of reasons as appropriate to accommodate urban growth. To retain it as rural may have impacts on other areas which would then be required to accommodate this growth and would be inconsistent with the Council’s strategic vision for Hamilton.

Reference 2012 section 32

<table>
<thead>
<tr>
<th>11.2.2</th>
<th>The creation of a high amenity industrial environment.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Option 1: Provisions to be designed to provide for a particular type of industrial environment</strong></td>
<td>In designing the development concept for the site particular attention has been given to adjoining land owners and institutions who seek clarity on the form of development envisaged. Landowners and institutions also had concerns about some development which although not envisaged on the land could be established if the land had a general industrial zone.</td>
</tr>
<tr>
<td><strong>Option 2: Retain a general industrial zoning</strong></td>
<td>Let the market decide on development form. The retention of a general industrial zoning on the land would have some benefits in terms of development flexibility. Also as the land is in predominantly single ownership it would not necessarily diminish the strategic vision for the development. That said, given the size of the development area and the importance of the area for employment growth within Hamilton. It is considered desirable that there is clarity over development form.</td>
</tr>
</tbody>
</table>

Reference 2012 section 32

<table>
<thead>
<tr>
<th>11.2.3</th>
<th>Adverse effects of industrial activities are avoided or mitigated.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Option 1: Strategic approach to development</strong></td>
<td>The opportunities offered by the proposal and the efficient use of land can best be maximised through a strategic approach to planning. The land has been identified for development in a number of strategic planning documents including the Future Proof Strategy and a structure plan has been developed for the wider R1 land. The creation of a specific zone which specifies appropriate activities and development controls is seen as a vital component of the overall strategic approach to ensure that the long term positive environmental economic and social effects of the logistics hub are optimised.</td>
</tr>
</tbody>
</table>
| **Option 2: Ad hoc approach to development** | Would be unlikely to optimise the long term positive effects.
### Objectives not the most appropriate to achieve the purpose of the Act:

<table>
<thead>
<tr>
<th>Objective</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>To allow for heavy industry.</td>
<td>The proximity to surrounding established residential and learning activities render the imposition of a general industrial zoning on the land inappropriate; as that zoning provides albeit, with some restrictions, for heavy industry to establish. Other areas identified for general industrial zones within the City have the capacity to more readily absorb such development with less potential for adverse effects to arise. Restricting certain activities and excluding other heavy industry, expressly through plan provisions, is considered the most appropriate method to manage such effects.</td>
</tr>
<tr>
<td>To allow for office and retail uses.</td>
<td>Retail and general office uses can be attractive to such zones; as they enable a high amenity area from which to conduct business, but can, if not carefully managed, erode the vitality of other established and recognised commercial areas zoned within the City. The quantum of industrial land is correspondingly reduced and fragmented, which undermines the purpose of the Zone over time. In this case of Ruakura; the Inland Port and Logistics zone provide further impetus to discourage activities which may not directly benefit from a location near such infrastructure; thus eroding the value of the adjoining Logistics Zone and Inland Port areas over time. Accordingly, to provide for retail and general office development, other than that specified within the Zone, would potentially result in an adverse effect on the vitality and management of the land resource in other areas of the City.</td>
</tr>
<tr>
<td>To allow residential/mixed-use.</td>
<td>The nature of the proposed activities means that separation between incompatible uses is a key way in which potential adverse effects can be managed.</td>
</tr>
</tbody>
</table>

**Conclusion:** Taking into account the above, Council considers that the objectives in this chapter of the plan are the most appropriate to achieve the purpose of the Act.

### 11.3 Policies
### Policies most appropriate to achieve the objective:

#### 11.2.1

Industrial land uses, appropriate to the Industrial Park and surrounding environment, are able to establish and operate in an efficient and effective manner.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>11.2.1a</td>
<td>Industrial uses and supportive activities and infrastructure shall be provided for, subject to the land allocation set out in the Table under 3.7h), and the provision of required infrastructure, including roading and Three Waters.</td>
</tr>
<tr>
<td>11.2.1b</td>
<td>Noxious or offensive activities shall be avoided.</td>
</tr>
<tr>
<td>11.2.1c</td>
<td>Non-industrial uses shall establish and operate only where they are ancillary and supportive to industrial activities.</td>
</tr>
<tr>
<td>11.2.1d</td>
<td>Non-industrial uses shall not adversely affect the industrial use of the Ruakura Industrial Park Zone and shall avoid adverse effects on function, vitality and amenity of the central city and other centres.</td>
</tr>
</tbody>
</table>

#### Benefits
- Providing for industrial uses and supportive activities will provide for employment growth. The Logistics Zone and Inland Port have been identified as a business attractor to the region. Industrial land will capitalise and provide for this business growth.
- Restricting the location of noxious or offensive activities within the zone will mean that a number of activities that could otherwise locate within a General Industrial Zone will be included. This is considered to be beneficial to the overall form of development as it will result in a development containing higher levels of amenity. It also results in a higher level of clarity for adjoining land uses as to the type of development that is envisaged.

#### Costs
- The proposal needs to be balanced against other potential uses of the area which has been identified for urban development.
- A key point to note is the size of the overall Ruakura area (over 500ha), a mix of land uses is proposed, and the Logistics Zone will cover part of the land. A long term vision has been developed and has been allowed for in the development of the objectives, policies and rules. Opportunities such as commercial and residential uses in the Industrial Park Zone have been discounted as they don’t maximise the advantages offered by the strategic location of the site and are unlikely to offer the same opportunities in terms of creating an economic hub.
- It is acknowledged that there is a need to provide for noxious and offensive activities within the City. However the strategic advantages of the site do not lend itself to this type of activity. There are other established industrial areas where this type of development remains appropriate.

#### Efficient and Effective
There is significant alignment between the proposal and various national, regional and local policy documents.

*Reference 2012 section 32*

**Policies most appropriate to achieve the objective:**

**11.2.2**
The creation of a high amenity industrial environment.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| **11.2.2a** High amenity levels within the Ruakura Industrial Park Zone shall be developed through well designed buildings in the Interface Design Control Area, front yard requirements, setbacks from roads, Open Space Zones and residential areas, and through landscaping and screening. | **Benefits**

- A high quality industrial development has benefits in terms of creating good quality working environments that attract business and employees. They can also provide for good transition at zone boundaries, in particular between the knowledge zone and the residential areas.
- In designing the provisions reference has been made to a number of other successful industrial park developments including Mangere Gateway and Highbrook. While neither of these developments is a direct comparison to Ruakura they do indicate what can be achieved through development controls.

**Costs**

- There are some inherent development cost and restricted flexibility in having additional controls. There is also a clear need for some industrial activities to be located where amenity levels are not such a high consideration. It is considered that opportunities exist for these types of business to be located elsewhere in Hamilton.

**Efficient and Effective**

- The provisions are designed to ensure that potential adverse effects of the development can be effectively planned for and managed.

*Reference 2012 section 32*

**Policies most appropriate to achieve the objective:**

**11.2.3**
Adverse effects of industrial activities are avoided or mitigated.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>11.2.3a</strong></td>
<td><strong>Benefits</strong></td>
</tr>
</tbody>
</table>
The adverse effects of industrial activities shall be avoided or mitigated by:

i. Ensuring an appropriate location and type of development in accordance with Figure 2-14.

ii. Ensuring that development visible from residential and key transport corridors and open spaces meets appropriate bulk and location and design standards.

iii. Imposing amenity controls to avoid vehicle access to industrial sites from Percival Road to ensure that the adverse effects of industrial activities on adjoining facilities or existing residential areas are avoided or mitigated.

- The policy is concerned with ensuring that the impact of the proposed development will be limited. This will ensure that existing important land uses such as in the Knowledge Zone will not be displaced by the proposed development.

**Costs**

- The zone rules are quite restrictive in terms of use. It is however considered that this is desirable to protect the function of the zone.

**Efficient and Effective**

- These policies will be efficient and effective to achieve the objective as they are very clear about the form of development envisaged.

**Reference 2012 section 32**

**Risks**

Risks of acting or not acting.

- The risks of acting are creating regulatory burden. However it is considered that the provisions as drafted are appropriate.

- The risks of not acting are adverse effects on the environment.

**Conclusion:** Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objectives.

### 11.4 Rules

**Rules most appropriate to achieve the objectives:**

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>11.3 Activity Status Table.</td>
<td>Benefits</td>
</tr>
<tr>
<td></td>
<td>• The Activity Status Table has been designed to ensure that only appropriate activities establish in the zone. The provisions have been designed to enable development through the resource consent process, so as to ensure the appropriate</td>
</tr>
</tbody>
</table>
infrastructure is in place before development proceeds. In part this is in recognition of the Structure Plan process that has already been undertaken on the site. The importance of controlling the amenity levels within the zone is acknowledged by a number of activities being identified as non-complying including any noxious of offensive activity, motor vehicle dismantling, recycling plants, the incineration of trade wastes and the manufacture or blending of bulk products of fertiliser, animal feed, roading materials, gardening materials, concrete and aggregate. In addition to this any activity requiring air discharge consent within 100m of a residential zone will require consent.

- All new buildings are proposed to be controlled activities. With the council discretion limited to design and external appearance, site layout, landscape and fencing elements, vehicle and pedestrian access and car parking.

**Costs**

- There is administrative burden for some activities prior to the expressway being opened. However it is considered that this is appropriate given the scale of activities envisaged for the site.

**Efficient and Effective**

- These rules will be clear, efficient and effective to achieve objective 11.2.2 by optimising the long term positive, environmental, economic and social effects of the logistics hub.

<table>
<thead>
<tr>
<th>11.4 General Standards</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>• An important development control is 11.4.3 which relates to building setbacks and includes a 40m setback from the boundary of the existing residential area to the south east.</td>
<td>• The size and function of retail within the zone is tightly controlled by rule 11.5.1 which clarifies the size and attributes of ancillary retail in the zone.</td>
</tr>
<tr>
<td>• Landscaping requirements are determined in Rule 11.4.7. These will enable a spacious but efficient form of development and are consistent with the form of development of other modern industrial parks such as Highbrook and Mangere Gateway in Auckland.</td>
<td>• The benefits of the proposed development</td>
</tr>
</tbody>
</table>
controls are that they set out the form of development required to achieve a high quality industrial park and ensure that the most critical interfaces are addressed.

**Cost**
- The form of development is necessarily of a significant scale.

**Efficient and Effective**
- These standards will be clear, efficient and effective to achieve objectives 11.2.2 and 11.2.3 which will ensure amenity protection is provided and appropriate development occurs.

*Reference 2012 section 32*

### Rules not most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Rule Description</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prohibited activity rule restricting the size and location of development of the Ruakura Industrial Park Zone until the Waikato Expressway is operational and appropriate infrastructure is in place.</td>
<td>The introduction of a prohibited activity rule for certain activities is a very blunt tool and is generally not considered to be best practice. A prohibited activity is one that the Act, regulations or a plan specifically describe as being prohibited. Prohibited activities must expressly prohibit an activity without exceptions. The decision to include prohibited activity status should be backed with strong evidence of its necessity, including justification through objectives and policies. Given that the intention is not to expressly prohibit industrial activities and that the objectives and policies would be unlikely to justify the rule it is considered unlikely that the mechanism would survive scrutiny in the court. A resource consent application cannot be made for a prohibited activity and consent cannot be granted. The prohibited activity status is the most restrictive of any activity status and therefore must be used with care. The introduction of this rule solely to the R1 Land would be seen as being unjustified. It means that no planning application can be made for any activity regardless of it merits. The prohibited activity rule would not allow any planning application for new buildings or infrastructure prior to the expressway being operational. So even if there was a clear completion date for the expressway the developer would not be able to construct roads or buildings until the expressway was open.</td>
</tr>
<tr>
<td>Require all new buildings to obtain restricted</td>
<td>It is not considered appropriate for all buildings to require restricted discretionary consent, rather a</td>
</tr>
</tbody>
</table>
discretionary consent. controlled activity status is considered to be appropriate. This would still give the developer a level of certainty of development and allow the Council to ensure development form is acceptable.  

Reference 2012 section 32

Risks

Risks of acting or not acting.

- The risks of acting are creating an overly complex planning system with a number of different zones.
- The risks of not acting are the loss of an opportunity to provide a tailored planning framework to address the specific issues associated with the land area to be covered by the zone.

Conclusion: Taking into account the above, Council considers that the rules in this chapter are the most appropriate to achieve the objectives.

11.6 References

- Hamilton Urban Growth Strategy 2008
- Access Hamilton 2010
- FutureProof Growth Strategy
- Long Term Community Plan 2009-19
- Waikato Regional Policy Statement
- Commercial and Economic Rationale for the Ruakura Inland Port and Logistics Hub – Consolidated Report to Tainui Group Holdings Limited – March 2012
- Cost Benefit Analysis of the Waikato Expressway: Incorporating the Impact of the Ruakura Hub- Castalia Strategic Advisors – October 2011
- New Zealand Transport Strategy 2008
- National Land Transport Programme 2009-2012
- Waikato Expressway Summary Statement and Plan 2010
- National Rail Strategy 2005
- National Infrastructure Plan 2010
- National Infrastructure Plan 2011
- Regional Land Transport Strategy 2011-2014
- Ruakura Plan Change – see Appendix 1
12.1 Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 12: Te Rapa North Industrial Zone.

The overall approach of the plan chapter is to achieve the sustainable management of this specific industrial area within the City.

12.1.1 Achieving Sustainable Management

The land covered by the Te Rapa North Industrial Zone came into the City’s jurisdiction in July 2011. It is a distinct area covering the northern most sector of the City. It is recognised as a distinct area given:

- its location to the City’s existing and already planned industrial areas.
- its close proximity to the Te Rapa section of the Waikato Expressway, the presence of the Fonterra Dairy Factory.
- its greenfield location.
- the opportunity afforded for new development to provide a comparatively higher amenity environment.

Adopting this approach to the management of industrial activity is suggested to provide for the efficient use and development of natural and physical resources of the City (section 7(b)). The approach also complements the other industrial land resources of the City through control of land use, including structures and activities. The chapter also addresses the maintenance and enhancement of amenity values (section 7(c)) within industrial areas, and the maintenance and enhancement of the quality of the environment (section 7(f)) of the Act.

The Te Rapa North Industrial Zone establishes a framework for managing the development of the area from existing rural to industrial in a staged manner. This ensures an integrated, efficient and coordinated delivery of regionally important infrastructure is enabled. The approach creates a framework to assist with the management of potential adverse effects, in particular those effects on the existing and serviced industrial zoned areas of the City.

The objectives and policies are to be implemented through staged development occurring in specific locations, as identified in Planning Maps (1B, 2B and 6B). The staging is based on two anchoring elements being the Te Rapa Dairy Factory (Stage 1A) and the proposed Te Rapa and Ngaruawahia section of the Waikato Expressway interchange (Stage 1B).

To sustainably manage growth in a strategic manner 60ha (14ha prior to 1 January 2021 and another 46ha after 1 January 2021) shall be released for industrial development over the next 30 year period.

The Te Rapa North Industrial Zone provisions are formulated based on several key principles. These are that:

a) Industrial land is a finite and valuable physical resource that needs to be used
efficiently and effectively for employment purposes to provide for the social and economic wellbeing of the City.

b) Industrial land should be retained for industrial uses, as those uses can generally not establish and operate in other parts of the City.

c) Amenity values of industrial areas should be enhanced, with a greater focus on urban design matters.

d) Development of this area should be sequentially managed through staging in order to sustainably – and strategically manage industrial growth and align the provision of infrastructure with the development.

e) The industrial zone is a critical component in ensuring the efficiency of dairy manufacturing and export within the region.

The overall industrial land base in the City provides a significant portion of the employment land within the City, and is a key economic driver for the regional economy. Industrial land represents a finite and valuable physical resource that needs to be recognised and protected. The Te Rapa North Industrial Zone provisions have been formulated to be enabling of specific industrial uses, but restrictive to the establishment of general industrial activities outside of specific triggers.

The Te Rapa North Industrial Zone provisions ensure specifically identified industrial land for development is not occupied by uses not intended or that are non-industrial, unless they are either ancillary to industrial use, or support industrial uses. This reduces the potential for this industrial land to be ‘diluted’ by non-industrial uses, or development out of sequence with the other industrially zoned land in the City. Promoting the efficient use of the industrial land within Te Rapa North as a resource is also important to the growth of the Dairy industry and the success of the City’s economy.

The limited range of land uses provided for within the Te Rapa North Industrial area is specifically intended to reflect the existing Te Rapa Dairy Factory activity and the opportunity that opening the Te Rapa section of the Waikato Expressway provides for the travelling motorist. Avoiding non-industrial land uses establishing in industrial locations also reduces potential reverse sensitivity issues arising.

12.1.2 Waikato Regional Policy Statement (2010)

The District Plan is required to give effect to the RPS. The RPS provides an overview of the resource management issues of the region, and states the policies and methods to achieve integrated management of the natural and physical resources of the region.

Section 6 of the RPS relates to the topic of the ‘Built Environment’ and seeks the development of the built environment in an integrated, sustainable and planned manner consistent with the provisions of the regional growth strategy Future Proof.

Policy 6.16 ‘Commercial development in the Future Proof area’ promotes the consolidation of commercial activities within existing commercial centres. A clear mandate is presented in policy 6.16 which states that “Commercial activities are to be managed to: (f) (f) maintain industrially zoned land for industrial activities unless it is ancillary to those industrial activities, while also recognising that specific types of commercial development may be appropriately located in industrially zoned land;” The industrial zone provisions in the District Plan directly provide for this strategic outcome by avoiding non-industrial uses within industrial areas. Policy 6.14 adopts the approach
of identifying strategic industrial nodes for future industrial development, and avoiding industrial development elsewhere at a scale that could undermine the role of the strategic nodes. The Te Rapa North Industrial Zone provides for this outcome through inclusion of industrial land at Te Rapa North (which is an identified industrial growth node within the RPS).

12.1.3 Hamilton Urban Growth Strategy

The Hamilton Urban Growth Strategy is a related document to Future Proof and sets a strategy of ‘a compact and sustainable city’. The Hamilton Urban Growth Strategy was developed in parallel with the Future Proof strategy and as a result both are significantly aligned. The Hamilton Urban Growth Strategy is regarded as providing more localised interpretation of the Future Proof principles and has been used to guide the District Plan.

Included in the City, for industrial purposes are substantial undeveloped ‘greenfield’ industrial growth cells, provided for in accordance with Future Proof. These include Rotokauri (a Stage 2 area) and Te Rapa North. This industrial land supply will accommodate industrial expansion over the ‘life’ of this district plan.

Supporting documents are listed in the References section of the chapter.

12.2 Objectives

<table>
<thead>
<tr>
<th>Objective most appropriate to achieve the purpose of the Act:</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.2.1 Industrial land uses are able to establish and operate within the zone in an efficient and effective manner.</td>
</tr>
<tr>
<td>• The objective supports the establishment and operation of industrial land uses within the industrial areas of the city.</td>
</tr>
<tr>
<td>• The objective is the most appropriate because it promotes industrial land uses establishing and operating in locations identified for that purpose. Conversely it restricts the ability of non-industrial uses establishing in such areas.</td>
</tr>
<tr>
<td>• The objective promotes the efficient and effective utilisation of the city’s industrial land resource for industrial uses to meet the foreseeable needs of current and future generations.</td>
</tr>
<tr>
<td>• The objective enables people and communities to provide for their social, economic, and cultural well-being; satisfying section 5 of the Act.</td>
</tr>
<tr>
<td>• The objective also ensures the efficient use and development of natural and physical resources (section 7(b)) and has regard to finite characteristics of natural and physical resources (section 7(g)).</td>
</tr>
<tr>
<td>• Objective 12.2.1 ensures the District Plan gives effect to the Regional Policy Statement through enabling industrial land uses to occur on land specifically provided (i.e. zoned) for industrial land</td>
</tr>
</tbody>
</table>
### 12.2.2
The amenity levels of greenfield areas (including Stage 1A and Stage 1B) are to be enhanced.
The amenity levels of the existing Dairy Factory site are to be maintained.

- The objective seeks to ensure amenity levels within greenfield areas within the Te Rapa North Industrial Zone are enhanced from present levels.
- The objective also seeks to ensure the current amenity levels at the existing Dairy Factory site are maintained.
- The objective is the most appropriate because it promotes enhanced amenity levels within greenfield industrial areas of the city, while retaining the ability to utilise industrial land for employment purposes in an efficient and effective manner to meet the social, economic, and cultural well-being.
- The objective promotes functional and attractive industrial employment areas and contributes to raising amenity levels within the city generally.
- The objective also ensures the maintenance and enhancement of amenity values (section 7(c)) and the maintenance and enhancement of the quality of the environment (section 7(f)) of the Act.

### 12.2.3
Industrial development is consistent with the long-term land use pattern for the Te Rapa North Industrial Zone and occurs in an integrated, efficient and co-ordinated manner.

- The objective seeks to ensure the existing supply of industrial zoned land in Te Rapa North and the current predictions of sub-regional demand for additional industrial land are achieved and adhered to.

### 12.2.4
Strategically important infrastructure and investment are supported and not compromised by inappropriate land use activities.

- The objective is the most appropriate because it promotes the staging of development and ensures integrated and efficient growth while limiting the ability for untimely industrial development.

### 12.2.5
Investment in the Te Rapa Dairy Factory Site as a nationally and regionally important strategic facility is supported.

- The objective is the most appropriate to achieve the purpose of the Act because it promotes the continued operation of the existing Te Rapa Dairy Factory. This enables Council and the community to provide for their social and economic wellbeing (section 5(2)), it constitutes the continued and efficient use and development of physical resources (section 7(b)), and recognise the finite characteristics of natural and physical resources (Section 7(g)) as required by the Act.
### Objectives not the most appropriate to achieve the purpose of the Act:

| To accommodate a wide range of industrial development and associated activities together with appropriate non-industrial activities in an environmentally sustainable manner. | • An objective like this would not be appropriate, because it does not align with the RPS. This objective would enable non-industrial, commercial activities to establish within industrial areas, to the detriment of the Central City and other commercial centres. This objective would compromise the efficient utilisation of industrial land resource in the City.  
• The severity of reverse sensitivity effects within industrial areas would be increased by allowing non-industrial activities in industrial areas.  
• The objective might enable Council and the community to provide for their social, economic and cultural wellbeing (section 5(2)). However, it does not constitute an efficient use and development of physical resources (section 7(b)), nor recognise the finite characteristics of natural and physical resources (Section 7(g)) as required by the Act, in relation to the industrial land resource. |
| To enhance the amenity values of industrial areas in public places, along major arterial roads and at the interface with non-industrial areas. | • An objective like this would not be appropriate, because it only promotes enhancement of amenity values at specific locations in industrial areas. These locations would dictate the objective have effect in the majority of the industrial areas.  
• The objective does not support a more general enhancement of amenity values in industrial areas in their entirety.  
• The objective would not contribute to the general enhancement of amenity values throughout the City, given that the industrial areas of the City form a large component of the city’s land area.  
• The objective focuses on all of the interfaces with non-industrial areas, regardless of whether the adjoining use is likely to be adversely affected or not.  
• The objective would not adequately enable the maintenance and enhancement of amenity values (section 7(c)) to be met. |

**Conclusion:** Taking into account the above, Council considers that the objectives in this chapter of the plan are the most appropriate to achieve the purpose of the Act.

### 12.3 Policies
### Policies most appropriate to achieve the objective:

**12.2.1**  
Industrial land uses are able to establish and operate within the zone in an efficient and effective manner.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>12.2.1a</strong></td>
<td>Industrial land is used for industrial uses.</td>
</tr>
<tr>
<td><strong>12.2.1b</strong></td>
<td>Non-industrial uses establish and operate only where they are ancillary to industrial activities, supporting industrial activities, or are consistent with industrial land uses.</td>
</tr>
<tr>
<td><strong>12.2.1c</strong></td>
<td>Non-industrial uses do not adversely affect the industrial use of the Te Rapa North Industrial Zone, or impact adversely on the strategic role of the Central City as the primary office, retail, and entertainment centre, and the other business centres in the City.</td>
</tr>
</tbody>
</table>

**12.2.1a**  
**Benefits**
- The benefits of the policy are that the extent of utilisation of industrial land for employment purposes to meet the social, economic and cultural wellbeing of people and the community is maximised.
- The Te Rapa North Industrial Zone identifies suitable locations where industrial land uses are able to be provided for, as distinct from the commercial/business centres in the city.
- The policy establishes the clear intent that industrial land shall be used for industrial uses and not commercial.
- The policy establishes clear expectations for the form of land use anticipated and encouraged within industrial areas.
- The policy gives effect to policy 6.16 of the RPS.

**Costs**
- Policy 12.2.1a restricts the ability for non-industrial uses to establish and operate, which has an economic cost for landowners and commercial developers. Restricting the ability of the market to establish land uses in the city incurs some cost in terms of the ability of people and the community to provide for their social, economic and cultural wellbeing.

**Efficient and Effective**

The policy will be efficient and effective in achieving objective 12.2.1 by:
- Establishing a clear policy for the forms of development that are desirable in the Te Rapa North Industrial area (i.e. industrial uses), and those that are not (i.e. non-industrial uses).
- Directly giving effect to the RPS in terms of land for industrial uses being specifically identified for that purpose, and ensuring commercial
development is not located on land specifically provided for industrial activities.

- Industrial uses are being unable to establish and operate in other parts of the City due to higher sensitivities in commercial or business centres, residential areas, and other locations.
- The benefits of the policy identified above are considered to significantly outweigh the costs identified above.

### 12.2.1b

**Benefits**

- Some flexibility is able to be applied for non-industrial land uses seeking to establish and operate within the identified industrial areas of Te Rapa North, if there are ancillary to the identified uses.
- The policy explicitly acknowledges that activities ‘ancillary’, ‘supporting’ or ‘consistent’ with industrial land uses, may establish within industrial areas.
- The policy complements 12.2.1a as it makes provision for the three specific forms of non-industrial activities, identified in the previous point.
- The policy limits the nature and scale of any commercial activity able to establish, and aims to reverse the trend of the last decade where mainly commercial activities were seeking out industrial locations.
- The policy is enabling of the rules governing the acceptable scale of ancillary retail and office activities in the Te Rapa North Industrial Zone.

**Costs**

- Other forms of commercial land use within industrial areas are not provided for within the policy. This has economic costs for industrial landowners and developers who may otherwise seek commercial opportunities on industrial sites.
- Potential economic costs arising from the specific forms of commercial development provided for in industrial areas, if either those services were more efficiently and effectively provided elsewhere in the City, or if the provision of those activities did have the effect of compromising or restricting the ability of industrial uses establishing and
### Efficient and Effective

- The policy will be efficient and effective in achieving objective 12.2.1 by:
  - Establishing a clear policy for the forms of specific commercial development that are desirable in the industrial areas of the city.
  - Not contravening the industrial land strategy of the RPS as the forms of commercial development specifically provided for are limited in both scope and scale.
  - The extent of commercial land use that is ‘ancillary’, ‘supporting’ or ‘consistent’ with industrial land uses will be limited.
  - The objective that the policy relates to will not be undermined by the extent of commercial development provided for through this policy, and indeed the development will complement the range of industrial uses within industrial areas.
  - The benefits of the policy identified above are considered to significantly outweigh the costs identified above.

### 12.2.1c Benefits

- The policy provides a clear statement as to the two key reasons why the objective is critical to achieving the purpose of the Act.
  - The uncontrolled spread of non-industrial uses in industrial areas will adversely affect the industrial use of the Te Rapa North Industrial Zone.
  - The strategic role of the Central City and the role of the other commercial centres will be undermined through such development.
- There are economic benefits from a policy that clearly states the outcomes to be achieved or avoided.
- The policy provides a clear and concise framework for consideration of resource consent applications.
- There are economic benefits to industrial land uses being able to establish and operate in industrial areas unhindered by non-industrial land uses establishing.
There are related benefits in terms of the social, economic and cultural wellbeing of people and the community arising from industrial areas maximising utilisation for employment purposes, in a manner unhindered by other uses that can establish elsewhere in the City.

**Costs**

- Policy 12.2.1c has costs in that non-industrial uses are not provided for within the policy. This has economic costs for industrial landowners and developers who may otherwise consider commercial opportunities for industrial sites.
- There are costs in terms of people and the community providing for their economic, social and cultural wellbeing, given the restrictive nature of the policy.
- As with any form of regulation that restricts the ability of the market to establish land uses in the city, there is some economic cost.

**Efficient and Effective**

The policy will be efficient and effective in achieving objective 12.2.1 by:

- Establishing a clear policy that non-industrial uses shall not be allowed to adversely affect the industrial use of the zone, or adversely impact on the strategic role of the central City and commercial business centres in the City.
- The policy directly gives effect to the RPS in terms of land for industrial uses being specifically identified for the purpose. It also ensures commercial development is not located on land specifically provided for industrial activities.
- The policy prevents non-industrial uses establishing and operating in areas specifically identified for industrial purposes.
- The policy avoids an inefficient allocation of industrial land that cannot be easily replicated elsewhere in the city.
- Without the policy, the industrial uses may seek land beyond the City boundary resulting in a loss of economic activity for the City.
- The benefits of the policy identified above are considered to significantly outweigh the costs identified above.
### Policies not most appropriate to achieve the objective:

<table>
<thead>
<tr>
<th>Policy Description</th>
<th>Potential Outcomes</th>
</tr>
</thead>
</table>
| No policy framework regarding the type of land uses within industrial areas. | • Having no policies regarding the use of industrial land would lead to a wide variety of non-industrial land uses establishing and operating in industrial areas. The outcome would be industrial areas that cannot function efficiently or effectively as an industrial land resource and the undermining of the viability of the Central City as the primary commercial centre for the city.  
• The outcome potentially would be a city that is decentralised in urban form, business activity and without a functioning Central City or hierarchy of commercial or business centres in the City.  
• An absence of any policy framework would also allow residential and community activities that are incompatible with industrial land use, and would introduce reverse sensitivity issues.  
• It is considered this policy option would not achieve the objective, or the purpose of the Act, and would be contrary to the industrial strategy of the RPS. |
| Enable industrial land to be used for a wide variety of commercial land uses in addition to industrial land. | This policy would not be appropriate to achieve objective 12.2.1.  
• A policy that enabled a wide variety of commercial land uses within industrial areas would undermine the ability of industrial areas to operate in an effective and efficient manner.  
• The policy would undermine the viability of the Central City to perform as the primary commercial centre for the City by allowing commercial uses to establish in a wide variety of other (cheaper) locations. The outcome would be a City that is decentralised in urban form without a functioning Central City or hierarchy of commercial or business centres in the City.  
• It is considered that this policy option would not achieve the objective, or the purpose of the Act, and would be contrary to the industrial strategy of the RPS. |

### Risks

**Risks of acting or not acting.**

- The risks of acting are considered to be well known and have been taken into consideration.
- The risks are that commercial land uses, that might otherwise establish in industrial...
areas due to location or lower land values, and instead will have to locate within commercial centres, may act as a disincentive to establish or expand within the City.

- The risks of establishing a policy framework to ensure efficient and effective utilisation of the industrial land resource is considered to be outweighed by the risks of not acting.

- The risks of not acting are that the absence of a policy framework controlling the type of land uses able to establish within industrial areas will lead to a wide range of non-industrial land uses establishing and operating. The outcome would be lower utilisation of industrial land for industrial purposes.

- The risks of not acting are that the District Plan will fail to achieve the industrial strategy policies of the RPS.

### Policies most appropriate to achieve the objective:

12.2.2
The amenity levels of greenfield areas (including Stage 1A and Stage 1B) are to be enhanced.

The amenity levels of the existing Dairy Factory site are to be maintained.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>12.2.2a</strong>&lt;br&gt;Amenity levels within the Te Rapa North Industrial Zone are improved through the use of landscaping, screening and setbacks within the interfaces between the zone and the Waikato Expressway and Te Rapa Road.</td>
<td><strong>Benefits</strong>&lt;br&gt;• The policy will support an improvement in amenity levels within industrial areas.&lt;br&gt;• The policy will support improvements in amenity levels City-wide by ensuring industrial areas contribute to the enhancement of City-wide amenity levels.&lt;br&gt;• The policy clearly identifies how the objective will be achieved by including reference to specific measures, being landscaping, screening and setbacks. This provides clarity and certainty as to how the objective will be achieved.&lt;br&gt;• Environmental benefits result as the amenity levels within industrial areas are enhanced to create more attractive and functional environments for businesses operations, and workers.&lt;br&gt;• Greater emphasis on ensuring entrances to Hamilton are attractive and contribute to the overall experience of Hamilton.&lt;br&gt;• Economic benefits occur from the policy providing a focus on improved amenity levels within industrial areas. The result will be higher industrial property values, greater utilisation of the industrial land resource and the likelihood of</td>
</tr>
</tbody>
</table>
improved productivity.

- Certainty for the existing Dairy Factory site that the amenity level is expected to be maintained.

Costs

- Costs to industrial landowners and developers who will have to accommodate the policy when undertaking design of new industrial properties and redevelopments of existing properties.
- Regulation that restricts the ability of the market to establish and operate industrial uses in the City – incurs some economic costs.
- Costs also arise in terms of the ability of people and the community to provide for their social, economic and cultural wellbeing.
- The economic costs are considered to be moderate and are outweighed by the wider economic benefits.

Efficient and Effective

The policy will be efficient and effective to achieve objective 12.2.2 by:

- Establishing a clear and concise policy approach for how amenity levels within industrial areas will be enhanced. The policy identifies the broad topic areas that will be relied on to achieve enhancing amenity levels in industrial areas. This provides a high level of certainty as to how the objective will be achieved.
- The policy contributes to the enhancement of City-wide amenity by providing a focus on industrial areas including the greenfield area of Te Rapa North.
- The policy signals a clear approach to achieve the objective, but it is not a policy that prevents high levels of utilisation of industrial land or inhibits the ability of industrial uses to establish and operate within industrial areas.
- The benefits of the policy identified above are considered to significantly outweigh the costs identified above.

Policies not most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>No policy framework regarding amenity levels within industrial areas.</th>
</tr>
</thead>
<tbody>
<tr>
<td>- This would not be appropriate as there would be no implementing policy for the objective, and no improvement in amenity levels within the</td>
</tr>
</tbody>
</table>
industrial areas of the City.

- An absence of any policy framework would not provide certainty for industrial landowners and developers as to how the objective would be implemented.

**Amenity levels to be enhanced at specific locations only.**

- This policy would only partially achieve the objective and only within the geographic locations specified in the policy. The most likely locations being along state highways, major arterial routes, and the interface with more sensitive land uses such as residential areas.
- Such a policy would have no impact on amenity levels elsewhere within the industrial areas of the City i.e. the majority of the industrial land resource.
- A policy that has no impact on lifting amenity levels in the majority of the industrial land resource will not be effective in achieving the objective.

**Risks**

**Risks of acting or not acting.**

- The risks of acting are considered to be well known and have been taken into consideration.
- The risks are that the policy approach is too restrictive and limits the effective utilisation of the industrial land resource. This would have a detrimental effect on the ability of the City’s industrial land resource to meet the social, economic and cultural wellbeing of people and the community.
- The policy imposes a higher expectation for the level of on-site amenity and for the contribution of industrial sites to the amenity outcomes within the adjoining public realm (streets, parks etc.).
- The risks of not acting are that the absence of a policy framework for amenity levels in industrial areas will lead to no change from the status quo.
- The risks of establishing a policy framework that sets clear expectations for improvements in amenity levels throughout the industrial zone is considered to be outweighed by the risks of not acting.

**Policies most appropriate to achieve the objective:**

**12.2.3**

Industrial development is consistent with the long-term land use pattern for the Te Rapa North Industrial zone and occurs in an integrated, efficient and co-ordinated manner.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.2.3a</td>
<td>Benefits</td>
</tr>
</tbody>
</table>
The development of land in the Te Rapa North Industrial Zone is undertaken to ensure it aligns with the RPS.

12.2.3b  
Industrial development in the Te Rapa North Industrial zone occurs in an integrated and coordinated manner that aligns with capacity improvements to the existing reticulated infrastructure (water and waste) and roading, or which is in accordance with exemptions form the requirement to connect new development to that infrastructure.

12.2.3c  
Industrial development in Te Rapa North Industrial Zone, beyond the first 7ha for each Stage (1A and 1B), is timed to coincide with the availability of all necessary reticulated infrastructure unless an express exception is provided for in this plan.

12.2.3d  
Traffic and transportation effects are managed through land use planning, peak traffic generation controls and integrated, multi-modal transport approaches to ensure industrial development in the Te Rapa North Industrial zone does not adversely affect the safety and efficiency of the wider roading network.

12.2.3e  
Concept Development Consent shall be used to manage the nature, scale and intensity of proposed industrial developments to ensure the efficient provision

- The extent of efficient utilisation of industrial land for employment purposes to meet the social, economic and cultural wellbeing of people and the community is maximised.
- It is appropriate to provide for further dairy industry development in the vicinity of the Te Rapa Dairy Factory and motorist support near the future Te Rapa and Ngaruawahia sections of the Waikato Expressway interchange.
- Staging development acknowledges the importance of facilitating the growth of the dairy industry in a sustainable manner and the benefits of a service centre at a strategic location in the Waikato Expressway network.
- Policy 12.2.3a recognises the Te Rapa North Industrial Zone as a suitable location where industrial land uses are able to be provided for, as distinct from the commercial/business centres in the City.
- 12.2.3a establishes the clear intent that industrial land shall be used for industrial uses, and not by commercial uses that are able to establish and operate in other parts of the city.
- The policy establishes clear expectations for the form of land use anticipated and encouraged within industrial areas.
- The policy gives effect to policy 6.16 of the RPS.
- Policies 12.2.3b, 12.2.3c, 12.2.3d and 12.2.3e provide for the management of growth in a strategic manner.
- The policies recognise that the release of the identified 60ha of land for development will be dependant on the establishment of the strategic transport network and the ability to service and provide the necessary reticulated infrastructure.
- Policy 12.2.3d ensures industrial development in this area does not adversely affect the safety and efficiency of the transport network.
- Provisions requiring Concept Development Consents for each stage, along with controls over the nature of activities and staging in advance of any subdivision or development allows for growth sequencing and effects of development and the provision of efficient reticulated infrastructure to be strategically managed.
and use of reticulated infrastructure and associated funding mechanisms aligns with Council’s “10-Year Plan and planned growth strategies, subject to exceptions provided for in the Plan.

12.2.3f The development of land within Stages 1A and 1B are undertaken in a manner which ensures the integrated and efficient development of the Te Rapa North Industrial Zone.

12.2.3g The development of land beyond the areas indentified for development in this District Plan shall be avoided until specific District Plan provision is made for that development.

Costs
- Policies 12.2.1a-12.2.3f restrict the ability for non-industrial uses to establish and operate, which has an economic cost for landowners and commercial developers.
- Regulation that restricts the ability of the market to establish land uses in the City, incurs some economic cost, and a cost in terms of the ability of people and the community to provide for their social, economic and cultural wellbeing.

Efficient and Effective
The policy will be efficient and effective in achieving objective 12.2.3 by:
- Establishing a clear policy for the forms of development that are desirable in the Te Rapa North Industrial area (i.e. industrial uses), and those that are not (i.e. non-industrial uses).
- Directly giving effect to the RPS in terms of land for industrial uses being specifically identified for the purpose, and ensuring commercial development is not located on land specifically provided for industrial activities.
- Enabling the provision of strategically important infrastructure to develop in an integrated, efficient and coordinated manner.
- Ensuring industrial uses are not able to establish and operate in other parts of the City.
- The policy directs industrial uses to specifically-identified industrial land. This also serves to relieve pressure on other parts of the city that might otherwise be subject to proposals for industrial development.
- The benefits of the policy identified above are considered to significantly outweigh the costs identified above.

Policies most appropriate to achieve the objective:

12.2.4 Strategically important infrastructure and investment are supported and not compromised by inappropriate land use activities.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.2.4a</td>
<td>Benefits</td>
</tr>
<tr>
<td></td>
<td>• The extent of efficient utilisation of industrial land</td>
</tr>
</tbody>
</table>
developed as a dairy business cluster in conjunction with and complementary to the existing Te Rapa Dairy Factory.

**12.2.4b**
A limited area of land in Stage 1B in the vicinity of the proposed Te Rapa/Ngaruawahia sections of the Waikato Expressway interchange should be developed as a service centre and associated industrial activities for traveller service and support.

**12.2.4c**
Activities allowed within the Te Rapa North Industrial Zone should not give rise to reverse sensitivity effects in relation to existing or future industrial activities.

for employment purposes to meet the social, economic and cultural wellbeing of people and the community is maximised.

- Policies 12.2.4a and 12.2.4b acknowledge the importance of facilitating the implementation of a staged development.
- Policy 12.2.4c recognises the Te Rapa North Industrial Zone as a suitable location where industrial land uses are able to be provided for, as distinct from the commercial/business centres in the city.
- The policy establishes the clear intent that industrial land shall be used for industrial uses, and not by commercial uses that are able to establish and operate in other parts of the city.
- The Te Rapa North Zone forms part of a long term industrial land supply for Hamilton’s western area. It is important that the supply is used in a sustainable and efficient manner.
- The staging of development will be subject to the availability of infrastructure, coupled with the flexibility to enable the development of activities, linked with existing industries or infrastructure, to ensure that the land supply for continued industrial growth is sustainably managed and avoids unnecessary financial burden being incurred by the community as a whole.

**Costs**

- Policies 12.2.1a - 12.2.3f restrict the ability for non-industrial uses to establish and operate, which has an economic cost for landowners and commercial developers.
- Regulation that restricts the ability of the market to establish land uses in the City, incurs some economic cost, and a cost in terms of the ability of people and the community to provide for their social, economic and cultural wellbeing.

**Efficient and Effective**

The policy will be efficient and effective in achieving objective 12.2.4 by:

- Establishing a clear policy for the forms of development that are desirable in the Te Rapa North Industrial area (i.e. industrial uses), and those that are not (i.e. non-industrial uses).
- Directly giving effect to the RPS in terms of timing.
and release of land for industrial uses and ensuring commercial development is not located on land specifically provided for industrial activities.

- Enabling the provision of strategically important infrastructure to develop in an integrated, efficient and coordinated manner.
- Ensuring industrial uses are not able to establish and operate in other parts of the City.
- The policy directs industrial uses to specifically identified industrial land. This provides certainty and serves to relieve pressure on other parts of the City that might otherwise be subject to proposals for industrial development.
- The benefits of the policy identified above are considered to significantly outweigh the costs identified above.

### Policies most appropriate to achieve the objective:

12.2.5

Investment in the Te Rapa Dairy Factory Site as a national and regionally important strategic facility is supported.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| **12.2.5a** The Te Rapa Dairy Factory site should be recognised for the important benefits it contributes to the community and dairy industrial base for the Waikato. | **Benefits**  
|                                              | • The extent of efficient utilisation of industrial land for employment purposes to meet the social, economic and cultural wellbeing of people and the community is maximised.  
|                                              | • The policy recognises the Dairy Factory warrants special consideration in the District Plan through sustainable management practices while enabling opportunities for its contained use, intensification and expansion.  
|                                              | • Recognising that the establishment of incompatible uses nearby is a significant risk to the Te Rapa Dairy Factory and as such would pose a threat to its ongoing viability of the Te Rapa Dairy Factory. The zoning of industrial with specific noise and air quality controls will assist with maintaining the factory’s viability.  
| **12.2.5b** Subdivision, use and development shall not compromise the ongoing and efficient operation of the Te Rapa Dairy Factory. |  
| **12.2.5c** The Te Rapa Dairy Factory, as an integral facility to the agricultural sector of Waikato shall retain its opportunities for continued use, intensification and expansion. |  
| **12.2.5d**                                             | • Economic benefits from industrial land uses being able to establish and operate in industrial areas unhindered by the establishment of non-industrial land uses.  
|                                                     | • Social, economic and cultural wellbeing of people |
The ongoing development and use of the Te Rapa Dairy Factory site shall be supported through the application of specific provisions to enable buildings and structures, noise emissions and heavy vehicle movements occur in a manner to ensure the efficient operation of the Dairy Factory.

and the community arise when industrial areas maximise utilisation for employment purposes.

**Costs**
- The level of economic costs is considered low. Related to that are costs in terms of the ability of people and the community to provide for their social, economic and cultural wellbeing, but similarly these are low.
- There are some economic costs associated with the policy, as industrial landowners and developers of industrial property will have to accommodate the intent of the policy in the design of new industrial properties and the redevelopments of existing properties.

**Efficient and Effective**

The policies will be efficient and effective in achieving objective 12.2.5 by:

- Establishing a clear policy for the continued use, intensification and expansion of the strategically important Te Rapa Dairy Factory site within the Te Rapa North Industrial area.
- Giving effect to the RPS in terms of the provision of land for industrial uses being specifically identified for the purpose.
- Enabling the provision of strategically important infrastructure to develop and expand in an integrated, efficient and coordinated manner.
- Ensuring industrial uses are unable to establish and operate in other parts of the City due to higher sensitivities in commercial/business centres, residential areas, and other locations.
- The policy directs industrial uses to specifically-identified industrial land. This provides certainty and also serves to relieve pressure on other parts of the city that might otherwise be subject to proposals for industrial development.
- The benefits of these policies identified above are considered to significantly outweigh the costs identified above.

**Policies not most appropriate to achieve the objectives:**

<table>
<thead>
<tr>
<th>No policy framework regarding the location of noxious or offensive activities.</th>
</tr>
</thead>
<tbody>
<tr>
<td>This would not be appropriate as there would be no policy position on the location of noxious or offensive activities.</td>
</tr>
<tr>
<td>Proposition</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>• This policy would not be effective in implementing this significant aspect of the objective, and therefore the policy would not be the most appropriate for achieving the objective.</td>
</tr>
<tr>
<td>• This policy would not be appropriate to achieve the objective, as whilst the policy would have a positive impact on amenity values near residential and open space areas, it would also indiscriminately restrict noxious or offensive activities in the Industrial Zone.</td>
</tr>
<tr>
<td>• Having no policies regarding the use or staging of development of the Te Rapa North industrial land would lead to a wide variety of non-industrial land uses establishing and operating in industrial areas.</td>
</tr>
<tr>
<td>• No provisions controlling the timing of staging development with integrated transport and infrastructure provision would negatively impact on the efficient and effective functioning of the area.</td>
</tr>
<tr>
<td>• An absence of any policy framework would allow residential and community activities that are incompatible with industrial land use, and would introduce reverse sensitivity issues.</td>
</tr>
<tr>
<td>• This would undermine the provision and operation of a national and regionally strategic economic facility.</td>
</tr>
<tr>
<td>• It is considered that this policy option would not achieve the objective, or the purpose of the Act, and would be contrary to the industrial lands strategy of the RPS.</td>
</tr>
<tr>
<td>• A policy that enabled a wide variety of commercial land uses within industrial areas would undermine the ability of industrial areas to operate in an effective and efficient manner.</td>
</tr>
<tr>
<td>• The policy would undermine the viability of the Central City to perform as the primary commercial centre for the City resulting in City that is decentralised in urban form and without a functioning Central City or hierarchy of commercial centres in the city.</td>
</tr>
</tbody>
</table>
Risks
Risks of acting or not acting.

- The risks of acting are considered to be well known and have been taken into consideration.

- The policy approach is restrictive and limits the ability of noxious or offensive activities to establish and operate within industrial areas. This would have a detrimental effect on the ability of the city’s industrial land resource to provide for this form of industrial activity and to more broadly meet the social, economic and cultural wellbeing of people and the community.

- The policy imposes an expectation that noxious or offensive activities are unlikely to be suitable near the interface with Residential and Open Space Zones, and should locate on industrial properties away from the zone interface. The resource consent process still enables an applicant to present information demonstrating that despite the proximity to the zone, that adverse effects beyond the zone boundary will be avoided.

- The risks of establishing a policy framework that expresses clearly expresses where noxious or offensive activities are able to establish is considered to be outweighed by the risks of not acting.

- The risks of not acting are the absence of a policy framework for managing the location of noxious or offensive activities in industrial areas. This would allow a range of noxious or offensive activities to establish in inappropriate locations.

- The risks of not acting in the sense of formulating a vague policy that does not specify the locational constraints on noxious or offensive activities would introduce a high degree of uncertainty for industrial landowners and developers of industrial land.

Conclusion: It is considered that there is sufficient information regarding industrial issues and options, and that the risks of not acting outweigh the risk of acting. Taking into account the above, Council considers that the six policies in this chapter are the most appropriate to achieve the objectives.

12.4 Rules

<table>
<thead>
<tr>
<th>Rules most appropriate to achieve the objectives:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Method</strong></td>
</tr>
<tr>
<td>One specific industrial zone to cater for Te Rapa North and the strategic strengths that support its development for industrial purposes.</td>
</tr>
</tbody>
</table>
also ensures industrial development in this area occurs in a coordinated manner that aligns with capacity improvements to the existing infrastructure (water, wastewater and transport) and does not adversely affect the safety and efficiency of the transport network. This is consistent with the approach in the Operative District Plan (2012) for the long term development of Rotokauri.

**Costs**
- There are not considered to be costs from a specific Te Rapa North Industrial Zone.

**Efficient and Effective**
- This method will be efficient and effective to achieve objectives 12.2.3- 12.2.5 by providing zone provisions that cater for this industrial area.
- The zone provisions provide for the management of industrial and non-industrial land uses, and amenity outcomes.

### 12.3.1 Concept Development Consent – Process within Te Rapa North Industrial Zone – Stage 1A and Stage 1B

**Benefits**
- The inclusion of an explanation of the process for Concept Development Consents within the Te Rapa North Industrial Zone clarifies the role of a Concept Development Consent in the area.

**Costs**
- Without clearly identifying the process for a Concept Development Consent within the Te Rapa North Industrial Zone there is a potential cost of misinterpretation by Plan users.

**Efficient and Effective**
- This method will be efficient and effective to achieve objectives 12.2.1-12.2.4 by clearly outlining the Concept Development Consent process.

### 12.3.2 Activity Status Table – Te Rapa North Industrial Zone Concept Development Consent

**Benefits**
- Adoption of the Concept Development Consent (CDC) approach offers land owners and developers a strategic management framework for land and infrastructure development and its staging. It aims to ensure public infrastructure services and roading are provided to a standard acceptable to Council while private/site development can proceed with a minimum of additional consenting requirements. Non conformance will trigger a more robust consenting process for developers.
Achieving growth in new industrial development at a comprehensive scale is considered to offer benefits for both the developer and the Council. These include:

- Agreeing on and achieving coherent and orderly development.
- Efficient use and timing of public investment in new infrastructure.
- Anticipated traffic effects are acceptable on the road network.
- Contributions are made to meet the servicing costs of public infrastructure.
- The scale and intensity of internal development in the cell relates to the level of public infrastructure and roading proposed.

**Costs**

- There are not considered to be additional costs borne from well planned and integrated development between the public and private sectors.

**Efficient and Effective**

- The rule will be efficient and effective to achieve objectives 12.2.1 to 12.2.4 by ensuring acceptable and timely infrastructure provision is achieved at key locations.

### 12.3.3 a) - c) Land Release - Activity Status Table Te Rapa North Industrial Zone

**Benefits**

- The Activity Status Table 12.3.3 provides clear staging of land release expectations within the Te Rapa North Industrial Zone.
- Land release outside of Stage 1A and Stage 1B is a Non-Complying activity. This will help provide for the planned release of industrial land.

**Costs**

- There are not considered to be additional costs borne from well planned and integrated development between the public and private sectors.

**Efficient and Effective**

- The Activity Status Table as a method will be efficient and effective to achieve objectives 12.2.1-12.2.4 by clearly establishing the land uses and works to buildings that are permitted, as opposed to those that require resource consent.
### 12.3.3 d) – m) Activities in Te Rapa North Deferred Industrial area.

<table>
<thead>
<tr>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>- The Activity Status Table provides clear expectations of what land uses are anticipated and appropriate and (with the exception of those existing at the date of notification) which are deemed permitted.</td>
</tr>
<tr>
<td>- All other activities shall comply with the ‘Land Use – Activities’ rules and ‘Land Use – Building’ rules as set out in the Future Urban Zone.</td>
</tr>
<tr>
<td>- Activities within Te Rapa North Deferred Industrial Zone, except Stages 1A and 1B covered in Rule 12.3.3(f) and 12.3.3(h) that do not comply with a condition for a permitted activity become Non-Complying activities.</td>
</tr>
<tr>
<td>- The rules recognise those specific provisions agreed in the recent Environment Court hearings that ensure the integrated, efficient and coordinated development of land and infrastructure and control over trip generation for this regionally important employment site.</td>
</tr>
<tr>
<td>- Higher performance thresholds are established for activities establishing in this new greenfield area to ensure that adverse effects on future more sensitive neighbouring residential and commercial activities can be properly managed.</td>
</tr>
<tr>
<td>- This approach is superior to development occurring on an ad hoc and incremental basis without an appreciation of the scale and intensity of development overall that is expected.</td>
</tr>
</tbody>
</table>

### Costs

- There are not considered to be additional costs borne from well planned and integrated development between the public and private sectors.

### 12.3.3 n) – q) Te Rapa Dairy Factory.

<table>
<thead>
<tr>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>- The Activity Status Table provides clear expectations of what activities are anticipated and appropriate at the Te Rapa Dairy Factory and do not impact upon city infrastructure.</td>
</tr>
</tbody>
</table>
Activities are identified as permitted activities subject to compliance with the general standards identified in standard 12.4. This enables a level of certainty for the successful and efficient functioning of this national and regionally important facility.

**Costs**

- There are not considered to be any costs as the rule simply provides clear cross-references to other rules in the District Plan.

### General Standards: 12.4.1: Building setbacks.

- The standard sets a 5m front setback from local and collector transport corridors, a 15m front setback from a state highway, and nil ‘other setbacks’ except where any building is set back from the western side of Te Rapa Road, south of the Hutchinson Road intersection, where the setback is 30m. An exception also applies to 30m from the eastern side of Te Rapa Road within the Dairy Factory Site.

**Benefits**

- The standard imposes targeted setbacks for identified situations, where a setback serves a purpose.
- In the majority of industrial site situations, minimal setbacks apply, resulting in the ability to ensure efficient use of the City’s industrial land resource.
- Setbacks have been imposed where there is a demonstrable amenity benefit.
- The standard is simple and sets clear and easily understood setbacks that can be used to determine the net usable area and to determine the theoretical development potential of an industrial site.

**Costs**

- Setting minimum setbacks will constrain development, resulting in a lower yield for an industrial landowner or developer.
- Setbacks restrict development potential, and reduce flexibility. There is a cost related to this level of restriction that is borne by industrial landowners and developers.

**Efficient and Effective**

- The rule will be efficient and effective to achieve
objective 12.2.2 by ensuring suitable amenity outcomes are achieved at key locations, being along state highway corridors, and when industrial sites are adjacent to Residential and Open Space Zone properties.

- The rule is efficient and effective as it targets the more sensitive boundaries and maintains a permissive approach where industrial properties are adjoining each other where no state highway or sensitive adjoining land is involved.
- The exception to the above is the 10m front setback for all properties. This is considered necessary to ensure appropriate relationships to the street and design outcomes relating to the public realm given the size of buildings and extent of site coverage provided for within the zone.

General Standards:

12.4.2: Building height, and 12.4.3: Height in relation to boundary.

- The standard sets a 20m maximum building height limit, reduced to 10m where the building is located within the Amenity Protection Area, and a Height Control Plane (3m plus 45 degrees or 28 degrees on southern boundaries).
- The standard sets a default 20m maximum height. A more permissive height limit exists for Stage 1A and 1B where the building height is to be: 25m with a maximum height of 15m over 90% of the site and up to 50m with a maximum height of 35m over 90% of the Te Rapa Dairy Factory site.

Benefits

- The greater height limits are deemed to be justified due to the relatively isolated location of the Factory and recognises the importance of specialist buildings and operations in facilitating growth of the Te Rapa Dairy Facility.

Costs

- Setting maximum height limits will constrain development to some extent, although there are few industrial buildings in the City that exceed 20m in height and so the level of constraint is considered low.
- More restrictive standards apply in locations where other uses in close proximity require greater levels of restriction, but the extent of regulation is considered to be matched by the necessity of maintaining amenity levels in these locations.
| 12.4.4: Site coverage. | The standard does not set a maximum building coverage for industrial sites within the Te Rapa North Industrial Zone.

**Benefits**
- The standard recognises the character, nature and importance of Te Rapa North for industrial activity and as such sets a default 100% maximum site coverage, effectively unlimited site coverage.
- Providing all other City-Wide standards within the plan are met.

**Costs**
- Setting no maximum site coverage will not impose a cost to a developer or landowner but could potentially impose a social and environmental amenity cost on the wider area.

**Efficient and Effective**
- The rule will be efficient and effective to achieve objectives 12.2.4 and 12.2.5 by ensuring efficient and effective utilisation of industrial land can be achieved within the zone.
- A balance needs to be struck in what level of amenity is to be expected within a strategically important industrial area and the impact of intensive site coverage on the wider environment. A more restrictive standard would usually apply in locations where Residential Zone properties are adjoining or in close proximity (i.e. there is an Amenity Protection Area in place).
| General Standards: 12.4.5: Permeable surfaces | The standard applies a 20% permeability threshold as part of promoting sustainable urban development. In essence, stormwater runoff is to be managed on-site. |
| Benefits | - The standard sets a default to effectively promote the improved management of onsite effects arising from built development in order to achieve a more environmentally sustainable form of site development.  
- The standard provides a clear and concise level of control that does not provide unnecessary restrictions on industrial development. |
| Costs | - Setting restrictions on the manner of site development for industrial property owners and occupiers can have a cost in the loss of flexibility and the requirements for site development. The extent of the cost is considered moderate but is not considered to outweigh the benefits of promoting sustainable site development. |
| Effective and Efficient | - The rule will be efficient and effective to achieve objective 12.2.2 by ensuring sustainable building development on industrial sites.  
- The extent of regulation is considered to be suitable in terms of the positive outcomes able to be achieved by the standard.  
- The rule is efficient and effective as it targets and is responsive the potential effects of site development by industrial owners. |

| General Standards: 12.4.6: Landscaping | The standard sets out four specific and measurable design requirements in addition to those provided for by the City-Wide landscaping standards. These additional standards focus on ensuring that land within 15m of the Waikato River bank is planted with indigenous species; land within 2m of Te Rapa Road and 5m of the Te Rapa section of the Waikato Expressway is planted with a combination of lawn, indigenous groundcover, shrubs and trees.  
The intention is to promote a high quality building environment with high internal (within the site) and external (beyond the site) amenity and establish a positive relationship to the street frontage and the surrounding environment. |
| Benefits | - The standard sets out four specific and measurable design requirements in addition to those provided for by the City-Wide landscaping standards. These additional standards focus on ensuring that land within 15m of the Waikato River bank is planted with indigenous species; land within 2m of Te Rapa Road and 5m of the Te Rapa section of the Waikato Expressway is planted with a combination of lawn, indigenous groundcover, shrubs and trees.  
The intention is to promote a high quality building environment with high internal (within the site) and external (beyond the site) amenity and establish a positive relationship to the street frontage and the surrounding environment. |
| General Standards: 12.4.7a-e: Transportation | This standard sets out within 12.4.7 the specific requirements for access, parking, vehicle entrance crossing, loading, queuing and manoeuvring within the Te Rapa North Industrial Zone, for Stage 1A and Stage 1B. It identifies the need for compliance with the trip generations rule 25.14.4 in the City-Wide chapter.

It also identifies specific vehicle movements within both Stage 1A and Stage 1B in 12.4.7b; Vehicle movements in the Deferred Industrial area, excluding Stages 1A and 1B; and Vehicle movements onto the Te Rapa Interchange if the peak hour traffic flows do not exceed the specified limits in 12.4.7e. |

| Costs | Setting a standard will constrain site development to some extent and may impose building design challenges. The extent of the cost is considered moderate when measured against the enhancement at the interface. |

| Efficient and Effective | The rule will be efficient and effective to achieve the objective by promoting industrial development with higher amenity to the street frontage of sites. |

| Benefits | Provides certainty of when parking is required and at what rate. Provides certainty that design of parking, loading spaces, manoeuvring areas and facilities is appropriate to the use and users of the activity and surrounding transport network. Specific exclusion for parking requirements where activities are undertaken in accordance with an approved concept consent or similar mechanism, where sufficiently detailed assessment has already been undertaken. Additional Integrated Transport Assessment (ITA) |

- The standard sets a high amenity expectation to manage the visual appearance of parking areas and outdoor storage within the front set backs adjacent to roads to enable better protection of amenity values.
- The standard is targeted but is otherwise enabling of industrial development.

- Setting a standard will constrain site development to some extent and may impose building design challenges.
- The extent of the cost is considered moderate when measured against the enhancement at the interface.
<table>
<thead>
<tr>
<th>Triggers</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Triggers capture instances which the vehicle per day trigger may not but where there are likely to be adverse effects on the transport network and need to be assessed and minimised:</td>
</tr>
<tr>
<td></td>
<td>- New vehicle access to major arterials or the strategic network, within the Central City area.</td>
</tr>
<tr>
<td></td>
<td>- New vehicle access across railway line or active frontage.</td>
</tr>
<tr>
<td></td>
<td>- Increased use of an existing vehicle crossing to major arterials or the strategic network, or across a railway line.</td>
</tr>
<tr>
<td></td>
<td>- Specific activities (e.g. transport depots).</td>
</tr>
<tr>
<td></td>
<td>- Specific sensitive areas with their own trigger rates (e.g. Rotokauri Employment Area).</td>
</tr>
</tbody>
</table>

### Costs
- Financial cost of preparing an ITA, however the level of detail required will be relevant to the scale of the proposal.
- Where parking provided— design, construction and maintenance costs to Council and / or developers.
- Financial cost to Council of monitoring performance indicators in the transport network and identifying network needs and user demands.

### Efficient and Effective
- This group of rules will be efficient and effective to achieve objective 12.2.3 and 12.2.4 and policies in 12.4.7 a-e.
- Setting parking requirements is an efficient and effective means of managing the parking element of the transport network. It creates clarity and certainty over parking requirements.
- Defining thresholds for intervention and the information requirements is an efficient and effective means of protecting the transport network and users and for promoting integration between transport and land use. It creates clarity and certainty over assessment requirements and ensures mitigation options are explored and implemented if necessary.
- The benefits and expected outcomes outweigh the respective costs, the rule is considered effective.

### General Standards:
The rule provides a cross-reference to other chapters
12.4.8: Provisions in other chapters.  

where provisions may apply to activities within the Industrial Zones.

**Benefits**

- The rule provides cross-references to other parts of the district plan that may need to be analysed to determine compliance and activity status. There are benefits in terms of ease of administration and use of the district plan.

**Costs**

- There are not considered to be any costs as the rule simply provides clear cross-references to other rules in the district plan.

**Efficient and Effective**

- The rule will be efficient and effective to achieve the objectives by enabling ease of use of the District Plan, and clear administration.

**Specific Standards:**

12.6.1: Te Rapa North land release staging.

The rules recognise those staging provisions agreed in the recent Environment Court hearings that ensure the integrated, efficient and coordinated development of land, provision of reticulated infrastructure and control over trip generation for this regionally important employment site.

**Benefits**

- It establishes higher performance thresholds for activities establishing in this new greenfield area to ensure that adverse effects on future, more sensitive, neighbouring residential and commercial activities can be properly managed.

- This approach is superior to development occurring on an ad hoc and incremental basis without an appreciation of the scale and intensity of development overall that is expected.

**Costs**

- There are not considered to be additional costs borne from well planned and integrated development between the public and private sectors.

**Efficient and Effective**

- In the deferred Industrial area other than what is permitted in Stages 1A, 1B and the Te Rapa Dairy Factory within Rule 12.6.1 a)-d), the rules ensure that no land is released for industrial purposes and subdivision and development are restricted until further planning tools such as structure planning.
are implemented

- Unplanned and uncoordinated subdivision and land use development would not be consistent with the long-term land use pattern for the Te Rapa North Zone and would not ensure that development occurs in an integrated, efficient and co-ordinated manner.

<table>
<thead>
<tr>
<th>Specific Standards: 12.6.2: Ancillary offices</th>
<th>The rule states that no ancillary office activity shall occupy more than 10% of the floor area of the principal industrial activity on the site. Ancillary office activities are industrial activities that have an on-site office component, such as administration offices or a head office component to the industrial activity.</th>
</tr>
</thead>
</table>
| **Benefits**                                  | - The rule is part of a framework of rules that regulate office activities within Industrial Zones.  
- Ancillary office is provided for as a permitted activity subject to the rule restricting the extent of floor area able to be included as ancillary office.  
- Other forms of office activity that are not ancillary are not provided for within the Industrial Zone, with provision instead being within commercial centres.  
- The rule is considered to be clear and concise, enabling of some office activities, where associated with the primary industrial activity on the site, whilst maintaining the principle of 'industrial land for industry'. |
| **Costs**                                     | - There would be a cost if providing for ancillary office undermined the 'industrial land for industry' principle by enabling large areas of industrial floor space to be used for non-industrial purposes.  
- Should the uptake of ancillary office provision be especially high, this would lead to large land areas within the Industrial Zone being unavailable for industrial purposes, contrary to objective 12.2.1. |
| **Efficient and Effective**                  | - The rule will be efficient and effective as a means to achieve objective 12.2.1 by providing for limited provision for offices that are ancillary to an industrial use.  
- The thresholds will be effective in ensuring that |
ancillary office activities are genuinely ancillary, and that the overall extent of industrial land used by ancillary office activities remains limited.

- Some provision for ancillary office is considered necessary as this is a core part of some manufacturing and industrial activities, and assists with the success of those businesses.

- The rule is clear and concise, and is subject to thresholds that will ensure that the benefits are considered to outweigh the potential costs.

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.5: Controlled Activities: Matters of Control, Assessment Criteria.</td>
<td>- The Plan identifies that certain activities either by virtue of the activity or due to failing standards are controlled, restricted discretionary, discretionary or non-complying activities.</td>
</tr>
<tr>
<td></td>
<td>- The Plan includes assessment criteria that are able to be applied in the assessment of these activities through the resource consent process. The criteria are grouped clearly under headings relating to the matters Council has reserved control over (for controlled activities) and restricted its discretion (for restricted discretionary activities). These assessment criteria and the introductory ‘how to’ guide are a useful way to guide all parties on how Council is going to administer the provisions of the Plan.</td>
</tr>
<tr>
<td></td>
<td>- The assessment criteria gives transparency and provides clarity for all users on the matters that Council has control or discretion over when considering controlled or restricted discretionary activities, and provides a guide for the consideration of discretionary and non-complying activities.</td>
</tr>
<tr>
<td></td>
<td>- The assessment criteria also seeks to avoid duplication of effort or unnecessary assessment by enabling design based criteria to be disregarded if a more relevant design guide is in place or if the criteria is not considered relevant to the specific activity.</td>
</tr>
</tbody>
</table>

**Costs**

- There is a general duty on an applicant and the Council to consider the assessment criteria firstly for relevance and secondly where considered relevant to assess the application against the criteria to consider the effects.
- There are no identified costs from clarifying in the Plan the matters which will be considered when processing an application.

**Efficient and Effective**

- These provisions will be efficient and effective to achieve the objectives by identifying a list of matters which are able to be used as a guide when both preparing and assessing consent applications which eases the administration and use of the District Plan for all parties.

<table>
<thead>
<tr>
<th>12.7: Other resource consent information.</th>
<th>The rule provides a list of cross-references within Chapter 1 Plan Overview and Volume 2, Appendix 1 District Plan Administration.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Benefits</strong></td>
<td>The rule provides cross-references to other parts of the district plan that may need to be analysed to determine compliance, and to assist plan-users understand the requirements of the District Plan.</td>
</tr>
<tr>
<td></td>
<td>There are benefits in terms of ease of administration and use of the District Plan.</td>
</tr>
<tr>
<td><strong>Costs</strong></td>
<td>There are not considered to be any costs as the rule simply provides clear cross-references to other rules in the District Plan.</td>
</tr>
</tbody>
</table>

**Efficient and Effective**

- The rule will be efficient and effective to achieve the objectives 12.2.1 to 12.2.2 by enabling ease of use of the district plan, and clear administration.

**Rules not most appropriate to achieve the objectives:**

- Having multiple industrial zones, based on either geographical locality or some other strongly differentiating characteristic, was considered but rejected in favour of a single Industrial Zone. The exception to this was the recognition of the specific strategic and operational requirements of the Te Rapa Dairy Factory within the Te Rapa North Industrial Zone and the increased amenity requirements of the Rotokauri Employment Area. 
- There were not sufficiently strong differentiating characteristics to divide all the industrial areas of the city. With the exception of Rotokauri (an undeveloped ‘greenfield’ industrial area), the other industrial areas are existing and established.
localities that are fairly homogenous in land use, intensity and character.

- Rotokauri Employment Area is an undeveloped ‘greenfield’ location which provides opportunities for generating different outcomes and justified a modified set of zone provisions based around achieving higher urban design and higher urban amenity over the long term.

- Some consideration was given to an overlay along arterial routes, to recognise the more commercial focus of some sites on these corridors, but was rejected on the basis that property use in these locations remained predominantly industrial.

- Multiple zones would create a more complex set of provisions to manage land use within industrial areas, and the additional complexity was considered to outweigh the marginal extent of benefits that would accrue from this approach.

| All activities requiring resource consent. | • This approach could not achieve the objectives as it would significantly increase the cost, complexity and time to any development, building or change in use.  
• Objective 12.2.1 would not be achieved with approach as even industrial land uses would require consent to establish which would lead to inefficient and ineffective industrial development within the zone.  
• While the approach may be able to achieve objective -12.2.2, the approach would be costly and not achieve objective 12.2.1. |
| --- | --- |

**Risks**

**Risks of acting or not acting.**

- The risks of acting are considered to be well known and have been taken into consideration. The risks are that the rules framework (the Activity Status Table and standards) are too restrictive. This would act as a deterrent to industrial development occurring in industrial areas, or that the regulation is poorly applied resulting in distorted outcomes resulting in a detrimental effect on the ability of the City’s industrial land resource to provide for this form of industrial activity. More broadly it would mean a lack of ability to meet the social, economic and cultural wellbeing of people and the community.

- The risks of not acting are that:
  - Non-industrial land uses proliferate within industrial areas.
  - The objectives would not be achieved.
  - An efficient and effective use of the City’s industrial land resource could not
be accomplished.
- The industrial land strategies within the RPS are undermined, and become ineffective.
- Industrial land uses are ‘forced out’ of industrial areas due to reverse sensitivity issues leading to rising amenity expectations that cannot be fulfilled without some segments of the industrial land use spectrum being removed from industrial areas (i.e. noxious and offensive activities
- Such industrial land uses would not be able to relocate elsewhere within the city, leading to them having to relocate outside of the city with loss of employment and other effects.
- The objectives remain unfulfilled, with a detrimental effect upon regional strategic infrastructure and the growth of the dairy industry in a sustainable and efficient manner.

- It is considered that there is sufficient information on industrial issues, and the risks of not acting outweigh the risk of acting.
- The approaches taken within Chapter 12 Te Rapa North Industrial Zone in terms of rules are the most appropriate means of achieving the objectives 12.2.1 to 12.2.5, and also giving effect to both the purpose and principles of the Act and the RPS.

**Conclusion:** Taking into account the above, Council considers that the rules in this chapter are the most appropriate to achieve the objectives 12.2.1, 12.2.2, 12.2.3, 12.2.4 and 12.2.5.

### 12.5 Methods Other Than Rules

Chapter 12: Te Rapa North Industrial Zone relies entirely on regulatory methods for the implementation of objectives and policies. These regulatory methods have been evaluated above.

Volume 2, District Plan Administration includes Section 1.8 Other Methods of Implementation which does list methods that are not based on district plan regulations (i.e. rules). Examples relevant to Chapter 12: Te Rapa North Industrial Zone are national environment standards, national policy statements, other relevant legislation such as Hazardous Substances and New Organism Act 1996, urban design guides and other technical advice, and the Hamilton Urban Growth Strategy.

None of these are methods that Chapter 12: Te Rapa North Industrial Zone relies on the implementation of objectives 12.2.1-12.2.5, and the associated policies.

### 12.6 References

- *Future Proof Growth Strategy and Implementation Plan, Future Proof Partners, 2009*
- *Hamilton Urban Growth Strategy, Hamilton City Council, April 2010*
- *Waikato Regional Policy Statement, Waikato Regional Council, May 2016*
- *Environment Court Decision, Appeal under Section 14 of the Act, between Perry Group Ltd, Fonterra Coop Ltd and Waikato District Council, September 2012*
• **S42A Hearings Report: 5, 6, 9, 10 December 2013: Report on submissions and further submissions for Chapter 12 Te Rapa North Industrial Zone**

• **Response to Commissioners questions – Te Rapa North Industrial Zone**

13 Rototuna Town Centre Zone

13.1 Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 13: Rototuna Town Centre Zone.

The Rototuna Town Centre Zone is a spot zone that only applies to an area of land approximately 100ha in size, within the Rototuna Structure Plan area. The zone was introduced through Plan Change 1 (previously known as Variation 12) to the Operative District Plan (Rototuna Structure Plan update and rezoning).

The overall approach of the plan chapter is to provide the local community with access to a range of goods and services in their local area.

The use of Comprehensive Development Plans as a tool to manage the form and function of the development in this specific area will ensure a comprehensive design is achieved for this town centre. The Concept Plan for the Town Centre identifies activity precincts, proposed transport corridors, pedestrian and cycle networks, public open space, water courses and drainage reserves, and other key features.

This summary section 32 evaluation should be read together with the District Plan, as well as the decision and section 32 for Plan Change 1. Other chapters particularly relevant are Chapter 2: Strategic Framework, Chapter 3: Structure Plans, Chapter 25: Citywide, Chapter 19: Historic Heritage, Chapter 21: Waikato River Corridor and Gully Systems, Chapter 22: Natural Hazards, Chapter 23: Subdivision and Chapter 24: Financial Contributions. The information requirements for Comprehensive Development Plans and the Rototuna Town Centre Design Guide in Volume 2, Appendix 1: District Plan Administration are also specifically relevant to this zone.

This section 32 evaluation is derived directly from the section 32 evaluation which was completed as part of Plan Change 1 with minor alterations, additions or deletions to align it with the District Plan structure. As the plan change has recently been undertaken and incorporated into the Operative District Plan, there was considered to be no need for any substantive review of the objectives and policies. In relation to the methods, these have been reviewed in light of the structure and direction taken for the District Plan.

Supporting documents, standards and legislation are listed in the Reference section of this chapter.

13.2 Objectives

<table>
<thead>
<tr>
<th>Objective most appropriate to achieve the purpose of the Act:</th>
</tr>
</thead>
<tbody>
<tr>
<td>13.2.1 The Town Centre becomes the focal point for the Rototuna area by providing for the local community's retail, employment, service, entertainment, and recreation needs and a range</td>
</tr>
</tbody>
</table>

This objective is appropriate because:

- It provides for the land resource to be developed and used to enable people and communities to provide for their social, economic, and cultural wellbeing.

- It will enable the development of a wide range of activities to serve the needs of the local
of residential living opportunities.  

<table>
<thead>
<tr>
<th>13.2.2</th>
<th>Develop the Town Centre in a comprehensive manner to ensure integrated approaches to land development and provision of infrastructure, the efficient use of the land resource, and the management of adverse effects.</th>
</tr>
</thead>
</table>
| **This objective is appropriate because:** | • It will ensure the efficient use and development of land and infrastructure.  
• A comprehensive and integrated approach to land development will assist in avoiding, remedying or mitigating adverse effects of activities on the environment. |

<table>
<thead>
<tr>
<th>13.2.3</th>
<th>Ensure development incorporates quality urban design to achieve a functional, attractive, safe and vibrant Town Centre.</th>
</tr>
</thead>
</table>
| **This objective is appropriate because:** | • It will ensure the efficient use and development of land and infrastructure.  
• A comprehensive and integrated approach to land development will assist in avoiding, remedying or mitigating adverse effects of activities on the environment. |

<table>
<thead>
<tr>
<th>13.2.4</th>
<th>Development of a Town Centre that is well connected and safely accessible by a range of transport modes.</th>
</tr>
</thead>
</table>
| **This objective is appropriate because:** | • A well connected and accessible Town Centre will facilitate the efficient use of resources.  
• A Town Centre that can be accessed safely by a range of transport modes will assist in providing for the health and safety of the community. |

<table>
<thead>
<tr>
<th>13.2.5</th>
<th>Development shall avoid adverse effects resulting from differing activities in the Town Centre and surrounding area.</th>
</tr>
</thead>
</table>
| **This objective is appropriate because:** | • It will ensure that the adverse effects of activities on the environment are avoided, remedied or mitigated.  
• It will assist in maintaining and enhancing amenity values and the quality of the environment. |

<table>
<thead>
<tr>
<th>13.2.6</th>
<th>Development of compact, well designed, and functional residential developments with high levels of amenity.</th>
</tr>
</thead>
</table>
| **This objective is appropriate because:** | • Compact residential developments will ensure the efficient use and development of the land resource and infrastructure.  
• It will assist in maintaining and enhancing amenity values and the quality of the environment. |

<table>
<thead>
<tr>
<th>13.2.7</th>
<th>Infrastructure is provided in</th>
</tr>
</thead>
</table>
| **This objective is appropriate because:** | • It will ensure the efficient use and development of
a timely, integrated and efficient manner to support the establishment of land use activities.

| 13.2.8 Provision of open space and protection of natural features to support biodiversity, enhance amenity levels and promote community health and wellbeing. |

<table>
<thead>
<tr>
<th>This objective is appropriate because:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• It will ensure the protection of natural resources in a way that enables people and communities to provide for their social and cultural wellbeing and their health and safety.</td>
</tr>
<tr>
<td>• It will assist in sustaining the potential of natural resources to meet the reasonable foreseeable needs of future generations.</td>
</tr>
<tr>
<td>• It will safeguard the life-supporting capacity of ecosystems.</td>
</tr>
<tr>
<td>• It will assist in mitigating the effects of climate change.</td>
</tr>
</tbody>
</table>

| Objectives not the most appropriate to achieve the purpose of the Act: |

| No policy framework or a restricted policy framework for the Rototuna Town Centre Zone |

| This would not be appropriate because it would not provide for the protection of amenity values, health and safety, adverse effects on the environment, or an integrated and efficient manner in which to develop the land. |

| This would not promote sustainable management of natural resources in accordance with the Act. |

| Conclusion: Taking into account the above, Council considers that the objectives in this chapter of the plan are the most appropriate to achieve the purpose of the Act. |

## 13.3 Policies

### Policies most appropriate to achieve the objective:

#### 13.2.1

The Town Centre becomes the focal point for the Rototuna area by providing for the local community’s retail, employment, service, entertainment, and recreation needs and a range of residential living opportunities. [Policies 13.2.1a to 13.2.1f]

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>13.2.1a</strong> Ensure development contributes to the overall form and function of the Rototuna Town Centre by being in general accordance</td>
<td><strong>Benefits</strong></td>
</tr>
<tr>
<td>• Requiring development to be in accordance with the Rototuna Structure Plan, Rototuna Town Centre Concept Plan and Rototuna Design Guide will ensure the integrated management of the development of the Town Centre, the efficient</td>
<td></td>
</tr>
</tbody>
</table>
with the Rototuna Structure Plan, Rototuna Town Centre Concept Plan and Rototuna Town Centre Design Guide.

- provision of infrastructure and quality urban design.
  - The above requirements will contribute to an attractive, vibrant, popular Town Centre that is economically and socially successful.

**Costs**

- Administrative costs for Council associated with processing applications and assessing compliance.
- Compliance costs for developers.

**Efficient and Effective**

- Requiring development to be in accordance with the Rototuna Structure Plan, Rototuna Town Centre Concept Plan and Rototuna Town Centre Design Guide will ensure a much a higher degree of certainty in achieving objective 13.2.1 than allowing development to occur as of right without control over staging, design, location of activities and provision of infrastructure.
  - The outcomes of the required process far outweigh the administrative and compliance costs of the process.

**13.2.1b**

**Provide for a range of activity types in appropriate locations within the Town Centre through the land use precincts identified on the Rototuna Town Centre Concept Plan.**

**Benefits**

- Activities with similar effects are grouped together.
- Amenity levels are protected.
- Minimises mitigation measures required to manage adverse effects.
- Minimises the amount of land required to provide separation distances between incompatible uses.

**Costs**

- Restricts the amount of land that can be used for certain types of activities.

**Efficient and Effective**

- This policy will be efficient and effective to achieve objective 13.2.1 as the use of land use precincts is an effective mechanism for grouping a range of activities with similar effects and separating activities with potential adverse effects from more sensitive land uses.
- The land use precincts will enable the development of retail, employment, service, entertainment and recreation activities along with
| 13.2.1c | Create a vibrant heart for the Town Centre through the development of community and commercial facilities of a high design standard, focused on a Main Street and Public Square. |
| Benefits | • The establishment of a vibrant centre will attract people and businesses to the Town Centre and ensure the economic and social success of the Centre.  
• The Main Street and Public Square will provide a heart for the Town Centre and a focal point for the community.  

Costs | • Administrative costs to Council in assessing application to ensure a high standard of design.  
• Compliance costs for developers.  

Efficient and Effective | • This policy will be efficient and effective to achieve objective 13.2.1 as the benefits of a successful, well designed Town Centre with a vibrant Main Street and Public Square far outweigh costs associated with administration and compliance.  
• The creation of a Main Street and Public Square is the most effective means of achieving a focal point for the community. |
| 13.2.1d | Ensure sufficient land is available for the establishment of service and light industries to provide local employment opportunities and meet the requirements of the Rototuna community. |
| Benefits | • Providing land for service and light industry will facilitate the establishment of activities that could provide employment opportunities for the local community.  
• Establishment of activities to meet the local servicing needs of the community.  
• Provision of land for the establishment of service and light industries facilitates the live-work-play principles, ensuring the wellbeing of the Rototuna community.  

Costs | • Other types of activities will be restricted from establishing in the Employment Precinct.  

Efficient and Effective | • This policy will be efficient and effective for achieving Objective 13.2.1 through land provision for service and light industry, which will assist in providing for the local community’s servicing needs and for employment opportunities. |
### 13.2.1e
Promote a street-based, pedestrian-orientated shopping environment with a range of small shops in the Retail 1 Precinct by limiting retail floor areas.

<table>
<thead>
<tr>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>• A street-based, pedestrian-orientated environment with a range of small shops will provide an alternative shopping experience to the car-orientated mall and large format retail shopping experience.</td>
</tr>
<tr>
<td>• This type and scale of development proposed has the potential to better integrate and connect with the surrounding environment than other retail formats.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Limits the establishment of large individual shop tenancies such as large format retail in the Retail 1 Precinct.</td>
</tr>
</tbody>
</table>

**Efficient and Effective**
- This policy will be efficient and effective for achieving Objective 13.2.1 as street-based, pedestrian orientated shopping environment will support the Main Street and Public Square to become the vibrant heart of the Town Centre for retail and entertainment.
- Limiting the scale of individual retail activities is an efficient and effective mechanism to ensure that the Town Centre serves the needs of the local community and does not become a sub-regional centre.

### 13.2.1f
Promote the establishment of larger format retail activities in the Retail 2 Precinct to service the local community.

<table>
<thead>
<tr>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Provides for the establishment of larger individual shop tenancies such as large format retail.</td>
</tr>
<tr>
<td>• Will assist in meeting the shopping needs of the local community.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Limits the amount of land available for larger format retail development.</td>
</tr>
</tbody>
</table>

**Efficient and Effective**
- This policy will be efficient and effective for achieving objective 13.2.1 as limiting the amount of land available for large format retail activities is an efficient and effective mechanism to ensure that the Town Centre serves the needs of the local community and does not become a sub-regional centre.

**Policies most appropriate to achieve the objective:**
**13.2.2**
Develop the Town Centre in a comprehensive manner to ensure integrated approaches to land development and provision of infrastructure, the efficient use of the land resource, and the management of adverse effects. [Policies 13.2.2a to 13.2.2c]

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| **13.2.2a**
Ensure that urban development within the Town Centre is undertaken in a comprehensive manner, integrating uses appropriately. | **Benefits**
- The precincts identified on the concept plan and the Comprehensive Development Plan process have been designed to ensure that the Town Centre is developed in a comprehensive, integrated manner.
- Enable efficient provision of infrastructure and effective development of land and use of resources.

**Costs**
- Administrative costs for Council associated with processing applications and assessing compliance.
- Compliance costs for developers.

**Efficient and Effective**
- This policy will be efficient and effective to achieve objective 13.2.2 as the integration of land uses in an appropriate manner, particularly through the provision of precincts and Comprehensive Development Plans, will ensure development in the Town Centre is comprehensive and co-ordinated, rather than allowing development to occur as of right, without regard to integrating with adjacent activities and the efficient provision of infrastructure.
- The outcomes of the required process far outweigh the administrative and compliance costs of the process.

| **13.2.2b**
Ensure the comprehensive development of the Town Centre is not compromised by the effects of sporadic development which does not integrate with adjacent activities and the wider area. | **Benefits**
- Efficient and effective development of land and use of resources.
- Efficient and effective provision of infrastructure.

**Costs**
- Administrative costs for Council associated with processing applications and assessing compliance.
- Compliance costs for developers.
### Efficient and Effective

- Requiring comprehensive development of land and resources is a more effective and efficient means of achieving integrated and co-ordinated development than allowing development to occur as of right, without regard to integrating with adjacent activities and the efficient provision of infrastructure.
- The outcomes of the required process far outweigh the administrative and compliance costs of the process.

### 13.2.2c

**Promote opportunities for developers to work together and to work with Council and other infrastructure providers to enable the sharing of resources and facilities to achieve an integrated built form.**

<table>
<thead>
<tr>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Efficient and effective development of land and use of resources.</td>
</tr>
<tr>
<td>Efficient and effective provision of infrastructure.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative costs to Council associated with negotiating desired outcomes.</td>
</tr>
<tr>
<td>Economic costs to developers associated with negotiations.</td>
</tr>
</tbody>
</table>

### Efficient and Effective

- This policy will be efficient and effective to achieve objective 13.2.2 as the benefits of achieving integrated approaches to land development and provision of infrastructure and the efficient use of the land and resources through Council and developers working together far outweigh costs associated with the process.

### Policies most appropriate to achieve the objective:

**13.2.3**

Ensure development incorporates quality urban design to achieve a functional, attractive, safe and vibrant Town Centre. [Policies 13.2.3a to 13.2.3e]

### Policies

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>13.2.3a</td>
<td>Requiring development to be in general accordance with the Rototuna Structure Plan, Rototuna Town Centre Concept Plan and Rototuna Town Centre Design Guide is an effective mechanism to ensure that development of the Town Centre incorporates quality urban design.</td>
</tr>
<tr>
<td></td>
<td>The above requirements will contribute to a functional, attractive, safe and vibrant Town Centre that is economically and socially</td>
</tr>
</tbody>
</table>
### Costs
- Administrative costs for Council associated with processing applications and assessing compliance.
- Compliance costs for developers.

### Efficient and Effective
- Requiring development to be in general accordance with the Rototuna Structure Plan, Rototuna Town Centre Concept Plan and Rototuna Town Centre Design Guide will ensure a much higher degree of certainly in achieving objective 13.2.3 than allowing development to occur as of right, without the ability for Council to influence quality urban design outcomes.
- The outcomes of the required process far outweigh the administrative and compliance costs of the process.

### 13.2.3b
**Facilitate a vibrant Retail Precinct by providing for a range of activities, including the use of upper floors for business, entertainment and residential activities.**

### Benefits
- Enabling the establishment of a mix of uses is an effective mechanism for contributing to a vibrant Retail Precinct.
- Social and economic benefits associated with a vibrant Retail Precinct.

### Costs
- Costs associated with having to locate business, entertainment and residential activities above ground floor levels.

### Efficient and Effective
- The costs associated with compliance are far outweighed by the long-term, social and economic benefits created by a vibrant Retail Precinct.

### 13.2.3c
**Require the establishment of retail and restaurant activities at ground floor level in the Primary Frontage area identified on the Rototuna Primary and Secondary Frontages Plan.**

### Benefits
- Retail and restaurant activities generate pedestrian activity and assist in creating active frontages adjoining streets and other public spaces which contribute to a vibrant Retail Precinct.
- Social and economic benefits associated with a vibrant Retail Precinct.

### Costs
- Costs associated with limiting the types of activity that can locate at ground floor level in the Primary Frontage area.
### Efficient and Effective
- The costs associated with compliance with this policy and related methods are far outweighed by the long term social and economic benefits created by a vibrant Retail Precinct.

### 13.2.3d
Ensure that activities establishing at ground floor level within any defined primary and secondary frontage have customer entrances facing the street or Public Square.

**Benefits**
- Development designed to facilitate pedestrian activity and interaction between buildings and public spaces contributes to a vibrant Retail Precinct.
- Social and economic benefits associated with a vibrant Retail Precinct.

**Costs**
- Costs associated with controls to facilitate pedestrian activity and interaction between buildings and public spaces.

**Efficient and Effective**
- This policy will be efficient and effective for achieving objective 13.2.3 as the costs associated with compliance are far outweighed by the long term social and economic benefits created by a vibrant Retail Precinct.

### 13.2.3e
Ensure that off-street parking does not dominate the street frontage, in particular ensure that any defined primary or secondary frontages are edged by built development rather than large parking, loading and service areas.

**Benefits**
- Minimising the impact of off-street parking areas will assist in achieving quality urban design outcomes in the Town Centre.

**Costs**
- Costs associated with controls on the location and design of off street parking.

**Efficient and Effective**
- This policy will be efficient and effective for achieving objective 13.2.3 as the use of controls on the location and design of off street parking provides a high degree of certainty in achieving quality urban design outcomes when compared with allowing development to occur as of right without the need to meet specified standards.
- The costs associated with compliance are far outweighed by the long term benefits that result from quality urban design.

### Policies most appropriate to achieve the objective:
### 13.2.4
Development of a Town Centre that is well connected and safely accessible by a range of transport modes. [Policies 13.2.4a to 13.2.4f]

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>13.2.4a</strong>&lt;br&gt;Ensure streets, cycle ways, walkways and public transport facilities are designed and developed in general accordance with the Rototuna Structure Plan, Rototuna Town Centre Concept Plan and the Rototuna Town Centre Design Guide.</td>
<td><strong>Benefits</strong>&lt;br&gt;- Requiring streets, cycle ways, walkways and public transport facilities to be designed and developed in general accordance with the Rototuna Structure Plan, Rototuna Town Centre Concept Plan and Rototuna Town Centre Design Guide is an effective mechanism to ensure the Town Centre incorporates is well connected and safely accessible by a range of transport modes.&lt;br&gt;- The above requirements will contribute to a Town Centre that is economically and socially sustainable.</td>
</tr>
</tbody>
</table>

| **13.2.4b**<br>Use the Rototuna Town Centre Concept Plan to guide development to achieve safe and efficient access to the Town Centre and within the Town Centre. | **Benefits**<br>- Applying the Rototuna Town Centre Concept Plan to guide development will assist in achieving safe and efficient access to and within the Town Centre. | **Costs**<br>- Administrative costs for Council associated with processing applications and assessing compliance.<br>- Compliance costs for developers. |
### Efficient and Effective

- This policy will be efficient and effective for achieving objective 13.2.4 as using the Rototuna Town Centre Concept Plan to guide development will provide a high degree of certainty in ensuring the Town Centre is well connected and safely accessible by a range of transport modes.
- The outcomes of the required process far outweigh the administrative and compliance costs of the process.

### 13.2.4c

Encourage opportunities for shared and centralised parking provision.

<table>
<thead>
<tr>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Maximise the efficient use of land for vehicle parking.</td>
</tr>
<tr>
<td>- Facilitates good urban design through use of shared and centralised spaces.</td>
</tr>
<tr>
<td>- Provision of shared parking reduces the potential duplication of costs required to form individual parking areas.</td>
</tr>
<tr>
<td>- Provide for the communities’ wellbeing through the ease afforded to residents by the provision of centralised parking. This ensures parking is available in convenient locations and that the facilities are consolidated i.e. parking areas are not duplicated.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Administrative costs for Council associated with processing applications and assessing compliance.</td>
</tr>
<tr>
<td>- Compliance costs for developers.</td>
</tr>
</tbody>
</table>

### 13.2.4d

Ensure adequate provision is made for vehicle loading and storage and vehicle access, without compromising pedestrian safety and convenience.

<table>
<thead>
<tr>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Pedestrian safety and convenience is not compromised when developing vehicle access, parking, loading and storage facilities.</td>
</tr>
<tr>
<td>- Ease of servicing for business owners through the provision of vehicle access, loading and storage facilities.</td>
</tr>
</tbody>
</table>
- Ensures the location and design of loading, storage and access facilities minimised adverse effects on the safety and efficiency of the network users and the level of service/efficiency of the network.

**Costs**
- Administrative costs for Council associated with processing applications and assessing compliance.
- Costs for developers of ensuring land is set aside.

**Efficient and Effective**
- This policy will be efficient and effective for achieving objective 13.2.4 by pedestrian safety and convenience being effectively provided for when developing vehicle access, parking, loading and storage facilities.
- The benefits associated with achieving this outcome far outweigh the costs associated with ensuring it is achieved.

<table>
<thead>
<tr>
<th>13.2.4e</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensure that street design including carriageway widths, cycleways and footpaths, and traffic management measures, recognises the importance of such spaces as part of the public realm.</td>
<td>Development of well designed, attractive streets that safely provide for a range of transport modes.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative costs for Council associated with processing applications and assessing compliance.</td>
</tr>
<tr>
<td>Compliance costs for developers.</td>
</tr>
</tbody>
</table>

**Efficient and Effective**
- This policy will be efficient and effective for achieving objective 13.2.4 as the long term benefits of having a Town Centre with well designed, attractive streets that safely provide for a range of transport modes far outweigh the costs of the process to achieve these outcomes.

<table>
<thead>
<tr>
<th>13.2.4f</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Require, where practicable, provision of convenient access between parking areas and the activities they are intended to serve.</td>
<td>Assist in improving accessibility within the Town Centre.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Economic costs associated with the providing access.</td>
</tr>
</tbody>
</table>

**Efficient and Effective**
- This policy will be efficient and effective for achieving objective 13.2.4 as the long term benefits of improving accessibility outweigh the
short term costs in providing the access.

### Policies most appropriate to achieve the objective:

#### 13.2.5
Development shall avoid adverse effects resulting from differing activities in the Town Centre and surrounding area.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| **13.2.5a** Ensure that commercial and employment activities adjacent to residential precincts and zones are developed and operated in a manner that avoid effects on residential amenity values. | **Benefits**  
- Protection and maintenance of residential amenity values.  
**Costs**  
- Costs of mitigating effects.  
**Efficient and Effective**  
- This policy will be efficient and effective for achieving objective 13.2.5 as the benefits of protecting and maintaining residential amenity values far outweigh the initial costs of mitigating effects of commercial and employment activities. |
| **13.2.5b** Identify activity precincts within the Town Centre as a means of separating incompatible activities and managing adverse effects of activities. | **Benefits**  
- Activities with similar effects are grouped together.  
- Amenity levels are protected.  
- Minimises mitigation measures required to manage adverse effects.  
- Minimises the amount of land required to provide separation distances between incompatible uses.  
**Costs**  
- Restricts the amount of land that can be used for certain types of activities.  
**Efficient and Effective**  
- This policy will be efficient and effective for achieving objective 13.2.5 as the use of land use precincts is an effective mechanism for grouping a range of activities with similar effects and separating activities with potential adverse effects from more sensitive land uses.  
- The land use precincts will enable the development of retail, employment, service, entertainment and recreation activities along with a range of residential living opportunities. |
| **13.2.5c** | **Benefits** |
Avoid the establishment of incompatible activities, such as heavy industry and noxious or offensive trades in the Employment Precinct which may adversely affect the amenity of the Precinct or adjoining Precincts.

- Protection and maintenance of amenity levels in the Employment Precinct.
- Reverse sensitivity issues are avoided.

**Costs**
- Heavy industry and noxious or offensive trades are not provided for in the Rototuna Town Centre.

**Efficient and Effective**
- The policy will be an effective and efficient mechanism for achieving objective 13.2.5 through avoiding the establishment of incompatible activities in the Employment Precinct.

### 13.2.5d
**Ensure buildings intended for mixed use activities are designed to protect residents from the adverse effects of noise.**

<table>
<thead>
<tr>
<th>Benefits</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protection and maintenance of residential amenity values.</td>
<td>Costs of mitigating noise effects.</td>
</tr>
</tbody>
</table>

**Efficient and Effective**
- The policy will be an effective and efficient mechanism for achieving objective 13.2.5 as the benefits of protecting and maintaining residential amenity values far outweigh the initial cost of mitigating the effects of noise.

### 13.2.5e
**Use building setbacks, separation and height controls and amenity planting where buildings adjoin residential precincts and zones.**

<table>
<thead>
<tr>
<th>Benefits</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protection and maintenance of residential amenity values.</td>
<td>Costs of mitigating effects.</td>
</tr>
</tbody>
</table>

**Efficient and Effective**
- The policy will be an effective and efficient mechanism for achieving objective 13.2.5 as the benefits of protecting and maintaining residential amenity values far outweigh the initial costs of controlling the scale of buildings and providing amenity planting on sites that adjoin residential precincts and zones.

### 13.2.5f
**Require buildings to be set back from the Waikato Expressway and arterial roads.**

<table>
<thead>
<tr>
<th>Benefits</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protection and maintenance of residential amenity values.</td>
<td>Less noise impacts for residents.</td>
</tr>
</tbody>
</table>

**Costs**
### 13.2.5g

**Requirements:**
- Costs of mitigating effects.

**Efficient and Effective**
- The policy will be an effective and efficient mechanism for achieving objective 13.2.5 as the benefits of protecting and maintaining residential amenity values far outweigh the initial costs of providing setbacks on sites that adjoin the Expressway and arterial transport corridors.

**Benefits**
- Protection and maintenance of the overall amenity values of the Town Centre.

**Costs**
- Costs of mitigating effects.

**Efficient and Effective**
- The policy will be an effective and efficient mechanism for achieving objective 13.2.5 as the benefits of protecting and maintaining the overall amenity values of the Town Centre far outweigh the initial costs of providing landscaping or landscape screening.

### Policies most appropriate to achieve the objective:

**13.2.6**

Development of compact, well designed, and functional residential developments with high levels of amenity. [Policies 13.2.6a to 13.2.6i.]

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| **13.2.6a**
Ensure that high, medium and mixed-use residential developments establish in the locations shown on the Rototuna Town Centre Concept Plan. | **Benefits**
- High, medium and mixed-use residential developments are established in appropriate locations.
- Provision of a range of residential living types.
- Certainty as to where these types of development can establish.

**Costs**
- Location choices for high, medium and mixed-use residential development restricted.

**Efficient and Effective**
- This policy is a more effective and efficient mechanism for ensuring high, medium and mixed-use residential development is established in the most suitable locations than allowing these
| 13.2.6b | Use the Rototuna Town Centre Design Guide to implement quality residential design and living environments. |
| Benefits | • Residents are provided with well designed residential units and quality living environments. |
| Costs | • Administrative costs for Council associated with processing applications and assessing compliance. |
|           | • Compliance costs for developers. |
| Efficient and Effective | • This policy will be effective and efficient for achieving objective 13.2.6, as the long term benefits of having well designed residential units and quality living environments far outweigh the costs of the process to achieve these outcomes. |

| 13.2.6c | Ensure that residential development in the Town Centre delivers densities consistent with those promoted by Future Proof and the RPS. |
| Benefits | • Efficient and effective use of the land resource through the development of compact urban development. |
|           | • Assists in achieving the densities required to support the infrastructure, social services, facilities and businesses necessary for the efficient and effective functioning of the Town Centre. |
|           | • Housing choice is provided to meet social needs of the community. |
| Costs | • Administrative costs for Council associated with processing applications and assessing compliance. |
|           | • Compliance costs for developers. |
| Efficient and Effective | • This policy will ensure a much a higher degree of certainty in achieving objective 13.2.6 and the requirements of Future Proof and the RPS than allowing any form of residential development to occur as of right. |
|           | • The benefits of achieving the required densities will assist in the development of a sustainable Town Centre which will far outweigh the administrative and compliance costs of the process. |

<p>| 13.2.6d | Ensure each residential unit is provided with adequate |
| Benefits | • Residents are provided with well designed residential units and quality living environments. |</p>
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Benefits</th>
<th>Costs</th>
<th>Efficient and Effective</th>
</tr>
</thead>
</table>
| **13.2.6e** | Ensure development is designed to avoid adverse noise effects occurring between residential units or from non residential activities. | - Residents are provided with well designed residential units and quality living environments.  
- Adverse noise effects for residents are avoided. | - Administrative costs for Council associated with processing applications and assessing compliance.  
- Compliance costs for developers. | - This policy will be effective and efficient for achieving objective 13.2.6, as the long-term benefits of having well designed residential units and quality living environments far outweigh the costs of the process to achieve these outcomes. |
| **13.2.6f** | Ensure development that is adjacent to public space achieves visual and physical connectivity to these areas. | - Enhancement of residential amenity.  
- Improved surveillance of public spaces. | - Administrative costs for Council associated with processing applications and assessing compliance.  
- Compliance costs for developers. | - This policy will be effective and efficient for achieving objective 13.2.6, as the benefits of enhancing residential amenity and improving safety of public spaces far outweigh the costs of the process to achieve these outcomes. |
<p>| <strong>13.2.6g</strong> | Ensure that buildings and activities associated with communal or care facilities | - Protection and maintenance of residential amenity values. | | |</p>
<table>
<thead>
<tr>
<th>Section 32 – Operative District Plan</th>
<th>Hamilton City Council</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>do not overly dominate the amenity values of any residential precinct.</strong></th>
<th><strong>Costs</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Costs of mitigating effects.</td>
</tr>
</tbody>
</table>

**Efficient and Effective**

- This policy will be effective and efficient for achieving objective 13.2.6, as the benefits of protecting and maintaining residential amenity values far outweigh the initial costs of controlling the scale of buildings and activities associated with communal or care facilities.

<table>
<thead>
<tr>
<th><strong>13.2.6h</strong></th>
<th><strong>Encourage the siting of buildings to take advantage of aspect, topography and site conditions.</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Benefits</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Residents are provided with well designed residential units and quality living environments.</td>
</tr>
<tr>
<td></td>
<td>• Make use of natural features for positive outcomes (for example, better building design which uses less energy).</td>
</tr>
<tr>
<td><strong>Costs</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Administrative costs for Council associated with processing applications and assessing compliance.</td>
</tr>
<tr>
<td></td>
<td>• Compliance costs for developers.</td>
</tr>
</tbody>
</table>

**Efficient and Effective**

- This policy will be effective and efficient for achieving objective 13.2.6, as the long-term benefits of having well designed residential units and quality living environments far outweigh the costs of the process to achieve these outcomes.

<table>
<thead>
<tr>
<th><strong>13.2.6i</strong></th>
<th><strong>Require the provision of landscaping to mitigate potential adverse effects of activities and to contribute to the overall amenity of residential areas.</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Benefits</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Levels of amenity are maintained or enhanced for residents, particularly within the medium and high density precincts.</td>
</tr>
<tr>
<td></td>
<td>• Potential adverse effects of activities are mitigated, assisting in ensuring the required levels of privacy and aesthetic amenity are provided.</td>
</tr>
<tr>
<td><strong>Costs</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Administrative costs for Council associated with processing applications and assessing compliance.</td>
</tr>
<tr>
<td></td>
<td>• Compliance costs for developers.</td>
</tr>
</tbody>
</table>

**Efficient and Effective**

- This policy will be effective and efficient for achieving objective 13.2.6, as the long-term benefits of having residential environments with high levels of amenity and reduced potential adverse effects far outweigh the costs of the
process to achieve these outcomes.

Policies most appropriate to achieve the objective:

### 13.2.7

Infrastructure is provided in a timely, integrated and efficient manner to support the establishment of land use activities. [Policies 13.2.7a to 13.2.7c.]

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>13.2.7a</strong>&lt;br&gt;Ensure infrastructure is provided in general accordance with the Rototuna Structure Plan and Rototuna Town Centre Concept Plan.</td>
<td><strong>Benefits</strong>&lt;br&gt;- Requiring that infrastructure is provided in general accordance with the Rototuna Structure Plan and the Rototuna Town Centre Concept Plan will ensure the integrated development of the Town Centre, and the efficient provision of infrastructure.&lt;br&gt;&lt;br&gt;<strong>Costs</strong>&lt;br&gt;- Administrative costs for Council associated with processing applications and assessing compliance.&lt;br&gt;- Compliance costs for developers.&lt;br&gt;&lt;br&gt;<strong>Efficient and Effective</strong>&lt;br&gt;- Requiring that infrastructure is provided in general accordance with the Rototuna Structure Plan and the Rototuna Town Centre Concept Plan will ensure a much a higher degree of certainty in achieving objective 13.2.7 than allowing development to occur as of right without control over staging, and provision of infrastructure.&lt;br&gt;- The outcomes of the required process far outweigh the administrative and compliance costs of the process.</td>
</tr>
</tbody>
</table>
| **13.2.7b**<br>Protect and enhance existing Three Waters infrastructure and encourage low impact urban design and development. | **Benefits**<br>- Efficient use of piped drainage systems.<br>- Improved water quality.<br>- Protection of open space and enhanced amenity.<br><br>**Costs**<br>- Administrative costs for Council associated with processing applications and assessing compliance.<br>- Compliance costs for developers.<br><br>**Efficient and Effective**<br>- This policy will be effective and efficient for achieving objective 13.2.7, as the long-term benefits of the efficient and effective use of the piped drainage systems, improved water quality...
and protection of open space far outweigh the costs of the process to achieve these outcomes.

<table>
<thead>
<tr>
<th><strong>13.2.7c</strong></th>
<th><strong>Benefits</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Overland flow paths are to be identified during subdivision or development and retained free of obstruction, with a capacity to pass stormwater flows safely without causing damage to any property.</td>
<td>• Protection of property from flood risk.</td>
</tr>
<tr>
<td><strong>Costs</strong></td>
<td>• Administrative costs for Council associated with processing applications and assessing compliance.</td>
</tr>
<tr>
<td><strong>Efficient and Effective</strong></td>
<td>• Compliance costs for developers.</td>
</tr>
</tbody>
</table>

**Benefits**
- Protection of property from flood risk.

**Costs**
- Administrative costs for Council associated with processing applications and assessing compliance.
- Compliance costs for developers.

**Efficient and Effective**
- This policy will be effective and efficient for achieving objective 13.2.7, as the long-term benefits of minimising the risk of flooding far outweigh the costs of the process to achieve these outcomes.

**Policies most appropriate to achieve the objective:**

**13.2.8 Provision of open space and protection of natural features to support biodiversity, enhance amenity levels and promote community health and wellbeing.**

[Policies 13.2.8a to 13.2.8e]

<table>
<thead>
<tr>
<th><strong>Policies</strong></th>
<th><strong>Effectiveness, efficiency, costs and benefits</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>13.2.8a</strong></td>
<td><strong>Benefits</strong></td>
</tr>
<tr>
<td>Ensure open space, active recreation reserves, drainage reserves and natural features are provided and designed in general accordance with the Rototuna Structure Plan, Rototuna Town Centre Concept Plan and the Rototuna Town Centre Design Guide.</td>
<td>• Requiring that open space, active recreation reserves and drainage reserves are provided in general accordance with the Rototuna Structure Plan and the Rototuna Town Centre Concept Plan will ensure the integrated development of the Town Centre, and the efficient provision of infrastructure.</td>
</tr>
<tr>
<td></td>
<td>• Provision of open space and reserves contributes to people’s social wellbeing.</td>
</tr>
<tr>
<td></td>
<td>• Improves amenity.</td>
</tr>
<tr>
<td><strong>Costs</strong></td>
<td>• Administrative costs for Council associated with processing applications and assessing compliance.</td>
</tr>
<tr>
<td></td>
<td>• Compliance costs for developers.</td>
</tr>
<tr>
<td><strong>Efficient and Effective</strong></td>
<td>• Requiring that open space, active recreation reserves and drainage reserves are provided in general accordance with the Rototuna Structure Plan and the Rototuna Town Centre Concept Plan will ensure a much a higher degree of certainty in achieving objective 13.2.8 than allowing</td>
</tr>
<tr>
<td>13.2.8b</td>
<td>Ensure the creation of an ecological, and cycling and walking corridor in association with the drainage reserve and water course.</td>
</tr>
<tr>
<td>Benefits</td>
<td>Provision of walking and cycling infrastructure which encourages the use of these modes and improves people’s access and mobility.</td>
</tr>
<tr>
<td>Costs</td>
<td>Administrative costs for Council associated with processing applications and assessing compliance.</td>
</tr>
<tr>
<td>Efficient and Effective</td>
<td>This policy will be effective and efficient for achieving objective 13.2.8, as the long-term social and environmental benefits of using the drainage reserve while enhancing biodiversity far outweigh the costs of the process to achieve these outcomes and ongoing maintenance costs.</td>
</tr>
</tbody>
</table>

| 13.2.8c | Ensure that the development of open space is consistent with any relevant operative reserve management plan. |
| Benefits | Assist in achieving outcomes of reserve management plans. |
| Costs | Administrative costs for Council associated with processing applications and assessing compliance. |
| Efficient and Effective | This policy will be effective and efficient for achieving objective 13.2.8, by ensuring development is consistent with reserve management plans. |

| 13.2.8d | Ensure that recreational facilities and activities (including ancillary activities) are designed, located and operated in a manner that will ensure that any adverse effects on the amenity of development to occur as of right. |
| Benefits | Maintained and enhanced amenity within the Town Centre through the provision of a range of open spaces. |
| Costs | Minimises adverse effects on the environment. |
recreation land or its surrounding environment are minimised.

- Administrative costs for Council associated with processing applications and assessing compliance.
- Compliance costs for developers.

Efficient and Effective
- This policy will be effective and efficient for achieving objective 13.2.8 and the vision set out for the Town Centre, as the benefits gained through ensuring that development in the Town Centre gains a high level of amenity through the provision of a range of open spaces, far outweighs the costs of the process for achieving this.

13.2.8e
Ensure that any building and parking facilities are integrated into the site and do not compromise the character thereof.

Benefits
- Maintained and enhanced amenity within the Town Centre through the provision of a range of open spaces which have integrated building and parking facilities which do not compromise the character of the open spaces.

Costs
- Administrative costs for Council associated with processing applications and assessing compliance.
- Compliance costs for developers.

Efficient and Effective
- This policy will be effective and efficient for achieving objective 13.2.8 and the vision set out for the Town Centre. Benefits gained from ensuring development in the Town Centre is integrated and does not compromise the character of the open spaces, far outweighs the costs of the process for achieving this.

Policies not most appropriate to achieve the objectives:

No policy framework.
- This would not be appropriate because it would not provide for the protection of amenity values and people’s health and safety. Nor would it mitigate or avoid adverse effects on the environment, or provide an integrated and efficient manner in which to develop the land.
- This would not promote sustainable management of natural resources in accordance with the Act.

A restricted policy framework for the Rototuna Town Centre.
- This would not be an appropriate option as it would not ensure a comprehensive policy response to ensure the protection of amenity values, health and safety, prevention of adverse effects on the environment, or an integrated and efficient manner in which to develop the land.
Risks

The risks of not acting are:

- Potentially sporadic development, which is not well integrated and results in a Town Centre that is not comprehensively developed.

- Economic risks from the inefficient use of land and infrastructure resources which results in urban sprawl development and may force otherwise unnecessary provision or upgrading of infrastructure.

- Health and safety risks from development which is not well designed and results in unsafe spaces in the Town Centre.

Conclusion: Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objective.
13.4 **Rules**

Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nine precincts that guide the development of the Rototuna Town Centre Zone.</td>
<td>Benefits</td>
</tr>
<tr>
<td></td>
<td>- Each precinct enables different types of development to ensure appropriate activities are located in close proximity and to reduce conflicts which may occur for sensitive activities.</td>
</tr>
<tr>
<td></td>
<td>- The use of precincts ensures the efficient development of the Town Centre.</td>
</tr>
<tr>
<td></td>
<td>- Specific residential density targets (development yields) align with the targets as set out in the RPS, and take into account the relevant precinct and its anticipated use.</td>
</tr>
<tr>
<td></td>
<td>- Medium and high density residential development is focused in the most appropriate locations.</td>
</tr>
<tr>
<td></td>
<td>- Provides certainty for surrounding communities as to the future layout of development for the Town Centre.</td>
</tr>
<tr>
<td></td>
<td>- Activities for each precinct can be tailored to match the likely environment.</td>
</tr>
<tr>
<td></td>
<td>- Removes the risk of ad-hoc development of the Town Centre and ensures the land is used efficiently and as planned.</td>
</tr>
</tbody>
</table>

Costs

- Administrative, process and compliance costs to developers and Council.
- Loss of ability for developers to develop as they choose, if it is out of alignment with the concept plan for the Town Centre.

**Efficient and Effective**

- This method will be efficient and effective to achieve objectives 13.2.1 to 13.2.8 by providing nine precincts that will ensure the Rototuna Town Centre achieves the vision for the zone and provides an effective focal point for the surrounding community.

<table>
<thead>
<tr>
<th>Comprehensive Development Plan</th>
<th>Benefits</th>
</tr>
</thead>
</table>

### Requirements for the Rototuna Town Centre Zone

- Comprehensive and integrated development of the Rototuna Town Centre.
- Facilitates the efficient and effective provision of infrastructure including the integration of open space, green infrastructure, cycleways, walkways streets and car parking facilities.
- Restricts the ad hoc and sporadic development of activities that lack integration with adjacent development and wider activities.
- Allows the development to be assessed on a larger scale than single sites
- Ensures the residential unit yields are met.

### Costs

- Administrative costs for Council associated with processing applications and assessing compliance.
- Compliance costs for developers.
- For comprehensive development areas not wholly in one ownership, it requires the consents to be jointly prepared.

### Efficient and Effective

- The environmental and social benefits and the wider economic benefits of ensuring the comprehensive and integrated development of the Rototuna Town Centre far outweigh the costs of the process to achieve these outcomes.

### 13.6 and 13.7 Activity status for residential activities and structures.

**Benefits**

- Enables a range of residential activities and structures to be undertaken in appropriate precincts within the Town Centre.
- Enables the following activities to be undertaken where located in appropriate precincts, and subject to standards.
  1. Apartments.
  2. Residential Centres.
  3. Managed Care Facilities.
  4. Rest Homes.
  5. Detached Dwellings.
- Provides certainty to the community as to what activities/structures might establish in the residential precincts within the Town Centre.
- For discretionary activities, these may be able to be established but this will depend on the effects being avoided, remedied or mitigated.
- Ensures a variety of living environments in the medium and high density and mixed-use residential areas.
- Ensures residential amenity and character is retained.

**Costs**
- Limits the variety of residential form within each precinct and the options available to developers.
- Limits the development options for each precinct.
- Almost all residential activities and buildings in the Town Centre will be required to obtain resource consent through the Comprehensive Development Plan process. This adds additional cost, complexity and time to those developments.

**Efficient and Effective**
These rules will be efficient and effective to achieve objectives 13.2.1, 13.2.5 and 13.2.6 by:
- Ensuring a variety of residential environments are provided, and in appropriate locations within the Town Centre.
- Residential amenity is retained.
- It is the most efficient and effective approach as it ensures that the residential amenity and character is retained.

### 13.6 and 13.7 Activity status for commercial activities and structures.

**Benefits**
- Gives clear expectations of what is anticipated/appropriate within each precinct in the Town Centre.
- Buildings and activities have a different status depending on their suitability for that precinct.
- Enables economic development to progress in this area.
- Provides certainty to the community as to what activities might establish in each precinct.
- For discretionary activities, these may be able to be established but will depend on the effects being avoided, remedied or mitigated.
- Discourages commercial activities being established in certain precincts where they are not
suitable, i.e. Active Recreation Precinct and residential precincts, due to the likelihood of adverse effects.

- Enables the Town Centre to be a focal point in Rototuna, and those living within it to live, work and play the same area.
- Once a Comprehensive Development Plan has been obtained and implemented as per rule 13.3a), a change in activity to some commercial activities, in appropriate precincts, becomes a permitted activity.

**Costs**

- Almost all development in the Town Centre will require a Comprehensive Development Plan for the precinct it is in, adding additional cost, complexity and time to those developments.
- Harder to establish commercial operations in some precincts in the Town Centre.

**Efficient and Effective**

These rules will be efficient and effective to achieve objectives 13.2.1 and 13.2.5 by:

- Ensuring commercial activities are established in appropriate precincts in the Town Centre.
- Compatible activities being located together to reduce adverse environmental effects on other activities.
- Economic development continuing in the area.

**Benefits**

- Almost all development in the Town Centre will require a Comprehensive Development Plan. This will ensure development occurs in appropriate areas and reduces adverse effects of incompatible activities locating in close proximity.
- Gives clear expectations of what is anticipated or appropriate within each precinct. Buildings and activities have a different status depending on their suitability for a particular precinct.
- Enables community activities to be established within their community where appropriate avoidance, mitigation or remedying of adverse effects is undertaken.

**Costs**

- May limit the location of community facilities to
establish in the Town Centre.

- Most activities and buildings will be required to obtain resource consent through the Comprehensive Development Plan process. This adds additional cost, complexity and time to those developments.

**Efficient and Effective**

These rules will be efficient and effective to achieve objectives 13.2.1, 13.2.7 and 13.2.8 by:

- Ensuring community facilities are located within appropriate precincts, enabling their effects can be better managed.
- Amenity levels in the Town Centre are retained, with compatible developments occurring together.

### 13.8 Rules - General Standards for all permitted activities in the Rototuna Town Centre and 13.9 Rules – Standards for discretionary activities, only for activities listed in Rule 13.6

#### 13.8.2 and 13.9.5 Primary frontages.

Only retail activities and restaurants shall be located at the ground floor of buildings where identified as primary frontages in Volume 2, Appendix 7-3.

**Benefits**

- This ensures an active frontage is developed on the ground floor to assist in passive surveillance.
- Promotes a street-based, pedestrian-orientated shopping environment that will support the Main Street and Public Square in becoming the vibrant heart of the Town Centre and retail and entertainment focal point.

**Costs**

- This restricts the type of development that can be undertaken in these specified areas and the location of certain activities, which therefore reduces flexibility for developers.

**Efficient and Effective**

These rules will be efficient and effective to achieve objectives 13.2.3 by:

- Assisting development to achieve a safe and vibrant heart for the Town Centre and a retail and entertainment focal point for the local community.

#### 13.8.3 and 13.9.6 Hours of operation.

**Benefits**

- The restriction of hours of operation in a range of precincts limits the adverse effects of activities on
<table>
<thead>
<tr>
<th>13.8.4 and 13.9.7 Residential unit size.</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Ensures that residential units are of an appropriate size for living. This is more of an issue with residential centres than apartments.</td>
</tr>
<tr>
<td></td>
<td>• Provides a range of different unit types which ensures there is a variety of living environments available.</td>
</tr>
<tr>
<td></td>
<td>• The sizes are consistent with ancillary flat size requirements.</td>
</tr>
<tr>
<td>Costs</td>
<td></td>
</tr>
<tr>
<td>• Places restrictions on how buildings are to be designed.</td>
<td></td>
</tr>
<tr>
<td>• May constrain the maximum development possible on the site.</td>
<td></td>
</tr>
<tr>
<td>Efficient and Effective</td>
<td></td>
</tr>
<tr>
<td>• These rules will be efficient and effective to achieve objective 13.2.1 and 13.2.6 by creating enhanced, on-site amenity for residents.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>13.8.5 Residential activities outdoor living, service and storage areas.</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Private outdoor living areas contribute to on-site amenity.</td>
</tr>
<tr>
<td></td>
<td>• Increases the range of activities people can enjoy in and around their home.</td>
</tr>
<tr>
<td></td>
<td>• Ensures each residential unit has areas for use for servicing and for storage.</td>
</tr>
<tr>
<td></td>
<td>• Requires a designated space for clothes lines and solid waste and recycling storage facilities for each residential unit.</td>
</tr>
<tr>
<td>Costs</td>
<td></td>
</tr>
<tr>
<td>• Places restrictions on how buildings are to be</td>
<td></td>
</tr>
<tr>
<td>13.8.6 and 13.9.8</td>
<td>Benefits</td>
</tr>
<tr>
<td>-------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Residential activities in non-residential precincts.</td>
<td>• By restricting the development of residential activities at the ground floor level of the retail, employment and community precincts, it ensures that the street frontages are active and encourages a more pedestrian focussed environment.</td>
</tr>
<tr>
<td>13.8.7 and 13.9.9</td>
<td>Benefits</td>
</tr>
<tr>
<td>Retail activities.</td>
<td>• Promotes a street-based, pedestrian-orientated shopping environment that will support the Town Centre and particularly the Main Street and Public Square in becoming the vibrant heart of the area. • The restrictions specifically relating to the mixed-use precinct will assist in ensuring the retail activities located in this precinct are compatible with the accompanying residential activities, and ensuring any adverse effects are able to be mitigated as appropriate.</td>
</tr>
</tbody>
</table>

Efficient and Effective
- These rules will be efficient and effective for achieving objectives 13.2.1 and 13.2.3.
- These rules will assist in creating a vibrant Town Centre and the creation of active frontages.

Efficient and Effective
- These rules will be efficient and effective to achieve objective 13.2.6.
- These rules will create enhanced on-site amenity for residents.
<table>
<thead>
<tr>
<th>Section</th>
<th>Text</th>
</tr>
</thead>
</table>
| 13.8.8 and 13.9.10 | **Offices.**  
Benefits  
- A restriction on the maximum gross floor area of individual office tenancies in these precincts will enable the development of offices to a size appropriate for the intended surrounding environments.  
- The restricted office sizes will ensure that larger offices locate in more appropriate parts of the City.  
**Costs**  
- Restrictions on the ability to develop larger sized offices.  
**Efficient and Effective**  
- These rules will be efficient and effective for achieving objectives 13.2.1 and 13.2.3. |
| 13.8.9 and 13.9.11 | **Tertiary education and specialised training facilities, schools and childcare centres.**  
Benefits  
- Only facilities which do not exceed 250m² in size shall establish in the employment or mixed-use residential precincts.  
- Such facilities can establish within the Town Centre and close to clientele, if they are within an appropriate precinct and are a size compatible with being within the Town Centre.  
- Ability to control traffic generation by a restriction on size.  
**Costs**  
- Limits the size of these facilities which can be established.  
**Efficient and Effective**  
These rules will be efficient and effective to achieve the objectives by:  
- Ensuring these facilities are only established in appropriate precincts and are of a size for which adverse effects of the activity can be mitigated. |
| 13.8.10 and 13.9.12 | **Service areas for non-residential activities.**  
Benefits  
- Ensuring appropriate service areas are available for the servicing of non-residential activities.  
- Enhanced safety for pedestrians through appropriate design of service areas. |
- Enhanced amenity through the location of service areas away from a primary frontage and the provision of service areas which are constructed with an all-weather, dust-free surface.

**Costs**

- Places restrictions on how buildings are to be designed.
- May constrain the maximum development possible on the site.

**Efficient and Effective**

- These rules will be efficient and effective to achieve objective 13.2.4 and 13.2.5 by creating an enhanced amenity for the surrounding environment and improved pedestrian safety.

<table>
<thead>
<tr>
<th>13.9.1 Development yield.</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>By setting development yield requirements for each precinct in the Town Centre, Council is ensuring that the density targets, as set by the RPS and Future Proof are achieved.</td>
</tr>
<tr>
<td></td>
<td>Assists in achieving the densities required to support the infrastructure, social services, facilities and businesses necessary for the efficient and effective functioning of the Town Centre.</td>
</tr>
<tr>
<td></td>
<td>As each precinct has a different density, it will ensure that a variety of residential densities and environments are provided throughout the centre.</td>
</tr>
<tr>
<td></td>
<td>Future infrastructure requirements can be planned in advance of development as the maximum number of households can be calculated.</td>
</tr>
<tr>
<td></td>
<td>Provides certainty as to the theoretical development potential of each precinct in the Town Centre.</td>
</tr>
<tr>
<td></td>
<td>Efficient and effective use of the land resource through the development of compact urban development.</td>
</tr>
</tbody>
</table>

**Costs**

- Setting densities may limit a developer’s ability to undertake development at lower densities.

**Efficient and Effective**

These rules will be efficient and effective to achieve objectives:

- 13.2.6: Development of compact, well designed,
and functional residential developments with high levels of amenity.

- It is the most efficient and effective approach as it ensures that the density targets as set by the Regional Policy Statement and Future Proof are achieved. This ensures efficient use of the urban land resource in Hamilton, and specifically the Rototuna Town Centre. Achieving the required densities will also ensure the necessary population to support the businesses, infrastructure, public facilities and social services and achieve a sustainable Town Centre, which far outweighs the costs of restrictions on low density development.

<table>
<thead>
<tr>
<th>Bulk and location standards:</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>13.9.2 Height in relation to boundary.</td>
<td>The height in relation to boundary ensures there is adequate sunlight received by each dwelling.</td>
</tr>
<tr>
<td>13.9.3 Building setbacks from Expressway.</td>
<td>The larger setback from the Expressway will help to mitigate any noise or vibration effects on traffic from the Expressway on adjoining properties.</td>
</tr>
<tr>
<td>13.9.4 Development intensity for active recreation.</td>
<td>The maximum site coverage for buildings in the Active Recreation Precinct ensure the precinct retains its purpose in providing open spaces for recreational use, and offering amenity value to the surrounding area.</td>
</tr>
</tbody>
</table>

**Costs**

- Places restrictions on how buildings are to be designed.
- May constrain the maximum development possible on the site.

**Efficient and Effective**

These rules will be efficient and effective to achieve objectives:

- 13.2.6 – Residential developments with high levels of amenity.
- 13.2.8 – Provision of open spaces to support biodiversity, enhance amenity levels and promote community health and wellbeing.
- By ensuring that the bulk and location of buildings enable access to sunlight, maintain amenity, and mitigate against noise and vibration effects of traffic.

**Rules not most appropriate to achieve the objectives:**

- No defined precincts for the Town Centre would be less efficient and effective.
- Having no precincts within this zone is too limited.
### Risks

#### Risks of not acting.

- The Town Centre is used and developed in a way that does not achieve the objectives, potentially compromising the amenity and character of the centre.
- Residential density targets as identified in the RPS and Future Proof are not achieved.
- A range of residential living options are not available.
- Infrastructure is not coordinated, with the end development types/densities being...
Subdivision and development can happen without specific consideration of the surrounding development, therefore a lack of certainty is created for the community.

• Poor design and layout of the Rototuna Town Centre.

• The residential amenity and character may be compromised by commercial activities.

• Inefficient use of land resource.

• It is considered that there is sufficient information regarding the subject matter of the methods (rules) that support the objectives for this zone, therefore the risks of not acting or allowing development to proceed as of right significantly outweigh the risk of acting.

Conclusion: Taking into account the above, Council considers that the rules in this chapter are most appropriate to achieve the objectives.

13.5 Methods Other Than Rules

<table>
<thead>
<tr>
<th>Methods most appropriate to achieve the objectives:</th>
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<tbody>
<tr>
<td><strong>Method</strong></td>
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</table>

Costs
- There would have been financial costs in the development of these strategies and documents, and there will be ongoing costs in maintaining/implementing them.

**Efficient and Effective**
- These methods are efficient and effective to inform objectives 13.2.1-13.2.8 by providing detailed and researched background information, including demographic projections and potential development interventions.

| Council works and services: Provide infrastructure in a manner that supports residential, business and commercial activities in preferred locations in accordance with City and Regional Growth strategies. Undertake appropriate site investigation, assessment and design, and ensure good management practices for Council controlled infrastructure and community facilities. | **Benefits**

- Development will be integrated with the provision of infrastructure in areas identified by the Hamilton Urban Growth Strategy.
- Development will happen in suitable locations.
- Council can show leadership and lead by example (particularly in relation to ‘quality’ of outcomes sought) through these works and services which will in turn have environmental and social benefits for the wider community.
- Through provision of appropriate and required infrastructure, developers will be further enticed to contribute to the commercial, retail and residential development of the Rototuna Town Centre.

**Costs**
- There are financial costs in relation to planning and implementation associated with undertaking these methods.

**Efficient and effective**
- These methods are efficient and effective in achieving the objectives by ensuring development undertaken by Council meets the requirements of the District Plan, and encourages further high quality development by the private sector.

| Information, education and advocacy: Provide guides and technical advice on good quality urban design (e.g. Vista – highlights key urban design principles) and low impact urban design and development principles. | **Benefits**

- These methods support landowners and developers to understand rules and appropriate methods of meeting the rules, to achieve quality urban design and a compact, sustainable City.

**Costs**
- There will be financial costs associated with...
Advocate for good quality urban design.
Advocate or promote for the benefits of a compact City coupled with good quality urban design and the advantages of higher density or mixed-use development.

<table>
<thead>
<tr>
<th>providing the resources to undertake these methods.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Efficient and Effective</strong></td>
</tr>
</tbody>
</table>

**Risks**

Risks of acting or not acting.

- Council considers there is sufficient information regarding the subject matter of the above Methods that support the objectives and policies relating to the Rototuna Town Centre Zone. The risks of establishing methods to ensure the provision of a pedestrian-orientated Town Centre which acts as a focal point for the wider Rototuna community is far outweighed by the risks of not acting.

**Conclusion:** Taking into account the above, Council considers that the methods in this chapter are most appropriate to achieve the objectives.

### 13.6 References

Referenced external resources, documents, standards and legislation

- **Resource Management Act 1991**
- **Proposed Regional Policy Statement (November 2010)**
- **Operative Regional Policy Statement (October 2000)**
- **The Future Proof Sub-Regional Growth Strategy and Implementation Plan, 2009**
- **Decisions version of Variation 12: Rototuna Structure Plan Update and Rezoning, 2012**
- **Hamilton City Variation 12 to the Proposed District Plan section 32 Report, 2010**
- **Hamilton City Operative District Plan, 2012**
- **S42A Hearing Report: 15 November 2013: Report on submissions and further submissions: Chapter 13 – Rototuna Town Centre Zone**

### 13.7 Glossary

Refer to Volume 2, Appendix 1.1.2 of the District Plan.
## 14 Future Urban Zone

### 14.1 Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 14: Future Urban Zone. For the related matter of subdivision in these zones see Chapter 23: Subdivision, and for information on structure plans that may apply to these areas see Chapter 3: Structure Plans.

The overall approach of the plan chapter is to achieve the management of the future urban and rural land within Hamilton, by managing the effects of land use activities and development.

Supporting documents are listed in the References section of this chapter.

### 14.2 Objectives

<table>
<thead>
<tr>
<th><strong>Objective most appropriate to achieve the purpose of the Act:</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>14.2.1</strong> Subdivision, activities and development are compatible with the existing rural character and amenity, which is:</td>
<td></td>
</tr>
<tr>
<td>i. Open pasture.</td>
<td>The two areas of Future Urban Zone are on the outskirts of the City adjacent to rural zonings within the adjoining land in Waipa and Waikato Districts. Maintaining a contiguous rural amenity, between the three local authority administrative areas is an appropriate response to ensuring rural character is maintained.</td>
</tr>
<tr>
<td>ii. Pockets of vegetation.</td>
<td>As the objective seeks subdivision and activities to be rural in nature, development will not compromise the ability of the zone and those within adjoining districts to continue to be used for predominantly farming activities or other low density type uses. The introduction of higher density uses or land uses not normally associated with rural areas, has the potential to affect amenity and the ability of rural uses to continue to operate without reverse sensitivity effects.</td>
</tr>
<tr>
<td>iii. Low-density development.</td>
<td>The objective recognises that the existing rural character is to be maintained through compatible buildings and development. This is consistent with 7(c) and (f) of the Act, which state that particular regard must be given to the maintenance and enhancement of amenity values and the quality of the environment.</td>
</tr>
<tr>
<td>iv. Predominantly farming activities.</td>
<td></td>
</tr>
<tr>
<td><strong>14.2.2</strong> Subdivision, activities and development does not compromise future urban use or the potential of land to be used for farming activities.</td>
<td>The purpose of the Future Urban Zone is to safeguard potential opportunities for future urban growth. As outlined within the Future Proof Growth Strategy and Implementation Plan and as captured in the Hamilton Urban Growth Strategy (HUGS), as Hamilton’s population grows into the future, a portion of the new growth will need to be accommodated on Greenfield</td>
</tr>
</tbody>
</table>
land. This objective is the most appropriate to achieve the purpose of the Act because it will ensure future urban land resource is used efficiently. The objective ensures this land resource is sustained and can meet the needs of future generations if required for full urban development.

Furthermore, this objective demonstrates consistency with section 7(b) of the Act, which states that particular regard must be had to the efficient use and development of natural and physical resources.

<table>
<thead>
<tr>
<th>14.2.3 Development and activities in the area encompassed by the Temple View Future Urban Zone recognise and respond to the unique character and amenity of this area and its proximity to the Temple and Temple View Village.</th>
</tr>
</thead>
</table>

This objective seeks to ensure development in the Future Urban Zone does not detract from the setting of the Temple and associated settlement. One of the main characteristics of the setting is the visual separation of the Temple and the associated village, from the urban area of Hamilton. Temple View is surrounded by rural land, a setting which creates physical and visual separation and which gives clues as to the history of this unique enclave and its distinctiveness.

The Temple itself, given its scale, location and design, is also a recognisable landmark on the Waikato skyline and is visible from within Hamilton and far afield in rural Waipa and Waikato Districts. The relatively flat topography of the surrounding landscape and its rural character aids this visual presence.

The objective is the most appropriate to achieve the purpose of the Act because it recognises existing rural character is to be maintained through compatible buildings and development. This is consistent with 7(c) and (f) of the Act, which state that particular regard must be given to the maintenance and enhancement of amenity values and the quality of the environment.

<table>
<thead>
<tr>
<th>Objectives not the most appropriate to achieve the purpose of the Act:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivision and activities are accommodated to allow the growth of Hamilton City.</td>
</tr>
</tbody>
</table>

This objective is not the most appropriate. This flexible approach could allow for rural residential sized development (i.e. lifestyle blocks); or pockets of urban scale blocks; or for land uses which are more appropriate in other zones such as residential or industrial zones.

Within the Future Urban Zone at Rotokauri, a structure plan has been undertaken which has assessed the long term needs of both the area and the City. Development within this structure plan is staged to ensure the necessary infrastructure to support future urban uses. These are planned to release land for
urbanisation incrementally to suit the timing of growth. As the appropriate staging triggers are met, the appropriate rezoning can occur.

In this instance, interim development prior to the staged release of the structure plan has the potential to have a negative impact on the future ability of the area to be fully urbanised. The road layouts, positioning of building platforms are different for different land uses, and interim uses may compromise good urban design in the future. In addition, there are also issues with three waters servicing and ad-hoc development in such areas. Interim large scale industrial or commercial developments within this zone can similarly have impacts on the ability of land to be fully urbanised in the future, as they have large land requirements and could create issues of reverse sensitivity.

The future of land within the Future Urban Zone extending out to Temple View has yet to be comprehensively considered by HCC. Whilst the area is within the City limits, unlike Rotokauri or other ‘greenfield’ areas within the City such as Peacocks, Rototuna or Ruakura it is not an area identified by HUGs as a growth cell, subsequently no structure plan has been prepared. Without a structure plan and the associated Integrated Catchment Management Plan, the suitability of the land for alternative uses has not been determined. It is therefore most appropriate that the rural land uses remain dominant, given the existing setting of both this land and land within adjoining districts where rural subdivision and land use rules apply.

The history and the setting of the Church of the Latter Day Saints at Temple View are unique, and is a one of a kind within New Zealand. Section 5.1.4 of this plan, explains in further detail the features of the Temple and surrounding/associated buildings. There are specific provisions within that chapter for development within the Temple campus. Land uses, subdivision controls and the position, size and scale of buildings beyond the boundaries of the Special Character Zone have significant potential to impact on the setting of the enclave. A more general objective that does not recognise this setting has the potential to erode the special characteristics of the area.

This objective is not the most appropriate to achieve the purpose of the Act. It does not constitute an efficient use and development of physical resources,
Conclusion: Taking into account the above, Council considers that the objectives in this chapter of the plan are the most appropriate to achieve the purpose of the Act.

### 14.3 Policies

**Policies most appropriate to achieve the objective:**

14.2.1 Subdivision, activities and development are compatible with the existing rural character and amenity which is:

- i. Open pasture.
- ii. Pockets of vegetation.
- iii. Low density development.
- iv. Predominantly farming activities.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>14.2.1a</td>
<td>Buildings, subdivision and activities on site shall be of a scale and character compatible with existing rural character and amenity.</td>
<td>• Policy 14.2.1a is a general policy that requires buildings and activities to be compatible with the existing character and amenity of the Future Urban Zone. This is to ensure that buildings and activities do not detract from the rural character of the area and gives owners and occupiers certainty in terms of what to expect in these zones.</td>
</tr>
<tr>
<td>14.2.1b</td>
<td>Over-height buildings that create overshadowing and visual dominance effects shall be avoided.</td>
<td>• Policy 14.2.1b is more specific and addresses the effect that over height buildings can have on neighbouring properties. It is important that the amenity values of neighbouring properties are protected from inappropriate development.</td>
</tr>
<tr>
<td>14.2.1c</td>
<td>Layout and design of development shall provide building setbacks that ensure:</td>
<td>• Policy 14.2.1c uses setbacks as a way of retaining privacy, amenity and to minimise incompatibility.</td>
</tr>
<tr>
<td></td>
<td>i. Separation of buildings which contribute to the visual privacy of adjoining sites.</td>
<td>• Policy 14.2.1d is to ensure that these zones retain their low density character, compatible with a rural setting and adjoining rural zones within other districts. In the case of Temple View, this ensures the low density setting of the area surrounding the Temple and the associated village are retained. This also has the effect of maintaining productive uses on the land, until such time, any future urban potential of the land can be released.</td>
</tr>
<tr>
<td></td>
<td>ii. Separation between incompatible activities.</td>
<td>• Policy 14.2.1e allows for some small home-based businesses and produce stalls, which are quite</td>
</tr>
<tr>
<td></td>
<td>iii. Buildings are setback from the road boundary to provide opportunities for landscape planting</td>
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</tbody>
</table>
and the maintenance of low-density character.

14.2.1d
Development and subdivision shall be of a low density.

14.2.1e
Provide for small-scale home-based business, produce stalls, home stay accommodation, and the continued operation of lawfully established activities.

14.2.1f
Rural character and amenity shall be retained until rezoning for urban development purposes occurs, as supported by a structure plan for the area.

compatible with a low density rural setting, and the continued operation of lawfully established activities. Such uses allow people to provide for their own economic wellbeing whilst providing for local services.

- Policy 14.2.1f will allow rural uses already happening in these areas to continue. It is not the intention of policy to stop rural development in the interim period prior to full urbanisation, in the case of Rotokauri, through District Plan rezoning. This policy allows for rural uses to continue indefinitely in the Temple View Future Urban area whose long term potential uses have yet to be assessed, and for which a Structure Plan has yet to be prepared. The key benefit of this policy is to ensure that structure planning has been undertaken to support the development of the area. Structure planning will identify the infrastructure requirements and identify the type and quantum of development that can be supported in any given area. Structure planning will ensure that ad-hoc development and its adverse effects can be avoided.

Costs

- These policies do place restrictions on how land can be used, how buildings are designed and how activities operate within the area. Given the relatively restrictive nature of the policies, land owners who have expectations to bring their sites forward in advance of a structure plan or in advance of staging, identified by a structure plan, will see the cost of not fulfilling the economic, social and cultural wellbeing, especially within the short term.

Efficient and Effective

These policies will be efficient and effective to achieve the objective by:

- Establishing a clear policy for the forms of development appropriate within the area.
- Ensuring buildings and activities are of a scale and nature compatible with the existing rural character.
- Ensuring infrastructure needs are met by development and that such infrastructure is provided in an integrated and efficient manner, as identified by structure planning.
- Structure planning will identify land uses appropriate for the area along with the appropriate scale and phasing of development. Structure planning and appropriate rezoning over time, will ensure development is also phased appropriately with other City development. Infrastructure funding can then be planned and supported by “10-Year Plan” processes.
- The benefits of the policies are considered to significantly outweigh the costs and will be most appropriate to achieve objective 14.2.1.

**Policies not most appropriate to achieve the objective:**

No policy framework regarding the amenity and character of the Future Urban Area.

Not including a policy framework would be inappropriate as there would be no implementing policy for the above objective. As a result development could occur in the area that is incompatible with the existing rural character. The erosion of rural character and amenity would affect those people already living or operating businesses within the area. It would also have the potential to create demands for different uses or intensification of land uses within adjoining districts. By not having such a framework, land ownership could become fragmented and road layouts, and infrastructure provision could be created that would be difficult to transform into a full urban environment in the future.

**Risks**

Risks of acting or not acting.

- The risks of acting have been taken into account in the development of this Plan. The risks that the policy approach is too prescriptive and places overly onerous restrictions on the types of use and scale of development fall upon those land owners within the area. This then limits Council as to the amount of growth it can accommodate within its boundaries. In the case of Rotokauri, where a structure plan has been undertaken and future zoning changes will control the amount of land being brought forward for redevelopment at any one time, this will allow the infrastructure capacity requirements and growth impacts of development to be controlled and affordable. It will also ensure the controlled release of land in line with the requirements of the Regional Policy Statement and Hamilton Urban Growth Strategy.

- The risks of not acting are the converse to those above. Interim development, out of scale development and non rural land uses could easily move into the area, thus eroding the character of the area and diminishing the capacity of the area to be further developed in the future. If there are no objectives and policies and associated rules controlling where buildings and uses are located, nuisance such as noise and the loss of the visual openness would impact negatively on people living in the area. A lack of restrictions on new development, could impact on the ability of
existing land uses to remain.

<table>
<thead>
<tr>
<th>Policies most appropriate to achieve the objective:</th>
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<tbody>
<tr>
<td><strong>14.2.2</strong> Subdivision, activities and development does not compromise future urban use or the potential of land to be used for farming activities.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>14.2.2a</strong> The size, arrangement and configuration of lots shall be controlled so the potential for urban development and farming activities are not compromised.</td>
<td><strong>Benefits</strong></td>
</tr>
<tr>
<td><strong>14.2.2b</strong> Development of land in the Future Urban Zone shall not compromise the integrity and viability of any relevant structure plan.</td>
<td>- Policy 14.2.2a will ensure that lot sizes and configuration of lots does not compromise the ability of the land to be developed into a fully urban built form, if appropriate, in the future. The policy also seeks subdivision of a size and scale which will allow for productive rural uses to occur on the land until such time full urbanisation or other appropriate uses.</td>
</tr>
<tr>
<td><strong>14.2.2c</strong> The establishment of intensive commercial or industrial activities, that are unrelated to rural production and that may constrain or compromise farming activities and future urban development options, shall be avoided.</td>
<td>- Policy 14.2.2b requires that any development within an area covered by a Structure Plan shall be in accordance with that Structure Plan so as not to make it difficult or impossible to implement the Structure Plan at the appropriate stage. The fragmentation of land and the introduction of uses and buildings, not on a rural scale, can limit the land being brought forward for redevelopment, in a comprehensive and efficient manner.</td>
</tr>
<tr>
<td><strong>14.2.2d</strong> Interim urban and rural-residential development is discouraged.</td>
<td>- Policy 14.2.2c and f, intensive commercial/industrial activities can also fragment land ownership and create a built form not necessarily compatible with an urban built form. In addition, such activities may not be compatible with potential residential land uses for reasons of nuisance or amenity.</td>
</tr>
<tr>
<td><strong>14.2.2e</strong> Predominantly rural and farming activities shall take place until rezoning for urban development occurs as supported by a comprehensive structure plan for the area.</td>
<td>- 14.2.2d Retention of land currently in large land holdings will be is easier to convert to an efficient urban form at some time in the future, if appropriately established by a Structure Plan. Rural residential and interim residential development can also have a host of environmental and infrastructure impacts which are not planned for in terms of practicalities, funding, and infrastructure capacities, etc.</td>
</tr>
<tr>
<td><strong>14.2.2f</strong> The establishment of activities such as intensive farming, that may constrain</td>
<td>- 14.2.2e and g will allow existing rural uses in these areas to continue to grow, if desired. It is not the intention of policy to stop rural development in the interim period prior to full urbanisation (i.e. in the case of Rotokauri). Within the Temple View...</td>
</tr>
<tr>
<td>Future urban development or cause nuisance effects, shall be avoided.</td>
<td>Future Urban area, where there has not been a Structure Plan to review the long term potential uses of the area, this policy allows for rural uses to continue indefinitely. The key benefit of this policy is to ensure structure planning is undertaken to support the development of the area. Structure planning will identify the infrastructure requirements of areas and identify the type and quantum of development that can be supported. It will ensure that ad-hoc development and its adverse effects can be avoided.</td>
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<tr>
<td><strong>14.2.2g</strong> Land shall not be released for urban development until a structure plan and urban zoning is in place.</td>
<td><strong>14.2.2h</strong> Activities shall not adversely affect the natural environment.</td>
</tr>
<tr>
<td><strong>14.2.2h</strong> Activities shall not adversely affect the natural environment.</td>
<td><strong>14.2.2h</strong> is a more generic policy to ensure a key element of the Act can be delivered on.</td>
</tr>
</tbody>
</table>

**Costs**

- This group of policies restricts how land can be used and subdivided. This may have a cost for landowners who wish to bring forward commercial, residential or intensive farming. Or those who wish to develop in conflict with the uses, staging and timing of a Structure Plan. It may have a similar impact on those who wish to develop in an area where no Structure Plan and rezoning have been undertaken. The requirement for a Structure Plan does add time to development and results in a financial cost to both developers and Council.

**Efficient and Effective**

These policies will be efficient and effective to achieve objective 14.2.2 by:

- Establishing a clear policy framework that interim urban development and ad hoc development is not appropriate in an area until such time comprehensive redevelopment can occur in accordance with phasing, timing and land uses established within a structure plan and subsequent rezoning.
- Ensuring land within the Future Urban Zone maintains the ability to be converted to urban use, if appropriate in the future.
- The policy gives effect to the Regional Policy Statement.
- The benefits of the policies are considered to significantly outweigh the costs and will be most appropriate to achieve objective 14.2.2.
| An alternative zoning to allow for urban development immediately. | Rezoning these, predominately rural, pockets of land within Hamilton for other uses such as Residential, Large Lot Residential or a business or employment use, will not achieve the objective to allow the use of the land for farming purposes and will compromise the ability of the land to be fully urbanised in the future.

For Rotokauri, a Structure Plan has been prepared and the future zoning of the area has been identified. Changing the zoning at this stage could result in ad hoc, sporadic development where servicing with city infrastructure such as wastewater, stormwater, water supply and roading would be problematic and potentially unaffordable. Releasing all land for urban purposes in one stage, would create an expectation from land owners that development could happen as a right, without the infrastructure to support it. The resulting development would be ad hoc and piecemeal. It would detract from the release of land for urban purposes in a controlled manner to meet the needs of the City.

In the case of the Temple view Future Urban Area, there has been no investigation as part of the District Plan process as to what the appropriate future uses or capacity of this land for development could be. There has been no Structure Plan and at present, it is not clear what an appropriate alternative zoning would be. The soil type, catchment characteristics including flooding along with the infrastructure capacity and necessary upgrades, topography and relationship to the Temple and its village will all impact on the future ability of the area to be developed. Any sporadic or significant growth in this area could detract from growth which is desired in Hamilton’s recognised growth cells of Rototuna, Rotokauri, Peacockes and Ruakura.

Whenever rural land is developed, it compromises the ability of other rural land to stay in productive use. The demand for growth can push land values up to the point where farming and rural use is not as financially viable as other options. Reverse sensitivity from new residential properties can be created, whereby everyday farming practices can cause nuisance.

If such a large areas of land (i.e. Rotokauri and Temple View) are rezoned, Council will not be able to pre-empt future demand for services and predict how much of the available land will be demanded for |
Risks
Risks of acting or not acting.

- The risks of acting have been taken into account in the development of this Plan. The risks that the policy approach is too prescriptive and places overly onerous restrictions on the types of use and scale of development fall upon land owners within the area, and limits the Council as to the amount of growth that it can accommodate within its boundaries.

- In the case of Rotokauri, where a Structure Plan has been undertaken and future zoning changes will control the amount of land being brought forward for redevelopment at any one time, the infrastructure capacity requirements and growth impacts of development will be controlled and affordable. It will also ensure the controlled release of industrial land, in line with the requirements of the Regional Policy Statement and Hamilton Urban Growth Strategy.

- The risks of not acting are the converse to those above. Interim development, out of scale development and non rural land uses will move into the area, thus eroding the character and diminishing its capacity to be further in the future.

- If there are no objectives and policies and associated rules controlling where buildings and uses are located, nuisance such as noise and the loss of visual openness will impact on existing residents.

- A lack of restrictions on new development, could impact on the ability of existing land uses to remain.

### Policies most appropriate to achieve the objective:

<table>
<thead>
<tr>
<th>14.2.3</th>
<th>Development and activities in the area encompassed by the Temple View Future Urban Zone recognise and respond to the unique character and amenity of this area and its proximity to the Temple and Temple View Village.</th>
</tr>
</thead>
<tbody>
<tr>
<td>14.2.3a</td>
<td>Buildings and activities shall avoid amenity and nuisance effects on the Temple and adjoining zones.</td>
</tr>
<tr>
<td>14.2.3b</td>
<td>Maintain the character of the Temple and Temple View Village by managing the bulk and location of development in the zone.</td>
</tr>
</tbody>
</table>

### Benefits

- These two policies seek to ensure the type of land uses and scale and type of any buildings are appropriate in relation to the Temple and other adjoining zones. This includes residential and rural zoning with the surrounding Waipa and Waikato Districts as well as the Special Character Zone of the area.

- These policies establish a clear framework that the existing rural character and unique setting of the area be maintained to protect the amenity of the area. They also outline the importance of the unique setting and unique nature of the Temple and its associated village.
### Costs

- Both policies have a cost in that they result in restrictions on land uses. This could result in an economic cost for land owners who may wish to bring the land forward for alternative purposes.

- The policies also have a cost in that the bulk and location of buildings are to be controlled, and this will have to be accommodated in the design and positioning of new buildings. The precise location of such buildings will have to be carefully managed.

- Nuisance effects of some rural based activities can be an issue, where rural and residential zones directly adjoin one another. Policy 14.2.3a, in seeking to avoid this nuisance, will have an impact on the types of land uses which can take place on site and will limit where buildings can be located, particularly in relation to adjoining residential zones. This interface between rural and residential land is largely an existing setting. In maintaining the status quo there should be little effect on the day to day operation of the type of uses in existence. Intensification of land uses or introduction of new land uses would be more affected.

### Efficient and Effective

These policies will be efficient and effective in achieving Objective 14.2.3 as:

- The benefits of the policies outweigh the costs, which can predominately be overcome by careful consideration of the positioning of any buildings and choice of land uses. Given this area has not been identified as a growth area within HUGS or Future Proof, it is appropriate to limit the types of activities and their intensity.

- The policies contribute to the protection of views and the setting of a nationally unique Temple and settlement.

- The policies are most appropriate to achieve objective 14.2.3 for the above reasons.

### Policies not most appropriate to achieve the objective:

| No policy framework regarding the amenity and character of the setting of the Temple and its village. | Not including a policy framework would be inappropriate as there would be no implementation policy for the above objective. As a result development could occur in the area that is |
incompatible with the existing rural character. The erosion of the rural character and amenity would affect those people already living or operating businesses within the area. By not having such a framework, land ownership would become fragmented and road layouts, and infrastructure provision would be created that would be very difficult, if not impossible to transform into a full urban environment at some stage in the future, if confirmed by a Structure Plan and once the appropriate zoning is in place.

Risks

Risks of acting or not acting.

- The risks of acting have been taken into account in the development of this Plan. The risks that the policy approach is too prescriptive and places overly onerous restrictions on the types of use and scale of development fall on those land owners within the area, and limit the Council as to the amount of growth it can accommodate within it boundaries.

- The risks of not acting are the converse to those above. Interim development, out of scale development and non rural land uses will move into the area, thus eroding the character of the area, which is predominately its openness which maintains the setting of the village and Temple.

Conclusion: Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objectives.

14.4 Rules

Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Future Urban Zone</td>
<td>Benefits</td>
</tr>
<tr>
<td></td>
<td>• Controls future growth.</td>
</tr>
<tr>
<td></td>
<td>Costs</td>
</tr>
<tr>
<td></td>
<td>• Restricts land use and development.</td>
</tr>
<tr>
<td></td>
<td>Efficient and Effective</td>
</tr>
<tr>
<td></td>
<td>• This method will be efficient and effective to achieve the objectives by providing a Future Urban Zone that recognises there is potential for growth within Hamilton’s boundaries, but that such growth is controlled and well considered through structure planning.</td>
</tr>
</tbody>
</table>

Rules not most appropriate to achieve the objectives:

| Multiple zones          | Having numerous zones is not necessary. The overall        |
The purpose of the zone is to allow for rural uses in the interim, whilst protecting the land from fragmentation until such time as future rezoning is possible, as supported by a Structure Plan.

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Activity status</td>
<td>Benefits</td>
</tr>
<tr>
<td></td>
<td>• Activities that are appropriate in rural areas are permitted where possible. Activities that are more complex and cannot be addressed with just rules require resource consent. For example intensive farming requires consent so odour, noise, traffic and hours of operation can be addressed.</td>
</tr>
<tr>
<td></td>
<td>Costs</td>
</tr>
<tr>
<td></td>
<td>• Some activities that have greater adverse effects will be required to go through a resource consent process.</td>
</tr>
<tr>
<td></td>
<td>Efficient and Effective</td>
</tr>
<tr>
<td></td>
<td>• These rules will be efficient and effective to achieve the objectives by ensuring that buildings and activities are appropriate to their zone.</td>
</tr>
</tbody>
</table>

**Method**  
**Effectiveness, efficiency, costs and benefits**

<table>
<thead>
<tr>
<th>Bulk and location standards:</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>14.4.1 Site Coverage</td>
<td>• Site coverage reflects the intensity of development that is considered appropriate in these zones.</td>
</tr>
<tr>
<td>14.4.2 Gross Floor Area</td>
<td>• Building height and setback reflect the very low density nature of buildings within this zone.</td>
</tr>
<tr>
<td>14.4.3 Building Height</td>
<td>• Dwelling setback from an existing intensive farming unit, boarding kennels and catteries in the Te Rapa North Deferred Industrial Area, or transport corridor is to avoid reverse sensitivity effects.</td>
</tr>
<tr>
<td>14.4.4 Height in Relation to Boundary</td>
<td></td>
</tr>
<tr>
<td>14.4.5 Building Setback</td>
<td></td>
</tr>
</tbody>
</table>

**Method**  
**Effectiveness, efficiency, costs and benefits**

<table>
<thead>
<tr>
<th>Bulk and location standards:</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
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<tr>
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</tr>
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</tr>
<tr>
<td>14.4.5 Building Setback</td>
<td></td>
</tr>
</tbody>
</table>

**Method**  
**Effectiveness, efficiency, costs and benefits**

<table>
<thead>
<tr>
<th>Bulk and location standards:</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
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<tr>
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</tr>
<tr>
<td>14.4.3 Building Height</td>
<td>• Dwelling setback from an existing intensive farming unit, boarding kennels and catteries in the Te Rapa North Deferred Industrial Area, or transport corridor is to avoid reverse sensitivity effects.</td>
</tr>
</tbody>
</table>
### Activity effects:

14.4.6 Effluent Disposal

<table>
<thead>
<tr>
<th>Benefits</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Controls the adverse effects associated with activities, therefore the amenity of the surrounding area should not be compromised.</td>
<td>Restricts how activities are to be undertaken. If they cannot comply resource consent will be required.</td>
</tr>
</tbody>
</table>

**Efficient and Effective**
- These rules will be efficient and effective to achieve the objectives by ensuring activities are carried out in a manner that is likely to have a minimal effect on the surrounding area.

### Method

Specific standards:

- 14.5.1 Restriction on Buildings
- 14.5.2 Produce Stalls
- 14.5.3 Home-based Business
- 14.6 Relocated Buildings

<table>
<thead>
<tr>
<th>Benefits</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>The restriction on buildings limits the density of residential development within these zones.</td>
<td>Restricts how activities are to be undertaken. If they cannot comply resource consent will be required.</td>
</tr>
<tr>
<td>Produce stalls are an activity often located in rural and semi-rural areas. Effects are generally minor; however it is important to place restrictions on their size, the goods that they sell and their access.</td>
<td></td>
</tr>
<tr>
<td>Home-based business provisions are similar to the Residential Zone provisions and are designed to ensure this activity is secondary to other activities on-site and that adverse effects are minimised.</td>
<td></td>
</tr>
<tr>
<td>The rules relating to relocated buildings are to ensure they are reinstated appropriately.</td>
<td></td>
</tr>
</tbody>
</table>

**Efficient and Effective**
- These rules will be efficient and effective to achieve the objectives by allowing a range of activities to be undertaken in the Future Urban Zone subject to being within certain parameters.

### 14.5 Assessment Criteria

**Rules most appropriate to achieve the objectives:**
<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessment criteria</td>
<td>Benefits</td>
</tr>
<tr>
<td></td>
<td>• The Plan identifies that certain activities either by virtue of the activity or due to failing standards are controlled, restricted discretionary, discretionary or non-complying activities.</td>
</tr>
<tr>
<td></td>
<td>• The Plan includes assessment criteria that are able to be applied in the assessment of these activities through the resource consent process. The criteria are grouped clearly under headings relating to the matters Council has reserved control over (for controlled activities) and restricted its discretion (for restricted discretionary activities). These assessment criteria and the introductory ‘how to’ guide are a useful way to guide all parties on how Council is going to administer the provisions of the Plan.</td>
</tr>
<tr>
<td></td>
<td>• The assessment criteria gives transparency and provides clarity for all users on the matters that Council has control or discretion over when considering controlled or restricted discretionary activities, and provides a guide for the consideration of discretionary and non-complying activities.</td>
</tr>
<tr>
<td></td>
<td>• The assessment criteria also seeks to avoid duplication of effort or unnecessary assessment by enabling design based criteria to be disregarded if a more relevant design guide is in place or if the criteria is not considered relevant to the specific activity.</td>
</tr>
<tr>
<td>Costs</td>
<td>• There is a general duty on an applicant and the Council to consider the assessment criteria firstly for relevance and secondly where considered relevant to assess the application against the criteria to consider the effects.</td>
</tr>
<tr>
<td></td>
<td>• There are no identified costs from clarifying in the Plan the matters which will be considered when processing an application.</td>
</tr>
</tbody>
</table>
| Efficient and Effective    | These provisions will be efficient and effective to achieve the objectives by identifying a list of matters which are able to be used as a guide when both preparing and assessing consent applications which eases the administration and use of the District Plan.
Risks

Risks of acting or not acting:

- It is considered there is sufficient information regarding future urban land therefore the risks of not acting outweigh the risk of acting.
- The risks of not acting are that future urban land is used and developed in a way that is not appropriate.

Conclusion: Taking into account the above, Council considers that the rules in this chapter are most appropriate to achieve the objectives.

14.6 Methods Other Than Rules

<table>
<thead>
<tr>
<th>Methods most appropriate to achieve the objectives:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Method</td>
</tr>
<tr>
<td>Regulator methods</td>
</tr>
<tr>
<td>Other plans and legislation</td>
</tr>
</tbody>
</table>

Risks

Risks of acting or not acting:

- It is considered that there is sufficient information regarding future urban land therefore the risks of not acting outweigh the risk of acting.
- The risks of not acting are that future urban land is used and developed in a way that is not appropriate.

Conclusion: Taking into account the above, Council considers that the methods in this chapter are most appropriate to achieve the objectives.

14.7 References

- Resource Management Act 1991
- Future Proof Growth Strategy and Implementation Plan 2009
- Hamilton Urban Growth Strategy 2010
- Response to Commissioner questions: Chapter 14 Future Urban Zone
- Response to Commissioner questions: Chapter 14 Future Urban Zone – Attachment 1 – Approved Scheme Plans
- Response to Commissioner questions: Chapter 14 Future Urban Zone – Attachment 2 – Planners Report
- Response to Commissioner questions: Chapter 14 Future Urban Zone – Attachment 3 – Decisions
14.8 Glossary

- Refer to Volume 2, Appendix 1.1.2 of the District Plan.
15 Open Space Zones

15.1 Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 15: Open Space Zones. For the related matter of open space acquisition and location, see Chapter 23: Subdivision and for matters relating to the Waikato River corridor see Chapter 21: Waikato River Corridor and Gully Systems.

The overall approach of the plan chapter is to achieve the management of the various open spaces within Hamilton by managing the effects of land use activities and development.

Supporting documents are listed in the References section if this chapter.

15.2 Objectives

<table>
<thead>
<tr>
<th>Objective most appropriate to achieve the purpose of the Act:</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Open Space Zones</td>
</tr>
</tbody>
</table>

15.2.1 Development and activities must complement the functions and values of the particular open space and the surrounding environment.

This objective recognises that different categories of open space have different functions and values. In order for people and communities to provide for their social and cultural wellbeing and their health and safety, the use and development of the various categories of open space needs to be appropriately managed.

15.2.2 Open space accommodates a range of functions where appropriate.

This objective recognises that open space often accommodates a range of functions. The provision of multiple functions (for example a community centre on a sports park) on open space promotes the sustainable management of natural and physical resources. This is because it provides for the efficient use of the land resource through multifunctional open spaces. However, care needs to be taken to ensure that the primary function of the open space is not compromised and all values can coexist in a compatible manner.

15.2.3 Well designed and safe open space.

This objective will ensure that communities are provided with safe open spaces and buildings do not compromise the amenity or function of open space.

15.2.4 Open spaces are used and developed in a way that

This objective is the most appropriate as it recognises that activities and development on open space need to minimise adverse effects on the surrounding
minimises adverse effects on the surrounding environment.

### Natural Open Space Zones

**15.2.5**
Activities within the Natural Open Space Zone are consistent with and/or contribute to the conservation and restoration of natural character.

This objective is the most appropriate because it will go some way toward achieving the sustainable management of natural resources through safeguarding the life-supporting capacity of air, water, soil and ecosystems. It will also contribute towards achieving sections 7(c) & (f) of the Act. (c) the maintenance and enhancement of amenity values and (f) maintenance and enhancement of the quality of the environment. In some circumstances, where this zone adjoins a wetland or lake, the achievement of this objective will contribute towards the preservation of the natural character of these areas protecting them from inappropriate subdivision, use and development (6(a) of the Act). It will also contribute towards maintaining and enhancing public access to and along lakes and rivers.

**15.2.6**
Activities on the surface of water are consistent with the ecological, cultural and amenity values of the water body.

This objective is the most appropriate as this will contribute towards protecting lakes and rivers from inappropriate subdivision, use and development (6(a)). The objective will also contribute to section 6(d) and 6(e) of the Act that ensures public access to lakes and rivers is maintained, along with providing for the relationship of Māori with water.

### Neighbourhood Open Space Zones

**15.2.7**
Activities and development within this zone provide for informal recreation, linkages between neighbourhoods, visual amenity and buffers between potentially incompatible activities.

This objective provides for open space that allows people and communities to provide for their social and cultural wellbeing and their health. Providing neighbourhood open space will also contribute towards section 7(c) of the Act – the maintenance and enhancement of amenity values.
### Sport and Recreation Open Space Zones

**15.2.8**  
Provide for organised sport for the local, City-wide and regional community.  
This objective is the most appropriate to achieve the purpose of the Act because the provision of this type of open space will allow people and communities to provide for their social and cultural wellbeing and their health and safety.

### Destination Open Space Zones

**15.2.9**  
Provide high quality open spaces that cater for a City-wide and regional catchment and accommodate a variety of uses and values.  
This objective provides for open space that will allow people and communities to provide for their social and cultural wellbeing and their health and safety.  
These open spaces often contain a variety of uses and values therefore this objective will also contribute towards achieving a number of Sections in the Act. 6(a) preservation of natural character, 6(c) protection of areas of significant indigenous flora and fauna, 6(d) maintenance and enhancement of public access, 7(c) the maintenance and enhancement of amenity values and 7(f) the maintenance and enhancement of the quality of the environment.

### Ruakura Open Space Zone

**15.2.10**  
The Open Space Zone at Ruakura provides a connected network to achieve multiple functions including recreational activities, connectivity, enhancement of amenity, stormwater management and enhancement of ecological values.  
See Appendix 1

**Conclusion:** Taking into account the above, Council considers that the objectives in this chapter of the plan are the most appropriate to achieve the purpose of the Act.

## 15.3 Policies

**Policies most appropriate to achieve the objective:**

**15.2.1**  
Development and activities must complement the functions and values of the particular open space and the surrounding environment.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### 15.2.1a
Open space shall be developed and used in accordance with the relevant operative Reserves Act Management Plan.

### 15.2.1b
Buildings and structures shall be designed and sited to be compatible with the function and predominant purpose of the open space.

### 15.2.1c
Development shall recognise and protect the function of current Three Waters and solid waste assets and infrastructure.

### 15.2.1d
Development and use of open space is managed through specific zoning.

### 15.2.1e
Development and use of open space shall recognise and support the objectives and polices for adjacent Central City precincts.

#### Benefits
- Policy 15.2.1a provides a linkage to the relevant operative Reserves Act Management Plan. Therefore if a proposed use or development is not anticipated in a particular zone, but is anticipated by an operative Reserves Act Management Plan and is a discretionary or non-complying activity, then this policy will allow the content of the Reserves Act Management Plan to be given consideration when assessing a resource consent.
- Policy 15.2.1b requires buildings and structures to be designed and sited so that they are compatible with the function and purpose of the open space. This is to ensure that buildings do not detract from the open space or compromise the values that a particular open space has to offer.
- Policy 15.2.1c recognises the function of current Three Waters and solid waste assets and infrastructure within the City. The continued use of open space for this purpose should not be compromised through development.
- Policy 15.2.1d recognises that the most appropriate method for managing the different categories of open space is through specific zoning. The benefit of having specific zoning is that the plan provisions for each type of open space can be tailored to provide for different types of activities and levels of development.
- Policy 15.2.1e recognises the role of open space zones around the Central City and the importance of supporting the vision for the Central City. The future development and use of open space adjacent to the Central City is fundamental as Hamilton moves into the future.

#### Costs
- Policy 15.2.1a is only useful where there is an operative Reserves Act Management Plan in place relevant for a particular open space.
- The considerations brought about by Policy 15.2.1b are difficult to express by rules, therefore a discretionary approach has been taken whereby a number of assessment criteria must be considered. Therefore the majority of buildings in an Open Space Zone will be required to go through a consent process.
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Policy 15.2.1c – where demand for open space outweighs supply and the current use is for Three Waters and solid waste assets and infrastructure then a balance of that use needs to occur. This could limit the open space for passive use, but importantly recognises the existing function.</td>
</tr>
<tr>
<td></td>
<td>Policy 15.2.1d – if the function of a particular open space changes then a variation/plan change may need to be undertaken to rezone the open space or a resource consent will need to be obtained to carry out some activities.</td>
</tr>
<tr>
<td></td>
<td>The intent of policy 15.2.1e will allow for the use of open space adjacent to the Central City, but will look to provide for outcomes that relate to the vision related with the Central City precincts. This could compromise the current intent and use of open space in some areas adjacent to the Central City.</td>
</tr>
<tr>
<td>Efficient and Effective</td>
<td>These policies will be efficient and effective to achieve objective 15.2.1 by:</td>
</tr>
<tr>
<td></td>
<td>Providing for specific open space zones that allow a level of use and development that complements the functions and values of a particular type of open space.</td>
</tr>
<tr>
<td></td>
<td>Allowing the development and use of open space that is consistent with the relevant operative Reserves Act Management Plan. When the Reserves Act Management Plans are developed the functions and values of the open space are taken into consideration.</td>
</tr>
<tr>
<td></td>
<td>Providing for the continued function of Three Waters and solid waste assets and infrastructure within the open space zone continues the values and functions that are associated with the open space zone.</td>
</tr>
<tr>
<td></td>
<td>Requiring buildings and structures to be designed and sited so that they are compatible with the function and purpose of the open space.</td>
</tr>
<tr>
<td></td>
<td>Recognising the role of the Central City precincts and how open space adjacent to the precincts can be supportive of the intent and vision for the Central City.</td>
</tr>
</tbody>
</table>
### Policies most appropriate to achieve the objective:

#### 15.2.2
Open space accommodates a range of functions where appropriate.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>15.2.2a</td>
<td>Benefits&lt;br&gt;• Open space often accommodates a range of functions. It is important that the mix of activities, functions and values are appropriate or undertaken in a manner as not to compromise each other. The primary purpose of an open space should not be compromised by other activities and these policies seek to achieve this.</td>
</tr>
<tr>
<td>15.2.2b</td>
<td>Costs&lt;br&gt;• Open space comes under pressure to provide for multiple activities, functions and values that can compromise its predominant purpose. The recognition of competing demand for open space or conflicting activities and values are important to understand.</td>
</tr>
<tr>
<td>15.2.2c</td>
<td>Efficient and Effective&lt;br&gt;These policies will be efficient and effective to achieve objective 15.2.2 by:&lt;br&gt;• Providing opportunities for open space to accommodate a range of functions while ensuring that other activities, functions and values of open space are not compromised.&lt;br&gt;• Recognise that the primary function of the open space (usually natural values, recreation or amenity) is not compromised by other functions such as walkways and stormwater functions.</td>
</tr>
<tr>
<td>15.2.2d</td>
<td>Policies most appropriate to achieve the objective:</td>
</tr>
<tr>
<td>15.2.3a</td>
<td>Well designed and safe open space.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>15.2.3a</td>
<td>Benefits&lt;br&gt;• It is essential that open space is designed to ensure it adheres to crime prevention through environmental design (CPTED) principles such as those listed in policy 15.2.3a i. and ii. This will</td>
</tr>
</tbody>
</table>
that maximise visibility of public areas, provided that natural values are not compromised.

ii. Achieving passive surveillance by having open space that is overlooked by surrounding development.

**15.2.3b**
Buildings shall be of a design, bulk and scale that is compatible with the open space and the surrounding environment.

**15.2.3c**
Landscaping shall enhance the amenity of the open space and surrounding environment.

**15.2.3d**
Any car parking shall be integrated into the site without compromising the open space values and functions.

**15.2.3e**
Where possible, open space shall be accessible to all, including the disabled.

- Ensure that people using and properties adjoining open space feel safe.
- Open space provides areas of high amenity value; therefore it is important that buildings are compatible with the open space and surrounding environment, rather than detracting from it.
- Landscaping will enhance the amenity of open space.
- Where car parking is required it will be integrated into open space so not to detract from the character, values and functions of the area.
- Where the topography and location of a site allows, open space is accessible to people of all abilities. The importance of providing accessible open space to the whole community is recognised through the health and wellbeing associated with open space.

**Costs**
- Natural values (such as vegetation) and amenity may be compromised by achieving policy 15.2.3a.
- Policy 15.2.3b will require buildings to be of a higher quality than those currently located on open space. It may be more costly for clubs and organisations to achieve this.
- In some instances policy 15.2.3e may be difficult to achieve due to natural values, including topography.

**Efficient and Effective**
These policies will be efficient and effective to achieve objective 15.2.3 by:
- Ensuring that buildings on open space and the open space itself is well designed so a high level of amenity is maintained and people feel safe using open space.

<table>
<thead>
<tr>
<th>Policies most appropriate to achieve the objective:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>15.2.4</strong> Open spaces are used and developed in a way that minimises adverse effects on the surrounding environment.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.2.4a</td>
<td>Benefits</td>
</tr>
<tr>
<td>Buildings, structures and benefits</td>
<td>Benefits</td>
</tr>
<tr>
<td>- When developing and undertaking activities on</td>
<td></td>
</tr>
</tbody>
</table>
activities shall be designed, sited, operated and maintained to address the potential adverse effects of visual intrusion, loss of sunlight and daylight, noise, glare, lighting and traffic.

15.2.4b
The amenity of the surrounding environment shall not be adversely affected by the scale of buildings or activities on open space.

open space the effects on the surrounding environment will be taken into consideration. Therefore this policy will go some way toward achieving section 7(c) of the Act which requires particular regard be had to the maintenance and enhancement of amenity values

Costs
- This may put limits on how open space is used and developed.

Efficient and Effective
These policies will be efficient and effective to achieve objective 15.2.4 by:
- Ensuring that open space is used in a manner that takes into consideration the effects on the surrounding environment, including neighbouring properties.

Policies most appropriate to achieve the objective:

Natural Open Space Zone
15.2.5
Activities within the Natural Open Space Zone are consistent with and contribute to the conservation and restoration of natural character.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>15.2.5a</td>
<td>Benefits</td>
</tr>
<tr>
<td>Development and use of sites in the Natural Open Space Zone shall:</td>
<td>• Natural values associated with this type of open space are provided for by restricting activities and development that do not support the purpose of this category of open space.</td>
</tr>
<tr>
<td>i. Support and protect landscape features, ecosystems, biodiversity and ecological linkages throughout the City.</td>
<td>• Indigenous vegetation and habitats will be maintained or enhanced by any activities within the Natural Open Space Zone</td>
</tr>
<tr>
<td>ii. Minimise the number and scale of buildings.</td>
<td>Costs</td>
</tr>
<tr>
<td>iii. Contribute to the restoration of the health of the Waikato River through the retention of existing and creation of new esplanade reserves.</td>
<td>• It will be difficult to undertake significant built development in the Natural Open Space Zone.</td>
</tr>
<tr>
<td>iv. Retain vegetation and large specimen trees.</td>
<td>Efficient and Effective</td>
</tr>
<tr>
<td>v. Maintain or enhance</td>
<td>These policies will be efficient and effective to achieve objective 15.2.5 by:</td>
</tr>
<tr>
<td></td>
<td>• Ensuring that the conservation and restoration of natural character is the primary purpose of the Natural Open Space Zone.</td>
</tr>
</tbody>
</table>
### Natural Open Space Zone

#### 15.2.6
Activities on the surface of water are consistent with the ecological, cultural and amenity values of the water body.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>15.2.6a</strong>&lt;br&gt;Activities and structures on the surface of water shall not adversely affect:&lt;br&gt;i. Amenity values – particularly through noise.&lt;br&gt;ii. Ecological values – particularly in relation to water quality, bank stability or riparian and aquatic habitat quality, or by transfer of aquatic weeds to and from water bodies.&lt;br&gt;iii. Cultural values.&lt;br&gt;iv. Water flows – particularly through the creation of natural hazards.&lt;br&gt;v. Public access to water bodies.&lt;br&gt;<strong>15.2.6b</strong>&lt;br&gt;Activities on the surface of water shall be managed to minimise conflicts between users.</td>
<td>Benefits&lt;br&gt;• While it is desirable to allow activities on the surface of water it is important to manage their adverse effects to ensure that permanent effects are avoided (such as bank instability) and that the needs and values of others are taken into account. Costs&lt;br&gt;• Cost of compliance. Efficient and Effective&lt;br&gt;These policies will be efficient and effective to achieve objective 15.2.6 by:&lt;br&gt;• Ensuring that the multiple values associated with the surface of water are protected from inappropriate use and development.</td>
</tr>
</tbody>
</table>

### Neighbourhood Open Space Zone

#### 15.2.7
Activities and development within the Neighbourhood Open Space Zone provide for informal recreation, linkages between neighbourhoods, visual amenity and buffers between potentially incompatible activities.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>15.2.7a</strong></td>
<td>Benefits</td>
</tr>
</tbody>
</table>
Development and use of sites in the Neighbourhood Open Space Zone shall:

- Neighbourhood Open Space are high amenity areas that offer relief from the built environment and/or provide space for passive recreation.
- Small buildings, such as toilets and storage sheds will be able to locate on Neighbourhood Open Space, but the scale will be appropriate for that open space.

**Costs**
- It will be difficult to undertake significant built development in the Neighbourhood Open Space Zone.

**Efficient and Effective**
These policies will be efficient and effective to achieve objective 15.2.7 by:

- Providing open space for recreation activities, connections to other neighbourhoods, buffers and/or visual relief.
- Minimising the number of buildings in the Neighbourhood Open Space Zone.
- Where buildings are located in this zone, ensure that they are appropriate in terms of effects on the open space and neighbouring properties.

**Policies most appropriate to achieve the objective:**

<table>
<thead>
<tr>
<th>Sport and Recreation Open Space Zone</th>
<th>15.2.8</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide for organised sport for the local, City-wide and regional communities.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>15.2.8a</td>
<td>Benefits</td>
</tr>
<tr>
<td>Development and use of sites in the Sport and Recreation Open Space Zone shall:</td>
<td></td>
</tr>
<tr>
<td>i. Enable open space to be utilised for a range of recreational facilities and activities serving the City and the region.</td>
<td></td>
</tr>
<tr>
<td>ii. Ensure that buildings, structures and activities are designed, located and operated so adverse effects on the amenity of the open space or the</td>
<td></td>
</tr>
<tr>
<td>Benefits</td>
<td></td>
</tr>
<tr>
<td>- A range of sport and recreation activities can be provided for through this zone.</td>
<td></td>
</tr>
<tr>
<td>- Buildings and activities must be cognisant of their effect on the surrounding environment and the open space itself.</td>
<td></td>
</tr>
<tr>
<td>Costs</td>
<td></td>
</tr>
<tr>
<td>- There will be higher expectations of new buildings than those currently located on open space. Therefore it may be more costly for Council, clubs and organisations to establish buildings on open space.</td>
<td></td>
</tr>
<tr>
<td>Efficient and Effective</td>
<td></td>
</tr>
<tr>
<td>These policies will be efficient and effective to</td>
<td></td>
</tr>
</tbody>
</table>
surrounding environment are minimised. | achieve objective 15.2.8 by:
- Enabling recreational facilities and activities to locate in this zone subject to consideration of their effects (design, scale, operation etc) while having more control over built environment going forward.

**Policies most appropriate to achieve the objective:**

**Destination Open Space Zone**

15.2.9

Provide high quality open spaces that cater for a City-wide and regional catchment and accommodate a variety of uses and values.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>15.2.9a</td>
<td>Benefit</td>
</tr>
<tr>
<td>Development and use of sites in the Destination Open Space Zone shall:</td>
<td></td>
</tr>
<tr>
<td>i. Enable a range of high quality recreational and community facilities and activities serving the City and the region.</td>
<td></td>
</tr>
<tr>
<td>ii. Ensure that buildings, structures and activities are designed, located and operated so that adverse effects on the amenity of the open space and the surrounding environment are minimised.</td>
<td></td>
</tr>
</tbody>
</table>

**Ruakura Open Space Zone**

15.2.10

The Open Space Zone at Ruakura provides a connected network to achieve multiple functions including recreational activities, connectivity, enhancement of amenity, stormwater management and enhancement of ecological values.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Benefit</td>
</tr>
<tr>
<td></td>
<td>i. Large open spaces, which are often multi-purpose, will be specifically recognised as areas that have higher levels of development and activity.</td>
</tr>
<tr>
<td></td>
<td>ii. Buildings and activities must be cognisant of their effect on the surrounding environment and the open space itself.</td>
</tr>
<tr>
<td></td>
<td>Costs</td>
</tr>
<tr>
<td></td>
<td>i. There will be higher expectations of new buildings than those currently located on open space. Therefore it may be more costly for Council, clubs and organisations to establish buildings on open space.</td>
</tr>
<tr>
<td></td>
<td>Efficient and Effective</td>
</tr>
<tr>
<td></td>
<td>These policies will be efficient and effective to achieve objective 15.2.9 by:</td>
</tr>
<tr>
<td></td>
<td>i. Ensuring that large open spaces such as Hamilton Gardens and Minogue Park can undertake a variety of activities and developments.</td>
</tr>
<tr>
<td>15.2.10a</td>
<td>The location, size and connectivity of the Open Space Zone shall be established in general accordance with Figure 2-14 in Appendix 2.</td>
</tr>
<tr>
<td>15.2.10b</td>
<td>A range of activities shall be provided for within the Open Space Zone.</td>
</tr>
<tr>
<td>15.2.10c</td>
<td>The Open Space Zone shall be developed in a staged and comprehensive manner in accordance with a Land Development Consent.</td>
</tr>
<tr>
<td>15.2.10d</td>
<td>A network of public access, walkways and cycleways shall be established within the Open Space Zone providing connections to the road network and the Kirikiriroa Stream and Mangaonua Stream gully systems.</td>
</tr>
<tr>
<td>15.2.10f</td>
<td>The Open Space Zone shall provide habitats for indigenous flora and fauna including black mudfish, eels, bats and lizards to enhance long-term ecological resilience.</td>
</tr>
<tr>
<td>15.2.10g</td>
<td>Planting undertaken in the Open Space Zone shall include indigenous plant species which are eco-sourced from within the Waikato region, reflect natural plant assemblages and include trees that have capacity to develop cavities to provide habitats for bats.</td>
</tr>
<tr>
<td>15.2.10h</td>
<td>The Open Space Zone shall be</td>
</tr>
</tbody>
</table>
provide a greenway with a suitable form to enhance long term ecological function, including:

i. All of the natural stormwater treatment infrastructure.

ii. Stepping stone patches of indigenous trees and shrubs.

iii. Bio-physical and natural features that maximise habitat opportunities for indigenous flora and fauna.


v. Linear wetlands to support viable populations of black mudfish and eels.

### Risks

Risks of acting or not acting.

- It is considered that there is sufficient information regarding open space therefore the risks of not acting outweigh the risk of acting.

- The risks of not acting is that open space is used and developed in a way that does not complement its functions and values, potentially compromising the original reasons the open space was set aside. This compromise could be through inappropriate buildings/structures within open spaces or through how safety is perceived within these spaces.

**Conclusion:** Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objectives.

### 15.4 Rules

<table>
<thead>
<tr>
<th>Rules most appropriate to achieve the objectives:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Method</strong></td>
</tr>
<tr>
<td>Four open space zones that accommodate the</td>
</tr>
</tbody>
</table>
different types of open space and have specific activity statuses and associated provisions that relate to each

- Provisions are specific and tailored to each type of open space to ensure that the types of activities and the level of development are appropriate to the open space.
- A different activity status can be assigned depending on each open space zone and the activities and development appropriate for each zone.

Costs
- If the function of a particular open space changes then a variation plan change may need to be undertaken to rezone the open space or a resource consent will need to be obtained to carry out some activities.

Efficient and Effective
This method will be efficient and effective to achieve objectives 15.2.1, 15.2.2, 15.2.3, 15.2.4, 15.2.5, 15.2.6, 15.2.7, 15.2.8 and 15.2.9 by:
- Providing four open space zones that will ensure the level of use and development is complementary to the functions and values of a particular type of open space.

Reference 2012 section 32

Rules not most appropriate to achieve the objectives:

**One zone**

Having one zone is too generalised to cover all types of open space. Open space varies from those that are only appropriate for minimal development (natural open space) through to those that may see significant development (destination open space). Given this range it would be ineffective to cater for the diversity of open space through one zone. The associated activities with each open space differ and would be compromised if generalised into one zone.

Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Activity status</td>
<td>Benefits</td>
</tr>
<tr>
<td></td>
<td>Buildings that are most commonly established on open spaces or that will have a minor effect on the open space are listed as permitted, activities. These are park maintenance buildings and public toilets. Because they are permitted, tight controls apply to their maximum size (either through site coverage or gross floor area standards). In some cases the number of buildings is also controlled.</td>
</tr>
</tbody>
</table>
• Other buildings, that are likely to be more substantial, are either restricted discretionary, discretionary or non-complying. This is dependant on the appropriateness of the associated activity in the particular zone.

• Activities, such as walkways and park furniture are permitted in all open space zones. Other activities have a different activity status depending on their suitability for a particular zone.

• The benefit of this approach is that the level of activity and development is appropriate to the function and values of each category of open space.

Costs

• If the function of an open space changes significantly, for example from natural to sports, it is likely that resource consent will need to be obtained for some activities and development. However, policy 15.2.1a in relation to Reserves Act Management Plans is designed to assist with this scenario.

• There will be some activities and buildings that will be required to obtain resource consent due to their potential effect on the open space and the surrounding environment.

Efficient and Effective

These rules will be efficient and effective to achieve all open space objectives by:

• Ensuring that use and development of open space is complementary to the functions and values of the particular type of open space.

Rules not most appropriate to achieve the objectives:

Cross reference to the Reserves Act Management Plan and any activities in that plan would be permitted. This approach would create uncertainty as the Reserves Act Management Plans are not formatted to clearly list activities that are anticipated. Also, the Reserves Act Management Plans may indicate large developments that are acceptable, in terms of the management of the reserve, but may have impacts on that open space or adjoining areas.

Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bulk and location standards: 15.4.1 Site coverage</td>
<td>Benefits</td>
</tr>
<tr>
<td></td>
<td>• Site coverage reflects the intensity of development considered appropriate to each type of open space.</td>
</tr>
</tbody>
</table>
15.4.2 Gross floor area
15.4.3 Number of buildings
15.4.4 Building height
15.4.5 Building setbacks
15.4.6 Fences and Walls

Most Sport and Recreation and Destination Open Space exceed the 1% site coverage specified in the Operative District Plan. Therefore, 2% is considered more effective given that these areas are likely to have more indoor recreation centres and supporting buildings than other open space. There is no restriction on the number of buildings in these zones. However, as park maintenance buildings and public toilets are a permitted activity maximum gross floor area of 100m² applies.

- Natural and Neighbourhood Open Space are high amenity areas that have natural value and/or provide an area for passive recreation and visual relief from the built environment. Therefore it is important to control the number of buildings and the site coverage on these open spaces. As a result the gross floor area and number of buildings are tightly restricted.
- Building height and setback standards are designed to protect the amenity of surrounding neighbourhoods and the open space itself.
- Standards to control fence heights are to achieve CPTED outcomes.
- It is important to note that floodlights, goal posts and the like are not considered buildings and therefore are not subject to these rules.

Costs
- Places restrictions on how buildings are to be designed and where they can be located.

**Efficient and Effective**
These rules will be efficient and effective to achieve objective 15.2.1, 15.2.3 and 15.2.4 by:
- Ensuring that buildings are appropriate to the open space in terms of bulk and location.

<table>
<thead>
<tr>
<th>Rules most appropriate to achieve the objectives:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Method</strong></td>
</tr>
<tr>
<td>Activity effects:</td>
</tr>
<tr>
<td>15.4.7 Hours of operation</td>
</tr>
<tr>
<td></td>
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<tr>
<td></td>
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<td></td>
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</tbody>
</table>
cannot comply resource consent will be required.

**Efficient and Effective**
These rules will be efficient and effective to achieve objective 15.2.4 by:
- Ensuring activities are carried out in a manner that is likely to have a minimal effect on the surrounding area.

### Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>15.5.1 Retail activity</td>
<td>Benefits</td>
</tr>
<tr>
<td>15.5.2 Community Centre</td>
<td></td>
</tr>
<tr>
<td>15.5.3 Organised recreation in the Natural &amp; Neighbourhood Open Space Zone</td>
<td></td>
</tr>
<tr>
<td>15.5.4 Garden Place</td>
<td></td>
</tr>
</tbody>
</table>

Benefits
- The gross floor area of retail activities is restricted to ensure that any retail component is incidental to the main use of the park.
- The specific hours of operation rule for community centres are consistent with the Community Facilities Zone. Allowing the hours of operation to be exceeded for any 24hr period five times per year provides for activities that may occur outside of normal hours such as church services and sleep overs.
- The provisions relating to organised recreation in the Natural and Neighbourhood Open Space Zone ensure that organised activities can take place provided they don’t permanently modify existing features. For example a fun run can take place on existing riverside footpaths.
- An apartment block has vehicle access through Garden Place. It is essential that this access is maintained. The specific standard for Garden Place is designed to ensure this.

Costs
- Additional restrictions placed on activities. However, this allows these activities to operate while protecting neighbours.

**Efficient and Effective**
These rules will be efficient and effective to achieve objective 15.2.1 by:
- Allowing a range of activities to be undertaken on open space subject to parameters.
## Assessment criteria

<table>
<thead>
<tr>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The Plan identifies that certain activities either by virtue of the activity or due to failing standards are controlled, restricted discretionary, discretionary or non-complying activities.</td>
</tr>
<tr>
<td>• The Plan includes assessment criteria that are able to be applied in the assessment of these activities through the resource consent process. The criteria are grouped clearly under headings relating to the matters Council has reserved control over (for controlled activities) and restricted its discretion (for restricted discretionary activities). These assessment criteria and the introductory ‘how to’ guide are a useful way to guide all parties on how Council is going to administer the provisions of the Plan.</td>
</tr>
<tr>
<td>• The assessment criteria gives transparency and provides clarity for all users on the matters that Council has control or discretion over when considering controlled or restricted discretionary activities, and provides a guide for the consideration of discretionary and non-complying activities.</td>
</tr>
<tr>
<td>• The assessment criteria also seeks to avoid duplication of effort or unnecessary assessment by enabling design based criteria to be disregarded if a more relevant design guide is in place or if the criteria is not considered relevant to the specific activity.</td>
</tr>
</tbody>
</table>

## Costs

<table>
<thead>
<tr>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>• There is a general duty on an applicant and the Council to consider the assessment criteria firstly for relevance and secondly where considered relevant to assess the application against the criteria to consider the effects.</td>
</tr>
<tr>
<td>• There are no identified costs from clarifying in the Plan the matters which will be considered when processing an application.</td>
</tr>
</tbody>
</table>

## Efficient and Effective

These provisions will be efficient and effective to achieve the objectives by identifying a list of matters which are able to be used as a guide when both preparing and assessing consent applications which eases the administration and use of the District Plan for all parties.

## Risks

Risks of acting or not acting.

- The risks of not acting is that open space is used and developed in a way that does
not complement its functions and values, potentially compromising the reasons that the open space was set aside in the first place.

- It is considered that there is sufficient information regarding open space therefore the risks of not acting outweigh the risk of acting.

**Conclusion:** Taking into account the above, Council considers that the rules in this chapter are most appropriate to achieve the objectives.

### 15.5 Methods Other Than Rules

**Methods most appropriate to achieve the objectives:**

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulatory methods:</td>
<td></td>
</tr>
<tr>
<td>Other plans and legislation:</td>
<td>Reserves Act Management Plans</td>
</tr>
<tr>
<td>Council works and services:</td>
<td></td>
</tr>
<tr>
<td>Information, education and advocacy:</td>
<td></td>
</tr>
</tbody>
</table>

**Risks**

Risks of acting or not acting.

- It is considered that there is sufficient information regarding open space therefore the risks of not acting outweigh the risk of acting.

**Conclusion:** Taking into account the above, Council considers that the methods in this chapter are most appropriate to achieve the objectives.

### 15.6 References

- *Operative Reserve Management Plans*
  - Claudelands Park 2007
  - Donny Park 2004
  - Gully Reserves 2007
  - Hamilton Gardens 2007
  - Hamilton Lake Domain 2010
  - Jubilee Bush 1993
  - Lake Rotokauri 2002
  - Minogue Park 2009
  - Miropiko Reserve 2001
  - Neighbourhood and Amenity Reserves 2007
  - Nga Tapuware O Hotumaeua 2003
Section 32 – Operative District Plan

- Reserves Act 1977
- Resource Management Act 1991
- Section 42A Hearings Report: 1 October 2013: Report on submissions and further submissions: Chapter 15
- Response to Commissioner questions: Chapter 15 – Open Space Zone and Chapter 16 – Community Facilities
- Response to Commissioner questions: Chapter 15 - Open Space Zone – Ferrybank Rezoning
- Response to Commissioner questions: Chapter 15 – Open Space Zone – Zoning Changes Municipal Pools
- Ruakura Plan Change- See Appendix 1

Pukete Farm Park 2010
Riverside Reserves 2008
Sports Parks 2009
Stadia 2007
Waiwhakareke Natural Heritage Park 2011
16 Community Facilities Zone

16.1 Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 16: Community Facilities Zone.

The overall approach of this chapter is to recognise and provide for the continued operation and development of community facilities throughout the City by providing a spot zone that manages their effects.

It should be acknowledged that other zones also provide for community facilities. The Residential Zone provides for small scale community facilities that can coexist with residential activities. Business zones also provide for community facilities.

Community facilities are those facilities that are provided for the benefit and use of the community, examples include churches, schools, kindergartens and community centres. They are an essential component of the urban environment and contribute significantly to quality of life by providing a range of services that support the social and economic wellbeing of communities.

The intent of the Community Facilities Zone is to provide for the development and operation of a range of community facilities while protecting local amenity.

It is important that community facilities are accessible to people by being close to the neighbourhoods within which they live. Many community facilities can be easily integrated into the residential environment. Larger facilities which may provide a greater range and intensity of services may generate greater impacts on the surrounding environment and therefore require more extensive control.

The Community Facilities Zone is a spot zone that tends to be retrospective and recognises existing community facilities. The existing zone mostly applies to schools and churches.

16.2 Objectives

<table>
<thead>
<tr>
<th>Objective most appropriate to achieve the purpose of the Act:</th>
</tr>
</thead>
<tbody>
<tr>
<td>16.2.1 Ongoing operation and development of accessible community facilities.</td>
</tr>
</tbody>
</table>
### 16.2.2 Activities have minimal adverse environmental effects.

This objective is the most appropriate as it recognises that while community facilities are needed throughout the city, it is important that they do not adversely impact the surrounding area. This is of particular importance where these facilities are located in a Residential area.

**Conclusion:** Taking into account the above, Council considers that the objectives in this chapter of the plan are the most appropriate to achieve the purpose of the Act.

## 16.2 Policies

### Policies most appropriate to achieve the objective:

**16.2.1**

Ongoing operation and development of accessible community facilities.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>16.2.1a</strong></td>
<td>Subdivision, use and development shall provide community facilities and services that support the social wellbeing of the community.</td>
</tr>
<tr>
<td><strong>16.2.1b</strong></td>
<td>Retailing, office and industrial activities shall not take place, except small scale activities ancillary to a community facility.</td>
</tr>
</tbody>
</table>
| **Benefits** | - Policy 16.2.1a encourages land to be set aside for community facilities at the time of large scale subdivision and development. 
- Policy 16.2.1b recognises that retail activities are often provided by community facilities. For example an op shop may provide a source of funding for a community facility and also support the local community through providing affordable clothing. Similarly, community facilities often have an office component for the administration of the facility. 
- It is important to provide for these activities as long as they are ancillary and of a small scale. Allowing large scale retail and offices may start to impact on other centres and areas that have been established to provide for such uses. |
| **Costs** | - Community facilities are restricted in terms of the size and type of activities they can undertake on their site. If a community facility wants to grow its activity, then it is likely to need to go through a resource consent process. |
| **Efficient and Effective** | These policies will be efficient and effective to achieve objective 16.2.1 by: 
- Encouraging the provision of community facilities to be considered at the early stages of significant subdivision and development. 
- Recognising that community facilities are often }
supported by, or provide support to the community through ancillary activities such as retail and offices, but ensuring that any such activity is of a scale that is appropriate to the community facility and its location.

**Policies most appropriate to achieve the objective:**

### 16.2.2
Activities have minimal adverse environmental effects.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| **16.2.2a** Adverse visual impacts of buildings shall be minimised through building and landscape design, including by:  
  i. Building setback and separation.  
  ii. Height control, outdoor space, planting and landscaping.  
  iii. Building design that contributes to the streetscape.  
  iv. Development scaled appropriately for the locality and site, considering the site area, shape, frontage, topography and existing development.  
  v. Providing adequate on-site parking and servicing areas.  
  vi. Allowing passive surveillance between the public and private realm. | **Benefits**  
  • Policy 16.2.2a recognises that buildings in the Community Facilities Zone must be designed so that they are in keeping with surrounding development (which is often residential), and that they contribute to the streetscape through good urban design and providing passive surveillance.  
  • Policy 16.2.2b and 16.2.2c are related to adverse effects of activities. It is important that adverse effects are dealt with appropriately and are acceptable for the surrounding environment, which is often residential. This policy will ensure any adverse effects that stem from community facilities will be minimised, and recognising that the hours of operation is a significant contributor to any adverse effects that could occur.  
  **Costs**  
  • Policy 16.2.2a and in particular iii. and vi. introduces some new requirements when constructing buildings in the Community Facilities Zone. There may be a cost to community facility operators to achieve this policy.  
  **Efficient and Effective**  
  These policies will be efficient and effective to achieve objective 16.2.2 by:  
  • Providing policies that support the ongoing operation and development of community facilities through addressing the adverse effects of buildings, activities and ancillary activities. |

| **16.2.2b** Adverse effects of activities on the amenity values of the locality shall be minimised. | **16.2.2c** Hours of operation shall be compatible with activities in the locality. |

**Risks**
Risks of acting or not acting.

- It is considered that there is sufficient information regarding community facilities therefore the risks of not acting outweigh the risk of acting.
- The risk of not acting is that the effects of community facilities are not managed and therefore impact negatively on the surrounding area.

**Conclusion:** Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objectives.

### 16.3 Rules

#### Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retain the Community Facilities Zone.</td>
<td>Benefits</td>
</tr>
<tr>
<td></td>
<td>- Facility operators or sites (generally over 4000m²) are familiar with having a Community Facilities Zone over their site. This approach means that the existing community facility use is recognised and also future development of the site is provided for within defined parameters (as specified through the rules).</td>
</tr>
</tbody>
</table>

**Costs**

- Tends to be a retrospective zone as it is difficult to predict where community facilities will establish.
- The amended Community Facilities Zone will require that some buildings, particularly those on the periphery of the site, obtain resource consent for urban design purposes.

**Efficient and Effective**

This method will be efficient and effective to achieve the objectives by:

- Providing a specific zone that applies to existing community facilities. This specific zone will allow for the ongoing operation and development of these facilities while managing their effects on the community.

#### Rules not most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Removing the Community Facility Zone and reverting to the surrounding zone (Residential in most cases).</td>
<td>Operators of larger community facilities generally benefit from being within the current Community Facilities Zone. Removing this zoning and reverting to the Residential Zone will place restrictions on ongoing development and use of community facilities. This would restrict the opportunity for community facilities</td>
</tr>
</tbody>
</table>
to take place in residential zones, and in turn detract from the positive community gains that such activities bring to their communities.

Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Activity status.</td>
<td>Benefits</td>
</tr>
<tr>
<td></td>
<td>• The activity status of restricted discretionary for buildings will assist in achieving higher expectations around urban design.</td>
</tr>
<tr>
<td></td>
<td>Costs</td>
</tr>
<tr>
<td></td>
<td>• Will require resource consent to establish buildings, where previously these would have been permitted, subject to standards.</td>
</tr>
<tr>
<td></td>
<td><strong>Efficient and Effective</strong></td>
</tr>
<tr>
<td></td>
<td>These rules will be efficient and effective to achieve the objectives by:</td>
</tr>
<tr>
<td></td>
<td>• Providing for a number of activities by way of permitted activity status, as standards in the Plan can effectively control their effects.</td>
</tr>
<tr>
<td></td>
<td>• Urban design cannot be addressed through standards alone; therefore it is necessary to require a resource consent process where discretion can be applied.</td>
</tr>
</tbody>
</table>

Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bulk and location standards:</td>
<td>Benefits</td>
</tr>
<tr>
<td>16.4.1 Site coverage</td>
<td>• Site coverage, building height and setbacks reflect the intensity of development that is considered appropriate in this zone. As the Community Facilities Zone is often surrounded by residential development is it considered appropriate to allow for the same maximum site coverage (40%). Building setback, height limits and height control plane provide protection to neighbouring activities from the community facility.</td>
</tr>
<tr>
<td>16.4.2 Density</td>
<td>• Many community facilities also have accommodation associated with them. It is important that density controls are placed on residential activities to ensure there is a certain level of amenity for residents and density is in keeping with the surrounding area. The figures used are consistent with the Residential Zone, this</td>
</tr>
</tbody>
</table>
is because most community facilities are surrounded by the Residential Zone.

**Costs**
- Places restrictions on how buildings are to be designed.

**Efficient and Effective**
These rules will be efficient and effective to achieve the objectives by:
- Ensuring that buildings are appropriate for the character of the surrounding area and neighbouring properties are protected from community facilities through height limits, height control plane and minimum setbacks.

### Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site development:</td>
<td>Benefits</td>
</tr>
<tr>
<td>16.4.5 Service and outdoor areas</td>
<td>- The provision of service and outdoor areas ensure that a certain level of amenity is maintained onsite and for neighbouring properties.</td>
</tr>
<tr>
<td>16.4.6 Fences</td>
<td>- The provisions relating to fences are to ensure that community facilities are not closed off from the street and that passive surveillance of both the facility and the street is increased. Therefore, opportunities for crime are reduced (CPTED principles).</td>
</tr>
<tr>
<td></td>
<td>Costs</td>
</tr>
<tr>
<td></td>
<td>- Reduced privacy on some parts of the site adjoining public areas due to fencing requirements.</td>
</tr>
</tbody>
</table>

**Efficient and Effective**
These rules will be efficient and effective to achieve the objectives by:
- Reducing effects on neighbouring properties through ensuring that service areas are provided for adequately on site.
- Requiring open space so that a certain level of amenity is maintained.
- Ensuring that passive surveillance can take place.
### Activity effects:

**16.4.7 Hours of operation**

#### Benefits
- Ensures that adverse effects on surrounding activities are reduced.

#### Costs
- May restrict the hours of operation of community facilities.

#### Efficient and Effective
These rules will be efficient and effective to achieve the objectives by:
- Ensuring that activities have minimal adverse effects.

### Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Specific standards:</td>
<td>Benefits</td>
</tr>
<tr>
<td>16.5.1 Alterations and additions</td>
<td></td>
</tr>
<tr>
<td>16.5.2 Ancillary retail activity</td>
<td></td>
</tr>
<tr>
<td>16.5.3 Ancillary Residential units</td>
<td></td>
</tr>
<tr>
<td>16.5.4 Managed Care Facilities</td>
<td></td>
</tr>
<tr>
<td>16.5.5 Residential Centres</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Benefits</strong></td>
<td></td>
</tr>
<tr>
<td>Restricting ancillary retail to one 50m² activity per site will ensure that retail is ancillary to the main use of the site. This is to provide for uses such as an op shop.</td>
<td></td>
</tr>
<tr>
<td>Rule 16.5.3 cross references to relevant standards in the Residential Zone. There is no reason for these standards to be different in this zone.</td>
<td></td>
</tr>
<tr>
<td><strong>Costs</strong></td>
<td></td>
</tr>
<tr>
<td>Places restrictions on how buildings are to be designed.</td>
<td></td>
</tr>
<tr>
<td>May constrain the maximum development possible on the site.</td>
<td></td>
</tr>
<tr>
<td><strong>Efficient and Effective</strong></td>
<td></td>
</tr>
<tr>
<td>These rules will be efficient and effective to achieve the objectives by:</td>
<td></td>
</tr>
<tr>
<td>Ensuring that community facilities can have a small amount of retail that is ancillary to the main use of the site.</td>
<td></td>
</tr>
<tr>
<td>Ensuring that residential accommodation onsite is of the standard required elsewhere in Hamilton.</td>
<td></td>
</tr>
<tr>
<td>Allow for alterations and additions to occur that will not negatively impact on aspirations for higher levels of urban design.</td>
<td></td>
</tr>
</tbody>
</table>

### Assessment Criteria

<table>
<thead>
<tr>
<th>Benefits</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>The Plan identifies that certain activities either by virtue of the activity or due to failing standards are</td>
<td></td>
</tr>
</tbody>
</table>
controlled, restricted discretionary, discretionary or non-complying activities.

- The Plan includes assessment criteria that are able to be applied in the assessment of these activities through the resource consent process. The criteria are grouped clearly under headings relating to the matters Council has reserved control over (for controlled activities) and restricted its discretion (for restricted discretionary activities). These assessment criteria and the introductory ‘how to’ guide are a useful way to guide all parties on how Council is going to administer the provisions of the Plan.

- The assessment criteria gives transparency and provides clarity for all users on the matters that Council has control or discretion over when considering controlled or restricted discretionary activities, and provides a guide for the consideration of discretionary and non-complying activities.

- The assessment criteria also seeks to avoid duplication of effort or unnecessary assessment by enabling design based criteria to be disregarded if a more relevant design guide is in place or if the criteria is not considered relevant to the specific activity.

**Costs**

- There is a general duty on an applicant and the Council to consider the assessment criteria firstly for relevance and secondly where considered relevant to assess the application against the criteria to consider the effects.

- There are no identified costs from clarifying in the Plan the matters which will be considered when processing an application.

**Efficient and Effective**

These provisions will be efficient and effective to achieve the objectives by identifying a list of matters which are able to be used as a guide when both preparing and assessing consent applications which eases the administration and use of the District Plan for all parties.

**Risks**

Risks of acting or not acting.

- The risks of not acting is that community facilities are used and developed in a way that do not achieve the objectives and therefore the amenity of surrounding areas,
and the facilities themselves may be compromised.

- It is considered that there is sufficient information regarding community facilities therefore the risks of not acting outweigh the risks of acting.

**Conclusion:** Taking into account the above, Council considers that the rules in this chapter are most appropriate to achieve the objectives.

### 16.5 Methods Other Than Rules

<table>
<thead>
<tr>
<th>Methods most appropriate to achieve the objectives:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Method</strong></td>
</tr>
<tr>
<td>Regulatory methods:</td>
</tr>
<tr>
<td>Other plans and legislation:</td>
</tr>
<tr>
<td>Council works and services:</td>
</tr>
<tr>
<td>Information, education and advocacy:</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

**Risks**

Risks of acting or not acting.

- It is considered that there is sufficient information regarding community facilities therefore the risks of not acting outweigh the risks of acting.

**Conclusion:** Taking into account the above, Council considers that the methods in this chapter are most appropriate to achieve the objectives.
16.6 References

- Resource Management Act 1991
- Section 42A Hearing Report: 1 October 2013: Report on submissions and further submissions: Chapter 16 Community Facilities Zone
- Response to Commissioner questions: Chapter 15 - Open Space Zone and Chapter 16 - Community Facilities Zone

16.7 Glossary

Interfacing with a Public Place: Means the area within the Community Facilities Zone that is within 30m of any boundary with the Community Facilities Zone, any Open Space Zone or the Transport Corridor Zone.

- Refer to Volume 2, Appendix 1.1.2 of the District Plan.
17 Major Facilities Zone

17.1 Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 17: Major Facilities Zone.

Major facilities are substantial, distinct entities which differ significantly from their surroundings. Included in the Major Facilities Zone are Waikato Stadium, Seddon Park, Claudelands Events Centre, Te Rapa Racecourse, Waikato Hospital, Wintec City and Wintec Rotokauri campus.

In addition to these principal uses it should also be recognised that major facilities include a number of related or supporting activities that contribute to the overall functioning of the facility.

The City’s major institutions and facilities enable the community to meet its social, cultural and economic needs. These facilities also contribute to the visual amenity of the City through their landscaping and provision of open space. They make a positive design contribution in terms of their identity, through landmark buildings and other development.

Supporting documents are listed in the References section below.

17.2 Objectives

<table>
<thead>
<tr>
<th>Objective most appropriate to achieve the purpose of the Act:</th>
</tr>
</thead>
<tbody>
<tr>
<td>17.2.1 Major facilities develop and operate successfully and contribute to the economic, social and cultural wellbeing of the City.</td>
</tr>
</tbody>
</table>

Conclusion: Taking into account the above, Council considers that the objective in this chapter of the plan is the most appropriate to achieve the purpose of the Act.

17.2 Policies

<table>
<thead>
<tr>
<th>Policies most appropriate to achieve the objective:</th>
</tr>
</thead>
<tbody>
<tr>
<td>17.2.1 Major facilities develop and operate successfully and contribute to the economic, social and cultural wellbeing of the City.</td>
</tr>
<tr>
<td>Policies</td>
</tr>
<tr>
<td>----------</td>
</tr>
<tr>
<td>17.2.1a</td>
</tr>
<tr>
<td>17.2.1b</td>
</tr>
<tr>
<td>17.2.1c</td>
</tr>
<tr>
<td>17.2.1d</td>
</tr>
<tr>
<td>17.2.1e</td>
</tr>
<tr>
<td>17.2.1f</td>
</tr>
</tbody>
</table>

**Benefits**

- Policy 17.2.1a recognises that the size and range of activities necessary for major facility sites vary, therefore the provision for a mix of activities is required, as long as they support the principal purpose of the site.
- Policy 17.2.1b ensures that any consent application on a major facilities site recognises the positive effects of such development and subsequent activities.
- Policy 17.2.1c ensures that the adverse effects of major facilities are considered, given the prominence they play within their communities.
- Policy 17.2.1d ensures development of major facilities occurs at a scale and configuration that is appropriate and reflective of the surrounding open space and visual amenity values of the City.
- Policy 17.2.1e recognises that major facilities may contribute to the amenity of a wider area through provision of open space, facilities and well designed, iconic buildings.
- Policy 17.2.1f encourages for each site to establish its own concept plan which is approved as a resource consent. This provides certainty to the community and Council as to how these large facilities are to be developed.

**Costs**

- Cost of compliance for major facility operators in developing a concept plan, and responding to their role within the community.

**Efficient and Effective**

These policies will be efficient and effective to achieve the objective by:

- Providing flexibility for major facilities to develop and adapt.
- Retaining the principal purpose of each major facility while also allowing other complementary uses on site.
- Encouraging quality urban design, particularly
| at the interface with public areas. |
Risks
Risks of acting or not acting.

- It is considered that there is sufficient information regarding major facilities therefore the risks of not acting outweigh the risk of acting.
- The risks of not acting are that major facilities are used and developed in an ad-hoc manner and are not integrated and comprehensive. Interface effects of major facilities also need to be managed.

Conclusion: Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objective.

17.3 Rules

Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concept Consent Approach</td>
<td>Benefits</td>
</tr>
<tr>
<td></td>
<td>• Ensures integrated and comprehensive development.</td>
</tr>
<tr>
<td></td>
<td>• Many major facilities already have developed concept plans as part of their strategic planning.</td>
</tr>
<tr>
<td></td>
<td>• Flexibility – concept plans can be updated through the resource consent process.</td>
</tr>
<tr>
<td>Costs</td>
<td>• Limited input from the public if concept plans are non-notified.</td>
</tr>
<tr>
<td></td>
<td>• Cost to major facility operators to develop concept plan.</td>
</tr>
</tbody>
</table>

Efficient and Effective

- This method will be efficient and effective to achieve the objective by:
- Providing a comprehensive approach to planning for major facilities while still retaining some flexibility.

Rules not most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Including a concept consent for each major facility within the District Plan that guides their development.</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Provide the community with more certainty of development aspirations for major facilities.</td>
</tr>
<tr>
<td></td>
<td>Costs</td>
</tr>
<tr>
<td></td>
<td>• A significant cost to major facility operators, with a plan change being required to update a concept consent.</td>
</tr>
</tbody>
</table>

Efficient and Effective
- This approach is more rigid in that changes to a concept plan would have to go through a plan change process.

**Rules most appropriate to achieve the objectives:**

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Activity status</td>
<td><strong>Benefits</strong></td>
</tr>
<tr>
<td></td>
<td>• Concept Development Consents are restricted discretionary activities, this gives greater flexibility for certain matters to be considered, such as urban design. Quality urban design is difficult to achieve through rules therefore restricted discretionary status gives greater flexibility.</td>
</tr>
<tr>
<td></td>
<td>• Many activities are permitted once a concept development consent is in place; this is to make it easy for the natural ebb and flow of activities on a major facility site.</td>
</tr>
<tr>
<td></td>
<td>• New buildings within an interface area (as defined) are permitted subject to consideration as part of an approved concept plan.</td>
</tr>
<tr>
<td></td>
<td>• Fosters a relationship between Council and major facility providers.</td>
</tr>
<tr>
<td></td>
<td>• Activity status encourages major facilities to have a concept plan in place e.g. it is easier to undertake development and activities once a concept is in place.</td>
</tr>
<tr>
<td></td>
<td>• Certainty for major facility operators that buildings in the interface area are provided for, but recognition that the outcomes sought in the interface are to be incorporated.</td>
</tr>
<tr>
<td></td>
<td>• Certainty for the Thoroughbred Business Park that light industrial, service industrial, warehouses and ancillary offices and retail to the above activities and trade and industry training facilities are permitted.</td>
</tr>
<tr>
<td></td>
<td>• New buildings, alterations or additions within the Thoroughbred Business Park are a Controlled activity to allow for appropriate outcomes to be achieved.</td>
</tr>
<tr>
<td></td>
<td><strong>Costs</strong></td>
</tr>
<tr>
<td></td>
<td>• No guarantee that consent will be granted for a concept development consent or for a building where there is no approved concept development consent.</td>
</tr>
<tr>
<td></td>
<td>• Cost to major facility operators to develop concept development consent and then apply for consent for</td>
</tr>
</tbody>
</table>
buildings within the interface area.

**Efficient and Effective**

These rules will be efficient and effective to achieve the objective by:

- Ensuring that there is ample scope to consider urban design issues through the concept plan and any subsequent process.
- Encouraging each major facility to have a concept development consent in place.
- Ensuring that major facilities can develop and adapt.

### Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>17.4.1 Provision of concept development consents</td>
<td>Benefits</td>
</tr>
<tr>
<td></td>
<td>• Provides added clarity as to the role of concept development consents.</td>
</tr>
<tr>
<td></td>
<td>• Encourages the operator to think about development of the whole major facility.</td>
</tr>
<tr>
<td></td>
<td>Costs</td>
</tr>
<tr>
<td></td>
<td>• Elevates the significance of having a concept development consent to carry out development within a major facility.</td>
</tr>
<tr>
<td></td>
<td>• The cost associated with getting a concept development consent developed and approved to major facility operators.</td>
</tr>
</tbody>
</table>

**Efficient and Effective**

These rules will be efficient and effective to achieve the objective by:

- Ensuring that it is clear how concept development consents are to be applied.

### Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>General standards:</td>
<td>Benefits</td>
</tr>
<tr>
<td>17.5.1 Building setbacks</td>
<td>• Building setbacks from the Residential Zone boundary are designed to protect the amenity of adjoining residential properties.</td>
</tr>
<tr>
<td>17.5.2 Service areas</td>
<td>• Building setbacks from major transport corridors are for safety reasons and amenity.</td>
</tr>
<tr>
<td></td>
<td>Costs</td>
</tr>
</tbody>
</table>
Places restrictions on how buildings are to be designed.

**Efficient and Effective**

These rules will be efficient and effective to achieve the objective by:

- Ensuring that development within the Major Facility Zone has a minimal impact on neighbouring residential zone.

### Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Benefits</strong></td>
<td></td>
</tr>
<tr>
<td>17.6.1 Seddon Park</td>
<td>Bulk and location standards protect the amenity of the area surrounding the Major Facility, in particular the Residential Zone and Open Space Zones.</td>
</tr>
<tr>
<td>17.6.2 Waikato Stadium</td>
<td>Restrictions around the use of pyrotechnics protect neighbours.</td>
</tr>
<tr>
<td>17.6.3 Waikato Hospital</td>
<td>Wintec City Campus has greater site coverage with a height limit of 20m; this reflects the adjacent precincts in the Central City.</td>
</tr>
<tr>
<td>17.6.4 Wintec Rotokauri Campus</td>
<td></td>
</tr>
<tr>
<td>17.6.5 Wintec City Campus</td>
<td></td>
</tr>
<tr>
<td>17.6.6 Claudelands Events Centre and Claudelands Park</td>
<td></td>
</tr>
<tr>
<td>17.6.7 Te Rapa Racecourse</td>
<td></td>
</tr>
<tr>
<td><strong>Costs</strong></td>
<td></td>
</tr>
<tr>
<td>17.6.1 Seddon Park</td>
<td>Places restrictions on how buildings are to be designed and how the major facility is to be used.</td>
</tr>
</tbody>
</table>

**Efficient and Effective**

These rules will be efficient and effective to achieve the objective by:

Ensuring that the development and operation of Claudelands, Seddon Park, Waikato Stadium, Waikato Hospital, Wintec Rotokauri Campus, Wintec City Campus and Te Rapa Racecourse has a minimal impact on the surrounding area.

### Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Benefits</strong></td>
<td></td>
</tr>
<tr>
<td>Information requirements</td>
<td>Clear about the information that is required to accompany resource consent applications for a concept plan.</td>
</tr>
<tr>
<td><strong>Costs</strong></td>
<td></td>
</tr>
<tr>
<td>Information requirements</td>
<td>Need to be clear that not all information requirements are necessary in all situations.</td>
</tr>
</tbody>
</table>
Efficient and Effective

These rules will be efficient and effective to achieve the objective by:

- Ensuring that information requirements are clear.

**Rules most appropriate to achieve the objectives:**

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessment criteria</td>
<td><strong>Benefits</strong></td>
</tr>
<tr>
<td></td>
<td>• The Plan identifies that certain activities either by virtue of the activity or due to failing standards are controlled, restricted discretionary, discretionary or non-complying activities.</td>
</tr>
<tr>
<td></td>
<td>• The Plan includes assessment criteria that are able to be applied in the assessment of these activities through the resource consent process. The criteria are grouped clearly under headings relating to the matters Council has reserved control over (for controlled activities) and restricted its discretion (for restricted discretionary activities). These assessment criteria and the introductory ‘how to’ guide are a useful way to guide all parties on how Council is going to administer the provisions of the Plan.</td>
</tr>
<tr>
<td></td>
<td>• The assessment criteria gives transparency and provides clarity for all users on the matters that Council has control or discretion over when considering controlled or restricted discretionary activities, and provides a guide for the consideration of discretionary and non-complying activities.</td>
</tr>
<tr>
<td></td>
<td>• The assessment criteria also seeks to avoid duplication of effort or unnecessary assessment by enabling design based criteria to be disregarded if a more relevant design guide is in place or if the criteria is not considered relevant to the specific activity.</td>
</tr>
</tbody>
</table>

**Costs**

- There is a general duty on an applicant and the Council to consider the assessment criteria firstly for relevance and secondly where considered relevant to assess the application against the criteria to consider the effects.
- There are no identified costs from clarifying in the Plan the matters which will be considered when processing an application.
These provisions will be efficient and effective to achieve the objectives by identifying a list of matters which are able to be used as a guide when both preparing and assessing consent applications which eases the administration and use of the District Plan for all parties.

Risks

Risks of acting or not acting.

- The risks of not acting is that major facilities are used and developed in a way that does not complement its functions and values, potentially impacting negatively on the surrounding area.
- It is considered that there is sufficient information regarding major facilities therefore the risks of not acting outweigh the risk of acting.

Conclusion: Taking into account the above, Council considers that the rules in this chapter are most appropriate to achieve the objective.

17.5 Methods Other Than Rules

<table>
<thead>
<tr>
<th>Methods most appropriate to achieve the objectives:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Method</strong></td>
</tr>
<tr>
<td>Regulatory methods:</td>
</tr>
<tr>
<td>Other plans and legislation:</td>
</tr>
<tr>
<td>Council works and services:</td>
</tr>
<tr>
<td>Information, education and advocacy:</td>
</tr>
</tbody>
</table>

17.6 References

- Resource Management Act 1991

17.7 Glossary

**Interface area**: Means land within the Major Facility Zone that is within 30m of any public space external to the zone. This excludes any land within the Major Facilities Zone that is positioned behind an existing building or landscaping so as to be screened from the adjoining public space.
18 Transport Corridor Zone

18.1 Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 18: Transport Corridor Zone. This zone applies to the public network of transport corridors in the City.

This zone is a specific method used to give effect to objectives and policies contained in Chapter 25.14: City-wide – Transportation. Other objectives, policies and rules and methods directly or indirectly relevant to the Transport Corridor Zone are identified in other chapters and their respective section 32 evaluations (e.g. Network Utilities and Electricity Transmission Corridors in Chapter 25.7, Subdivision in Chapter 23, and Financial Contributions in Chapter 24). This section 32 evaluation should be read in conjunction with the District Plan.

The overall approach of this Plan is to create a framework that provides for the:

- Movement, place and utility corridor functions of transport corridors.
- Flexible management of changes to transport infrastructure on existing public roads in a manner that suitably responds to the sensitivities and needs of the surrounding land use.
- Management of, and changes to, existing transport corridors to provide an integrated, safe, responsive and sustainable transportation network.

Most formed public transport corridors are included within the Transport Corridor Zone. As new public transport corridors are formed the rules of this zone will apply. When practicable, updates to the planning maps via the First Schedule of the Act will occur to reflect the creation of transport corridors.

The actual creation of new transport corridors is managed through Chapter 25.14: City-wide – Transportation, Chapter 23: Subdivision and Chapter 26: Designations (refer to Chapter 26: Designations).

While the rail network is part of the transport network, it is provided for by either designations or specifically within land-use zones. The focus of the Transport Corridor Zone is those parts of the public transport network that provide for the combined movement of pedestrian, cyclist and vehicle traffic.

Appendix A of the summary section 32 evaluation for Chapter 25.14: City-wide – Transportation contains references to key documents, standards and legislation.

Appendix B of the summary section 32 evaluation for Chapter 25.14: City-wide – Transportation contains discussion on resource management issues and Council’s statutory responsibilities under s32 of the Act regarding transportation.
## 18.2 Objectives

**Objective most appropriate to achieve the purpose of the Act:**

<table>
<thead>
<tr>
<th>Objective</th>
<th>Description</th>
</tr>
</thead>
</table>
| **Transport Corridor Network**                | Transport corridors are a significant physical resource critical for the social, economic and cultural wellbeing of people and the community.                                                                                                           | This objective is most appropriate to achieve the purpose of the Act because:  
- It provides for the social, economic and cultural wellbeing of people and communities by promoting a transport network that responds to their needs, facilitates a choice of transport modes and protects their health and safety.  
- It provides for the efficient use and development of transport corridors in a manner that meets the reasonable needs of future generations. |
| **18.2.1**                                    | A network of transport corridors that is accessible, affordable, integrated, safe, sustainable and responsive to the national, regional and local needs for all modes of transport and is integrated with land use.                                                                 |                                                                                                                                                                                                                                                                                                                                                                               |
| **18.2.2**                                    | Changes to or within existing transport corridors have the potential to generate adverse effects on the transport network and the surrounding environment.                                                                 | This objective is most appropriate to achieve the purpose of the Act because:  
- It ensures that adverse effects on the environment are avoided or mitigated.  
- It ensures that amenity values are maintained. Rules and assessment criteria are used to determine what amenity value is appropriate to the circumstances. |
| **Network Utilities Infrastructure**           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| **18.2.3**                                    | Opportunities exist for network utility operators to use transport corridors to provide infrastructure.                                                                                                                                                                                                                                                                                                                                                         |
| **Other Activities and**                      | This objective is most appropriate to achieve the purpose of the Act because:  
- Considering opportunities for network utilities to use transport contributes towards:  
  i. Managing transport corridors to meet the reasonably foreseeable needs of future generations for the services provided by network utility operators.  
  ii. Ensuring people and communities will be able to provide for their ongoing social, economic and cultural wellbeing by having access to network utility services.  
  iii. The efficient use and development physical resources by supporting shared/multi-use of land.                                                                 |
### Structures

**18.2.4**
Non-network utility activities and structures within transport corridors contribute to the amenity, vibrancy and attractiveness of the City.

Purpose of the Act because:

- It provides opportunities within transport corridors for non-transport related activities and structures which help contribute towards the ongoing social, economic and cultural wellbeing of people and communities (e.g. events, signage) or maintaining amenity values (e.g. street trees, public art or landscaping).

- It provides for the efficient use and development of physical resources by supporting shared/multi-use of land.

### Objectives not the most appropriate to achieve the purpose of the Act:

No objectives regarding the transport corridor zone.

This would not be the most appropriate action as having no objective regarding the Transport Corridor Zone gives no guidance on determining the appropriateness of activities in these spaces. It does not achieve the purpose of the Act in that it fails to:

- Manage the physical resource to meet the reasonably foreseeable needs of future generations.

- Ensure people and communities will be able to provide for their ongoing social, economic and cultural wellbeing.

- Ensure the efficient use and development of physical resources.

- Protect the health and safety of people and communities.

- Avoid or mitigate adverse effects on the environment.

- Maintain amenity values.

**Conclusion:** Taking into account the above, Council considers that the objective in this chapter of the plan are the most appropriate to achieve the purpose of the Act.

### 18.3 Policies

**Policies most appropriate to achieve the objective:**

**18.2.1**
A network of transport corridors that is accessible, affordable, integrated, safe, sustainable and responsive to the national, regional and local needs for all modes of transport and is integrated with land use.
**Policies** | **Effectiveness, efficiency, costs and benefits**
---|---
**18.2.1a**  
A hierarchical network of transport corridors shall be established that provides for different functions and modes of transport while recognising the nature of the surrounding land use.  
**18.2.1b**  
The planning, investment, design, construction, operation, maintenance and upgrading of transport infrastructure shall be provided for in a way that enables the effective and efficient management of transport corridors to fulfil their functions.  

**Benefits**
- Creates a consistent and clear means of categorising the function of transport corridors to enable effective and efficient management of the transport network and assisting in controlling effects e.g. noise, amenity protection.
- Creates a broad level of consistency with the categorisation of transport corridors in neighbouring territorial authorities.

A hierarchy provides a way to define and support standards relating to appropriate:
- Traffic volumes and speeds.
- Road design standards.
- Traffic generation rates.
- Access and parking effects of adjacent land use activities.
- Design and amenity standards.
- Provision for pedestrian, cyclist and passenger transport within the hierarchy.

**Costs**
- Design and construction costs to ensure transport corridors are consistent with their function and form.
- Costs to develop hierarchy definitions and to monitor the network to ensure transport corridors are appropriately reflecting their function within their assigned hierarchy.

**Efficient and Effective**
- These policies will be efficient and effective to achieve Objective 18.2.1 by providing clarity about expectations for the function and form of transport corridors and their integration with the surrounding environment.

**Policies most appropriate to achieve the objective:**

**18.2.2**  
Adverse effects from the transport network are minimised and amenity values maintained.
### Policies

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>18.2.2a</strong> Social and environmental impacts, as well as economic benefits, shall be considered when undertaking works that change the function of that transport corridor.</td>
<td><strong>Benefits</strong>&lt;br&gt;• Adverse social and environmental effects are minimised when changes are made to transport corridors that are not in accordance with its stated function.&lt;br&gt;• Amenity values of surrounding land uses are protected from works within the transport corridor.&lt;br&gt;• Economic benefits are a relevant consideration in balancing adverse effects. For example, if there are short term adverse social effects (e.g. noise and disruption) but long term economic benefits (e.g. improvement to access and travel times for freight transport).&lt;br&gt;<strong>Costs</strong>&lt;br&gt;• Costs of assessing proposals to change the function of the transport corridor and any design and construction costs to respond to adverse effects.&lt;br&gt;• Financial and potential time costs of mitigating adverse effects on amenity values from works within the transport corridor.&lt;br&gt;<strong>Efficient and Effective</strong>&lt;br&gt;• These policies will be efficient and effective to achieve Objective 18.2.2 by ensuring proposals consider and minimise adverse effects from the transport network.</td>
</tr>
<tr>
<td><strong>18.2.2b</strong> The amenity values of adjacent land uses shall be protected from the adverse effects of works within the transport corridor.</td>
<td><strong>Benefits</strong>&lt;br&gt;• Creates opportunity for more efficient use of land.&lt;br&gt;• Reduces economic costs of providing network utility services (i.e. low/no cost land available for services).&lt;br&gt;• Function, safety, amenity and efficiency of the</td>
</tr>
</tbody>
</table>

### Policies most appropriate to achieve the objective:

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>18.2.3</strong> Opportunities exist for network utility operators to use transport corridors to provide infrastructure.</td>
<td><strong>Benefits</strong>&lt;br&gt;• Creates opportunity for more efficient use of land.&lt;br&gt;• Reduces economic costs of providing network utility services (i.e. low/no cost land available for services).&lt;br&gt;• Function, safety, amenity and efficiency of the</td>
</tr>
</tbody>
</table>
Network utilities shall only be allowed within the transport corridor if they do not compromise the function, safety, and efficiency of the transport network.

existing transport network protected from inappropriately located or designed network utilities (e.g. structures obstructing sightlines).

**Costs**
- Time and financial costs in managing the transport corridor networks because of the complexity arising from sharing spaces with multiple network utility operators all needing to install, monitor or upgrade their individual networks.
- Design, construction costs and reduced flexibility when making changes to the transport network if network utilities are in the way.

**Efficient and Effective**
- These policies will be efficient and effective to achieve Objective 18.2.3 by ensuring proposals consider and minimise adverse effects from the transport network.
- The Chapter 25.7: City-wide – Network Utilities and Electricity Transmission Corridors contains detail about non transport network utilities and has objectives, policies and rules that apply to other network utilities within the Transport Corridor Zone.

### Policies most appropriate to achieve the objective:

**18.2.4**
Non-network utility activities and structures within transport corridors contribute to the amenity, vibrancy and attractiveness of the City.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| **18.2.4a** | Other activities and structures, including street trees, shall be provided for when they do not compromise the function, safety and efficiency of the transport corridor, and the provision and operation of network utility infrastructure. | **Benefits**
- Allows for non-network utility activities, structures or features that improve amenity, create vibrant and amenable public spaces (e.g. events, temporary retail, signs, public art), and is a more efficient use of land.
- Function, safety, amenity and efficiency of the existing transport network and network utilities protected from inappropriate activities or structures (e.g. structures obstructing sightlines). |
| **Costs** | Time and financial costs in managing the transport corridor networks because of the complexity arising from sharing spaces with... |
other users.

- Some other activities or structures may be refused use of the transport corridor because of their potential effects.

**Efficient and Effective**

- These policies will be efficient and effective to achieve Objective 18.2.4.

### Policies not most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Policy Description</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>No policies.</td>
<td>Having no policies regarding the Transport Corridor Zone will not be an efficient and effective way to achieve the objectives. It gives no certainty that the sustainable management of the physical resources will be achieved.</td>
</tr>
<tr>
<td>Non-transport related activities shall not be allowed within the Transport Corridor Zone.</td>
<td>This policy will not be efficient and effective to achieve Objective 18.2.3 or 18.2.4. It is not an efficient use of land, is contrary to legislation enabling use of road reserves for certain activities, and does not support the social, cultural or economic wellbeing of communities (e.g. prevents events, does not contribute to vibrant centres).</td>
</tr>
</tbody>
</table>

### Risks

Risks of acting or not acting.

- Transport corridors are a critical component to the successful functioning of the City’s transport network. The risk of not acting is that:
  
  i. Uncertainty is created in how these spaces should function, be managed and relate to surrounding land use.

  ii. As transport corridors are part of a network, the inability to efficiently and effectively manage individual transport corridors can have a cumulative and consequential effect on the efficiency and effectiveness of the wider network.

  iii. Management approaches that overly constrain or create uncertainty can produce an unresponsive transport network that may slow actions that are necessary to ensure the safe and efficient functioning of the network.

  iv. Adverse effects on amenity, social, and environmental values may result.

**Conclusion:** Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objective.
18.4 Rules

Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| Rule 18.3 Application of the Transport Corridor Zone | **Benefits**
| | • Ensures that when new transport corridors are vested or otherwise formed and operational, they can be managed under a rule framework appropriate to its purpose as a transport corridor.  
| | • Ensures that where transport corridors are formally ‘stopped’, the land can be managed under a rule framework appropriate to the surrounding land use zone/s. | **Costs**
| | | • Costs involved in subsequent administrative changes to the planning maps to reflect the creation of new or the ‘stopping’ of existing transport corridors (off set by a practical approach to administrative changes i.e. processing them in groups or as part of other changes). | **Efficient and Effective**
| | | • This group of rules will be efficient and effective to achieve objectives and policies in 18.2. | • The benefits and expected outcomes outweigh the respective costs. |

| Rule 18.4 Activity Status Table | **Benefits**
| a) Any routine or renewal works to existing transport infrastructure | • Allows a permissive approach to works within transport corridors where it is routine or renewal works, or if new works change the corridor in a way that moves it towards its planned function and form.  
| b) Any new works either partly or fully in accordance with the function of the transport corridor as defined in Volume 2, Appendix 15-5: Transport Corridor Hierarchy Plan and Definitions | • Definitions provide clarity on what is routine, renewal or new works.  
<p>| c) Any new works not in accordance with the function of the transport corridor as defined in Volume 2, | • Clarifies how the design of transport corridors should respond to its hierarchy and surrounding land uses (function and form). This provides some level of certainty for the community on how the land use and transport corridors will evolve, and therefore the environmental outcome to expect (e.g. amenity). |</p>
<table>
<thead>
<tr>
<th>Appendix 15-5 Transport Corridor Hierarchy Plan and Definitions</th>
<th>• Ensures the design elements of transport corridors appropriately provide for the movement needs of all users.</th>
</tr>
</thead>
</table>
| Rule 18.6.1 Any New Works - Transport Corridor Design and Formation | **Costs**  
• Design, construction and maintenance costs to meet expectations.  
• Uncertainty, time and financial costs of new works not in accordance with the defined function. |
| Volume 2, Appendix 15-5 Transport Corridor Hierarchy Plan and Definitions | **Efficient and Effective**  
• The benefits and expected outcomes outweigh the respective costs.  
In order to create, operate and maintain a safe, efficient and flexible transport network the Transport Corridor Zone needs to readily allow for the construction, operation, maintenance and upgrading of transport infrastructure. Routine and renewal works for existing infrastructure and new works which are consistent with the defined functions and forms should be easy to do (subject to performance standards to manage nuisance effects such as noise and dust). By contrast, works which change the transport corridor in ways which are inconsistent with its defined function and form should be subject to greater scrutiny.  
• The extent to which the balance between the movement and place functions is recognised varies according to the transport function of the particular transport corridor, reflecting its role in the wider network and the surrounding land use. The form of a transport corridor, its design elements and the way in which space is allocated or prioritised to each design element, ultimately reflects the balancing of these factors. The resulting form should create a legible transport network, making it easy for users to identify how the space should be used and how they are meant to behave within each part of the transport network.  
• These rules will be efficient and effective to achieve objectives and policies in 18.2. |
| Table 15-7a of Volume 2, Appendix 15-7 Criteria for the Form of Transport Corridors Definitions | **Assessment Criteria**  
• The Plan identifies that certain activities either by virtue of the activity or due to failing standards are controlled, restricted discretionary, discretionary or non-complying activities. |
• The Plan includes assessment criteria that are able to be applied in the assessment of these activities through the resource consent process. The criteria are grouped clearly under headings relating to the matters Council has reserved control over (for controlled activities) and restricted its discretion (for restricted discretionary activities). These assessment criteria and the introductory ‘how to’ guide are a useful way to guide all parties on how Council is going to administer the provisions of the Plan.

• The assessment criteria gives transparency and provides clarity for all users on the matters that Council has control or discretion over when considering controlled or restricted discretionary activities, and provides a guide for the consideration of discretionary and non-complying activities.

• The assessment criteria also seeks to avoid duplication of effort or unnecessary assessment by enabling design based criteria to be disregarded if a more relevant design guide is in place or if the criteria is not considered relevant to the specific activity.

**Costs**

• There is a general duty on an applicant and the Council to consider the assessment criteria firstly for relevance and secondly where considered relevant to assess the application against the criteria to consider the effects.

• There are no identified costs from clarifying in the Plan the matters which will be considered when processing an application.

**Efficient and Effective**

These provisions will be efficient and effective to achieve the objectives by identifying a list of matters which are able to be used as a guide when both preparing and assessing consent applications which eases the administration and use of the District Plan for all parties.

18.5.1 Provisions in Other Chapters

Chapter 25: City-wide – 25.3 Events and Temporary Activities; 25.4 Hazardous Facilities; 25.6 Lighting and

Refer to the section 32 and text for these chapters for further discussion on the management of adverse effects in relation to:

• Events and temporary activities

• Hazardous facilities
<table>
<thead>
<tr>
<th>Glare; 25.7 Network Utilities and Electricity Transmission Corridors; 25.8 Noise and Vibration; 25.10 Signs; 25.11 Smoke, Fumes, Odour and Dust; 25.14 Transportation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefits</td>
</tr>
<tr>
<td>Creates linkages to other relevant provisions in the plan dealing with specific activities or effects. This reduces duplication in the Plan and, in relation to transport corridors:</td>
</tr>
<tr>
<td>• Allows for non-network utility activities, structures or features that improve amenity, create vibrant and amenable public spaces (e.g. events, temporary retail, signs, public art), and is a more efficient use of land.</td>
</tr>
<tr>
<td>• Provides minimum permitted design standards relevant to managing adverse effects from works to transport corridors – creates an envelope to permit activities.</td>
</tr>
<tr>
<td>• Protects the historic heritage, significant natural areas, and significant trees.</td>
</tr>
<tr>
<td>• Ensures appropriate risk approach in response to natural hazards.</td>
</tr>
<tr>
<td>Costs</td>
</tr>
<tr>
<td>• Financial costs of measures necessary to comply with standards.</td>
</tr>
<tr>
<td>• Development opportunities or flexibility may be restricted.</td>
</tr>
</tbody>
</table>

**Efficient and Effective**

- The benefits and expected outcomes outweigh the respective costs.
- The objectives, policies and rules of these chapters will be efficient and effective to achieve the objectives and policies in 18.2.

**Risks**

Risks of not acting.

1. Uncertainty is created in how these spaces should function, be managed and relate to surrounding land use.
2. As transport corridors are part of a network, the inability to efficiently and
effectively manage individual transport corridors can have a cumulative and consequential effect on the efficiency and effectiveness of the wider network.

iii. Management approaches that overly constrain or create uncertainty can produce an unresponsive transport network that may slow actions that are necessary to ensure the safe and efficient functioning of the network.

iv. Adverse effects on amenity, social, and environmental values may result.

18.5 Methods Other Than Rules

<table>
<thead>
<tr>
<th>Methods most appropriate to achieve the objectives:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Method</strong></td>
</tr>
<tr>
<td>This section considers high level approaches to managing transport corridors. Refer to the S32 evaluation for Chapter 25.14: City-wide – Transportation for further discussion on other methods relevant to transport corridors.</td>
</tr>
</tbody>
</table>
| Use adjoining zones for managing activities within the transport corridor | When the current plan became operative in part the “deemed designated” status of all transport corridors lapsed. This left designations for transport corridors where a specific designation process had been undertaken, with the balance being managed in the operative plan by reference to the standards of adjoining zones. Permitted road works to existing transport corridors are limited to minor works as defined by the operative plan and what can be considered under existing use rights. New roads and the realignment or widening of existing roads are only permitted if it is in accordance with or provided by:
  * An operative designation.
  * A Building Line Restriction.
  * As part of an approved subdivision.
  * Any other approved resource consent. |
<p>| Benefits | <strong>Benefits</strong> |
| | • Minor works permitted. |
| | • Effects of new transport corridors may be considered under a subdivision/land use consent process. |
| Costs | <strong>Costs</strong> |
| | • Limited scope for permitted works creates time and financial costs, and significant uncertainty for Council in managing changes to existing transport corridors. This could hinder responsiveness and thereby reduce the ability of Council to maintain an integrated, multimodal, safe, efficient and accessible transport network. |
| Efficient and Effective | <strong>Efficient and Effective</strong> |</p>
<table>
<thead>
<tr>
<th>Method</th>
<th>Description</th>
<th>Benefits</th>
<th>Costs</th>
<th>Efficient and Effective</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rely on Local Government Act - No Zone/Not managed by District Plan</td>
<td>This option would sever existing roads from management under the Act via the District Plan. All transport related works by Road Controlling Authorities within transport corridors would be undertaken pursuant to the Local Government Act (LGA).</td>
<td>Provides certainty to Road Controlling Authorities for transport related activities within transport corridors.</td>
<td>Creates a significant level of uncertainty for the community in relation to how transport corridors are to be managed in response to surrounding land use and environment.</td>
<td>This method will not be the most efficient and effective way to achieve objectives and policies in 18.2 or 25.14.2.</td>
</tr>
<tr>
<td>Designate all transport corridors</td>
<td>This option would see Council preparing new designations for all roads within the City.</td>
<td>Provides clarity and certainty of outcomes for new works (can be managed through outline plan of works).</td>
<td>Significant time and financial costs of preparing notices of requirement (including assessment of environmental effects) for each transport corridor.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Assessment of environmental effects for notice of requirements considers all effects of a proposal.</td>
<td>Uncertainty of outcomes until designation process completed (off-set by recognition that the transport</td>
<td></td>
</tr>
</tbody>
</table>
corridors already exist).

- An underlying zone framework is still needed for activities that are not the subject matter of the designation.

**Efficient and Effective**

- Solely relying on this method will not be the most efficient and effective way to achieve objectives and policies in 18.2 or 25.14.2.
- Council’s intention is that all existing arterial transport corridors will be designated. Designations will also be considered for the creation of new transport corridors.

## 18.6 References

- *Section 42A Hearing Report: 21, 22 November 2013: Report on submissions and further submissions: Chapter 18 Transport Corridor Zone*

- *Response to Commissioner questions: Chapter 18 Transport Corridor Zone and 25.14 Transportation – Day 1*

- *Response to Commissioner questions: Chapter 18 Transport Corridor Zone and 25.14 Transportation – Day 2*

- *Response to Commissioner questions: Chapter 18 Transport Corridor Zone and 25.14 Transportation – Day 2 – Addendum*

- *Response to Commissioner questions: Chapter 18 Transport Corridor Zone and 25.14 Transportation – Day 2 – Gray Matter*

- *Refer to Appendix A of the summary section 32 evaluation for Chapter 25.14: City-wide – Transportation for a list of other resources, documents, standards and legislation.*

## 18.7 Glossary

- *Refer to Volume 2, Appendix 1.1.2 of the District Plan.*
19 Historic Heritage

19.1 Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 19: Historic Heritage.

The overall approach of the plan chapter is to achieve on-going protection of heritage buildings, structures, archaeological and cultural sites. Hamilton City Council is required to protect historic heritage from inappropriate subdivision and development and provide for Māori culture and traditions under sections 6(e) and (f) of the Resource Management Act 1991.

Supporting documents are listed in the References section of this chapter.

19.2 Objectives

<table>
<thead>
<tr>
<th>Objective most appropriate to achieve the purpose of the Act:</th>
</tr>
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<tbody>
<tr>
<td><strong>19.2.1</strong> Significant buildings, structures, sites and items that define the City’s historic heritage are identified and protected.</td>
</tr>
<tr>
<td>This objective is most appropriate because it will provide for the identification and protection of the City’s heritage places and their associated heritage values. This provides a degree of certainty that historic places will be protected, which is identified as a matter of national importance under Section 6, Part 2 of the Act. This objective also gives effect to the Regional Policy Statement.</td>
</tr>
<tr>
<td><strong>19.2.2</strong> The heritage values of a diverse and representative range of natural, physical and cultural resources are protected.</td>
</tr>
<tr>
<td>This objective is most appropriate because it will provide for the identification of the City’s heritage places and their associated heritage values. This provides a degree of certainty that historic places will be protected which is identified as a matter of national importance under Section 6, Part 2 of the Act. This objective also gives effect to the Regional Policy Statement.</td>
</tr>
<tr>
<td><strong>19.2.3</strong> The heritage values of significant buildings, structures and their immediate surroundings are protected.</td>
</tr>
<tr>
<td>This objective is most appropriate because it will provide for the identification, protection and enhancement of the City’s significant heritage buildings and structures and their associated heritage values. This provides a degree of certainty that historic places will be protected which is identified as a matter of national importance under the Act. This objective recognises that often the surrounding environment contributes to the heritage values, not just the building or structure. This objective also gives effect to the Regional Policy Statement.</td>
</tr>
<tr>
<td><strong>19.2.4</strong> Significant archaeological</td>
</tr>
<tr>
<td>This objective is most appropriate because it will provide for the protection of significant cultural sites</td>
</tr>
</tbody>
</table>
and cultural sites shall be protected from damage or destruction, including European and tangata whenua cultural sites. This provides a degree of certainty that significant cultural sites will be protected, which is identified as a matter of national importance under Section 6, Part 2. It also is consistent with the requirements of the Heritage New Zealand Pouhere Taonga Act 2014.

This objective provides a framework for the sustainable management of significant archaeological sites for the social, economic and cultural wellbeing of the community; and gives effect to the Regional Policy Statement.

**Objectives not the most appropriate to achieve the purpose of the Act:**

<table>
<thead>
<tr>
<th>To encourage the protection of Historic Heritage.</th>
<th>An objective like this would not be appropriate because encouraging protection of historic heritage implies a degree of discretion, i.e. the community may choose to protect historic heritage however it is not a requirement. As such there would be no certainty that historic heritage will be protected, which is identified as a matter of national importance under the Act.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To facilitate greater public awareness and appreciation of heritage items and heritage precincts in the City.</td>
<td>Although this is a worthy objective, the District Plan is not the most appropriate mechanism for achieving this outcome. Public awareness and appreciation of heritage items can be better achieved through other mechanisms such as funding through the “10-Year Plan” and purchase of key heritage features.</td>
</tr>
<tr>
<td>No objectives.</td>
<td>Having no objective regarding the protection of historic heritage provides no certainty that sites will be protected. The protection of historic heritage will essentially be at the discretion of the community. This approach would be contrary to section 6 of the Act.</td>
</tr>
</tbody>
</table>

**Conclusion:** Taking into account the above, Council considers that the objectives in this chapter of the plan are the most appropriate to achieve the purpose of the Act.

### 19.3 Policies

**Policies most appropriate to achieve the objective:**

#### 19.2.1
Significant buildings, structures, sites and items that define the City’s historic heritage are identified and protected.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>19.2.1a</strong>&lt;br&gt;The City’s historic heritage shall be protected from the adverse effects of</td>
<td><strong>Benefits</strong>&lt;br&gt;The policies will:&lt;br&gt;• Ensure proposed subdivision, use and</td>
</tr>
</tbody>
</table>
subdivision, use and development.

19.2.1b Ensuring that where features have been destroyed or damaged, the historic heritage values of these sites are recorded and recognised to ensure the historical legibility of Hamilton City.

19.2.1c Subdivision and development shall adhere to the conservation principles of International Council on Monuments and Sites (ICOMOS) being the New Zealand Charter (2010) for the Conservation of Places of Cultural Heritage Value where applicable.

development retains, protects and/or enhances the heritage values of any scheduled heritage feature.

- Allow the degree of modification and the effects to be assessed on a case by case basis.
- Enhance protection for the range of the City’s historic heritage by identifying a set of criteria against which the potential adverse effects of subdivision, use and development will be considered.
- Where the loss of heritage values of scheduled historic places is proven to be unavoidable, appropriate mitigation or remediation is required.
- Encourage the continued use or adaptive reuse of any place, area or item of identified heritage value where adverse effects can be appropriately managed.
- Ensure that cumulative effects of subdivision, use and development are considered.
- Recognition of the conservation principles of ICOMOS New Zealand Charter (2010).

Costs

The policies have the following associated costs:

- Administrative costs for Council associated with processing applications and assessing compliance.
- A loss of development rights for owners of scheduled sites/buildings.
- Additional time and cost through requiring a formal statutory process.

Efficient and Effective

These policies will be efficient and effective to achieve objective 19.2.1 for the following reasons:

- The above policies recognise those adverse effects that can be generated by inappropriate activities on historic heritage. Seeking the avoidance of such adverse effects whilst recognising that in some circumstances avoidance may not be possible. In such scenarios there is an expectation that:
  - The adverse effects will be considered
  - The reasons for any potential adverse effects will be supported by evidence that they are unavoidable
  - Appropriate mitigation and/or remediation
Policies not most appropriate to achieve the objectives:

| Policies to encourage the protection and enhancement of historic heritage. | This policy direction would not be appropriate as encouraging protection and enhancement is not strong enough to ensure protection and enhancement. The District Plan cannot encourage enhancement. There are more appropriate mechanisms other than the District Plan for achieving this. |
| No policy framework. | Having no policies regarding the protection of Historic Heritage provides no certainty that they will be protected. Any protection will essentially be at the discretion of the community and individual landowners. |

Risks

Risks of acting or not acting.

- Council considers there is sufficient information regarding the subject matter of the above policies that support objective 19.2.1. The risks of establishing a policy framework to ensure the protection and where possible the enhancement of Historic Heritage is better than the risks of not acting.

Policies most appropriate to achieve the objective:

19.2.2
The heritage values of a diverse and representative range of natural, physical and cultural resources are protected.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| 19.2.2a Items of significant heritage value (buildings, objects, areas, trees and sites) shall be scheduled. | Benefits
The policies:
- Provide heritage values of each historic place are identified, giving clarity as to why the historic place is worthy of scheduling.
- Encourage new heritage sites to be scheduled and protected through the District Plan.
- Encourage a diverse range of heritage to be protected.
- Encourages the scheduling of significant or outstanding examples of historic places. |
| 19.2.2b The loss of heritage values associated with scheduled items shall be avoided. | Costs
- Administrative costs for Council associated with processing applications and assessing compliance. |
| 19.2.2c Outstanding examples of a particular type of site, or sites that are highly significant to the community shall be scheduled. | - A loss of development rights for owners of scheduled sites or buildings. |
|  | - Heritage values may become out of date, |
particularly if the site or feature is modified.

**Efficient and Effective**

These policies will be efficient and effective to achieve objective 19.2.2 for the following reasons:

- The above policies establish a mechanism for identifying the heritage values of each site or feature. This mechanism allows new sites or features to be similarly assessed and included in the District Plan schedule.
- Heritage is an integral part of Hamilton’s character and its future development. For this reason the destruction or alteration of buildings, or significant elements of buildings, objects, areas, trees and sites that are significant will be assessed against criteria which seek to maintain an item’s heritage value. The loss of heritage values will be considered through a resource consent application.

### Policies not most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Policies to encourage identification of all sites of heritage value.</th>
<th>It would not be appropriate to list every building or site which has some minor heritage value. This would result in high administrative costs for Council, and a loss of development rights for many landowners, with marginal benefit to the protection of heritage values in the City.</th>
</tr>
</thead>
<tbody>
<tr>
<td>No policy framework.</td>
<td>Having no policies regarding the identification of Historic Heritage provides no certainty that sites will be protected. The protection of Historic Heritage will essentially be at the discretion of the community and individual landowners.</td>
</tr>
</tbody>
</table>

### Risks

Risks of acting or not acting.

- Not providing for the identification of Historic Places and their heritage values would be inconsistent with Regional Policy Statement direction and the statutory requirements of the Act. It would also create a risk of the heritage values being undermined through development if they were not clearly identified in the first place.
### Policies most appropriate to achieve the objective:

19.2.3
The heritage values of significant buildings, structures and their immediate surroundings are protected.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>19.2.3a</strong> Demolition or relocation of buildings and structures ranked A in Schedule 8A should be avoided.</td>
<td><strong>Benefits</strong></td>
</tr>
<tr>
<td><strong>19.2.3b</strong> Demolition or relocation of buildings and structures ranked B in Schedule 8A should be discouraged.</td>
<td></td>
</tr>
<tr>
<td><strong>19.2.3c</strong> Subdivision and development shall retain, protect and enhance the heritage values of any building or structure listed within Schedule 8A.</td>
<td></td>
</tr>
<tr>
<td><strong>19.2.3d</strong> Subdivision and development shall avoid any potential cumulative adverse effects on any building or structure listed in Schedule 8A.</td>
<td></td>
</tr>
<tr>
<td><strong>19.2.3e</strong> Heritage buildings and structures shall be used in a manner that ensures that the essential heritage qualities are not damaged or destroyed.</td>
<td></td>
</tr>
<tr>
<td><strong>19.2.3f</strong> The design, materials and finish of any development shall be consistent with identified heritage values.</td>
<td></td>
</tr>
<tr>
<td><strong>19.2.3g</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Benefits**

The policies will:
- Ensure proposed subdivision, use and development retains, protects and/or enhances the heritage values of any scheduled heritage building or structure.
- Recognise the difference in the importance of A ranked buildings by avoiding where possible the demolition or relocation of historic buildings and structures of highly significant heritage values while still recognising the importance of B ranked buildings but discouraging the demolition or removal of these items.
- Where the loss of heritage values of scheduled historic places is proven to be unavoidable, appropriate mitigation or remediation is required.
- Encourage the continued use or adaptive reuse of any place, area or item of identified heritage value where adverse effects can be appropriately managed.
- Recognise the value of the surrounding environment to the heritage item.
- Encourage consistent exterior finishing to retain heritage values.

**Costs**

- A loss of development rights for owners of scheduled sites or buildings.
- Additional time and cost through requiring it to be formally through a statutory process.
- Limited options available for development or extent of modifications possible.

**Efficient and Effective**

These policies will be efficient and effective to achieve objective 19.2.3 for the following reasons:
The continued use or adaptive reuse of any building or structure of identified heritage value shall be encouraged.

19.2.3h
The site surrounding the heritage building or structure shall be protected to the extent that it contributes to the heritage values.

19.2.3i
Encourage the strengthening of buildings in Schedule 8A to increase their ability to withstand future earthquakes while minimising the significant loss of associated heritage values.

- The policies recognise that adverse effects can be generated by inappropriate activities on heritage buildings and structures.
- The policies offer alternative uses as a way of retaining the heritage buildings or structure.
- Recognition of the importance of the immediate surrounding environment in the heritage values of the buildings or structures.
- Recognition that the exterior of the buildings or structure is the most important part.
- The demolition of historic places can result in the loss of associated heritage values. The aim of the plan is to minimise the loss of any historic buildings and structures listed within Schedule 8A. Demolition of highly significant historic buildings and structures will only be considered in exceptional circumstances.
- Inappropriate additions or major alterations to historic buildings and structures also have the potential to destroy or degrade heritage values. Minor or routine maintenance and repair enables items to be maintained. In most cases, the exterior of historic buildings and structures is more sensitive to change through unsympathetic alterations than the interior. Changes to the interior are less controlled, as these are considered necessary to ensure buildings are useable.
- Removal of a building from its original site or changes to a building’s setting (like destruction of gardens, trees and other buildings on the site) can affect heritage values and reduce its significance. In some circumstances, relocating the item off-site may be the only way to protect it. Other structures, signage or lighting on historic buildings and structures can also impact heritage values.
- The plan also encourages activities that will facilitate the retention and or enhancement of historic buildings and structures. Greater flexibility in what historic buildings and structures can be used for, whilst ensuring the management of any potential adverse effects, can help to preserve them by finding an ongoing use.
- The ability to strengthen heritage building is important to ensure heritage buildings and structures are safe and useable while still ensuring...
that the heritage values are protected and retained.

**Policies not most appropriate to achieve the objectives:**

<table>
<thead>
<tr>
<th>Policies to encourage protection of historic places.</th>
<th>This policy direction would not be appropriate as encouraging protection and enhancement is not strong enough to ensure protection and enhancement. The District Plan can not encourage enhancement – there are more appropriate mechanisms other than the District Plan for achieving this through education and advocacy.</th>
</tr>
</thead>
<tbody>
<tr>
<td>No policy framework.</td>
<td>Having no policies regarding the protection of historic heritage provides no certainty of protection. Protection will essentially be at the discretion of the community and individual landowners.</td>
</tr>
</tbody>
</table>

**Risks**

Risks of acting or not acting.

- The proposed policies around managing built heritage could deter building owners from maintaining their buildings resulting in the loss of the City’s heritage values and potentially in demolition through neglect.
- However not acting, through not implementing the policies recommended, could result in the loss of heritage values through alterations or the demolition of buildings or structures.

**Policies most appropriate to achieve the objective:**

19.2.4 Significant archaeological and cultural sites shall be protected from damage or destruction.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| **19.2.4a** Subdivision, use and development shall be managed avoid damage to archaeological and cultural sites where they exist, or are likely to exist. | **Benefits**  
The policies will:  
- Ensure proposed subdivision, use and development retains and protects archaeological and cultural sites.  
- Avoid damage to the physical structure of the site.  
- Avoid adverse effects on the values associated with a scheduled archaeological and cultural site.  
- Clearly identify the location and extent of the City’s significant archaeological and cultural sites and provide the opportunity for a targeted approach to managing the values of these areas.  
- Ensure that subdivision, use and development of identified archaeological and cultural sites can be... |
Activities or development shall not adversely affect the physical structure and integrity of scheduled sites. This may include:

i. Inappropriate planting.

ii. The removal of vegetation where it affects the stability of the site.

iii. Addition, excavation or compaction of any soil, rock or other materials.

19.2.4d

The relationships of tangata whenua with sites of spiritual, cultural or historical significance shall be recognised and provided for.

19.2.4e

Where features of significant cultural sites are lost, these features should be recorded and recognised through on-site marking to ensure the historical legibility of Hamilton City.

| Appropriately managed and provide for the consideration of other sites not specially identified in the plan. |
| • Provide for ongoing commemoration of sites, and improve the community’s understanding of the City’s heritage through the recording and recognition of sites. |
| **Costs** |
| • A loss of development rights for owners of scheduled sites. |
| • Additional time and cost through requiring resource consent through a statutory process. |
| • Limited options available for development or extent of modifications possible. |
| **Efficient and Effective** |
| These policies will be efficient and effective to achieve objective 19.2.4 for the following reasons. |
| • Clearly identifying the location and extent of the City’s archaeological and cultural sites provides the opportunity for a targeted approach to managing the values of these areas where they are at risk from inappropriate subdivision, use and development. |
| • Recognising the importance of archaeological and cultural sites. This is an appropriate consideration of section 6 of the Act. |
| • Recognising that adverse effects can be generated by inappropriate activities on archaeological and cultural sites. |
| • The schedule, policies and methods are designed to compliment the management of these sites as provided for by the provisions of the Heritage New Zealand Pouhere Taonga Act 2014. This is an efficient approach in achieving the objective. |
| • The policies recognise that activities that disturb the ground pose a significant threat to sites and aims to control these activities. In some cases, the original features of a site may be lost or damaged through exposure to weather, earthworks, damage from tree roots and coverage of a site by buildings or impermeable surfaces. Sub-surface features may still survive. The aim of the policies is to protect the physical integrity and features of the site. |
### Policies not most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Policies to encourage protection of archaeological and cultural sites.</th>
<th>This policy direction would not be appropriate as encouraging protection and recognition is not strong enough to ensure protection of sites as required by the Act.</th>
</tr>
</thead>
<tbody>
<tr>
<td>No policy framework.</td>
<td>Having no policies regarding the protection of historic heritage would result in Council not meeting its obligations the Act.</td>
</tr>
</tbody>
</table>

### Risks

Risks of acting or not acting.

- There is a risk that the identification of sites may lead to site damage by people fossicking for artefacts. However, without any identification in the plan, site damage or destruction may occur when landowners or developers subdivide, use and develop land.

**Conclusion:** Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objectives.

### Rules

#### Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| Rules – Heritage Schedules 8A, 8B and 8C | Benefits  
- Easy identification of known historic heritage buildings, structures and sites.  
- Ability to highlight presence of these items on Land Information Memorandum and property files.  
- Transparency as to which sites contain scheduled items and the nature of those items.  
- Provides certainty that historic heritage will be protected which is identified as a matter of national importance under Section 6(e) of the Act.  
- Provides certainty that archaeological sites and cultural sites of significance to Maaori can be protected in accordance with section 6(e) and (f) of the Act.  
Costs  
- Costs for Council associated with managing the schedule.  
- Costs to the landowner in terms of having to go through a regulatory process. |
<table>
<thead>
<tr>
<th>Rules – Ranking of historic heritage buildings, structures and archaeological and cultural sites on Schedules 8A, 8B and 8C.</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Ensures heritage places are protected according to their heritage value.</td>
<td></td>
</tr>
<tr>
<td>• Simple two tier ranking approach lines up with recognised best-practice, and avoids confusion.</td>
<td></td>
</tr>
<tr>
<td>• The alert layer ensures awareness of the protocol that must be followed with the discovery of artefacts.</td>
<td></td>
</tr>
</tbody>
</table>

**Costs**

- Administrative costs for Council associated with processing applications and assessing compliance.
- A loss of development rights for landowners.

**Efficient and Effective**

- These rules will be efficient and effective to achieve objectives 19.2.1, 19.2.2, 19.2.3, and 19.2.4, as the benefits identified above outweigh the costs.
- Archaeological and cultural sites of significance are only included as a Group 1 site where sufficient information is available on their value, location and history. Other sites of Māori occupation that have a higher probability of finding artefacts or archaeological evidence are included as Group 2 sites. An alert layer is an efficient and effective method for ensuring landowners and developers are aware of their responsibilities under the Heritage New Zealand Pouhere Taonga Act 2014.

<table>
<thead>
<tr>
<th>Rules – Heritage Buildings and Structures, Classification of Activities.</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Avoids remedies or mitigates adverse effects of activities.</td>
<td></td>
</tr>
<tr>
<td>• Activities that will have less than minor effects on the heritage values of the building, structure or...</td>
<td></td>
</tr>
</tbody>
</table>
Activities that may have an effect on the heritage values are a restricted discretionary or discretionary activity classification. This allows those activities and their effects to be assessed.

Those activities that are certain to have significant adverse effects on the heritage item or site are non-complying e.g. demolition of a building or structure with an A ranking in Schedule 8A.

The value of this approach is that the level of modification permitted is appropriate to the classification (and significance) of the building, structure or site.

Provides certainty that historic places will be protected which is identified as a matter of national importance under Section 6 of the Act.

Costs

- Administrative costs for Council associated with processing applications and assessing compliance.
- A loss of development rights for landowners.
- Potential additional regulatory costs to land owners and developers through introducing a revised and more structured method of managing the City’s built heritage resource.

Efficient and Effective

- These rules will be efficient and effective to achieve objectives 19.2.1, 19.2.2, 19.2.3, and 19.2.4 as the benefits identified above outweigh the costs.
- The historic heritage schedules identify specific heritage items and the value of those items.
- The activity status table clearly signals to the community which activities will have no impact on the items and which activities require close inspection in terms of potential effects. This is an efficient approach in achieving the objective.

The primary focus of the plan is on earthworks, as there is potential for earthworks to result in destruction, damage or modification to a site. Effects on archaeological and cultural sites through subdivision are managed through Chapter 23 – Subdivision.
### Benefits
- Earthworks are managed on a site by site basis.
- Sites where there is deemed to be a high probability of locating artefacts will be available within Council’s information. This will flag to landowners and developers their responsibilities if artefacts are discovered when undertaking earthworks.

### Costs
- Administrative costs for Council associated with processing applications and assessing compliance.
- A loss of development rights for landowners.
- Potential duplication of process of obtaining an Archaeological Authority from Heritage New Zealand, as required by the Heritage New Zealand Pouhere Taonga Act 2014.

### Rules – Standards.

<table>
<thead>
<tr>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>The only standards in this section of the plan are associated with maintenance and repair to a Schedule 8A item. Maintenance and repair are a permitted activity provided the standards are complied with. Compliance with these standards allows maintenance and repair to be undertaken without going through a resource management process.</td>
</tr>
<tr>
<td>The standards ensure no adverse effect to a Schedule 8A building or structure (same or similar materials; respecting the scale, proportion, finishes and techniques, works for the purpose of weatherproofing; and plumbing and electrical work).</td>
</tr>
<tr>
<td>Avoids remedies or mitigates adverse effects of maintenance and repair on Schedule 8A buildings and structures.</td>
</tr>
<tr>
<td>Provides certainty that historic places will be protected, which is identified as a matter of national importance under Section 6 of the Act.</td>
</tr>
<tr>
<td>Allows practical maintenance and repair to be carried out without undue process.</td>
</tr>
<tr>
<td>Clear expectation of compliance with the standards.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Places restrictions on the use of materials and design.</td>
</tr>
</tbody>
</table>
**Efficient and Effective**
- These rules will be efficient and effective to achieve objective 19.2.3 as the benefits identified above outweigh the costs.

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- The Plan identifies that certain activities either by virtue of the activity or due to failing standards are controlled, restricted discretionary, discretionary or non-complying activities.</td>
</tr>
<tr>
<td></td>
<td>- The Plan includes assessment criteria that are able to be applied in the assessment of these activities through the resource consent process. The criteria are grouped clearly under headings relating to the matters Council has reserved control over (for controlled activities) and restricted its discretion (for restricted discretionary activities). These assessment criteria and the introductory ‘how to’ guide are a useful way to guide all parties on how Council is going to administer the provisions of the Plan.</td>
</tr>
<tr>
<td></td>
<td>- The assessment criteria gives transparency and provides clarity for all users on the matters that Council has control or discretion over when considering controlled or restricted discretionary activities, and provides a guide for the consideration of discretionary and non-complying activities.</td>
</tr>
<tr>
<td></td>
<td>- The assessment criteria also seeks to avoid duplication of effort or unnecessary assessment by enabling design based criteria to be disregarded if a more relevant design guide is in place or if the criteria is not considered relevant to the specific activity.</td>
</tr>
<tr>
<td>Costs</td>
<td>- There is a general duty on an applicant and the Council to consider the assessment criteria firstly for relevance and secondly where considered relevant to assess the application against the criteria to consider the effects.</td>
</tr>
<tr>
<td></td>
<td>- There are no identified costs from clarifying in the Plan the matters which will be considered when processing an application.</td>
</tr>
</tbody>
</table>

**Efficient and Effective**
These provisions will be efficient and effective to achieve the objectives by identifying a list of matters
which are able to be used as a guide when both preparing and assessing consent applications which eases the administration and use of the District Plan for all parties.

<table>
<thead>
<tr>
<th>Rules not most appropriate to achieve the objectives:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>More permissive rules.</strong></td>
</tr>
<tr>
<td>More permissive rules would reduce the certainty that the rules will ensure the desired outcomes. This would not provide certainty that historic places will be protected, which is identified as a matter of national importance under Section 6 of the Act.</td>
</tr>
<tr>
<td><strong>Do nothing.</strong></td>
</tr>
<tr>
<td>Having no rules regarding the protection of Historic Heritage provides no certainty that they will be protected. The protection of historic heritage will essentially be at the discretion of the community and more specifically the landowner. This would not provide certainty that historic places will be protected which is identified as a matter of national importance under Section 6 of the Act.</td>
</tr>
</tbody>
</table>

**Conclusion:** Taking into account the above, Council considers that the rules in this chapter are most appropriate to achieve the objectives.

### 19.5 Methods Other Than Rules

<table>
<thead>
<tr>
<th>Methods most appropriate to achieve the objectives:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Method</strong></td>
</tr>
<tr>
<td><strong>Effectiveness, efficiency, costs and benefits</strong></td>
</tr>
<tr>
<td>Regulatory methods:</td>
</tr>
<tr>
<td>Note: MBIE is seeking views on proposals for regulations and a methodology that will support the Building (Earthquake-prone Buildings) Amendment Act when it comes into effect in 2017.</td>
</tr>
<tr>
<td>Consultation opened on 2 September 2016 and runs until 15 December 2016. The proposed regulations and methodology set the new approach for identifying and managing earthquake-prone buildings. The new law is</td>
</tr>
<tr>
<td>Council developed a policy on earthquake-prone, dangerous and insanitary buildings in 2006 (reviewed 2008) as required by the Building Act 2004.</td>
</tr>
<tr>
<td><strong>Benefits</strong></td>
</tr>
<tr>
<td>The purpose of the Earthquake-prone, dangerous and insanitary buildings policy is to ensure that buildings in Hamilton do not compromise people’s health and safety in the event of an earthquake and/or through insanitary conditions. The policy recognises the importance of heritage buildings, and the need to facilitate the protection of these buildings wherever possible. Heritage buildings are assessed in the same manner as other buildings; however Council will consider alternative methods to avoid their unnecessary demolition. Council also provides support for owners by meeting some of the costs of initial engineering assessments.</td>
</tr>
<tr>
<td>The provision of a heritage fund enables the possibility for additional financial support to the owners of</td>
</tr>
</tbody>
</table>
expected to be in place by June 2017.
This means that the current council policy will need to be reviewed/rescinded and any reference to earthquake-prone buildings will be removed in its entirety.

Heritage Fund

| Other plans and legislation: |
| Heritage New Zealand Pouhere Taonga Act 2014 |
| Building Act 2004 |
| Reserves Act 1977 |
| Local Government Act |
| Waikato Regional Policy Statement 2016 |
| Benefits |
| The purpose of the Heritage New Zealand Pouhere Taonga Act 2014 is to promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand. The Heritage New Zealand Pouhere Taonga Act 2014 defines the role of Heritage New Zealand ('HNZ') in managing heritage. HNZ’s role is to maintain the national register of historic places, historic areas, wahi tapu and wahi tapu areas. The Heritage New Zealand Pouhere Taonga Act 2014 provides interim protection for heritage places during their registration process. The register is an advocacy tool and actual protection once registered can only come under the Resource Management Act 1991 either through scheduling of sites in district plans or through heritage orders. HNZ has a regulatory role in managing archaeological sites, under the Heritage New Zealand Pouhere Taonga Act 2014. Authority must be sought from HNZ for any work that may damage, modify or destroy an archaeological site, whether it has been previously identified, or not. |
| The Building Act 2004 regulates all building work |
in New Zealand, and as such has an important role to play in the management of heritage buildings and structures. Section 4 contains a number of principles to be applied in performing functions or duties, or exercising powers under it. Principles of particular relevance to historic heritage are:

- The importance of recognising any special traditional and cultural aspects of the intended use of a building.
- The need to facilitate the preservation of buildings of significant cultural, historical or heritage value.
- The need to facilitate the efficient and sustainable use in buildings of:
  - materials (including materials that promote or support human health); and
  - material conservation
- There are a range of provisions that relate to managing dangerous, earthquake prone, or insanitary buildings in the Building Act. These are important in ensuring buildings and structures are safe, but can require significant retrofitting of buildings to comply with standards.
- The Reserves Act 1977 provides for the preservation and management of areas possessing historic, cultural, or archaeological value. The Reserves Act 1977 requires that management plans are prepared for all reserves (except local purpose reserves). Council has prepared a number of management plans that include provision for the protection and conservation of heritage sites while providing for the day to day management of reserves.
- The Local Government Act sets out the Land Information Memorandum (LIM) process that identifies all relevant matters pertaining to a site, including heritage buildings and structures to prospective owners.
- The Regional Policy Statement contains a number of objectives and policies for managing heritage. It establishes heritage assessment criteria that are to be used in assessing new sites to be scheduled in the District Plan.

**Costs**

- There are costs associated with obtaining sign-off
### Council works and services: Financial Assistance.

**Benefits**
- Reduced costs for an engineering assessment which may lead to safer buildings while protecting heritage.
- Heritage Fund available to assist owners of listed heritage buildings and sites which assisting with the retention and maintenance to protect heritage.

**Costs**
- Council may meet some of the costs of an initial engineering assessment in respect of earthquake strengthening for heritage buildings.
- Management of the Heritage Fund.

**Efficient and Effective**
- These methods are efficient and effective in achieving the objectives because the benefits outweigh the costs.

### Information, education and advocacy:

**Partnerships with landowners and tangata whenua.**

Promote public understanding of the benefits of protecting historic heritage.

Manage landowner expectations by clear and consistent Information about the constraints and opportunities of having a site listed for heritage.

**Benefits**
- These methods support landowners and developers to understand rules and appropriate methods to meet the rules, and encourage the voluntary protection of sites. This will help generate a better understanding of the values of heritage items.

**Costs**
- There are financial costs in preparing and advertising this Information.

**Efficient and Effective**
- These methods will be efficient and effective to achieve the objectives by supporting landowners

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From the HNZ for any works that modify or damage archaeological site.

- There are costs associated with retrofitting heritage buildings so they comply with the Building Act 2004 regulations.
- There are costs to Council for using the assessment criteria in the Waikato Regional Policy Statement to identify new heritage items.

**Efficient and Effective**
- These methods are efficient and effective in achieving the objectives because the benefits outweigh the costs.
scheduled building or structure or site  
and developers in a less bureaucratic way to meet the rules in the District Plan, and encouraging them to voluntarily protect heritage items.

Risks
Risks of acting or not acting.

- Council considers there is sufficient Information regarding the subject matter of the above methods that support the objectives and policies relating to historic heritage. The risks of establishing methods to ensure the protection and where possible the enhancement of historic heritage far outweighs the risks of not acting.

Conclusion
The protection of historic heritage and providing for the relationship of Maaori culture is a matter of national importance under Section 6 of the Act. As such there is a need to ensure that Council is able to sustainably manage development pressure where it has the potential to adversely affect these two matters.

This also needs to occur in a manner that is consistent with the direction given through the Regional Policy Statement. The recommended option is considered to provide clear objectives that address the issue, which in turn enable an efficient and effective framework of policies and methods to be established. This approach enables the Council to fulfil its statutory obligations under the Act in a way that provides for the social, economic and cultural wellbeing of people and the community.

19.6 References

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- *Gully Reserves Management Plan, Hamilton City Council, 2007*
- *Donny Park Operative Management Plan, Hamilton City Council, 2004*
- *Report on Investigation of S14/89 (Metric) at Pukete, Hamilton, S. Edson, 1983*
- *Prehistoric Garden Complexes Affected by R1 and N1 Arterial Routes, Chartwell, Hamilton, W. Gumbley, T. Higham, 2000*
- *Report on Archaeological Monitoring of Earthworks at 16 Kotahi Ave, Hamilton (S14/63), W. Gumbley, 2011*
- *Response to Commissioner questions*
20 Natural Environments

2.1 Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 20: Natural Environments.

The overall approach of the plan chapter is to achieve on-going protection of significant urban trees and significant natural areas. The Council is required to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna in accordance with Section 6(c) of Act. This section identifies the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna as a matter of national importance.

Chapter 20 of the Partly Operative District Plan identifies areas of significant indigenous vegetation, biodiversity and habitats of indigenous fauna and flora which qualify as ‘Significant Natural Areas’. Significant Natural Areas can be held in either public or private ownership. These are listed in Appendix 9, Schedule 9C, whilst significant urban trees are listed in Schedule 9D for protection.

Section 76(4A) of the Act requires trees to be specifically identified in a plan if the Council wishes to proactively protect them. This includes prohibiting or restricting the felling, trimming, damaging, or removal of any tree or group of trees in an urban environment unless the tree or group of trees is specifically identified in the plan, located within a reserve or is subject to a conservation management plan or conservation management strategy.

Supporting documents are listed in the References section of this chapter.

20.2 Objectives

<table>
<thead>
<tr>
<th>Objective most appropriate to achieve the purpose of the Act:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>20.2.1</strong> Significant Natural Areas are protected, maintained, restored and enhanced.</td>
</tr>
<tr>
<td>• This objective is most appropriate to achieve the purpose of the Act because it provides for the protection of areas of significant indigenous vegetation and significant fauna. This is identified as a matter of national importance under Section 6(c) of the Act that is to be recognised and provided for in achieving the promotion of the sustainable management of natural and physical resources.</td>
</tr>
<tr>
<td>• It provides for the maintenance of indigenous biological diversity, which is identified as a function of every territorial authority in giving effect to the Act (Section 31(1)(b)(iii)).</td>
</tr>
<tr>
<td>• Significant Natural Areas contribute to the City’s economic, social and cultural diversity. Identifying and protecting the factors and values that define these ensures they are retained and</td>
</tr>
</tbody>
</table>
### 20.2.2 Public awareness and appreciation of Significant Natural Areas is increased.

- This objective is most appropriate because it assists in achieving the protection of areas of significant indigenous vegetation and significant fauna. These are identified as a matter of national importance.
- Identifying the significant natural areas through the district plan will increase community and landowner awareness of their importance. There is a lower risk that they will be adversely affected by inappropriate development.
- Increased public awareness will assist in maintaining indigenous biological diversity which is identified as a function of every territorial authority in giving effect to the Act (Section 31(1)(b)(iii)).

### 20.2.3 The values of significant trees are protected and maintained.

- This objective provides for the protection and enhancement of the City’s significant trees which are noted as contributing significantly to the City’s character and amenity. This objective is most appropriate because it provides for the maintenance and enhancement of amenity values. This is identified as a matter which Council shall have particular regard to in Section 7(c) of the Act in achieving the sustainable management of natural and physical resources.
- In addition, Section 7(f) requires Council to have particular regard to the maintenance and enhancement of the quality of the environment. Specifically identified significant trees contribute to the quality of the urban environment.
- Although not all scheduled, significant trees are indigenous, the objective assists in the maintenance of biological diversity, which is identified as a function of every territorial authority in giving effect to the Act (Section 31(1)(b)(iii)).
- Significant trees contribute to the City’s economic, social and cultural diversity. Identifying and protecting the factors and values that define these, ensures they are retained and continue to support the City’s identity.
- The objective directly meets the requirements of
20.2.4 The natural character and ecological viability of peat lakes, wetlands and their margins as visual, cultural, wildlife and recreational assets are protected and enhanced.

- This objective provides for the protection and enhancement of peat lakes, wetlands, and their margins. This objective is most appropriate because it provides for the protection and enhancement of these areas. This is identified as a matter which Council shall recognise and provide for under Section 6(a) of the Act as a matter of national importance in achieving the sustainable management of natural and physical resources.
- In addition, Section 7(f) requires Council to have particular regard to the maintenance and enhancement of the quality of the environment. Peat lakes and wetlands contribute to the quality of the environment.
- The objective directly meets the requirements of the Act and is therefore considered to be appropriate.

Objectives not the most appropriate to achieve the purpose of the Act:

| No objective. | Having no objective regarding the protection of significant natural areas our significant trees provide no certainty for protection. The protection of significant vegetation and habitats and the maintenance of indigenous biological diversity along with the protection of significant trees will essentially be at the discretion of the community and landowners. It is considered that this option would not meet the requirements of the Act as detailed above. |
| To protect the natural character, bank stability and water quality of the river corridor and gully system for their visual, wildlife, cultural, historical, and recreational values and enhance these significant natural features and their associated ecological processes. | This objective is very specific and only protects the natural environments around the river corridor. There are many other significant natural areas around the City that are not located in the river corridor or the gully system and these would be excluded from this objective. This objective is therefore no longer the most appropriate. |
| To protect and enhance the natural character and ecological viability of lakes, wetlands and their margins as visual, cultural, wildlife, and recreational assets. | This objective is very specific and only protects the natural environments around the lakes and wetlands. There are many other significant natural areas around the City that are not located around lakes and wetlands and these would be excluded. |
recreational assets. from this objective.
This objective is therefore no longer the most appropriate.

To maintain and improve the urban tree resource to enhance the City’s amenity, character, identity and health and heritage values.
This objective is very broad and does not specifically address those individual trees which are scheduled. Given the changes to Section 76(4A) of the Act, this requires trees to be specifically identified in a plan, if the Council wish to proactively protect them, this objective is no longer the most appropriate.

To encourage the protection of significant trees.
An objective like this would not be most appropriate because encouraging protection of significant trees implies a degree of discretion, i.e. the community may choose to protect significant trees, however, it is not a requirement. This could have a potentially adverse effect on the character and amenity of the City.

To encourage the protection of areas of indigenous biodiversity and habitats of indigenous fauna and flora.
An objective like this would not be most appropriate because encouraging protection is not strong enough to ensure meeting the requirements of the Act. Encouraging protection of such areas implies a degree of discretion, i.e. the community may choose to protect such areas however it is not a requirement.

Conclusion: Taking into account the above, Council considers that the objectives in this chapter of the plan are the most appropriate to achieve the purpose of the Act.

20.3 Policies

Policies most appropriate to achieve the objective:

20.2.1 Significant Natural Areas are protected, maintained, restored and enhanced.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>20.2.1a</strong></td>
<td>The values and characteristics that define the City’s Significant Natural Areas shall be identified.</td>
</tr>
<tr>
<td><strong>20.2.1b</strong></td>
<td>Areas of indigenous vegetation, biodiversity and habitats of indigenous fauna shall be scheduled as Significant Natural Areas.</td>
</tr>
<tr>
<td><strong>20.2.1c</strong></td>
<td>Benefits</td>
</tr>
</tbody>
</table>

The policies contained in Section 20.2.1 will ensure the protection, maintenance, restoration and where possible the enhancement of areas of significant indigenous vegetation and significant fauna. The policies achieve this by:

- Identifying those areas worthy of protection.
- Identifying the important features of each scheduled item.
- Avoiding the reduction, fragmentation and isolation of indigenous ecosystems and habitats.
The particular values and characteristics that make an area a Significant Natural Area shall be protected from adverse effects, by having regard to:

i. The character and degree of modification, damage, loss or destruction that will result from the activity.

ii. The duration and frequency of effect (e.g. long-term or recurring effects).

iii. The magnitude or scale of effect, including effects on ecological processes supporting or provided by the Significant Natural Area.

iv. The irreversibility of effect.

v. The resilience of the area to assimilate change.

vi. The opportunities to minimise pre-existing or potential adverse effects (e.g. restoration or enhancement), where avoidance is not practicable.

vii. The probability of effect.

viii. Cumulative effects.

ix. Need for, or purpose of, the works.

20.2.1d
Adverse effects of development on the City’s Significant Natural Areas shall be avoided.

20.2.1e
The reduction, fragmentation and isolation of indigenous ecosystems and habitats shall be avoided.

20.2.1f

- Protecting corridors or connections linking indigenous ecosystems and habitat fragments.
- Avoiding loss or disruption to migratory pathways in water, land or air.
- Avoiding any adverse effects on ecosystems resulting from changes to hydrological flows, water levels and water quality.
- Retaining protective buffering of indigenous ecosystems.
- Avoiding the loss of ecosystem services.
- Protecting ecological processes, functions and ecological integrity.
- Recognising and protecting the cultural and spiritual associations with indigenous biodiversity which are held by tangata whenua.
- Managing the spread of non-native pest species within Significant Natural Areas.
- Protecting habitat that supports indigenous species identified as being under threat of extinction.
- Helping indigenous ecosystems become viable in the long term.

Where the loss of the above is proven to be unavoidable, the policies of Section 20.2.1 require the provision of appropriate mitigation or remediation.

Costs

- Administrative costs for Council associated with processing applications and assessing compliance.
- A loss of development potential for landowners.
- Limits options available for the land.
- Compliance costs for landowners.

Efficient and Effective
These policies will be efficient and effective to achieve objective 20.2.1 for the following reasons:

- Council has undertaken a review of all protected and unprotected sites of indigenous biodiversity value within the City. The sites were identified from existing information held by the Regional Council and other organisations.
- The sites were assessed using the criteria for
The loss or disruption of corridors or connections linking indigenous ecosystems and habitat fragments shall be avoided.

**20.2.1g** The loss or disruption to migratory pathways in water, land or air shall be avoided.

**20.2.1h** Any adverse effects on ecosystems resulting from changes to hydrological flows, water levels and water quality shall be avoided.

**20.2.1i** The loss or disruption of protective buffering of indigenous ecosystems shall be avoided.

**20.2.1j** The loss of ecosystem services shall be avoided.

**20.2.1k** The loss, damage or disruption to ecological processes, functions and ecological integrity shall be avoided.

**20.2.1l** The loss or reduction of the cultural and spiritual association with indigenous biodiversity which are held by tangata whenua shall be avoided.

**20.2.1m** Non-native pest species within Significant Natural Areas shall be controlled.

**20.2.1n** The loss of habitat that supports indigenous species classified as at risk or threatened shall be avoided.

**20.2.1o** Significant Natural Areas shall determining significant indigenous vegetation and significant habitats of indigenous fauna contained in the Regional Policy Statement (2000). The sites are identified on the planning maps and are listed in Schedule 9c, Appendix 9: Natural Environments as Significant Natural Areas.

- The above policies recognise that adverse effects that can be generated by inappropriate activities on Significant Natural Areas. The policies seek the avoidance of such adverse effects whilst recognising that in some circumstances avoidance of adverse effects may not be possible. In such scenarios there is an expectation that:
  - i. The reasons for any potential adverse effects will be supported by evidence that they are unavoidable.
  - ii. Appropriate mitigation or remediation will be provided.

- The policies and scheduling of significant natural areas clearly signal to the community which areas are considered to be of value and how the potential adverse effects of use and development will be considered. This is an efficient approach in achieving the objective.

- Protection of indigenous biodiversity will be promoted through the identification and protection of Significant Natural Areas. These exist throughout the City on both public and private land. Recognition of these areas within the District Plan will result in protection through a restriction on activities that can occur within and adjacent to such areas.

- New Significant Natural Areas may be identified through the development of structure plans. Where new areas meet the criteria, they should be added to the Schedule and protected.

- Managing any further loss to remaining areas of biodiversity value is critically important. One of the key methods available is to control removal or modifications to areas of indigenous species or habitats.

- Protecting biodiversity is challenging as many areas and habitats occur on private land and there can be tensions between the aspirations of private landowners for land use and
be restored and enhanced to meet at least the 10% threshold for habitat sustainability.

20.2.1p Develop a local indigenous biodiversity strategy to identify opportunities to restore and enhance biodiversity in Hamilton City.

development and the need to protect those areas.

- Indigenous biodiversity within the City is valued by tangata whenua. As people of the land, Maaori have a connection with the indigenous flora and fauna of New Zealand and their ecological processes. This relationship must be preserved through the maintenance and enhancement of indigenous biodiversity.

- The policies for managing the City’s significant natural areas are appropriate to achieve the objective, to give effect to the regional policy statement and to meet the Council’s statutory requirements under section 6(c) of the Act.

- A biodiversity strategy will ensure a strategic approach is taken towards the management of Hamilton’s biodiversity.

<table>
<thead>
<tr>
<th>Policies not most appropriate to achieve the objectives:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>No policy framework.</td>
<td>Having no policies regarding the protection of such areas provides no certainty that they will be protected. The protection of areas of significant vegetation and significant fauna and the maintenance of indigenous biological diversity will essentially be at the discretion of the community, and especially relevant landowners. It is considered that this option would not meet the requirements of the Act as detailed above.</td>
</tr>
<tr>
<td>Policies to encourage the protection, maintenance and where possible the enhancement of areas of significant indigenous vegetation and significant fauna.</td>
<td>This policy direction would not be most appropriate as encouraging protection, maintenance and where possible enhancement is not strong enough a standard to ensure meeting the requirements of the Act. Encouraging protection of such areas implies a degree of discretion, i.e. the community may choose to protect such areas however it is not a requirement.</td>
</tr>
</tbody>
</table>

**Risks**

Risks of acting or not acting.

- Council considers there is sufficient information regarding the subject matter of the above policies that support objective 20.2.1. The risks of establishing a policy framework to ensure the protection and where possible the enhancement of significant natural areas far outweighs the risks of not acting.

- By not recognising significant natural areas and their contribution to biodiversity, Council would not be giving effect to Section 6(c). The policies provide a framework to reduce this risk.
### Policies most appropriate to achieve the objective:

**20.2.2**
Public awareness and appreciation of Significant Natural Areas is increased.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>20.2.2a</strong> Communication between affected landowners, Department of Conservation, iwi and other organisations that can assist in the management and conservation of these areas shall be encouraged.</td>
<td></td>
</tr>
<tr>
<td><strong>Benefits</strong></td>
<td>• Policy 20.2.2a will ensure communication between all parties with an interest in the preservation of indigenous habitats.</td>
</tr>
<tr>
<td></td>
<td>• There are other mechanisms for effectively protecting significant natural areas outside the District Plan and these are recognised by policy 20.2.2b. An advantage is that the community and landowners will be better informed and the indigenous habitats appropriately protected.</td>
</tr>
<tr>
<td><strong>Costs</strong></td>
<td>• Administrative costs for Council associated with ensuring all interested parties are involved.</td>
</tr>
<tr>
<td></td>
<td>• Costs associated with producing information available to the public.</td>
</tr>
</tbody>
</table>

**Efficient and Effective**

- Education and information should assist landowners in understanding the values and dynamics of Hamilton’s biodiversity, as well as methods for managing areas of indigenous habitats on their land. In addition, Council will support landowners’ voluntary protection initiatives, including promoting QEII National Trust Covenants, as well as directing landowners to sources of funding support, such as for fencing or weed eradication.

- This is an effective means of achieving objective 20.2.2.

**Risks**

Risks of acting or not acting.

- Council considers there is sufficient information regarding the subject matter of the above Policies that support objective 20.2.2. The policies ensure that objective 20.2.2 can be effectively delivered.

### Policies most appropriate to achieve the objective:

**20.2.3**
The values of significant trees are protected and maintained.
<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>20.2.3a</strong></td>
<td>Benefits</td>
</tr>
<tr>
<td>The particular factors, values and features of trees listed in Schedule 9D shall be protected from inappropriate subdivision, use and development, by assessing:</td>
<td></td>
</tr>
<tr>
<td>i. The need for emergency removal.</td>
<td></td>
</tr>
<tr>
<td>ii. The extent that any proposed maintenance will adversely affect the health of the tree.</td>
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</tr>
<tr>
<td>iii. The character of the area in which the tree is located, including streetscape and public realm areas.</td>
<td></td>
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<tr>
<td>iv. The potential adverse effects on the health of the tree.</td>
<td></td>
</tr>
<tr>
<td>v. The nature and extent of any proposed activities to be undertaken within the root protection zone of the tree.</td>
<td></td>
</tr>
<tr>
<td>vi. The extent to which the removal, re-location, or trimming can be mitigated by replacement planting. Where the removal of significant trees cannot be avoided, any loss of value must be appropriately remedied or mitigated.</td>
<td></td>
</tr>
<tr>
<td><strong>20.2.3b</strong></td>
<td></td>
</tr>
<tr>
<td>Scheduled trees within established urban areas shall be removed or transplanted only under exceptional circumstances, and where alternative options for the retention of the tree have been exhausted.</td>
<td></td>
</tr>
<tr>
<td>Benefits</td>
<td></td>
</tr>
<tr>
<td>The policies contained in Section 20.2.3:</td>
<td></td>
</tr>
<tr>
<td>• Identify the City’s significant trees and provide a clear regulatory framework for the management of those trees.</td>
<td></td>
</tr>
<tr>
<td>• Improve amenity through the City by retaining and protecting identified mature trees.</td>
<td></td>
</tr>
<tr>
<td>• Protect important trees around the City.</td>
<td></td>
</tr>
<tr>
<td>• Protect trees, because scheduled trees will only be removed or transplanted under exceptional circumstances and where alternative options for the retention of the tree have been exhausted.</td>
<td></td>
</tr>
<tr>
<td>• Protect trees, because works within the root protection zone of scheduled trees are subject to scrutiny.</td>
<td></td>
</tr>
<tr>
<td>• Maintain scheduled trees.</td>
<td></td>
</tr>
<tr>
<td>Costs</td>
<td></td>
</tr>
<tr>
<td>• Administrative costs for Council associated with processing applications and assessing compliance.</td>
<td></td>
</tr>
<tr>
<td>• A loss of development rights for landowners.</td>
<td></td>
</tr>
<tr>
<td>• Compliance costs for landowners.</td>
<td></td>
</tr>
<tr>
<td>• Limitations on development options for the area.</td>
<td></td>
</tr>
<tr>
<td><strong>Efficient and Effective</strong></td>
<td></td>
</tr>
<tr>
<td>These policies will be efficient and effective to achieve objective 20.2.3 for the following reasons.</td>
<td></td>
</tr>
<tr>
<td>• The above policies recognise that adverse effects can be generated by inappropriate activities on significant trees. The above policies firstly seek to avoid adverse effects on significant trees whilst recognising that in some circumstances avoidance of adverse effects may not be possible. In such scenarios there is an expectation that:</td>
<td></td>
</tr>
<tr>
<td>i. The reasons for any potential adverse effects will be supported by evidence that they are unavoidable; and</td>
<td></td>
</tr>
<tr>
<td>ii. Appropriate mitigation or remediation will be provided.</td>
<td></td>
</tr>
</tbody>
</table>
| • Much of Hamilton’s distinctive character is derived from its trees, which are an integral part.
20.2.3c
Within areas of greenfield development, the values of significant trees shall be maintained and taken into account in the layout and design of new development.

20.2.3d
Any work on a scheduled tree, or work within the root protection zone of any scheduled tree shall not adversely affect the values of the tree, having regard to the reasons for the trees scheduling.

20.2.3e
Before undertaking any activity that adversely affects a tree identified in Schedule 9D:

i. Alternatives shall be considered and evaluated.

ii. Recommendations from a suitably qualified practitioner (e.g. arborist) should be sought.

20.2.3f
Ongoing care and maintenance of scheduled trees shall be undertaken.

of the City’s amenity and identity. Significant trees can be individual specimens or groups of trees such as Jubilee Bush.

- Trees also have an important role in terms of maintaining life-supporting processes and assisting the functioning of the urban ecosystem. The protection of identified significant trees is important. The policies identify that both works to significant trees and works within the root protection zone of significant trees need to be managed.

- The policies are effective because they provide a statutory framework which enables the Council to consider the potential adverse effects of inappropriate use and development in terms of meeting the objective.

- The policies and methods for managing the City’s significant trees are appropriate to achieve the objective, to give effect to the Regional Policy Statement and to meet the Council’s statutory requirements under section 6(f) of the Act.

<table>
<thead>
<tr>
<th>Policies not most appropriate to achieve the objectives:</th>
</tr>
</thead>
<tbody>
<tr>
<td>No policy framework.</td>
</tr>
<tr>
<td>Having no policies regarding the protection of significant trees provides no certainty that they will be protected. The protection of significant trees will essentially be at the discretion of the community.</td>
</tr>
<tr>
<td>Policies to encourage the protection and enhancement of significant trees.</td>
</tr>
<tr>
<td>This policy direction would not be most appropriate as encouraging protection and enhancement is not strong enough a standard to ensure protection and enhancement. Encouraging protection of such areas implies a degree of discretion, i.e. the community may choose to protect significant trees however it is not a requirement.</td>
</tr>
<tr>
<td>Mitigate the effects of development on the amenity, ecosystem, riparian and land stabilisation values of urban</td>
</tr>
<tr>
<td>This policy worked well when there was an Environmental Protection Overlay and all trees within the overlay were protected. This policy would be difficult to implement now as only scheduled</td>
</tr>
</tbody>
</table>

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20 Natural Environments
trees, particularly within the river corridor and gully system.

<table>
<thead>
<tr>
<th>Policies most appropriate to achieve the objective:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>20.2.4</strong></td>
</tr>
<tr>
<td>The natural character and ecological viability of peat lakes, wetlands and their margins as visual, cultural, wildlife and recreational assets are protected and enhanced.</td>
</tr>
</tbody>
</table>

| **20.2.4a** Identify and protect the remaining peat lake and wetland areas within the city from the adverse effects of urban development. |
| **Benefits** |
| The policies contained in 20.2.4: |
| - Identify the cities peat lake and wetland areas and provide a framework for their protection |
| - Ensure urban stormwater and run-off do not adversely affect the water quality of Hamilton’s peat lakes and wetlands |
| - Control development with identified peat lake catchments to ensure the quality of ground water and ecological viability of peat lakes and wetlands is not adversely affected. |
| - Allow for public access to peat lakes and wetlands maintains ecological values |
| - Recognises and protects the cultural and spiritual associations of water held by tangata whenua. |

| **20.2.4b** Avoid, remedy or mitigate the adverse effects of urban stormwater to maintain and enhance the water quality of the city’s peat lakes and wetlands as habitats for fish, other aquatic species, and plants. |
| **Costs** |
| - Administrative costs for Council associated with processing applications and assessing compliance. |
| - A loss of development rights for landowners. |
| - Compliance costs for landowners. |
| - Limitations on development options for the area. |

| **20.2.4c** Control development within identified peatland catchments surrounding lakes and wetlands to maintain and enhance the quantity and quality of groundwater and ecological viability of peat lakes and wetlands. |

| trees are protected by the District Plan. The former approach of blanket protection would no longer be permissible as Section 76(4A) of the Act now requires trees to be specifically identified in a plan, if the Council wishes to proactively protect them. The emphasis of this policy is on the effects of development whereas objective 20.2.3 is about protecting the tree itself. Because of this change in emphasis, this policy is no longer most appropriate to achieve the objective. |

| Protect significant trees identified for their historical, cultural and amenity values from the adverse effects of ongoing urban development. |

| The emphasis of this policy is on the effects of urban development whereas Objective 20.2.3 is about protecting the tree itself. Most of the scheduled trees are in already developed parts of the City. Because of this change in emphasis, this policy is no longer most appropriate to achieve the objective. |
20.2.4d Ensure public access around peat lake and wetland margins and recreational activities on the surface of water are compatible with maintaining ecological values.

20.2.4e Maintain those aspects of the environment that are of significance to Waikato iwi, in particular the spiritual dimension and mauri (life force) of water.

**Efficient and Effective**

These policies will be efficient and effective to achieve objective 20.2.3 for the following reasons:

- The above policies recognise that adverse effects can be generated by inappropriate activities within the catchments of peat lakes and wetlands
- The policies recognise that peat lakes and wetlands can be impacted by activities within their catchments and ensure that these are controlled to ensure the avoidance of adverse effects
- The policies for managing the City’s peat lakes and wetlands are appropriate to achieve the objective, and to meet the Council’s statutory requirements under section 6(a) of the Act.

**Policies not most appropriate to achieve the objectives:**

<table>
<thead>
<tr>
<th>Policies not most appropriate to achieve the objectives:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>No policy framework.</td>
<td>Having no policies regarding the protection of peat lakes or wetlands provides no certainty that they will be protected. The protection of these areas will essentially be at the discretion of the community.</td>
</tr>
<tr>
<td>Policies to encourage the protection and enhancement of peat lakes and wetlands</td>
<td>This policy direction would not be most appropriate as encouraging protection and enhancement is not strong enough a standard to ensure protection and enhancement. Encouraging protection of such areas implies a degree of discretion, i.e. the community may choose to protect peat lakes or wetlands and their catchments however it is not a requirement.</td>
</tr>
</tbody>
</table>

**Risks**

Risks of acting or not acting.

- Council considers there is sufficient information regarding the subject matter of the above policies that support objective 20.2.3. The risks of establishing a policy framework to ensure the protection and where possible the enhancement of significant trees far outweighs the risks of not acting.
- By not recognising trees that have a high amenity contribution to the City there is a risk that they can be lost through removal, inappropriate trimming and development. The policies provide a framework to reduce this risk.

**Conclusion:** Taking into account the above, Council considers that the policies in this
chapter are most appropriate to achieve the objectives.

## 20.4 Rules

### Rules most appropriate to achieve the objectives:

**Significant Natural Areas**

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identifying Significant Natural Areas on planning maps.</td>
<td>Benefits</td>
</tr>
<tr>
<td></td>
<td>• Demarcates areas identified as being significant natural areas.</td>
</tr>
<tr>
<td></td>
<td>• Ensures the avoidance, mitigation or remediation of any adverse effects on significant natural areas.</td>
</tr>
<tr>
<td></td>
<td>• The location and extent of the significant natural area is easily identifiable.</td>
</tr>
<tr>
<td></td>
<td>• Certainty for landowners.</td>
</tr>
<tr>
<td></td>
<td>Costs</td>
</tr>
<tr>
<td></td>
<td>• Administrative costs for Council associated with updating the maps as new significant natural areas are identified.</td>
</tr>
<tr>
<td></td>
<td>Efficient and Effective</td>
</tr>
<tr>
<td></td>
<td>• These rules will be efficient and effective to achieve objectives 20.2.1 and 20.2.2.</td>
</tr>
<tr>
<td></td>
<td>• Identifying the significant natural areas on the planning maps allows significant natural areas to be more efficiently protected.</td>
</tr>
</tbody>
</table>

Rules – Significant Natural Area Schedule.

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Benefits</td>
</tr>
<tr>
<td></td>
<td>• Provides certainty as to location and extent of each significant natural area.</td>
</tr>
<tr>
<td></td>
<td>• The values and significance of each significant natural area can be listed.</td>
</tr>
<tr>
<td></td>
<td>• Allows any proposals to be assessed in terms of effect on the values or significance of that particular significant natural area.</td>
</tr>
<tr>
<td></td>
<td>Costs</td>
</tr>
<tr>
<td></td>
<td>• Administrative costs for Council associated with updating the schedule as new significant natural areas are identified.</td>
</tr>
<tr>
<td></td>
<td>• The values of significant natural areas may change over time.</td>
</tr>
<tr>
<td></td>
<td>Efficient and Effective</td>
</tr>
</tbody>
</table>
- These rules will be efficient and effective to achieve objectives 20.2.1 and 20.2.2.
- Identifying the significant natural areas in a schedule allows significant natural areas to be more efficiently protected.

### Activity Table 20.3

<table>
<thead>
<tr>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Activities required for the maintenance of significant natural areas are identified as permitted activities.</td>
</tr>
<tr>
<td>Any activity within a significant natural area that may have an adverse affect is a non-complying activity and thus subject to assessment against (amongst other things) consistency with objectives and policies.</td>
</tr>
<tr>
<td>Ensures the avoidance, mitigation or remediation of any adverse effects on significant natural areas.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative costs for Council associated with processing applications and assessing compliance.</td>
</tr>
<tr>
<td>Potential limitations on landowners.</td>
</tr>
<tr>
<td>Increased regulatory costs and time for developers.</td>
</tr>
</tbody>
</table>

### Efficient and Effective

- The activity status clearly signals to the community which activities have no adverse effects on the significant natural areas. The activity status table considers that all other activities have the potential to negatively impact the significant natural areas and thus require assessment through a resource consent process. This is an efficient approach in achieving the objectives.
- The activity table is effective because they provide a statutory framework which enables the Council to identify activities likely to cause adverse effects and consider those effects through a consent process.

### Standards

The only standards pertaining to significant natural areas are those associated with emergency works for removal of an indigenous tree where there is an imminent threat to life, property or a network utility or the tree carries a fatal disease. The standard requires confirmation the works are
necessary before the works are undertaken and that the work is carried about by an appropriately qualified person.

**Benefits**
- Where it is necessary to remove a tree in an emergency situation, this can happen without requiring a regulatory process.
- There is assurance the works are necessary because confirmation of this is required.
- There is assurance the works will be carried out safely, and in a manner that does not harm other indigenous trees unnecessarily because a suitable person qualified for this type of work will be required to carry out the work.
- People, property and network utilities will be protected from unsafe trees and other trees will be protected from contracting a fatal disease.

**Costs**
- The standard has to be complied with after the works have already taken place.

**Efficient and Effective**
- This rule is efficient and effective because it allows for the quick removal of trees that could harm people, property or other indigenous or significant trees. It is still effective in protecting these important trees because transparency is required in determining if removal is necessary.

---

**Rules most appropriate to achieve the objectives:**

<table>
<thead>
<tr>
<th>Significant Trees</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identifying significant trees on planning maps.</td>
<td>• Identifies protected trees.</td>
</tr>
<tr>
<td></td>
<td>• Ensures the avoidance, mitigation or remediation of any adverse effects on scheduled trees.</td>
</tr>
<tr>
<td></td>
<td>• The location and extent of the scheduled trees are easily identifiable.</td>
</tr>
<tr>
<td></td>
<td>• Certainty for landowners.</td>
</tr>
<tr>
<td></td>
<td><strong>Costs</strong></td>
</tr>
<tr>
<td></td>
<td>• Administrative costs for Council associated with updating the maps as new significant trees are identified.</td>
</tr>
</tbody>
</table>
Efficient and Effective
- These rules will be efficient and effective to achieve objective 20.2.3. Identifying the significant trees on the planning maps allows those trees to be more efficiently protected.

Rules – Significant Tree Schedule.

Benefits
- Provides certainty as to location and species of each tree.
- The values and significance of each tree or groups of trees can be listed.
- Allows any proposals to be assessed in terms of effect on the values or significance of that particular tree(s).

Costs
- Administrative costs for Council associated with updating the schedule as new significant trees are identified.
- The values of trees may change over time, be removed or die.

Efficient and Effective
- These rules will be efficient and effective to achieve objective 20.2.3. Identifying the significant trees in a schedule allows those trees to be more efficiently protected.

Activity Table 20.3.

Benefits
- Activities required for the maintenance of significant trees are identified as Permitted Activities.
- Any activity that may have an adverse affect on a significant tree is a restricted discretionary or discretionary activity and thus subject to assessment against (amongst other things) the consistency with objectives and policies.
- Ensures the avoidance, mitigation or remediation of any adverse effects on significant trees.
- Provides certainty that significant trees will be protected.

Costs
- Administrative costs for Council associated with processing applications and assessing compliance.
- Potential limitations on landowners.
- Increased regulatory costs and time for developers.

**Efficient and Effective**

- The activity status clearly signals to the community which activities have no adverse effects on the significant trees. The activity status table considers that all other activities have the potential to negatively impact the tree(s) and thus require assessment through a resource consent process. This is an efficient approach in achieving the objectives.
- The activity table is effective because they provide a statutory framework which enables the Council to identify activities likely to cause adverse effects and consider those effects through a consent process.

**Rules – Standards.**

The only standards pertaining to significant trees are those associated with trimming, maintenance and emergency works. These are both permitted activities provided the standards are complied with.

**Benefits**

- Minor trimming and maintenance can be undertaken without requiring a regulatory process.
- The integrity of tree is maintained as any greater level of trimming would require resource consent as a restricted discretionary activity.
- Sets a clear expectation of an acceptable level of trimming.
- Sets clear parameters where trimming is not acceptable (ie greater than 15% per year and removal of branches greater than 50mm).
- Any trimming above and beyond the standards is required to be carried out by a qualified arborist with notification provided to Council of the work required. This is because works above the thresholds set may have an adverse affect on the tree. Failure to meet these requirements results in the need for resource consent.
- Ensures the avoidance, mitigation or remediation of any adverse effects through trimming and maintenance.
- Allows emergency works or removal of a scheduled tree to be carried out without requiring a regulatory process.
- The standards confirm that emergency works or removal was required.
- Results in a transparent process where emergency works or removal was required.
- Allows for maintenance of significant trees when carried out by a suitably qualified practitioner. This ensures their protection, whilst reducing barriers to owners in order to encourage the ongoing protection of Significant Trees.

**Costs**

- Administrative costs for Council associated with processing applications and assessing compliance.
- Potential limitations on landowners.
- Increased regulatory costs and time for developers.
- The standard has to be complied with after the works have already taken place (in the case of emergency works or removal of a tree).

**Efficient and Effective**

- The standard clearly signals to the community the level of trimming which will have no adverse effects on the tree. The standard suggests that a greater level of trimming has the potential to negatively impact the tree. This is an efficient approach in achieving the objectives of protecting scheduled trees.
- The standard is effective because it provides a statutory framework which enables the Council to identify activities likely to cause adverse effects and consider those effects through a consent process.

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>- The Plan identifies that certain activities either by virtue of the activity or due to failing standards are controlled, restricted discretionary, discretionary or non-complying activities.</td>
</tr>
<tr>
<td></td>
<td>- The Plan includes assessment criteria that are able to be applied in the assessment of these activities through the resource consent process.</td>
</tr>
</tbody>
</table>
The criteria are grouped clearly under headings relating to the matters Council has reserved control over (for controlled activities) and restricted its discretion (for restricted discretionary activities). These assessment criteria and the introductory ‘how to’ guide are a useful way to guide all parties on how Council is going to administer the provisions of the Plan.

- The assessment criteria gives transparency and provides clarity for all users on the matters that Council has control or discretion over when considering controlled or restricted discretionary activities, and provides a guide for the consideration of discretionary and non-complying activities.
- The assessment criteria also seeks to avoid duplication of effort or unnecessary assessment by enabling design based criteria to be disregarded if a more relevant design guide is in place or if the criteria is not considered relevant to the specific activity.

**Costs**

- There is a general duty on an applicant and the Council to consider the assessment criteria firstly for relevance and secondly where considered relevant to assess the application against the criteria to consider the effects.
- There are no identified costs from clarifying in the Plan the matters which will be considered when processing an application.

**Efficient and Effective**

These provisions will be efficient and effective to achieve the objectives by identifying a list of matters which are able to be used as a guide when both preparing and assessing consent applications which eases the administration and use of the District Plan for all parties.

<table>
<thead>
<tr>
<th><strong>Rules not most appropriate to achieve the objectives:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Do nothing.</strong></td>
</tr>
<tr>
<td><strong>Having no rules regarding the protection of significant natural areas or significant trees provides no certainty that they will be protected. The protection of these areas will essentially be at the discretion of the landowner. It is considered that this option would not meet the requirements of the Act as detailed above.</strong></td>
</tr>
</tbody>
</table>
More permissive rules. More permissive rules would reduce the certainty that the rules will achieve the objectives.

**Conclusion:** Taking into account the above, Council considers that the rules in this chapter are most appropriate to achieve the objectives.

## 20.5 Methods Other Than Rules

### Methods most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other plans and legislation:</td>
<td>Benefits</td>
</tr>
<tr>
<td>Reserve Act Management Plans for sites in Council ownership.</td>
<td>• The Reserves Act 1977 provides for the preservation and management of areas possessing environmental value. Council can prepare management plans that include provision for the protection and restoration of ecological values or cultural or heritage values of trees while providing for the day to day management of reserves. QEII covenants protect biodiversity values on private land in the long-term despite changes in ownership. They are a voluntary method to maintain and enhance significant natural areas.</td>
</tr>
<tr>
<td>QEII covenants.</td>
<td>Costs</td>
</tr>
<tr>
<td></td>
<td>• There may be administrative costs in creating reserve management plans that recognise the objectives and policies. There may be tradeoffs between ecological or recreational values in the reserve. There may also be costs to developers when Council acquires land for a reserve.</td>
</tr>
<tr>
<td></td>
<td>Efficient and effective</td>
</tr>
<tr>
<td></td>
<td>• These methods are efficient and effective to achieve the objectives because they are successful at protecting and maintaining the ecological values of significant natural areas or significant trees in perpetuity.</td>
</tr>
<tr>
<td>Information, education and advocacy:</td>
<td>Benefits</td>
</tr>
<tr>
<td>Partnerships with landowners and tangata whenua.</td>
<td>• These methods support landowners and developers to understand rules and appropriate methods to meet the rules, and encourage the voluntary protection of sites. This will help generate a better understanding of the values of significant natural areas and significant trees.</td>
</tr>
<tr>
<td>Public education and advocacy, including advocating for voluntary protection.</td>
<td>Costs</td>
</tr>
<tr>
<td>Manage landowner expectations by clear and</td>
<td>• There are financial costs in preparing and</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
consistent information about the constraints and opportunities of having a scheduled Significant Natural Area or significant tree. Promote public understanding of the benefits of protecting natural features.

<table>
<thead>
<tr>
<th>Economic instruments</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Incentives (e.g. development bonuses, rebates, financial contributions for reserves, discounts) for proposals to retain, plant or covenant native areas of biodiversity.</td>
<td>• Provides a positive and tangible reason to developers or landowners to maintain, restore, enhance or protect biodiversity. An increase in areas of significant biodiversity or in quality of biodiversity could result.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Council may lose sources of funding.</td>
</tr>
</tbody>
</table>

**Efficient and Effective**

- This method will be efficient and effective to achieve the objectives by rewarding those interested in protecting, maintaining, restoring or enhancing biodiversity.

**Conclusion:** Taking into account the above, Council considers that the methods in this chapter are most appropriate to achieve the objectives.
20.6 References

- Key Ecological Sites of Hamilton City, CBER Report 121 by Toni S. Cornes, Rachel E. Thomson, Bruce D. Clarkson. Volume 1 and 2, Centre for Biodiversity and Ecology Research, Department of Biological Sciences Faculty of Science and Engineering The University of Waikato, May 2012.
- Section 42A Hearing Report: 24 September 2013: Report on submissions and further submissions - Chapter 20
- Response to Commissioner questions: Chapter 20 – Natural Environments – Clarke SNA Review
- Response to Commissioner questions: Chapter 20 – Natural Environments – Kessels Report
- Response to Commissioner questions: Chapter 20 – Natural Environments – Key Ecological Sites of Hamilton City Vol II
- Response to Commissioner questions: Chapter 20 – Natural Environments – ITS extracts – Protection of Existing Trees
- Response to Commissioner questions: Chapter 20 – Natural Environments and Chapter 21 Waikato River and Gully Systems
- Response to Commissioner questions: Chapter 20 – Natural Environments and Chapter 21 Waikato River and Gully Systems – map – PDP Operative EPO vs Proposed Natural Open Space Zones
- Response to Commissioner questions: Chapter 20 – Natural Environments and Chapter 21 Waikato River and Gully Systems – map – PDP Operative EPO vs Proposed Waikato River Gully Hazard
- Response to Commissioner questions: Chapter 20 – Natural Environments – Significant Trees

20.7 Glossary

- Refer to Volume 2, Appendix 1.1.2 of the District Plan
21 Waikato River Corridor and Gully Systems

21.1 Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 21: Waikato River and Gully Systems.

The Waikato River is an outstanding natural feature within the Waikato region. Additionally the Waikato River and the gullies form the most prominent landscape feature within Hamilton. These areas have economic, transport, recreational, ecological, amenity, landscape and cultural values that come together to contribute to the significance of these areas.

The overall approach is to introduce a central chapter that recognises that a number of values come together to contribute to the significance of the Waikato River Corridor and gully systems. This central chapter will act as a starting point for those wishing to undertake development and activities in the Waikato River and gully areas and then will provide linkages through to other relevant chapters. The following diagram explains how this chapter links to other chapters within the Plan.

It is also important to acknowledge that this chapter, amongst other things, provides a mechanism for giving effect to the Vision and Strategy for the Waikato River.

Supporting documents are listed in the References section of this chapter.

21.2 Objectives

<table>
<thead>
<tr>
<th>Objectives most appropriate to achieve the purpose of the Act:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>21.2.1</strong> The ecological, amenity, landscape and cultural values of the river corridor and gully system are restored and protected.</td>
</tr>
<tr>
<td><strong>21.2.2</strong> The river corridor and gully system is used in a manner that is consistent with the purpose of the Act.</td>
</tr>
</tbody>
</table>
way that recognises, and is sensitive to its social, cultural, spiritual and historical character. when used in conjunction with objective 21.2.1.

| 21.2.3 | The river corridor is a key focus for tourism and events. This objective is most appropriate because it recognises the positive social and economic effects of utilising the river corridor for tourism and events. This objective is particularly effective when used in conjunction with objective 21.2.1 and 21.2.2. |
| 21.2.4 | The health and wellbeing of the Waikato River and gully systems shall be restored and protected. This objective is most appropriate to achieve the purpose of the Act because it will ensure the life-supporting capacity of the Waikato River is safeguarded, which is consistent with section 5 of the Act. The inclusion of the gully systems ensures a holistic approach is taken within the plan that recognises that the health and vitality of the surrounding gully systems can impact on the life-supporting capacity of the Waikato River. |

**Objectives not the most appropriate to achieve the purpose of the Act:**

| No objective. | Having no objective regarding the protection and restoration of the river corridor and gully system would not be most appropriate, because it provides no certainty they will be protected and restored. The Waikato River and gully system are outstanding natural features in Hamilton, but the values are under threat and in some cases their condition is deteriorating. It is therefore important that protection and restoration is achieved. The Council is also required to give effect to the Vision and Strategy for the Waikato River as part of its obligations under the Waikato River Settlement Act 2010. Having no objectives would not allow the Council to give effect to the Vision and Strategy. |
| To protect the natural character, bank stability and water quality of the river corridor and gully system for their visual, wildlife, cultural, historical, and recreational values and enhance these significant natural features and their associated ecological processes. | An objective like this would not be most appropriate, because the Waikato River Corridor and gully system have deteriorated in recent decades. Therefore protection and enhancement are no longer enough to maintain their important values. Restoration of these values is now a key outcome that must be achieved. Additionally, the objective makes no mention of the important economic values the river and gully system provide, particularly for tourism and events. |

**Conclusion:** Taking into account the above, Council considers that the objectives in this chapter of the plan are the most appropriate to achieve the purpose of the Act.
# 21.3 Policies

### Policies most appropriate to achieve the objective:

**21.2.1**
The ecological, amenity, landscape and cultural values of the river corridor and gully system are restored and protected.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>21.2.1a</td>
<td>An integrated, holistic and co-ordinated approach to management shall be used to protect, enhance and restore the natural, physical, cultural and historical resources and character of the river corridor and gully system.</td>
</tr>
<tr>
<td>Benefits</td>
<td>• Policy 21.2.1a recognises that a number of mechanisms must work together to achieve the objectives for the Waikato River Corridor and Gully Systems.</td>
</tr>
<tr>
<td></td>
<td>• Policy 21.2.1b ensures that development and activities that impact on landform are controlled to ensure that the ecological, amenity, landscape and cultural values are maintained or enhanced. In particular the clearance of vegetation can exacerbate erosion. Also the filling of gullies has been identified as an issue in the past.</td>
</tr>
<tr>
<td>21.2.1b</td>
<td>Development and activities that impact on landform shall be controlled particularly the:</td>
</tr>
<tr>
<td></td>
<td>i. Clearance of vegetation along the river and gullies.</td>
</tr>
<tr>
<td></td>
<td>ii. Filling of gullies, including the cumulative effects of such incremental gully filling.</td>
</tr>
<tr>
<td>21.2.1c</td>
<td>The ecological functions of waterways shall be restored and protected by minimising the modification of natural watercourses and riparian margins.</td>
</tr>
<tr>
<td></td>
<td>• Policy 21.2.1c is consistent with section 6 of the Act, which refers to preserving the natural character of rivers and their margins and section 7, which requires regard to be had to intrinsic values of ecosystems and the maintenance and enhancement of the quality of the environment.</td>
</tr>
<tr>
<td>21.2.1d</td>
<td>The relationship of Waikato-Tainui with the Waikato River shall be restored and protected.</td>
</tr>
<tr>
<td></td>
<td>• Policy 21.2.1d is consistent with section 6(e), 7(a) and 8 of the Act by recognising that aspects of the Waikato River and gullies that are of significance to iwi, in particular the spiritual dimension and mauri (life force) of water.</td>
</tr>
<tr>
<td>21.2.1e</td>
<td>The relationship of the Waikato Region’s communities with the Waikato River shall be restored and protected.</td>
</tr>
<tr>
<td></td>
<td>• Policy 21.2.1e is consistent with section 7(aa) of the Act because restoring the community’s relationship with the Waikato River will help instil an ethic of stewardship within the community. This will lead to better protection of the river’s values and help people provide for their social, cultural and economic well-being.</td>
</tr>
<tr>
<td>21.2.1f</td>
<td>The loss or disruption of</td>
</tr>
<tr>
<td></td>
<td>• Policies 21.2.1f and g are consistent with section 5(2)(b) of the Act because the Waikato River Corridor and gully systems provide ecological linkages between the City’s significant natural areas. These linkages are vital to safeguard the life-supporting capacity of</td>
</tr>
</tbody>
</table>
corridors or connections provided by the Waikato River Corridor and gully systems which link indigenous ecosystems and habitat fragments shall be avoided.

21.2.1g
The connectivity and protective buffering of indigenous ecosystems provided by the Waikato River Corridor and gully system shall be maintained.

<table>
<thead>
<tr>
<th>Policies not the most appropriate to achieve the objective:</th>
</tr>
</thead>
<tbody>
<tr>
<td>No policy framework</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policies most appropriate to achieve the objective:</th>
</tr>
</thead>
<tbody>
<tr>
<td>21.2.2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>21.2.2a</td>
<td>Multi-functional use of the river corridor and gully systems shall be encouraged.</td>
</tr>
<tr>
<td>21.2.2b</td>
<td>The river corridor and gullies shall be used for sporting, recreation, and cultural opportunities.</td>
</tr>
<tr>
<td>21.2.2c</td>
<td>Building designs should suit the</td>
</tr>
</tbody>
</table>

**Costs**
- Administrative costs for Council associated with processing applications and assessing compliance.
- A loss of development rights for members of the community.
- Compliance costs for developers.

**Efficient and Effective**
- Provides a balanced approach to the use and development of the river and gully corridor by ensuring that the matters mentioned in the policies are taken into consideration.
- Recognises that a number of District Plan mechanisms work together to achieve the objectives for the river and gullies.
wider site context and shall consider:

i. Surrounding natural characteristics.

ii. The cultural significance of the surrounds.

iii. Whether opportunities exist to create an iconic feature that enhances the character of the locality.

### 21.2.2d

The river corridor and gully system shall be promoted to form part of the integrated transportation network, where appropriate.

### 21.2.2e

Future crossings of the river corridor and gully systems shall be required to enhance connectivity of the transport network.

### 21.2.2f

Public access to and along the river corridor and gully systems shall be promoted.

### 21.2.2g

The drainage function of the gully systems shall not be compromised.

<table>
<thead>
<tr>
<th>Policies not the most appropriate to achieve the objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimise the adverse effects of development in greenfield areas on the existing natural drainage patterns.</td>
</tr>
<tr>
<td>This policy is not the most appropriate for achieving the objective because it is too narrow and only focuses on areas of greenfield development. The drainage that the gully system provides is an important ecological function which contributes to its character. This function should not be comprised in any form of development, both within and outside of Greenfield areas.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policies most appropriate to achieve the objective:</th>
</tr>
</thead>
<tbody>
<tr>
<td>21.2.3 The river corridor is a key focus for tourism and events.</td>
</tr>
</tbody>
</table>
### Policies

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>21.2.3a</strong>&lt;br&gt;The use of the river corridor for events and tourism shall be promoted, particularly in the Central City area.</td>
<td><strong>Benefits</strong>&lt;br&gt;• The river is recognised as being key to the success of the Central City through acknowledging it as an events and tourism area, and ensuring that it is connected to the Central City both visually and physically.</td>
</tr>
<tr>
<td><strong>21.2.3b</strong>&lt;br&gt;Strong visual and physical connections shall be provided between the Central City and the river.</td>
<td><strong>Costs</strong>&lt;br&gt;• Promoting the use of the river for events and tourism may put natural values at risk from deterioration.</td>
</tr>
</tbody>
</table>

### Policies not the most appropriate to achieve the objective:

<table>
<thead>
<tr>
<th>Policies not the most appropriate to achieve the objective:</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>No policy framework.</td>
<td>Having no policies in place would not help achieve the objective because there would be no way to ensure the river corridor becomes a key focus for tourism and events. The policies set up a framework for making this happen.</td>
</tr>
</tbody>
</table>

### Policies most appropriate to achieve the objective:

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>21.2.4</strong>&lt;br&gt;The health and wellbeing of the Waikato River and gully systems shall be restored and protected.</td>
<td><strong>Benefits</strong>&lt;br&gt;• Fisheries, flora and fauna and water quality all contribute to the health and wellbeing of the Waikato River. Protecting and enhancing these sites and restoring water quality will help to achieve restoration and protection of the overall health and wellbeing of the river. Cumulative effects have the potential to seriously undermine restoration, so recognising and avoiding these effects is critical to achieving the objective. &lt;br&gt;• By including the gully systems within these policies, it ensures a holistic approach is taken to restoration and protection of the health and wellbeing of the Waikato River and those...</td>
</tr>
</tbody>
</table>
connected gully systems.

**Costs**
- Understanding what sites are significant and putting in place measures to protect and enhance fisheries, flora and fauna will incur costs on Council and may result in a loss of development rights.
- Once water quality is already degraded costs are incurred to restore it back to a healthy state. These costs will fall on the community, including any business or industry directly involved in polluting the river.

**Efficient and Effective**
- The health and wellbeing of the Waikato River is dependent on its fisheries, flora, fauna and good water quality. Focussing on these aspects is an effective way to improve the river’s health and wellbeing. Cumulative adverse effects threaten the ability for restoration to be successful so avoiding these in the first place is an efficient way to achieve the objective.

**Policies not the most appropriate to achieve the objective:**

| No policy. | Not having any policies regarding restoring and protecting the health and wellbeing of the Waikato River is not appropriate to achieve the objective because there would be no course of action to ensure restoration and protection would happen. Furthermore, not having a policy framework would not give effect to the Vision and Strategy for the Waikato River. Instead, the policies provide a clear direction for how the objective will be achieved and how the Vision and Strategy will be given effect. |

**Risks**
Risks of acting or not acting.
- Council considers there is sufficient information regarding the subject matter of the above objectives and policies. The risks of establishing a policy framework to ensure the protection, maintenance and where possible the enhancement of the Waikato River Corridor and Gully Systems are far outweighed by the risks of not acting.

**Conclusion:** Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objectives.

### 21.4 Rules
### Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| Objectives and policies are to be achieved through a number of rules throughout the District Plan. Of particular relevance are rules within these chapters.  
Chapter 25.2: City-wide – Earthworks and Vegetation Removal.  
Chapter 25.3: City-wide – Events and Temporary Activities.  
Chapter 25.13: City-wide – Three Waters.  
Chapter 15: Open Space Zones.  
Chapter 22: Natural Hazards. | Benefits  
- Having a chapter specifically for the river corridor and gully systems gives these areas visibility within the plan.  
- Provides a starting point for people interested in these areas and then signpost through to other relevant parts of the plan.  
- Does not add yet another layer (e.g. zone or overlay).  

Costs  
- Number of zones and areas apply, therefore maybe complex to determine what provisions apply to a particular site.  

Efficient and Effective  
- The benefits identified above outweigh the costs. |

### Rules not most appropriate to achieve the objectives:

| Specific rules contained in Chapter 21. | The objectives and policies that apply to the Waikato River Corridor and gully systems are achieved through various management approaches throughout the District Plan. |

**Conclusion:** Taking into account the above, Council considers that the rules in this chapter are most appropriate to achieve the objectives.

### Methods Other Than Rules

#### Methods most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| Other plans and legislation:  
Regional Policy Statement and Waikato Regional Plan.  
Waikato River Settlement Act 2010. | Benefits  
- The Reserves Act 1977 provides for the preservation and management of areas possessing cultural or environmental value. Council can prepare a management plan that includes provision for the protection and restoration of ecological values while providing for the day to day management of reserves.  
- The Regional Council have primary responsibility under the Act for controlling land use for soil conservation and water quality. The |
District Plan has a supporting role, as the District Plan controls subdivision and development of land. This provides rigour to the consideration of activities that affect the river corridor and gully system and enables the environmental impact of activities to be addressed as required by legislation.

- The Waikato River Settlement Act 2010 resulted in an agreement to develop a Vision and Strategy for the Waikato River. The benefits include a strong direction agreed by many stakeholders for the future of the Waikato River.

**Costs**

- There may be administrative costs in creating reserve management plans that recognise the objectives and policies. There may be tradeoffs between ecological or recreational values in the reserve.
- There may be costs to developers when Council acquires land for a reserve.
- There may be some activities that will be required to obtain resource consent from two different authorities due to their potential affect on the surrounding environment. This adds additional cost, complexity and time to those developments.

**Efficient and Effective**

- They provide a wider regional focus on the river corridor and gully system which will help to look at the effects of activities more holistically.
- Reserves and management plans are an effective way to preserve the values which need protecting.

**Council works and services:**

- Develop and implement an integrated River Management Plan and associated joint management agreements.
- Develop a Master Plan for future development of the river corridor.

**Benefits**

- Joint management agreements will help to ensure a wide range of values are considered, particularly cultural values, when deciding on how activities affect the river corridor and gully system. A Master Plan will help to ensure development and activities occur in the most appropriate areas. A master plan will consider the constraints and opportunities for making the Waikato River a special feature of the City.

**Costs**

- Administrative costs on Council (and ratepayers) to develop the plans and the
consequential costs to implement the actions that arise from such plans.

**Efficient and Effective**
- They will help provide a holistic view of the river corridor and gully system. This will make it clearer what activities are appropriate, or not, and where activities should occur.

**Information, education and advocacy:**

Advocate or promote conservation of landscape, ecological values and gully restoration including voluntary protection of natural environments

**Benefits**
- Increased public awareness of the values of the river corridor and gully system will help improve participation in gully restoration.
- Promoting voluntary protection will help ensure the long-term protection and restoration of the river corridor and gully system.

**Costs**
- Administrative costs for developing promotional material or events.
- Costs to work with people to help restore or protect areas.

**Efficient and Effective**
- Helping the wider public become interested in gully restoration or voluntary protection will help improve the health of the gully system and protect it long-term.

**Risks**

Risks of acting or not acting.

- Council considers there is sufficient information regarding the subject matter of the above methods that support the objectives and policies relating to the protection and restoration of the Waikato River Corridor and Gully Systems. The risks of establishing methods to ensure the protection and restoration of the Waikato River Corridor and Gully Systems are far outweighed by the risks of not acting.

**Conclusion:** Taking into account the above, Council considers that the methods in this chapter are most appropriate to achieve the objectives.

**21.6 References**

- Key Ecological Sites of Hamilton City, CBER Report 121 by Toni S. Cornes, Rachel E. Thomson, Bruce D. Clarkson. Centre for Biodiversity and Ecology Research, Department of Biological Sciences Faculty of Science and Engineering The University of Waikato. May 2012.
- The Waikato River – Its people, transport and trade (articles and extracts), Susan

- Section 42A Hearing Report: 24 September 2013: Report on submissions and further submissions Chapter 21
- Response to Commissioner questions: Chapter 20 – Natural Environments and Chapter 21 Waikato River and Gully Systems
- Response to Commissioners questions: Chapter 20 – Natural Environments and Chapter 21 Waikato River and Gully Systems – map – PDP Operative EPO vs Proposed Natural Open Space Zones
- Response to Commissioners questions: Chapter 20 – Natural Environments and Chapter 21 Waikato River and Gully Systems – map – PDP Operative EPO vs Proposed Waikato River Gully Hazard
22 Natural Hazards

22.1 Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 22: Natural Hazards. This is a City-wide chapter which is relevant to all parts of the City but particularly for areas identified as potentially affected by natural hazards (refer to hazard areas identified on the Planning Maps in Volume 2). Other objectives, policies and rules and methods relevant to Natural Hazards are identified in other chapters and their respective section 32 evaluations (e.g. Subdivision in Chapter 23). This section 32 evaluation should be read together with the text of the District Plan itself.

A natural hazard is the result of natural processes that form, shape and alter the environment. Natural hazards are any atmospheric, earth or water-related occurrence that adversely affects or may adversely affect human life, property or the environment. They include earthquakes, tsunami, erosion, volcanic and geothermal activity, landslips, subsidence, sedimentation, wind, drought, fire, and flooding.

Hazard risk is the likelihood or probability of a natural hazard event occurring combined with its impact. The likelihood of some natural hazards events occurring within a 100 year planning timeframe for example can range from very rare (e.g. large earthquakes, volcanic eruptions) to likely or almost certain (e.g. flooding).

The potential impact (and consequentially the risk) presented by hazard events depends on the susceptibility of the land use within the affected area. For example, deep flooding in an open pasture makes the land unusable for a period but overall has a low impact, therefore the risk is low. If that open field was replaced with a hospital or an apartment then the impact of that same flood event would be high, with critical health services unavailable, people’s lives in danger and property damaged or destroyed. In this second situation the risk is considerably higher.

The emphasis on the management of natural hazards in Chapter 22: Natural Hazards is to avoid situations where people put themselves, their property and the environment at unacceptable levels of risk from natural hazards.

Flooding and land instability (erosion, land slips and subsidence) are natural hazards of particular relevance to Hamilton. It is these hazards that this chapter focuses on. Other natural hazards are either not relevant to Hamilton (e.g. proximity to sources – coastline, active faultlines, volcanic/geothermal areas, see Civil Defence Emergency Management Plan), extremely unlikely, managed by other statutory instruments or processes and/or where the District Plan would not be the most effective or efficient way of managing that particular natural hazard.

Appendix A contains references to key documents, standards and legislation.

Appendix B contains discussion on resource management issues and Council’s statutory responsibilities under s32 of the Act regarding natural hazards.

Appendix C contains relevant extracts from the operative Regional Policy Statement.

Appendix D contains relevant extracts from the proposed Regional Policy Statement.
Appendix E contains examples of relevant District Plan approaches and tools for the management of natural hazard risk.

## 22.2 Objectives

### Objective most appropriate to achieve the purpose of the Act:

#### 22.2.1

Manage activities to avoid or mitigate adverse effects on, and minimise risk to:

- People
- Property; and
- The environment from natural hazards, in order to increase community resilience, reduce the risks from natural hazards, and support effective and efficient response and recovery from natural hazard events.

‘Activities’ include subdivision, use and development.

This objective is most appropriate to achieve the purpose of the Act because:

- It provides for the control of the use, development and protection of land for the purpose of avoiding or mitigating adverse effects of natural hazards on, and minimising risk to people, property and the environment.
- It is sufficiently broad enough to provide for a tailored management approach to policies and methods that recognise that the nature, scale and intensity of activities and natural hazards vary, and that different responses may be appropriate in different situations. For example, this enables policies that seek to avoid development in areas subject to a high flood hazard risks while providing opportunities for assessment and potential mitigation in other lesser flood hazard areas.
- It meets the specific legislative requirements regarding the function of territorial authorities.
- It gives effect or has regard (as appropriate) to relevant national and regional policies, plans and strategies.
- It is achievable through the proposed policies, rules and other methods.

### Objectives not the most appropriate to achieve the purpose of the Act:

No objective.

This option is not the most appropriate to achieve the purpose of the Act because:

- Having no objective regarding natural hazards gives no guidance on assessing activities in relation to natural hazards and provides no certainty that use and development of land will avoid or mitigate the adverse effects of natural hazards.
- This option does not meet the specific legislative requirements regarding the function of territorial authorities.
- This option does not give effect or have regard (as appropriate) to relevant national and regional
<table>
<thead>
<tr>
<th>Policies, plans and strategies.</th>
<th>This option is not the most appropriate to achieving the purpose of the Act because:</th>
</tr>
</thead>
<tbody>
<tr>
<td>As proposed but excluding protection of any of the three elements – people, property, environment.</td>
<td>• An integrated approach to considering the adverse effects of natural hazards with the nature, scale and intensity of activities is needed to understand the level and ultimately acceptability of risk for any proposal. Consideration of each factor in the objective is a necessary component of this process and is needed to ensure sustainable management is promoted. The appropriateness of the objective in achieving the purpose of the Act is compromised if one or more elements are removed.</td>
</tr>
<tr>
<td></td>
<td>• This option does not meet the specific legislative requirements regarding the function of territorial authorities.</td>
</tr>
<tr>
<td></td>
<td>• This option does not give effect or have regard (as appropriate) to relevant national and regional policies, plans and strategies.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>To identify the impacts from natural hazards on people, property and the environment.</th>
<th>This option is not the most appropriate to achieving the purpose of the Act because:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Its scope is limited to identification and mitigation. It does not recognise that in some circumstances avoidance may be the most suitable response.</td>
</tr>
<tr>
<td></td>
<td>• This option does not fully meet the specific legislative requirements regarding the function of territorial authorities.</td>
</tr>
<tr>
<td></td>
<td>• This option gives only partial effect or some regard (as appropriate) to relevant national and regional policies, plans and strategies.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>To prevent all activities in areas affected by natural hazards to avoid adverse effects on, and risks to people, property and the environment.</th>
<th>This option is not the most appropriate to achieving the purpose of the Act because:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• While it may avoid exposing people, property and the environment to adverse effects of natural hazards it also prevents any other use of the land – this provides no recognition of the level of risk involved. It does not recognise that there are activities with varying tolerances to natural hazards, that the effects of natural hazards varies, that mitigation options may exist and be appropriate, and would result in an inefficient use of land (physical resource).</td>
</tr>
<tr>
<td></td>
<td>• This option does not fully meet the specific legislative requirements regarding the function of territorial authorities.</td>
</tr>
</tbody>
</table>
Conclusion: Taking into account the above, Council considers that the objective in this chapter of the plan are the most appropriate to achieve the purpose of the Act.

22.3 Policies

22.2.1 Manage activities to avoid or mitigate adverse effects on, and minimise risk to:

- People;
- Property; and
- The environment

from natural hazards, in order to increase community resilience, reduce the risks from natural hazards, and support effective and efficient response and recovery from natural hazard events.

22.2.1a Subdivision, use and development shall be managed to reduce the risks from natural hazards to an acceptable level, including by:

1. Ensuring risk and likely effects are assessed for new activities on land subject to natural hazards.
2. Reducing the risk to which existing use and development is exposed to tolerable or acceptable levels where these risks are considered unacceptable.
3. Controlling new use and development in areas subject to significant natural hazards to ensure that the natural hazard risk does not exceed

22.2.1a policies are generally applicable to natural hazards other than flooding and land instability and not spatially constrained to natural hazard areas identified in the planning maps. The applicability of other policies is summarised in the table below.

<table>
<thead>
<tr>
<th>Policy</th>
<th>City-wide</th>
<th>High Flood Hazard Area</th>
<th>Medium Flood Hazard Area</th>
<th>Low Flood Hazard Area</th>
<th>Culvert Block Flood Hazard Area</th>
<th>Temple View Flood Hazard Area</th>
<th>Waikato Riverbank and Gully Hazard Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>22.2.1a</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>22.2.1b</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
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<tr>
<td>22.2.1c</td>
<td>✓</td>
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<tr>
<td>22.2.1d</td>
<td>✓</td>
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<tr>
<td>22.2.1e</td>
<td>✓</td>
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<td>✓</td>
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</table>
acceptable levels.

iv. Taking a precautionary approach by minimising the vulnerability of new development adjoining natural hazard areas.

v. Recognising that sites may be subject to multiple hazards and the potential cumulative effect this may create.

vi. When mitigation options are being considered in response to unacceptable hazard risks, giving priority to the use of non-structural solutions over new construction of natural hazard protection works or structures.

vii. Recognising, maintaining or enhancing the role of natural features to avoid or minimise natural hazards.

viii. Ensuring new activities do not create new or exacerbate existing natural hazards.

ix. Having regard to the actual or potential effects of climate change on the occurrence or severity of natural hazards.

x. Recognising that providing for redevelopment resulting in an increased level of development on site may create opportunities to reduce the overall level of existing risk.

Subdivision 22.2.1b

Subdivision that increases the demand or potential for

<table>
<thead>
<tr>
<th></th>
<th>22.2.1f</th>
<th>22.2.1g</th>
<th>22.2.1h</th>
<th>22.2.1i</th>
<th>22.2.1j</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>✓ ✓ ✓ ✓ ✓</td>
<td>✓ ✓ ✓ ✓ ✓</td>
<td>✓ ✓ ✓ ✓ ✓</td>
<td>✓ ✓ ✓ ✓ ✓</td>
<td>✓ ✓ ✓ ✓ ✓</td>
</tr>
</tbody>
</table>

Benefits

- Provides clear guidance for managing activities in a way that ensures levels of risk are reduced to a level acceptable in the context, and circumstances where the level of risk should be considered unacceptable.
- Recognises the net benefits to risk reduction arising from providing for redevelopment opportunities within areas affected by natural hazards.
- Ensures the effects of natural hazards are assessed and that new activities ensure people, property and the environment are protected from adverse effects of natural hazards, including the cumulative effects of multiple natural hazards and the effects of climate change on the frequency and severity of hazard events.
- Protects the functions of natural resources by establishing preferences for non-structural hazard mitigation measures.
- Encourages a long term evolution of land use patterns and infrastructure networks that creates a more resilient community.
- Avoids costs of subsequent remedial works and costs and dangers in responding to and recovering from natural hazard events. Fewer people/less property at risk or affected by an event means less resources needed to respond during that event, less community disruption, less financial costs and a faster recovery phase.
- Development pressure for intensive uses on constrained land is reduced, potentially creating opportunities for tolerant uses that might not otherwise be considered ‘economically’ feasible.
a greater number or extent of buildings and structures within the High Flood Hazard Areas shall be avoided.

22.2.1c Subdivision creating new allotments shall ensure building platforms are identified and located on parts of the site that are free from any Hazard Area.

22.2.1d Subdivision within a Flood Hazard Area shall only be allowed when:

i. The adverse effects of a flood event have been minimised and risk reduced to an acceptable level.

ii. The activity does not create a new or exacerbate existing flood hazards.

Flood Hazard Areas

22.2.1e New use and development that is vulnerable to the adverse effects of flooding events (including but not limited to residential units, child care facilities, community centres, schools, health care services) shall avoid High and Medium Flood Hazard Areas, Culvert Block Flood Hazard Areas and the Temple View Flood Hazard Area.

22.2.1f Recognise that there are some new uses and development that are resilient to the adverse effects of flooding events and can be carried out in Flood Hazard Areas.

(e.g. more open space, larger green spaces/ecological corridors).

- Less development opportunities because of natural hazard constraints reduces pressure on natural landscapes and features within these areas (e.g. river and gullies, trees and vegetation).

Costs

- Costs of research and analysis to identify hazard areas, and ongoing costs of maintaining, updating and improving this information – including costs of changing the plan to update the extent of hazard areas shown in the planning maps.

- Will result in investigative and assessment costs for proposals on land affected by natural hazards.

- Reduces development options or flexibility for land affected by natural hazards.

- Will require mitigation actions to be undertaken for some activities, with associated costs (financial costs vary, but are less expensive to incorporate in initial design than to retrofit).

Efficient and Effective

- This group of policies will be efficient and effective to achieve objective 22.2.1.

- The potential consequences of allowing activities within areas affected by natural hazard events vary according to the nature and scale of the proposed activity. The hazard areas identified within this District Plan are affected by potentially significant hazards.

- Some land uses have the effect of concentrating people into defined locations. Concentrating people in locations (e.g., residential activities at urban densities) that may be subject to natural hazards creates a greater risk than if the land was used only for lower population uses.

- Some activities are regionally significant or are vital for emergency response and disaster recovery, including hospitals, emergency service facilities, and “lifeline” utilities. These activities need to be located in areas where their exposure to natural hazards is minimised. In some situations it will be impossible to provide lifeline utility services to the City without entering a hazard area (e.g., Three Waters infrastructure or the strategic transport network crossing the Waikato River).
### 22.2.1g
New essential service infrastructure shall avoid flood hazard areas if the infrastructure could become unusable or inaccessible during flood events.

### 22.2.1h
New regionally significant infrastructure shall be allowed within a flood hazard area only when:

1. The infrastructure can not reasonably or practicably be located elsewhere.
2. The adverse effects of a flood event on the infrastructure are minimised to the extent practicable.

### 22.2.1i
New use and development within a flood hazard area shall only be allowed when:

1. The adverse effects of a flood event have been minimised and risk reduced to an acceptable level.
2. The activity does not create a new or exacerbate existing flood hazards.

### 22.2.1j
New development shall avoid overland flow paths.

### 22.2.1k
New development shall be considered in areas subject to ponding hazards only where:

1. The extent of ponding is localised and not part of a widespread and contiguous ponding

Where it has been established that there is no reasonable or practical alternative that would avoid a hazard area, then the activity should be allowed to proceed in a manner that minimises the level of risk.

- Some activities are not sensitive to the effects of natural hazards and are considered low risk. These should be allowed to occur in hazard areas. Examples include outdoor recreational spaces and their associated activities, gardens and other open spaces (public or private), and use as part of the City’s walking and cycling network. This ensures that the land is still able to contribute towards the functioning of the City, while minimising the consequences of a natural hazard event.

- To achieve the objective new activities should not be allowed to create a new, or exacerbate an existing, hazard, e.g. development which diverts flood water on to a neighbouring site or alters the hydrological capacity of a flood plain. These include walls, fences, earthworks, vegetation removal, construction of buildings and structures, and increasing impervious surfaces.

- These policies describe the technical criteria and parameters around flood assessment and the desired outcomes. They therefore provide a basis and rationale for decision-making in respect of flood events.

- The policies are in many respects restatements of provisions in policy statements (such as the Regional Policy Statement and the Act itself) or are procedural (state actions that are required). As such they are fair representations of statutory requirements and therefore meet the Act’s purpose.

- The benefits and expected outcomes of the policies outweigh the respective costs.
hazard.

ii. The ponding depth does not hinder safe movement by the expected users of the development and evacuation routes are maintained.

**Waikato Riverbank and Gully Hazard Area**

**22.2.1l**
New use and development which is vulnerable to the adverse effects of land instability shall avoid the Waikato Riverbank and Gully Hazard Area where the adverse effects and risks have not been minimised to an acceptable or tolerable level.

**22.2.1m**
New use and development which is resilient to the adverse effects of land instability shall be provided for in the Waikato Riverbank and Gully Hazard Area.

### Policies not most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Subdivision, use and development shall avoid areas affected by natural hazards.</th>
<th>While this policy would avoid exposing people and property to adverse effects of natural hazards it also prevents any other use of the land. This approach provides no recognition of the level of risk involved and that some types of uses of land in hazard areas may be acceptable. It does not recognise that there are activities with varying tolerances to natural hazards, that the effects of natural hazards varies, that mitigation options may exist and be appropriate, and would result in an inefficient use of land (physical resource).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivision, use and development should be allowed in areas affected by natural hazards if the adverse effects of natural hazard can be avoided or</td>
<td>This policy just restates the objective and provides little guidance on how the objective should be achieved.</td>
</tr>
</tbody>
</table>
Risks

With regards to natural hazards, there is generally sufficient information upon which to base analysis as to the appropriateness of acting or not acting. There is, however, often scientific and statistical uncertainty associated with the understanding of natural hazards and the potential effects on use and development. The risks associated with acting and not acting is outlined as follows:

Risks of not acting

- The vulnerability of use and development to natural hazards is understated.
- The community becomes more vulnerable to the effects of natural hazards.
- Natural hazard guidance with regard to new land use is too general, leading to inconsistent decision making and development uncertainty.
- Subdivision, use and development occur in a manner that increases risk to people, property and the environment.

Risks of acting

- The vulnerability of use and development to the effects of natural hazards is overstated, leading to unnecessary constraints on the subdivision, use and development of land.

Conclusion: Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objective.

22.4 Rules

<table>
<thead>
<tr>
<th>Rules most appropriate to achieve the objectives:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Method</strong></td>
</tr>
<tr>
<td>Planning Maps</td>
</tr>
</tbody>
</table>

**Benefits**
- Provides certainty as to what land is subject to proposed plan provisions.
- Avoids applicants incurring costs of investigating whether sites may be subject to natural hazards in order to determine whether Plan provisions apply.
- Based on clear, technically robust, parameters for determining hazard areas (e.g. floodwater depth vs velocity).
- Good customer service and improved ‘visibility’ of natural hazards within the City.

**Costs**
- Council costs of research and analysis to identify hazard areas, and ongoing costs of maintaining, updating and improving this information – including costs of changing the plan to update the extent of hazard areas shown in the planning maps.
- Risk of misinterpreting information. Lines on a map can often create first impressions that do not reflect the methodology, assumptions and caveats of the information used to create the line and the purpose for which it has been created. Identified hazard areas should not be interpreted as meaning significant flooding or land instability is certain to occur in these areas or that on land outside these areas there will be no flooding or land instability. They are a risk management tool to help with the management of activities and natural hazards.
- Negative perception of affecting property values (however case law has established that this is not necessarily a matter to have regard to in decision making under the Act) and/or ability to gain insurance or increased cost of insurance premiums or excesses (determined by policies of individual insurers).

**Efficient and Effective**
- This method will be efficient and effective way to support objective 22.2.1 and policies 22.2.1a to 22.2.1m.
- Overall, this method is an efficient way of defining land possibly affected by natural hazards to which an effective policy and rule framework, based on
the hazard (and its significance in the case of flood hazard categories), can be applied.

- As a means of managing risk on a City-wide basis this approach will be effective. The effectiveness in this Plan is reduced (in relation to flood hazards) because detailed modelling is not available for all catchments. By setting up the framework for natural hazards more detailed information can be easily incorporated into the Plan when it becomes available, (i.e. changes to the extent of hazard areas, not changes to the objective, policy or rules associated with those hazard areas).

- Retaining flood hazard areas from the operative plan where no additional information is available and including consideration as part of subdivision is an effective and efficient way of ensuring some level of natural hazard management is undertaken for these balance areas. The benefits and expected outcomes of this option outweigh the respective costs.

<table>
<thead>
<tr>
<th>Activity Status Table</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Consent status of activities within identified natural hazard areas</strong></td>
</tr>
</tbody>
</table>

The consent status of activities has been established to recognise that different activities have different sensitivities to the effects of natural hazards. It includes direct references to activities identified by the Regional Policy Statement and reflects hazard categories established as part of flood hazard modelling.

Activities that are vulnerable to the effects of flooding or are vital during a natural hazard event (e.g. emergency facilities) and/or are critical to the functioning of the City and its recovery (e.g. lifeline utilities), are generally identified as non-complying activities in high flood hazard areas. They become discretionary activities within other hazard areas - with the exception of some particularly vulnerable activities (e.g. residential, childcare facilities, schools). Discretionary activity status also applies when these activities occur in hazard areas where the effect of the hazard is less significant.

Activities that are tolerant to natural hazard effects are generally identified as permitted activities, although in some cases these are subject to rules to ensure any potential effects are managed.

The activity status of essential services and regionally significant infrastructure is also varied by hazard area to reflect whether it is at, above or below ground. This recognises that at and below ground activities are
affected by land instability, but lines passing above are not (support structure would be considered as ‘at ground’). Similarly underground infrastructure and stormwater infrastructure do not require Plan intervention when within flood hazard areas.

Prohibited activity statuses were considered but discounted because there may be situations where mitigation options can avoid the risk (e.g. stormwater infrastructure improvements as part of a proposal can reduce the extent of the hazard area) or site specific assessment could provide a more refined hazard area boundary. This is apparent in greenfield growth areas where no or minimal stormwater infrastructure exists and where subdivision design would ensure secondary overland flowpaths are in channels or roads, and not on that part of land containing buildings or structures.

Benefits
- Provides certainty on which activities are considered appropriate or inappropriate in the various hazard areas (subject to standards), or where detailed and specific assessment and scrutiny via a consent process is required to demonstrate:
  i. Objectives and policies are met.
  ii. Adverse effects of natural hazard avoided or minimised.
  iii. Risk to people, property and the environment minimised.
- Provides a broad risk categorisation which reflects the severity of natural hazards against the sensitivity of activities.

Costs
- Financial and time costs to prepare applications for activities requiring consent and uncertainty over whether these would be approved.
- Development opportunities or flexibility may be restricted (off set by other development restrictions – e.g. Significant Natural Areas, open space zoning, regional plan restrictions).
- Financial costs of proposed mitigation measures.

Efficient and Effective
- This method will be efficient and effective way to support objective 22.2.1 and policies 22.2.1a to 22.2.1m.
• This method provides certainty that tolerant/low risk activities can occur (efficiency) whilst ensuring that vulnerable/higher risk activities are scrutinised through a consent process (effective).
• The benefits and expected outcomes of this option outweigh the respective costs.

### General Standards

#### 22.4.1 Impermeable Surfaces

This rule applies to that part of any site within a Hazard Area.

This rule has been carried over from the Operative District Plan. No monitoring information is available, suggesting the provision needs altering.

In effect this creates a minimum permeable area.

**Benefits**

• Helps manage the rates of stormwater run-off by reducing the amount of hard surface. Water can run faster across hard surfaces (e.g. driveways, concreted or paved areas), this can increase erosion and peak flood levels (i.e. water falling in a catchment gets to low points and overland flow paths faster and over a shorter period).

• Allows for some on site mitigation of stormwater quality and quantity (in small events) by creating permeable spaces.

• Can create opportunities for amenity improvements such as tree and vegetation planting on land which may have otherwise been under pressure to be developed.

• The exclusion for transport corridors recognises that in most situations this infrastructure will need to have large areas of impermeable surfaces.

**Costs**

• Reduced development opportunities and flexibility for developers.

• Council costs of monitoring compliance.

**Efficient and Effective**

• This method will be efficient and effective way to support objective 22.2.1 and policies 22.2.1a, 22.2.1d-f, 22.2.1h-j, and 22.2.1l-m.

• While potentially not as effective at mitigating the effects of activities on flood hazards or erosion as hard engineered stormwater infrastructure or large scale stormwater ponds, this method represents a cost effective, small scale, low impact design.
solution that can positively contribute to the management of stormwater and erosion.

- As a standard for permitted activities this assists in mitigating the effects of natural hazards without the need for scrutinising tolerant or low risk activities through a consent process (efficient).
- The benefits and expected outcomes of this option outweigh the respective costs.

### Specific Standards

| 22.5.1 | Earthworks Ancillary to a Permitted Activity (Waikato Riverbank and Gully Area). |
| 22.5.2 | Earthworks Ancillary to a Permitted Activity (Flood Hazard Areas). |
| 22.5.3 | External Storage of Goods and Materials. |
| 22.5.4 | Removal of Trees and Other Vegetation. |
| 22.5.5 | Fences and Walls. |
| 22.5.6 | New Buildings, Replacement or Rebuilding of Existing Lawfully Established Buildings, and Alterations or Additions to Existing Buildings. |
| 22.5.7 | Vulnerable activities, Essential services and Regionally Significant Infrastructure. |
| 22.5.8 | Lifeline Utilities (Above Ground Level). |
| 22.5.9 | Swimming Pools. |

These standards apply to specific permitted activities in hazard areas.

### Benefits

- Set minimum standards for a range of activities to mitigate the effects of natural hazards and minimise risks to an acceptable level. Compliance with these standards means these activities are permitted without the need for a resource consent process. This avoids financial and time costs associated with a resource consent process and provides certainty for the proposal.
- Rules 22.5.1 and 22.5.4 provide for property maintenance and landscaping activities. Rule 22.5.6 provides specific requirements for proposed building activities on land close to or within the Waikato Riverbank and Gully Hazard Area, or within a flood hazard area.
- Exceptions / lesser standards have been applied in low flood hazard areas for standards regarding fences and walls, the displacement of flood water and structural design, minimum floor heights and freeboard which improve the efficiency of the Plan by avoiding consent processes in situations where the level of risk is considered tolerable.
- The standards relating to removal of trees and other vegetation within the Waikato Riverbank and Gully Hazard Area leave the discretion regarding how vegetation clearance is undertaken, and by whom, in the hands of the landowner or occupier. A note to Rule 22.5.4 b) alerts Plan users to health and safety considerations, and threats to site stability, of vegetation removal within this Hazard Area.

### Costs

- Design and construction cost of compliance with standards (e.g. minimum floor levels/freeboard).
- Additional costs will vary according to the specific...
nature of the site, proposal and hazard. Cost/benefit analysis (see especially “Impacts of Climate Change on Urban Infrastructure and the Built Environment: Toolbox”, 2012) generally demonstrates that additional costs associated with ensuring sufficient freeboards are outweighed by the costs associated with repairing damage caused by inundation.

- Elevated floor levels may hinder access for people with physical disabilities or reduced mobility (e.g. elderly) or incur additional design and construction costs to provide for access needs.
- Limits development opportunities and flexibility (e.g. setbacks).
- Financial and time costs for proposals that are not able to comply with the standards (Restricted Discretionary Activities) and uncertainty for the applicant as to whether consents would be granted.
- Costs to Council of monitoring and enforcement of compliance with standards.

### Efficient and Effective

- These standards will be efficient and effective ways to support objective 22.2.1 and policies 22.2.1a to 22.2.1m.
- As standards for permitted activities this assists in mitigating the effects of natural hazards (effective – if monitored and enforced) without the need for scrutinising tolerant or low risk activities through a consent process (efficient). The benefits and expected outcomes of this option outweigh the respective costs.

### Assessment Criteria

<table>
<thead>
<tr>
<th>Specific Standard</th>
<th>Benefits</th>
</tr>
</thead>
</table>
| 22.7 Non-complying activities in a Flood Hazard Area. | - The Plan identifies that certain activities either by virtue of the activity or due to failing standards are controlled, restricted discretionary, discretionary or non-complying activities.  
- The Plan includes assessment criteria that are able to be applied in the assessment of these activities through the resource consent process. The criteria are grouped clearly under headings relating to the matters Council has reserved control over (for controlled activities) and restricted its discretion (for restricted discretionary activities). These assessment criteria and the introductory ‘how to’ guide are a useful way to guide all parties on how |
Council is going to administer the provisions of the Plan.

- The assessment criteria gives transparency and provides clarity for all users on the matters that Council has control or discretion over when considering controlled or restricted discretionary activities, and provides a guide for the consideration of discretionary and non-complying activities.

- The assessment criteria also seeks to avoid duplication of effort or unnecessary assessment by enabling design based criteria to be disregarded if a more relevant design guide is in place or if the criteria is not considered relevant to the specific activity.

### Costs

- There is a general duty on an applicant and the Council to consider the assessment criteria firstly for relevance and secondly where considered relevant to assess the application against the criteria to consider the effects.

- There are no identified costs from clarifying in the Plan the matters which will be considered when processing an application.

### Efficient and Effective

These provisions will be efficient and effective to achieve the objectives by identifying a list of matters which are able to be used as a guide when both preparing and assessing consent applications which eases the administration and use of the District Plan for all parties.

<table>
<thead>
<tr>
<th>Information Requirements</th>
<th>Activities requiring consent in hazard areas may be required to provide technical reports as part of information requirements for resource consent applications.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Especially:</td>
<td></td>
</tr>
<tr>
<td>Flood Risk Assessment</td>
<td></td>
</tr>
<tr>
<td>Report.</td>
<td></td>
</tr>
<tr>
<td>Site Management Plan.</td>
<td></td>
</tr>
<tr>
<td>Stormwater Disposal Report.</td>
<td></td>
</tr>
</tbody>
</table>
### Efficient and Effective

- The rules provide a clear framework for users of the Plan to determine information requirements and set clear parameters as to when more detailed analysis is required to address the potential effects and risk of the proposal, in relation to natural hazards.

- The effects of climate change should be considered as part of the Risk Assessment Report. In addition to Ministry for Environment guidance reports, the Hamilton City Council Infrastructure Technical Specifications contain guidance on the effects of climate change on temperature. Providing guidance on the effect of climate change, and requiring consideration as part of information requirements is considered an efficient way of addressing this matter. The benefits and expected outcomes of this option outweigh the respective costs.

### Rules not the most appropriate to achieve the objectives:

**Planning Maps**

Not identifying natural hazard areas on planning maps.

This would involve providing a definition of the natural hazard (e.g. 1% Annual exceedance probability AEP flood event, slopes, soil types), but leaving it up to developers to undertake the research and investigation required to work out whether they are on land affected by natural hazards. This would require all permitted activities to supply evidence to Council that the property were not affected by the defined hazard (potentially similar structure/approach to the National Environmental Standards (NES) on contaminants in soil).

**Benefits**

- Avoids costs associated with updates to planning maps as hazard areas change (e.g. flood hazard extent changes as a result of development and infrastructure improvement, improved information or modelling).

- Avoids costs of Council preparing natural hazard information.

**Costs**

- Costs associated with administering this process to ensure that this information requirement is provided to a sufficient level of detail.

Information required off-set by the scale of a proposal.
Costs of research and analysis to identify hazard areas fall on developers – potentially unnecessary costs imposed if subsequent investigations demonstrate the land is not subject to natural hazards.

Would require analysis beyond the subject site to understand the site context within the catchment. This adds to cost and likely to make smaller developments unaffordable.

Relies on defining a methodology and assumptions within the plan for identifying hazard areas. This locks in one method and set of assumptions. It does not provide for improvements in methodology or technologies.

Poor customer service and ‘visibility’ of natural hazards within the City. Does not accrue education benefits or contribute to a wider understanding of natural hazards in the City via the Plan.

Does not give effect to Councils duty to ‘identify’ areas affected by natural hazards (Regional Policy Statement). Council needs to map hazard areas in order to fulfil its functions and duties; given that information was fit for purpose, it would be an inefficient use of resources to not use it in the Plan.

Efficient and Effective

Overall, this method is not an efficient way of defining hazard areas. As a means of managing risk on a City-wide basis this approach is not effective as it is ad hoc and provides no ability to comprehensively understand and consider risk.

The benefits and expected outcomes of this option do not outweigh the respective costs.

<table>
<thead>
<tr>
<th>Activity Status Table</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consent status of activities – All permitted, without standards</td>
<td>To developers as there are no constraints or compliance costs on development established by plan.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provides no certainty that new subdivision, use or development in hazard areas will not be subject to unacceptable levels of risk (some managed by s106 of the Act and the Building Act 2004).</td>
</tr>
</tbody>
</table>

Efficient and Effective

This is not an effective way to achieve the objective. There would be a reliance solely on
other methods outside the plan to achieve the objective which are not sufficient to fully manage subdivision, development and use in relation to natural hazards.

- The benefits and expected outcomes of this option do not outweigh the respective costs.

Risks

Risks of acting or not acting.

- With regards to natural hazards, there is generally sufficient information upon which to base analysis as to the appropriateness of acting or not acting. There is, however, often scientific and statistical uncertainty associated with the understanding of natural hazards and the potential effects on use and development. The risks associated with acting and not acting is outlined below.

Risks of not acting

- The vulnerability of use and development to natural hazards is understated.
- The community becomes more vulnerable to the effects of natural hazards.
- Subdivision, use and development occur in a manner that results increases in risk to people, property and the environment.

Risks of acting

- The vulnerability of use and development to the effects of natural hazards is overstated, leading to unnecessary constraints on the subdivision, use and development of land.

22.5 Methods Other Than Rules

<table>
<thead>
<tr>
<th><strong>Methods most appropriate to achieve the objectives:</strong></th>
<th><strong>Effectiveness, efficiency, costs and benefits</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Method</strong></td>
<td><strong>Benefits</strong></td>
</tr>
<tr>
<td>Regulatory Methods outside the District Plan:</td>
<td></td>
</tr>
<tr>
<td>Additional matters for consenting process for land</td>
<td>• Provides some specific powers to Council to</td>
</tr>
<tr>
<td>affected by instability or inundation in the Resource</td>
<td>manage some activities in relation to natural</td>
</tr>
<tr>
<td>Management Act, section 106.</td>
<td>hazards, notwithstanding the content of the plan.</td>
</tr>
<tr>
<td>Civil Defence Emergency Management Act 2002 and Civil</td>
<td></td>
</tr>
<tr>
<td>Soil Conservation and Rivers Control Act 1941.</td>
<td></td>
</tr>
<tr>
<td>Consenting process and</td>
<td></td>
</tr>
</tbody>
</table>

22 Natural Hazards
enforcement action under the Building Act 2004 and regulations.  
Bylaws.

Also refer to “Natural Hazard Management – Research Report”, Tonkin and Taylor Ltd for the Ministry for the Environment, August 2006, which contains a comprehensive list of powers for the purposes of natural hazard management (Part 8, p55-91).

<table>
<thead>
<tr>
<th>Education and Advocacy</th>
<th>Benefits</th>
</tr>
</thead>
</table>
| Information from Land Information Memorandum/Project Information Memorandum Guides and technical advice include information on:  
  - Earthworks.  
  - Low-Impact Urban Design and Development principles. |
| Make available natural hazard information. Information about the risks of natural hazards should be provided to assist with the planning and preparation for natural hazard events. |
| Benefits |
| - Provides clear information to the community about the risk posed by natural hazards.  
- Encourages communities to think about, prepare for and change their behaviour with regards to natural hazards. This supports the reduction and readiness aspects of natural hazard emergency management (CDEM) plan. |
| Costs |
| - There will be financial costs to Council to promote these approaches. |

<table>
<thead>
<tr>
<th>Efficient and Effective</th>
</tr>
</thead>
</table>
| - These methods will be efficient and effective to support the objective by providing information to improve risk awareness, encourage self-preparedness and behavioural change.  
- These approaches are likely to have greater effect than regulatory approaches to existing development.  
- The proposed method is efficient in that its stated benefits outweigh their likely costs. |

<table>
<thead>
<tr>
<th>Council Projects and Initiatives (subject to LTP and Annual Plan)</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Develop Integrated Catchment Management Plans (ICMPs) and/or water impact assessments for the long-term sustainable management of water resources and align Council Asset plans and works and services to increase efficiencies provide significant benefits through planning for, and undertaking, improvements to</td>
<td></td>
</tr>
<tr>
<td>Benefits</td>
<td></td>
</tr>
<tr>
<td>- The development of (ICMPs) for the long term sustainable management of water resources and the Hamilton City Infrastructure Technical Specifications will enable Council to provide a well-informed framework for the management of natural hazard flood risk within the City. Asset plans and works and services to increase efficiencies provide significant benefits through planning for, and undertaking, improvements to</td>
<td></td>
</tr>
</tbody>
</table>
works with those Catchment Management Plans and river bank stability programmes. Maintain Hamilton City Infrastructure Technical Specifications, as a guide for acceptable engineering practice and design solutions.

<table>
<thead>
<tr>
<th>the Council (and Community) asset.</th>
</tr>
</thead>
<tbody>
<tr>
<td>• There are social benefits from these methods as it provides information, assessment, technical design details and physical works that are essential for developments to ensure protection of property and the environment and the health and safety of the community.</td>
</tr>
</tbody>
</table>

**Costs**

- There are significant financial costs to the Council and community to develop ICMPs and to undertake works and services.

**Efficient and Effective**

- These methods will be efficient and effective to support the objective by providing information to improve risk awareness and provide technical design solutions to reduce risk.
- The proposed method is efficient in that its stated benefits outweigh their likely costs.

### Collaboration and Partnership

Collaborate with the Regional Council, Civil Defence, and other territorial authorities, to collect and analyse natural hazard risk information. Participate in any regional natural hazards forum to promote organisational integration and information sharing across jurisdictional and plan boundaries.

### Benefits

- Shared resourcing reduces unnecessary costs from duplication and provides access to specialist advice for those Councils with limited or no in-house experts.
- Improved consistency between authorities regarding natural hazard management.
- Creates critical mass of resource/specialists to move beyond implementing best practice to research and creation of new best practices.

### Costs

- Financial/opportunity cost to Council of assigning staff to participate in forums, share information and involvement in any joint work programmes.

### Efficient and Effective

- These methods will be efficient and effective to achieve the objective by improving access to information and expertise regarding natural hazards.
- Inter-jurisdictional consistency in approaches to natural hazard management reduces the planning framework complexity for cross-boundary activities or developers who work in multiple jurisdictions.
- The proposed method is efficient in that its stated benefits outweigh their likely costs.
22.6 References

- Refer to Appendix A for a list of resources, documents, standards and legislation.

22.7 Glossary

- Refer to Volume 2, Appendix 1.2.2 of the District Plan.
Appendix A

Referenced external resources, documents, standards and legislation

- S42A Report prepared for Chapter 22 Natural Hazards hearing (8 October 2013), including:
  - Appendix D: hazard reporting for properties referenced in submissions that are affected by the low, medium, high flood hazard areas (AECOM)
  - Appendix E: hazard reporting for properties referenced in submissions that are affected by the Waikato riverbank and gully hazard areas (BECA)
  - Appendix G: Targeted Feasibility Assessment (Harrison Grierson)
  - Response to Commissioner questions for 8 October 2013 (Natural Hazards) and 3 February 2014 (Planning Maps) hearings

- Resource Management Act 1991
- Hamilton City Plan (Operative 2012)
- Hamilton City Proposed District Plan S32 Report (October 1999)
- Hamilton City Variation 12 to the Proposed District Plan S32 Report (2010)
- Waikato Regional Policy Statement (Operative October 2000)
- Waikato Regional Policy Statement (Proposed as notified (November 2010) and decision version (November 2012))
- Waikato Regional Plan (Operative in part September 2007)
- Waikato (Operative in part June 2011), Franklin (Operative February 2007) and Waipa District Plans (Operative 1997)
- Local Government Act 2002
- Local Government Official Information Act 1987
- Civil Defence Emergency Management Act 2002
- Building Act 2004 and Building Code
- Soil Conservation and Rivers Control Act 1941
- Future Proof Growth Strategy and Implementation Plan 2009
- City Strategy - Hamilton Urban Growth Strategy, April 2010
- NZS 4404: 2010 Land Development and Subdivision Infrastructure
- “Hazard Mapping in Hamilton City, New Zealand”, Hugh Blackstock, 2002, University of Waikato
- “Mapping Hazards in Hamilton”, Blackstock et al, 2002, University of Waikato
• “Natural Hazard Management – Research Report”, Tonkin and Taylor Ltd for the Ministry for the Environment, August 2006
• “How long is your piece of string – are current planning timeframes for natural hazards long enough?”, Saunders, GNS Science, Massey University.
• “Land use planning for natural hazards in New Zealand: the setting, barriers, burning issues and priority actions”, Glavovic et al, 2009, Springer.
• “Impacts of Climate Change on Urban Infrastructure and the Built Environment: Toolbox”, NIWA, MWH, GNS and BRANZ, 2012
• “Seismic Risk to Underground Services, Hamilton City”, Peter Hodder and Vicki Moon, University of Waikato, 1994
• “Karapiro Dam: Report on Dam Break Analysis”, Works Consultancy Services for ECNZ, 1989, Wellington
• “Inundation Maps – Waikato River – Dam Break Scenarios”, Works Consultancy Services for ECNZ, 1992, Wellington
• Hamilton LiDAR, Data Supply Metadata S1, 2008
• “Land Use Planning for Natural Hazards – Stewardship for the future”, New Zealand Centre for Advanced Engineering, April 2009
• “Communities for Climate Protection Programme – Action Plan”, Hamilton City Council
• “Preparing for climate change – A guide for local government in New Zealand”, Ministry for the Environment, ME.891, July 2008
• Hamilton City Development Manual (Hamilton City Infrastructure Technical Specifications)
• “Analysis of High Intensity Rainfall for Hamilton City”, NIWA, Feb 2008 - NIWA Client Report WLG2008-010
• 3 Waters Modelling Project – Stormwater, AECOM for Hamilton City Council, 29 October 2012
• Flood Hazard Report, AECOM for Hamilton City Council, 29 October 2012

• “Meeting the Challenges of Future Flooding in New Zealand”, Ministry for the Environment and the flood Risk Management and River Control Review Steering Group, August 2008

• Central Waikato River Stability Management Strategy 2008-2058, Waikato Regional Council, and its technical documents
  - Smart, G.M (2005) “Relative Importance of factors causing degradation in the Middle Waikato River Discussion document”

• Flood Risk Mitigation Plan, Policy Series 97/13, Waikato Regional Council

• Earthquake Risk Mitigation Plan, Policy Series 97/12, Waikato Regional Council

• Volcanic Risk Mitigation Plan, Policy Series 90/10, Waikato Regional Council

• Water Shortage Risk Management Plan, Policy Series 2000/31, Waikato Regional Council
Appendix B

Resource management issues and Council’s statutory responsibilities under s32 of the Act

Resource Management Issues

Current approach

The Operative District Plan identifies areas subject to flooding and geotechnical constraints via an Environmental Protection Overlay (EPO) (with associated rules) and subdivision requirements. This provides for a level of control over subdivision and development within these identified hazard areas. There is specific acknowledgment that significant information gaps exist. Flooding layers exist in relation to culvert blockage areas, river flooding and flooding in Templeview. The balance of the City did not have information available that was suitable to identify areas prone to flooding in storm events.

Outside of the (EPO) area Council relies on provisions of the Building Act to ensure structures are built in a way that ensures they are safe from flooding and land instability identified by the Waikato River bank instability (refer Beca Infrastructure Ltd dated May 2006 “Proposed Middle Waikato River Bed Degradation Management Strategy” prepared for the Waikato Regional Council).

Such reliance on the Building Act 2004 puts Council and the community on the ‘back foot’ – effectively relying on coarse Building Act “accept” or “decline” decisions to ensure long-term safety. This approach has its limitations. Firstly, within the Building Act there is no provision for an Assessment of Environmental Effects meaning assessments under that legislation must rely heavily on accurate Project Information Memorandum (PIM) information and the experience of Council officers to uncover less obvious secondary effects of building developments. Secondly, the process is blunt – it does not allow Council to tailor a building consent to the receiving environment. Lastly, the Building Act does not allow Council to control subdivision (though the Act itself does via s106) and is the last step in a series of processes that can lead people to genuinely believe land they have purchased or are trying to develop is able to be built on when planning restrictions could have foreshadowed limitations much earlier.

Proposed approach

A shift towards a more managed approach to land use in the City with respect to natural hazards may, in the longer-term, be a more sustainable and prudent option.

The proposed plan sets a policy direction based on the type and scale of hazard and the susceptibility of potential land uses.

Flooding and land instability (erosion, land slips and subsidence) are natural hazards of particular concern in Hamilton. This is because of their likelihood and potential impact given the City’s landforms, existing land use and future growth expectations. It is these hazards that this chapter focuses on. District Plan rules do not directly address other natural hazards, deferring instead to other statutory instruments or processes (refer to other methods of implementation).

The desired outcome is to ensure future (and potentially more intense) natural hazard
events cause the least possible damage to people, land and property. The focus is on ensuring patterns of land use are sustainable in the long term and that with time communities respond wisely to risk associated with natural hazards.

Hamilton has several specific issues that require addressing. These are:

Opportunities to improve the identification of hazard areas.

i. New flood hazard modelling show that parts of the City are potentially subject to River, surface or overland flow flooding in a 1%AEP storm event.

ii. New contour information for the City that allows greater refinement of gully areas

The need for a long-term approach for risk management in Greenfield areas and how to integrate additional land coming within Council’s jurisdiction (i.e. Ruakura and Te Rapa North).

Infrastructure and private investment within some identified hazard areas represent a significant resource and abandonment is often not a sustainable option.

Striking the right balance between providing options for the efficient use of land (as a physical resource) and avoiding or mitigating the adverse effects of natural hazards potentially affecting that land and ensuring that people, property and the environment are not subjected to unacceptable levels of risk.

Recognising and responding to changes in the frequency and intensity of storm events as a result of the effects of climate change means that older development(s) which have considered their level of risk may need to re-evaluate in light of new information.

Information

A key constraint to planning for natural hazards is often the availability of information about the likelihood and extent of natural hazard events. Hazard monitoring, and information gathering, assessment and sharing is necessary to ensure a comprehensive information base is available for hazard planning.

Knowledge of natural hazard risks is an important method to reduce adverse effects on people, property and the environment from natural hazards. By educating and providing sufficient information on hazards people are better equipped to individually plan and prepare for hazard events.

The City’s landform was mapped in July and August 2008 using Light Detection and Ranging (LiDAR) aerial photography technology to produce significantly more accurate data, which can be used in hazard modelling and assessment.

Information on Climate Change is continuing to evolve. See **Climate Change** below for more discussion.

Modelling is an important tool to understand the potential nature and extent of a natural event when no or incomplete records and information is available about previous occurrences. Council has commissioned flood modelling for the City as a means of understanding and planning for potential flooding during defined storm events. This is discussed below (see **Flooding**).

**Climate Change**

Section 7 of the Resource Management Act requires Council to have particular regard to effects of climate change. There are a number of reports available on climate change and
its impacts on people and the environment. There is a general consensus that climate change is real and will affect almost all of us in some way. The weather patterns in the Waikato can be quite variable. While there is some uncertainty over how climate change could affect Hamilton, indications are that changing weather patterns will lead to:

i. More frequent and severe rainfall events

ii. Windier weather

iii. Drier summers.

Changes in weather patterns have the potential to exacerbate existing natural hazards such as flooding, erosion and land instability. This increase in frequency and severity of natural hazard events must be considered when managing activities in and around areas affected by natural hazards. The emerging realisation that larger flooding events will become more frequent with time forces the consideration of the resilience of our communities and the way we develop – particularly over a longer time frame.

4.1.14a) of the Proposed Regional Policy Statement identifies the District Plan as a means to recognise climate change, stating that particular regard shall be had to minimum increases in temperature of 3°C to 2090 (relative to 1990 levels); Council uses levels based on the Hamilton City Development Manual (August 2008) set from a report prepared by NIWA (Analysis of High Intensity Rainfall for Hamilton City, NIWA, Feb 2008). This is lower than that identified in the Proposed Regional Policy Statement but is consistent with Ministry for the Environment Guidelines for taking into account climate change and has been used for stormwater development calculations in the City since 2008.

The flood hazard mapping used in the District Plan uses a 1%AEP design storm that incorporates climate change assumptions. For details, refer to the following reports.

Waters Modelling Project – Stormwater, AECOM for Hamilton City Council, 29 October 2012.

Flood Hazard Report, AECOM for Hamilton City Council, 29 October 2012.

All subdivision and development involving designing for stormwater infrastructure makes reference to the Hamilton City Technical Specifications as a guide for acceptable means of compliance. This contains calculations based on future changes in climate, albeit for stormwater infrastructure designs for piped and secondary that manage annual return periods from 2, 5, 10 and 50 year periods.

**Flooding**

The district planning maps identify five flood hazard areas, against which various policies and rules apply. These five areas are:

- High Flood Hazard Area.
- Medium Flood Hazard Area.
- Low Flood Hazard Area.
- Temple View Flood Hazard Area.
- Culvert Block Flood Hazard Area.

**Temple View and Culvert Block Flood Hazard Areas**

The Temple View Flood Hazard Area applies to parts of Temple View that are susceptible
to flooding. These areas are associated with small-scale farm dams and secondary flow paths that are part of the Waipa Flood Prevention Scheme. The extent of this hazard area comes from the Operative District Plan.

The Culvert Block Flood Hazard Areas apply upstream of significant culverts along the gully system. These represent the maximum effect of a culvert becoming blocked whereby water backs up the gully until it eventually overtops the accessway or transport corridor above the culvert. The extent of this hazard area comes from the Operative District Plan with some updates to reflect changes to the finished levels of roads. Culvert Block Flood Hazard Areas have been removed from those parts of the City within the detailed modelling catchments.

These flood hazard areas will be replaced over time as Council undertakes further detailed flood hazard modelling.

**Low, Medium and High Flood Hazard Areas**

The Low, Medium and High Flood Hazard Areas have been identified using flood hazard modelling prepared for Hamilton City Council and the Regional Council. The flood hazard modelling covers five areas of the City and the Waikato River corridor. These Flood Hazard Areas show land predicted to be affected by river flooding, water ponding or overland flowpaths in a storm event that has a 1% chance of occurring or being exceeded in any one year (equivalent to a 1 in 100 year event).

The Low, Medium and High categories of Flood Hazard Areas are based on combinations of water depth and speed. Generally, the deeper or faster the water the greater the consequence if people or property are exposed to it (i.e. the greater the risk). This is reflected in the policies and rules that relate to Flood Hazard Areas whereby a more restrictive approach exists within High Flood Hazard Areas compared with the Medium or Low Flood Hazard Area.

Details of assumptions and methodologies used are contained in the following reports.

Waters Modelling Project – Stormwater, AECOM for Hamilton City Council, 29 October 2012.

Flood Hazard Report, AECOM for Hamilton City Council, 29 October 2012.

The water and depth components of these flood hazard categories are described in the table below.
## Flood Hazard Area

<table>
<thead>
<tr>
<th>Flooding Type</th>
<th>Waikato River flooding</th>
<th>Surface ponding and overland flowpaths (beyond flooding from the Waikato River)</th>
</tr>
</thead>
<tbody>
<tr>
<td>High</td>
<td>i. The depth of the flood waters exceeds 1m; but ii. Excludes flood water depths less than 0.1m.</td>
<td>i. The depth of the flood waters exceeds 1m, or ii. The speed of the flood waters exceeds 2m per second, or iii. The flood depth multiplied by the speed exceeds one, but iv. Excludes flood water depths less than 0.1m.</td>
</tr>
<tr>
<td>Medium</td>
<td>i. The depth of the flood waters is equal to or less than 1m, but ii. Excludes flood water depths less than 0.1m.</td>
<td>i. The depth of the flood waters is equal to or less than 1m but greater than 0.5m, or ii. The speed of the flood waters is equal to or less than 2m per second but greater than 1m per second, and iii. The flood depth multiplied by the speed is less than or equal to one, but iv. Excludes flood water depths less than 0.1m.</td>
</tr>
<tr>
<td>Low</td>
<td>N/A</td>
<td>i. The depth of the flood waters is equal to or less than 0.5m, and ii. The speed of the flood waters is equal to or less than 1m per second, but iii. Excludes flood water depths less than 0.1m.</td>
</tr>
</tbody>
</table>

1. This detailed modelling is sourced from the Waikato Regional Council. The modelling data does not have a velocity component.

2. See Figure A below for the catchments where detailed modelling exists for surface and overland flooding.

See Figure B and Table C below showing the relationship between depth and velocity used in
determining flood hazard areas and associated risk.

**Figure A** showing catchments where detailed modelling exists for surface and overland flooding.

**Figure B** showing the relationship between depth and velocity used in determining flood hazard areas.

The flood hazard areas for overland flowpath and ponding flooding elsewhere in the City are defined by the following depths and velocities.
Flood hazard areas in the Waikato River corridor are defined using the following depths.

Table C containing comment on the risks associated with different depths and velocities.

<table>
<thead>
<tr>
<th>Classification</th>
<th>Depth Criteria</th>
<th>Velocity Criteria</th>
<th>Depth x Velocity Criteria</th>
<th>Comment (Refer AECOM report, 2012)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Insignificant</td>
<td>0-0.1m</td>
<td>Any velocity</td>
<td>N/A</td>
<td>At this depth, surface water is unlikely to be a hazard to people and unlikely to cause damage to property. NZBC E1 specifies 150mm freeboard to floors; therefore, habitable floors should be protected from significant damage. Also takes into account inaccuracies found in LiDAR and modelling.</td>
</tr>
</tbody>
</table>
Low

<table>
<thead>
<tr>
<th>0.1 to 0.5m</th>
<th>&lt;1.0m/s</th>
<th>N/A</th>
</tr>
</thead>
</table>

At this depth and velocity flood hazards are normally traversable by emergency vehicles and damage to property is minor to moderate. Humans can usually stand. Scour is unlikely to occur.

Medium

<table>
<thead>
<tr>
<th>0.5 to 1.0m</th>
<th>&lt;2.0m/s</th>
<th>N/A</th>
</tr>
</thead>
</table>

At this depth and velocity human stability in water is at risk. According to the Federal Emergency Management Agency (1979), a moderate sized person begins to lose stability in 0.91 m (deep water flowing 0.61 m/s). Damage to property can be financially significant (Auckland Council Flood Damage Analysis).

High

<table>
<thead>
<tr>
<th>&gt;1.0m</th>
<th>&gt;2.0m/s</th>
<th>&gt;1</th>
</tr>
</thead>
</table>

At velocities in excess of 2m/s the stability of foundations can be significantly affected by scour (NSW Flood Plain Development Manual). At depths in excess of 1m significant damage to building and risk to health and safety is very likely.

The High Flood Hazard area corresponds with the Regional Policy Statement definition of High Flood Risk Areas whereby the depth or the water, its velocity, or a combination of the depth and velocity is such that activities within this area are at a significant risk.

Each flood hazard category has its own set of policies and rules that reflects the degree of risk that the hazard creates with respect to subdivision, use and development.

In addition to the detailed modelling for the Low, Medium and High Flood Hazard Areas Council has mapping from low detailed modelling (Rapid Flood Hazard Assessments) that covers the balance of the City.

The Rapid Flood Hazard Assessment is indicative only. This information is not certain enough to rely upon for District Plan intervention (see Risk of acting below), and does not pass the threshold requiring Council to add this information to any Land Information Memorandum (LIM). Council uses this information as part of prioritising further investigation and modelling and for its own asset management purposes.

It is Council’s intention through work programmes established by the “10-Year Plan” (subject to review) to complete detailed modelling for the balance of the developed parts of the City and then update the flood hazard mapping used in the District Plan.

Depending on the progress of the District Plan and the programme of modelling this will be undertaken by either a variation to the proposed District Plan or plan change if the District Plan has been made operative.

The risks of acting versus not acting (in relation to Rapid Flood Hazard Assessment information) are understood as follows.

Risks of not acting
• The vulnerability of use and development to natural hazards is understated.
• The community becomes more vulnerable to the effects of natural hazards.
• Natural hazard guidance with regard to new land use is too general, leading to inconsistent decision making and development uncertainty.

Risks of acting
• The vulnerability of use and development to the effects of natural hazards is overstated, leading to unnecessary constraints on the subdivision, use and development of land.
• Relevant consideration also includes the timeframe before detailed modelling becomes available. Completion of detailed modelling and catchment management plans is expected within the life of this District Plan – a short period in the context of a 100 year planning period.

**Waikato Riverbank and Gully Hazard Area**

The slopes and soil types of the Waikato Riverbank and Gully systems potentially make these areas more susceptible to land instability (erosion, land slips and subsidence). In addition to controls within the Waikato Riverbank and Gully Hazard Area there are setbacks for nearby new development.

The Waikato Riverbank and Gully Hazard Area is an amalgam of the following features.

• Gully slopes.
• Waikato Riverbank stability line.

The Waikato River and its supporting network of gullies run through much of the City. These areas are vulnerable to erosion and land instability which puts activities occurring within these areas at greater risk. The soil types within this hazard area are also more prone earthquake effects, including liquefaction.

The gully slopes and soils components and approach of the Environmental Protection Overlay in the Operative District Plan form the basis of this hazard area (refer to Natural Values s32 for the Proposed District Plan, October 1999). Key changes are:

• New parts of the City have been added.
• Waikato Riverbank stability line included.
• The extent of the gully slope (<25 degrees, >25degrees) and soil layer (Kirikiriroa complex soils) has been modified using new contour and aerial photography information. This has improved accuracy as reliance on soil layer information is not as appropriate at smaller scales.

**Waikato Riverbank Stability Line**

The Waikato River bank stability line has been incorporated into the district plan as a hazard area.

The Central Waikato River Stability Management Strategy 2008-2058 was developed to provide a coordinated strategy for managing the stability of the Waikato River between Karapiro and Ngaruawahia. It was developed collaboratively between Council, Waikato District Council, Waipa District Council, Waikato Tainui, Mighty River Power and the Waikato Regional Council, and concentrates particularly on the potential effects of river bed erosion and river bank instability. One part of the project involved the identification
of areas adjacent to the Waikato River which are potentially subject to erosion hazard over the next 50 years. This included recommended setback lines from the Waikato River which may be more prone to instability (refer to technical reports supporting the Central Waikato River Stability Management Strategy 2008-2058).

Hamilton City Council has an obligation under the Local Government Official Information and Meetings Act to bring the new hazard information to the attention of affected property owners. The Council wrote to those people who have properties next to the river explaining the management strategy and any implications for their property. Council is required to put this information on relevant property files and this information will be available for people who apply for a LIM from Council, prior to purchasing a property.

Owners of properties within these setbacks are required to obtain specialist engineering advice prior to undertaking work on their site.

Further refinement of the Waikato Riverbank stability line has been considered previously, as part of investigations for the Rototuna Structure Plan (Variation 12 to the then Proposed District Plan in 2010). This concluded that this information was sufficient to use for the management of hazard risk. This recognised the cost of further refinement of these lines which would require a walkover of the river bank and adjacent land and review available subsurface investigation data. An indicative cost of $15,000 per 400m stretch was identified.

Statutory Responsibilities

Council is required under section 32 of the Resource Management Act 1991 (the RMA) to carry out an evaluation of alternatives, costs and benefits, and efficiency and effectiveness of the various components of the district plan.

Section 32(3) of the Act requires that the evaluation must examine:

a) The extent to which each objective is the most appropriate way to achieve the purpose of the Act; and

b) Whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objectives.

An evaluation must also take into account (Section 32(4)):

a) The benefits and costs of policies, rules, or other methods; and

b) The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.

“Natural Hazard Management – Research Report”, Tonkin and Taylor Ltd for the Ministry for the Environment, August 2006, contains a comprehensive list of the planning and legal framework for natural hazard management (Part 8, p55-91). Some legislative change has occurred since this report (e.g. changes to the Local Government Act in 2010) was completed but the substantive part remains relevant.

i) Resource Management Act 1991

There is a statutory mandate and good guidance on the treatment of Natural Hazards in the planning process. In particular section 74 of the Resource Management Act requires that the Council, when considering a change to a Plan, be in accordance with the provisions of Part II of the Act, its functions under
Section 31, and its duties under Section 32, and Section 75.

Part II of the Act outlines the purpose and principles of Resource Management in New Zealand. Section 5 of Part II states that the Act’s purpose is to promote the sustainable management of natural and physical resources meaning managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while:

(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

In terms of natural hazards this directive seeks to limit development to the level that the land can cope and where choice exists, avoiding problems that might occur. In as these are questions of law, they are also questions communities need to consider and resolve for themselves.

Section 7 of the Act lists “other matters” that local authorities must have particular regard to which includes:

(b) The efficient use and development of natural and physical resources.

(g) Any finite characteristics of natural and physical resources.

(i) The effects of climate change.

Section 8 of the Act requires the principles of the Treaty of Waitangi to be taken into account.

Council’s primary mandate for being involved in land use planning around natural hazards arises from Section 31 of the Act which describes Council’s responsibilities and tasks including:

(a) The establishment, implementation, and review of objectives, policies and methods to achieve the integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.

(b) The control of any actual or potential effects of the use, development or protection of land, including for the purpose of-

(i) The avoidance or mitigation of natural hazards; ....

Section 73 of the Act requires each territorial authority to prepare a District Plan. The District Plan is the primary tool to ensure that the subdivision, development and use of land is managed to achieve the purpose of the Act.

Section 72 states that the purpose of the Plan is “to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act”: Section 75(2) states that a District Plan must give effect to:

| (a) any national policy statement; and | There are no national policy statements for managing natural hazards. |
(b) any New Zealand coastal policy statement; and

The New Zealand Coastal Policy Statement is relevant to natural hazards, but not in the Hamilton context.

(c) any regional policy statement.

The Waikato Regional Policy Statement (Operative 2000) is relevant in this regard.

Under Section 75(4) a District Plan must not be inconsistent with:

(b) a regional plan for any matter specified in section 30(1).

The Waikato Regional Plan (Operative 2007) is relevant in this regard.

Section 74 states the matters to be considered by a territorial authority. In addition to the requirements of section 75(3) and (4), when preparing a District Plan, a territorial authority shall have regard to:

(2)(a) any—

(i) proposed regional policy statement; or

The Proposed Waikato Regional Policy Statement (2010) is relevant in this regard

(ii) proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and

There are no proposed regional plans. Variations No. 2 (Geothermal module), No. 5 (Lake Taupo catchment) and No. 7 (Geothermal Maps and minor changes) to the operative regional plan are not relevant in this context.

(b) any—

(i) management plans and strategies prepared under other Acts; and

Relevant management plans and strategies include:

- Waikato Civil Defence Emergency Management Plan
- Central Waikato River Stability Management Strategy 2008-2058
- Waikato Region:
  - Flood Risk Mitigation Plan
  - Earthquake Risk Mitigation Plan
  - Volcanic Risk Mitigation Plan
  - Water Shortage Risk Management Plan

(c) the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.

The Waikato District Plan (Operative in part – 2010, proposed parts, and variations) and Waipa District Plan (Operative 1997) are relevant in this regard. The Franklin District Plan (Operative 2000, and plan changes and variations) which covers parts of the former Franklin District Council which became part of Waikato District Council’s jurisdiction on 1 November 2010 is also relevant.

Council is required by Section 106, of the Act, to have particular regard to natural hazards in relation to the subdivision of land, which states:

(1) Despite section 77B, a consent authority may refuse to grant a
subdivision consent, or may grant a subdivision consent subject to conditions if it considers that-

(a) The land in respect of which a consent is sought, or any structure on the land, is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source; or

(b) Any subsequent use that is likely to be made of the land is likely to accelerate, worsen or result in material damage to the land, other land, or structure by erosion, falling debris, subsidence, slippage, or inundation from any source; or

(c) …

(2) Conditions under subsection (1) must be –

(a) For the purposes of avoiding, remedying, or mitigating the effects referred to in subsection (1); and

(b) Of a type that could be imposed under section 108.

When processing subdivisions this allows territorial authorities to act on information that may not have been recognised within the District Plan. Often there is a lag between information becoming available and District Plans being changed to reflect this information. This section of the Act, the Building Act 2004 and the Local Government Official Information and Meetings Act (in relation to Land and Project Information Memoranda) can assist.

ii) The Waikato Regional Policy Statement (October 2000)

The Regional Policy Statement was made operative in October 2000.

Territorial authorities are required to give effect to an operative RPS under section 75(2)(c).

Refer to Appendix C for key Objectives, Policies and Methods of the Regional Policy Statement that relate to the development of the Natural Hazards Chapter for the District Plan.

iii) The proposed Regional Policy Statement (November 2010)

The proposed Regional Policy Statement (RPS) was notified on 3 November 2010. Hearings were held in 2012.

Territorial authorities are required to have regard to a proposed RPS under section 74(2)(a)(i) of the Act.

Refer to Appendix D for key Objectives, Policies and Methods of the Proposed Regional Policy Statement that relate to the development of the Natural Hazards Chapter for the Proposed District Plan.

Regard has been had to provisions in the proposed Regional Policy Statement in developing Objectives, Policies and Rules with respect to Natural Hazard issues.

iv) Waikato Regional Plan

The Waikato Regional Plan was made operative in part on 28 September 2007.

Under section 75(4)(b) of the Act a District Plan must not be inconsistent with a regional plan for any matter specified in section 30(1).
Relevant provisions have been taken into account in developing Objectives, Policies and Rules with respect to Natural Hazards to ensure that they are not inconsistent with the Waikato Regional Plan.

v) The Waikato (and Franklin) and Waipa District Plans

The Waikato District Plan was made operative in part on 28 June 2011. On 1 November 2010 the boundaries of the Waikato District were amended to incorporate part of Franklin District; the Franklin District Plan (operative 29 February 2000) applies to that part of former Franklin District. The Waipa District Plan was made operative in 1997 and is currently being reviewed; however a proposed district plan has not yet been notified.

Territorial authorities are required to have regard to the extent to which the consistency with the Operative and Proposed District Plans of neighbouring territorial authorities is needed under section 74(2)(c) of the Act.

In developing objectives, policies and rules for the District Plan, regard has been had to the extent to which they are consistent with relevant provisions of the District Plans of neighbouring territorial authorities.

vi) Local Government Act (LGA), 2002

This provides the general framework, obligations, restrictions and powers under which local authorities operate. Key sections of the LGA are s10, s14, s93-97 and s163. The Local Government Amendment Act 2010 encouraged Councils to focus on core services as part of ensuring that Council activities and decisions match the priorities of the community. It added s11A to the principal Act which identifies the avoidance or mitigation of natural hazards as a core service a local authority must have particular regard to in performing its role.


The Hamilton Urban Growth Strategy (HUGS) is a long term strategic growth planning tool focused on delivering integrated and sustainable growth in Hamilton City. It was reviewed by Council in 2010 and is consistent with Future Proof.

The sub-regional growth strategy (Future Proof):

Recognises natural hazards as a constraint for managing growth (4.5), the growth options include evaluation criteria (5.2.5) regarding the avoidance of areas subject to high levels of natural hazard risk.

Defines issues, key approaches and actions (8.13) for responding to natural hazard risk.

viii) Civil Defence and Emergency Management Act 2002 (CDEMA)

This provides for the comprehensive management of hazards and risks, and emergency response and recovery, through co-ordinated and integrated policy, planning and decision making processes at the national and local level. It sets out the duties, functions and powers of central government, emergency services, lifeline utilities and the general public.

The underlying philosophy of the CDEMA is the “4 R’s” (Reduction, Readiness, Response and Recovery) to mitigate or avoid the impacts of hazards.

ix) Building Act 2004
This provides for the regulation of building work, the licensing regime for building practitioners, and the setting of performance standards for buildings. It manages natural hazards in relation to the construction and modification of buildings.

Section 37 of the Building Act allows local authorities to delay building work until a resource consent is gained. This provision can be used where development is taking place on hazard-prone land and plan rules require a resource consent.

Sections 71 to 74 of the Building Act relate to building consent limitations and restrictions for the construction of buildings on land subject to natural hazards.

Section 71 requires a building consent authority (such as the council) to refuse to grant a building consent for construction of a building, or for major alterations to a building if the land on which the building work is to be carried out is subject or is likely to be subject to one or more natural hazards, or the building work is likely to accelerate, worsen, or result in a natural hazard on that land or any other property. However, s71 provides an exception that allows the building consent to be granted if adequate provision has been made to protect the land or building work, or to restore any damage to the land or other property as a result of the building work.

Building on land subject to natural hazards

(1) A building consent authority must refuse to grant a building consent for construction of a building, or major alterations to a building, if—

(a) the land on which the building work is to be carried out is subject or is likely to be subject to 1 or more natural hazards; or

(b) the building work is likely to accelerate, worsen, or result in a natural hazard on that land or any other property.

(2) Subsection (1) does not apply if the building consent authority is satisfied that adequate provision has been or will be made to—

(a) protect the land, building work, or other property referred to in that subsection from the natural hazard or hazards; or

(b) restore any damage to that land or other property as a result of the building work.

(3) In this section and sections 72 to 74, natural hazard means any of the following:

(a) erosion (including coastal erosion, bank erosion, and sheet erosion):

(b) falling debris (including soil, rock, snow, and ice):

(c) subsidence:

(d) inundation (including flooding, overland flow, storm surge, tidal effects, and ponding):

(e) slippage.

Factors which could cause such acceleration or worsening of the hazards include, for example: site development work (filling, levelling, and excavation), vegetation removal, and stormwater run-off. However, a consent can be issued for a building work to proceed if the territorial authority is satisfied that one or more of the three exceptions apply. These exceptions are (s72):

Despite section 71, a building consent authority that is a territorial authority
must grant a building consent if the building consent authority considers that—

(a) the building work to which an application for a building consent relates will not accelerate, worsen, or result in a natural hazard on the land on which the building work is to be carried out or any other property; and

(b) the land is subject or is likely to be subject to 1 or more natural hazards; and

(c) it is reasonable to grant a waiver or modification of the building code in respect of the natural hazard concerned.

Section 73 provides for the insertion of a notification condition (on the title for the property) within any consent granted under s72. These conditions can relate to structural requirements for flood, wind, fire, earthquake and volcanic hazards.

Section 74 provides that where a building consent has been granted for land subject to a natural hazard, that the building consent authority must notify the Surveyor-General, the Registrar of the Māori Land Court or the Registrar-General of Land. The District Land Registrar will then include an entry on the certificate of title to the land (ie, a covenant) that building consent has been issued in respect of building on land which is subject to erosion, avulsion, alluviation, falling debris, subsidence, inundation or slippage.

x) The Building Code

The Building Code is a regulation that accompanies the Building Act 2004, and outlines the performance expectations for buildings. One method of demonstrating compliance with the Building Code is the AS/NZ 1170 Structural Design Actions standard. The standard includes loading requirements for soil, wind, earthquake, ice, and snow. The standard does not include loading requirements for land movement, volcanic activity or tsunami.

The AS/NZ 1170 and the New Zealand Building Code is currently under review by the Department of Building and Housing.

The Building Act 2004 also covers dam construction and dam safety management for large dams. This was introduced to ensure that dams are well built, that larger dams are regularly monitored, and that the potential risks to people and property are minimised. See more information on the Building Act 2004 and dam safety.

xi) Project Information Memoranda

Section 32 of the Building Act provides that a property owner contemplating building work can apply to the Council for a project information memorandum (PIM) before application for a building consent. One must be supplied with an application for building consent if it has not been done so previously.

Section 35 sets out the information required to be provided through the PIM, including:

Content of project information memorandum

(1) A project information memorandum must include—

(a) information likely to be relevant to the proposed building work that identifies—

(i) the heritage status of the building (if any); and
(ii) each special feature of the land concerned (if any).

In this section,—

**land concerned**—

(a) means the land on which the proposed building work is to be carried out; and

(b) includes any other land likely to affect or be affected by the building work

**special feature of the land concerned** includes, without limitation, potential natural hazards, or the likely presence of hazardous contaminants, that—

(a) is likely to be relevant to the design and construction or alteration of the building or proposed building; and

(b) is known to the territorial authority; and

(c) is not apparent from the district plan under the Resource Management Act 1991.

xii) **Environment Act 1986**

This sets out the functions of the Parliamentary Commissioner for the Environment (s16) and Ministry for the Environment (s31), including obligations in the management of natural hazards (see s17, s32).

xiii) **Soil Conservation and Rivers Control Act 1941**

Makes provision for the conservation of soil resources, the prevention of damage by erosion and to make better provision for the protection of property from damage by floods.

xiv) **Land Drainage Act 1908**

Establishes drainage districts and boards and powers of local authorities relating to watercourses and drains.

xv) **Forest and Rural Fires Act 1977**

Provides for the safeguarding of life and property related to fires in forests and rural areas.

xvi) **Earthquake Commission Act 1993**

Makes provision with respect to the insurance of residential property against damage caused by specific types of natural hazards.
Appendix C

Waikato Regional Policy Statement (Operative 2000) relevant Objectives, Policies and Methods

2 Resource Management Processes
2.2 Integrated Management
2.2.2 Achieving Integrated Management

Issue
Ad hoc decision making has the potential to prevent integrated management of natural and physical resources.

Objective
The integrated management of natural and physical resources in the Waikato Region achieved.

Policy One: Natural and Physical Resources
When managing the use, development and protection of natural and physical resources recognise and provide for:

a) the interconnected nature of all elements of the environment
b) the inter-relationships between natural and physical resources
c) the potential for adverse environmental effects to occur
d) the range of social, cultural and economic values within the Region.

Implementation Methods
1. Ensure that regional plans and consent decisions recognise and provide for the matters listed in Policy One above.
2. Encourage territorial authorities in the Region, when they are preparing district plans and processing resource consents, to give consideration to the matters listed in Policy One above.
3. Liaise with resource management agencies and major resource users to advocate consideration of the matters listed in Policy One in their resource management decisions.
4. Raise awareness of the matters listed in Policy One through education programmes and the provision of relevant information.

Policy Two: Inter-Agency Integration and Cross Boundary Processes
Ensure inter-agency integration and consideration of cross-boundary processes in the management of natural and physical resources.

Implementation Methods
1. Encourage other resource management agencies to make provision, for the significant resource management issues stated in both this document and in any regional plans.
2. Encourage, when new significant resource management issues arise, consultation amongst affected resource management agencies with the view to developing appropriate joint actions to address these issues.
3. Prepare submissions on documents from other agencies, where there are implications for the resource management responsibilities of the Waikato Regional Council (Environment Waikato) and where there are inconsistencies with the RPS and regional plans.

4. Consult with neighbouring regional councils over the preparation of regional plans, regional rules and other methods to ensure a reasonable consistency in the management of natural and physical resources.

5. Advocate a collaborative approach to managing consent applications, and establish protocols for the effective operation of joint hearings where the request for resource use/development is of significance to both Environment Waikato and a territorial authority(s).

6. Advocate a collaborative approach to managing consent applications where the application for resource use/development crosses regional boundaries and/or has implications for neighbouring authorities.

7. Facilitate forums and other means of communication which allow for the sharing of information between resource management agencies and/or the formulation of co-ordinated policy.

8. Encourage joint resource management projects with territorial authorities, neighbouring Regional Councils, iwi authorities and other resource management agencies where there are clear benefits to all parties.

9. Consider the transfer of powers or the delegations of functions to public authorities where appropriate.

Resource management issues that are likely to invoke Policy Two above and the accompanying methods are as follows.

a) Any matter which may impact on the functions and responsibilities of Environment Waikato.

b) The actual or potential effects of the use, development or protection of land of regional significance. This includes:
   i) Land matters that could adversely affect natural and physical resources which are the responsibility of Environment Waikato.
   ii) Land matters as outlined in sections 6 and 7 of the Act (Matters of National Importance and Other Matters) where a regional perspective would be beneficial.

c) Consent applications with significant implications for both Environment Waikato and territorial authorities and/or neighbouring regional/territorial authorities, or where resource use, development or protection cannot be considered in isolation to neighbouring regional/territorial authorities.

3 Significant Resource Management Issues, Objectives, Policies and Methods

3.3 Land and Soil

3.3.7 Accelerated Erosion

3.8 Natural Hazards

3.8.3 Management of Natural Hazards

Issue

The roles and responsibilities of local authorities and other agencies for the management of natural hazards in the Waikato Region have not been agreed or clearly identified. Until this is done, inefficiencies and/or a duplication of functions may occur.

Objective
The roles of all relevant agencies for the management of natural hazards in the Waikato Region clearly identified and their responsibilities consistently implemented.

**Policy One: Consistent Management of Natural Hazards**

Ensure that natural hazards are managed in a consistent manner throughout the Waikato region and roles and responsibilities of agencies are defined.

**Implementation Methods**

2. Territorial authorities will:
   
i. develop specific objectives, policies, rules and/or other methods in district plans that control the use of land (except for in the beds of lakes and rivers and the coastal marine area) for the avoidance or mitigation of natural hazards
   
ii. deliver environmental education programmes on local natural hazards to their communities
   
iii. implement relevant hazard specific mitigation plans through building consents and other regulatory and non-regulatory methods
   
iv. provide information on the presence of natural hazards at specific sites through land information memoranda and project information memoranda where such information is known by the territorial authority
   
v. work in partnership with the Waikato Regional Council (Environment Waikato) and their communities to ensure efficient and effective response and recovery to natural hazard events including planning for emergencies.

**3.8.4 Adverse Effects**

**Issue**

A lack of public awareness of the causes and potential effects of natural hazard events increases the likelihood of adverse effects when these events occur.

**Objective**

The adverse effects associated with natural hazards minimised, the resilience of the community and public awareness of the causes and potential effects of natural hazard events increased.

**Policy One: Adverse Effects of Natural Hazard Events Avoided and Mitigated**

Ensure the occurrence of natural hazard events are prevented or the associated adverse effects are avoided or mitigated.

**Implementation Methods**

1. Through regional plans, district plans, civil defence plans and hazard specific mitigation plans, identify (among other factors) areas of risk and natural hazard management options.
2. Liaise with operators of major dams to ensure integrated management of flood storage within hydro lakes.
3. Establish, maintain and improve the Region’s hazard warning system.
4. Advocate through environmental education and regional plans the revegetation of severely eroded areas.
5. Maintain the existing flood control, land drainage and catchment schemes.

**Policy Two: New Settlements and Structures**
Ensure new subdivisions and developments are built in a manner designed to avoid or mitigate the adverse effects of natural hazards.

Implementation Methods

1. Encourage and assist territorial authorities to compile natural hazards registers.
2. Through regional plans, district plans and resource consents ensure that land uses avoid or mitigate the effects of natural hazards.

Policy Three: Public Awareness

Raise public awareness of the causes and effects of natural hazard events (and the means by which their effects can be avoided or mitigated) and ensure that the community are prepared for civil defence emergencies.

Implementation Methods

1. Use environmental education to:
   i. Raise the level of community awareness of the risks associated with natural hazard events.
   ii. Advocate the adoption of land use practices that avoid or mitigate the adverse effects of natural hazard events.
   iii. Encourage the community to prepare for natural hazard/civil defence emergencies.
Appendix D

Waikato Regional Policy Statement (Proposed 2010) relevant Objectives, Policies and Methods

3 Objectives
3.23 Natural Hazards
The risk to people, property and the environment from natural hazards is reduced.

Integrated Management

Policy 4.1 Integrated Approach
An integrated approach to resource management will be adopted that:

a. recognises the inter-connected nature of natural and physical resources (including spatially and temporally)
b. recognises the multiple values of natural and physical resources including ecosystem services
c. responds to the nature and values of the resource and the diversity of effects (including cumulative effects) that can occur
d. seeks to maximise benefits by considering opportunities to align interventions (including regulatory and non-regulatory) and/or to achieve multiple objectives
e. takes a long-term strategic approach which recognises the changing environment and changing resource use pressures and trends
f. applies consistent and best practice standards and processes to decision making

Implementation Methods

4.1.9 Planning Approach
Regional and district plans shall:

a. ensure that cumulative adverse effects are managed within appropriate limits
b. recognise the long timeframes at which natural physical processes operate and adopt a 100-year planning timeframe to allow for expected changes in these processes; and
c. adopt a precautionary approach towards any proposed activity whose effects are as yet unknown or little understood.

4.1.14 Incorporating Effects of Climate Change
Local authorities should, and regional and district plans shall, recognise and provide for the predicted effects of climate change, having particular regard to:

a. predicted increase in rainfall intensity, taking account of the most recent national guidance and assuming a minimum increase in temperature of 3°C by 2090 (relative to 1990 levels); and
b. predicted increase in sea level, taking into account the most recent national
guidance and assuming a minimum increase in sea level of 0.8m by 2090 (relative to 1990 levels).

**Policy 4.2 Collaborative Approach**

Waikato Regional Council will encourage collaboration, participation and information sharing between resource management agencies, tangata whenua and relevant stakeholders, particularly where there are shared or overlapping responsibilities or functions for issues or resources, and including when resources or issues cross boundaries.

**Implementation Methods**

**4.2.2 Recognition of Interests**

Local authorities should:

a. ensure appropriate processes and opportunities are established and maintained to inform relevant agencies, including neighbouring local authorities, relevant infrastructure providers and tangata whenua of any anticipated regional or district plan changes or reviews, growth strategies, structure plans, and land use or subdivision consent processes which may have an effect on the interests of these parties; and

b. provide opportunities for meaningful involvement in such processes.

**4.2.3 Consistent Information Systems**

Local authorities should:

a. ensure that, as far as practicable, information is collected, analysed and stored using methods and technologies that are consistent and compatible to enable easy sharing of such information

b. develop protocols as to how and when information will be shared; and

c. consider developing shared information services.

**4.2.11 Natural Hazards**

For the purposes of avoiding or mitigating natural hazards, territorial authorities shall be responsible for the control of the use of land except for the following, which shall be the responsibility of the Waikato Regional Council:

a. the control of the use of land in the coastal marine area and the beds of lakes and rivers; and

b. the control of structures in primary hazard zones.

**4.2.12 Transfer of Functions**

Waikato Regional Council will investigate transferring its functions for the control of structures in primary hazard zones for the purposes of avoiding or mitigating natural hazards to the relevant territorial authority.

**6 Built Environment**

**Policy 6.1 Planned and Co-ordinated Development**

Development of the built environment, including transport and other infrastructure, occurs in a planned and co-ordinated manner which:

a. is guided by the principles in section 6A
b. recognises and addresses potential cumulative effects of development; and

c. is based on sufficient information to allow assessment of the potential long-term effects of development.

**Implementation Methods**

6.1.1 District plans and development planning mechanisms

Territorial authorities shall have particular regard to the principles in section 6A when preparing, reviewing or changing district plans and development planning mechanisms such as structure plans, town plans and growth strategies.

6.1.3 Development Manuals and Design Codes

Territorial authorities should, as appropriate, ensure development manuals and design codes allow and encourage development which is consistent with the principles in section 6A.

6.1.5 Growth Strategies

In areas where significant growth is occurring or anticipated, territorial authorities should develop and maintain growth strategies which identify a spatial pattern of land use for at least a 30-year period. The use of integrated spatial planning tools, such as the Waikato Integrated Scenarios Explorer, should be considered to explore future development options and to integrate land use planning with infrastructure.

6.1.6 Urban Development Planning

Territorial authorities should ensure that before land is rezoned for urban development, urban development planning mechanisms such as structure plans and town plans are produced, which facilitate proactive decisions about the future location of urban development and allow the information in Implementation Method 6.1.7 to be considered.

6.1.7 Information to Support New Urban Development

District plan zoning for new urban development (and redevelopment where applicable), and subdivision and consent decisions for urban development, shall be supported by information which identifies, as appropriate to the scale and potential effects of development, the following:

...  

e. potential natural hazards and how the related risks will be managed;

6.1.8 Subdivision and Consent Decisions for Urban Development

District plans shall ensure that where subdivision and consent decisions allowing urban development are to be made in the absence of development planning mechanisms such as structure plans and town plans, the matters in Method 6.1.7 will be given due consideration, as appropriate to the scale and potential effects of the development.

6A Development Principles

**General Development Principles**

New development should:

...  

  c. not compromise the safe, efficient and effective operation and use of existing infrastructure, including transport infrastructure, and should allow for future
infrastructure needs, including maintenance and upgrading, where these can be anticipated;

...  
e. be directed away from identified significant mineral resources and their access routes, natural hazard areas, energy transmission corridors, locations identified as likely renewable energy generation sites, and high class soils;

...  
j. avoid as far as practicable adverse effects on natural hydrological characteristics and processes (including aquifer recharge and flooding patterns), soil stability, water quality and aquatic ecosystems, including through low impact design methods where appropriate;

...  
m. be appropriate with respect to expected effects of climate change and be designed to allow adaptation to these changes;

...  

13 Natural Hazards

Policy 13.1 Natural Hazard Risk Management Approach
Natural hazard risks are managed using an integrated and holistic approach that:

a. enhances community resilience  
b. is aligned with civil defence approaches  
c. prefers the use of natural features over man-made structures as defences against natural hazards  
d. recognises natural systems and takes a ‘whole of system’ approach; and  
e. seeks to use the best available information/best practice.

Implementation Methods

13.1.3 Risk Management Framework
Regional and district plans shall incorporate a risk-based approach into the management of subdivision, use and development in relation to natural hazards. This should be in accordance with relevant standards, strategies and plans, including:

a. NZS9401:2008 (Flood Risk Management – A Process Standard)  
b. the Waikato Civil Defence and Emergency Management Group Plan; and  

Policy 13.2 Manage Activities to Reduce the Risks from Natural Hazards
Subdivision, use and development are managed to reduce the risks from natural hazards, including by:

a. reducing the risks associated with existing use and development  
b. seeking to avoid new use or development in areas subject to natural hazards  
c. ensuring risk is assessed for proposed activities on land subject to natural hazards  
d. minimising any increase in vulnerability due to residual risk; and
e. avoiding the need or demand for new structural protection works.

**Implementation Methods**

**13.2.2 Control of Subdivision Within Extreme Risk Areas**

District plans shall control subdivision to avoid creating demand for new structures within high risk flood zones and primary hazard zones.

**13.2.4 Control of Development Within a Floodplain (1% annual exceedance probability)**

Outside of high risk flood zones, regional and district plans shall ensure that subdivision, use and development only occurs in a 1% annual exceedance probability floodplain when it is essential infrastructure and either cannot be located elsewhere or will not increase the risk of or from the natural hazard; or:

a. appropriate assessment of the risks and likely effects of subdivision, use and development have been undertaken;

b. any adverse effects of a 1% annual exceedance probability flood event on habitable buildings are avoided or mitigated;

c. any new structure or reclamation will not divert overland flows, increase runoff volumes or otherwise create a new or exacerbate an existing flood hazard, including off site; and

d. any hazardous substance stored as part of the development, or during the construction, will not create a hazard.

**13.2.5 Control of Use and Development (high risk flood zones)**

Regional and district plans shall ensure that use and development within high risk flood zones is appropriate, including by:

a. avoiding the placement of structures or development where these would be particularly vulnerable to a natural hazard event or would place a community at risk, including:

   i. habitable structures

   ii. significant community infrastructure such as hospitals and emergency services; and

   iii. lifeline utilities; and

b. giving priority to the use of non-structural solutions over the construction of new protection works or structures.

**13.2.6 Control of Subdivision, Use and Development (residual risk zones)**

District plans shall identify residual risk zones and shall control subdivision, use and development within these zones so that residual risk is minimised. In doing so, particular regard shall be had to:

a. the level of service provided by the structural defences

b. the physical, environmental and financial sustainability of the structural defences over a period of at least 100 years

c. the impact caused by an overwhelming or structural failure of protection works; and

d. a reduction in the ability of a community to respond to and recover from a
natural hazard event.

13.2.7 Other Natural Hazards

Regional and district plans shall control subdivision, use and development outside primary hazard zones, high risk flood zones and residual risk zones to ensure:

a. they do not create or exacerbate natural hazard risks elsewhere; and
b. they are appropriate by considering:
   i. the likelihood that defensive structures or works will be required to protect the activity from the effects of natural hazards;
   ii. the vulnerability of the activity to the effects of natural hazards;
   iii. the potential for adverse effects on the wider local and/or regional community; and
   iv. whether or not the development is consistent with a growth strategy or structure plan.

Policy 13.3 High Impact, Low Probability Natural Hazard Events

The risks associated with high impact, low probability natural hazard events such as tsunami, volcanic eruptions, earthquakes and debris flows are considered, having particular regard to:

a. personal health and safety;
b. damage and/or disruption to essential community services;
c. the ability of a community to respond and recover; and
d. civil defence readiness, response and recovery planning.

Implementation Methods

13.3.1 Planning for Readiness, Response and Recovery

Local authorities should consider the potential effects of high impact, low probability natural hazard events and addressing these, including by:

a. where possible avoiding new development in high risk hazard areas (for example, tsunami run-up areas). Development that may be directed away from such areas could include:
   i. residential, commercial and industrial uses (especially those involving hazardous materials)
   ii. lifeline utilities; and
   iii. emergency services facilities including police, hospital and fire services;

b. using other land use planning measures where it is not feasible to restrict land uses to open-space uses. These may include controlling the type of development and uses allowed in hazard areas, and avoiding high value and high occupancy uses to the greatest degree possible

...
supply).
## Appendix E

### Potential District Plan Approaches and Tools

<table>
<thead>
<tr>
<th>Approach</th>
<th>Adaptation Action</th>
<th>Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>Avoid</td>
<td>Prevent development occurring in the wrong place (areas at risk) in the first instance.</td>
<td>Urban areas or future urban areas yet to be developed, subject to inundation, extreme weather (storm) events flooding due to increased rainfall, extreme rainfall events.</td>
</tr>
<tr>
<td>Mitigate (limit)</td>
<td>Prevent further development occurring in the wrong place (areas at risk) – restrict further subdivision, infill/ intensification, extensions to existing development.</td>
<td>Existing urban areas subject to inundation, extreme weather (storm) events flooding due to increased rainfall, extreme rainfall events.</td>
</tr>
<tr>
<td>Mitigate (design)</td>
<td>Use of standards and design requirements to mitigate the risk to activities.</td>
<td>Suitable where there is a high level of confidence that the risk can be mitigated through such requirements as setbacks, site and building layout and orientation, water efficiencies, floor levels etc. to mitigate risks. Applicable for most climate change elements except extreme events.</td>
</tr>
<tr>
<td>Mitigate (offset)</td>
<td>Enabling protection works to stop erosion or prevent inundation.</td>
<td>Suitable where there is a very high level of confidence that the risk can be controlled through protection works in areas subject to inundation, extreme weather (storm) events flooding due to increased rainfall, extreme rainfall events.</td>
</tr>
<tr>
<td>Remedy</td>
<td>Managed retreat – a strategic decision to retreat in the face of the hazard and involves withdrawing, relocating or abandoning land/assets at risk.</td>
<td>In areas subject to inundation, extreme weather (storm) events, flooding due to increased rainfall, extreme rainfall events where there is a high level of probability that hazard will overwhelm the property and assets.</td>
</tr>
</tbody>
</table>

There are a range of tools that can be incorporated into a district plan to assist with adaptation and managing the effects of natural hazards. The effectiveness of the tools will depend on the level of risk. These tools and the circumstances where they can be
effectively applied include the following.

<table>
<thead>
<tr>
<th>Level of Risk</th>
<th>Approach</th>
<th>Tools</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>High</td>
<td>Avoid</td>
<td>• Zoning to identify area at risk e.g. - flood hazard - flood plain • Activity classification to prevent or restrict development e.g. - prohibited - non complying • Restrict activity types to e.g. - passive recreation</td>
<td>• Subdivision and development prevented in high risk areas. • Most effective in urban areas where development has yet to occur and areas identified as future urban. • Prevents problems arising in the first instance. • Need a high level of confidence in information and data to identify these areas on district plan maps. • Integrated and consistent approaches required with regional councils and their plans.</td>
</tr>
<tr>
<td>High</td>
<td>Remedy</td>
<td>• Zoning to identify area at risk. • Activity classification to prevent development and redevelopment. • Activity classification to prevent/restrict protection works. • Activity classification to facilitate relocation of building to other parts of the City/district. • Restrict activity types to e.g. - passive recreation</td>
<td>• Tools support a strategic decision to retreat in the face of the hazard and to make it difficult to carry out hazard protection works. • Applicable in areas that have been developed. • Need a high level of confidence in information and data to identify these areas on District Plan maps. • Integrated and consistent approaches required with regional councils and their plans. • Potential issues with existing use rights.</td>
</tr>
<tr>
<td>High</td>
<td>Mitigate</td>
<td>• Zoning to identify areas to prevent development and restrict redevelopment. • Activity classification to prevent development and restrict redevelopment e.g. - prohibited - non complying • Restrict activity/building types to e.g.</td>
<td>• Applicable in areas that have been developed. • Need a high level of confidence in information and data to identify these areas on District Plan maps. • Integrated and consistent approaches required with regional councils and their plans.</td>
</tr>
<tr>
<td>Section 32 – Partly Operative District Plan</td>
<td>Hamilton City Council</td>
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<td></td>
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<td>------------------------------------------</td>
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<tr>
<td><strong>Medium</strong> Mitigate</td>
<td><strong>Low</strong> Mitigate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- passive recreation</td>
<td>- Overlays to identify areas where development and redevelopment needs to be managed to mitigate effects.</td>
<td></td>
<td></td>
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<tr>
<td>- re-locatable buildings</td>
<td>- Activity classification to control development and redevelopment e.g.</td>
<td></td>
<td></td>
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<tr>
<td>- Use of standards to control redevelopment e.g.</td>
<td></td>
<td></td>
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<tr>
<td>- setbacks</td>
<td>- restricted discretionary</td>
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<tr>
<td>- only allow internal changes to buildings</td>
<td>- controlled</td>
<td></td>
<td></td>
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<tr>
<td>- set back</td>
<td>- Use of standards to mitigate effects e.g.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- floor levels</td>
<td>- setbacks</td>
<td></td>
<td></td>
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<tr>
<td>- lot sizes</td>
<td>- floor levels</td>
<td></td>
<td></td>
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<tr>
<td>- requirement of climate change impact statements to support resource consent applications.</td>
<td>- lot sizes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Use of assessment criteria for considering restricted discretionary activities.</td>
<td>- Requirement of climate change impact statements to support resource consent applications.</td>
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<tr>
<td>- Facilitate the establishment of particular types of activities e.g.</td>
<td></td>
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<tr>
<td>- hazard protection works</td>
<td>- over lay to identify areas where development and redevelopment needs to be managed to mitigate effects.</td>
<td></td>
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<tr>
<td>- Use of design guides.</td>
<td>- activity classification to control development and redevelopment e.g.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Applicable in areas that have been developed as well as urban areas where development has yet to occur and areas identified as future urban.</td>
<td>- restricted discretionary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- If using zoning need a high level of confidence in information and data to identify these areas on District Plan maps.</td>
<td>- controlled</td>
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</tr>
<tr>
<td>- Overlays have the potential to provide greater flexibility than zoning and allow for a wider range of activities to establish.</td>
<td>- Use of standards to mitigate effects e.g.</td>
<td></td>
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<tr>
<td>- Integrated and consistent approaches required with regional councils and their plans.</td>
<td>- setbacks</td>
<td></td>
<td></td>
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<tr>
<td>- Potential issues with existing use rights.</td>
<td>- floor levels</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Potential issues with existing use rights.</td>
<td>- lot sizes</td>
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<tr>
<td>Use of assessment/performance criteria for considering restricted discretionary/controlled activities.</td>
<td>Use of less restrictive activity types e.g. controlled to high light potential risk to land owners and allow them to make the decision regarding the risk or permitted activities with standards that address the risk.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Use of design guides.</td>
<td>Inclusion of standards on permitted activities e.g.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- setbacks</td>
<td>- setbacks</td>
<td></td>
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<tr>
<td>- floor levels</td>
<td>- floor levels</td>
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<tr>
<td>- lot sizes</td>
<td>- lot sizes</td>
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</table>
23 Subdivision

23.1 Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 23: Subdivision. The purpose of this chapter is to ensure that subdivision activities within the City are undertaken in a manner that ensures the integrated management of the effects of the use, development or protection of land and associated natural and physical resources.

23.2 Objectives

Objective most appropriate to achieve the purpose of the Act:

<table>
<thead>
<tr>
<th>23.2.1</th>
<th>This objective recognises the relationship between subdivision activities and:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>To ensure that risk to people, the environment and property is not exacerbated by subdivision.</strong></td>
<td>- The processes associated with subdivision (e.g. earthworks) and;</td>
</tr>
<tr>
<td></td>
<td>- The development rights created by subdivision.</td>
</tr>
<tr>
<td></td>
<td>The processes associated with subdivision as earthworks can potentially exacerbate risks to people, the environment and property. In addition, subdivision of land in areas subject to such risk potentially creates inappropriate development rights. By recognising this relationship and ensuring such risks are not exacerbated by subdivision, it is considered that this objective is the most appropriate way to achieve the purpose of the Act.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>23.2.2</th>
<th>This objective is most appropriate because:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Subdivision contributes to the achievement of functional, attractive, sustainable, safe and well designed environments.</strong></td>
<td>- Functional, attractive, safe and well designed environments will assist in enhancing amenity levels.</td>
</tr>
<tr>
<td></td>
<td>- It will assist people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>23.2.3</th>
<th>This objective is considered to be most appropriate because:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Medium Density Residential Zone and Rototuna Town Centre Zone areas are developed comprehensively.</strong></td>
<td>- It will ensure the efficient use and development of land and infrastructure within the medium density residential areas.</td>
</tr>
<tr>
<td></td>
<td>- A comprehensive and integrated approach to the development of medium density residential areas will assist in avoiding, remedying or mitigating adverse effects of subdivision on the environment.</td>
</tr>
</tbody>
</table>
### 23.2.4
To ensure the provision of infrastructure services as part of the subdivision process.

This objective is considered to be the most appropriate because:

- It will ensure the efficient use and development of land and infrastructure.
- It will enable people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety.

### 23.2.5
Subdivision occurs in a manner that recognises historic heritage and natural environments.

This objective is considered to be the most appropriate because:

- It will contribute to achieving the protection of historic heritage from inappropriate subdivision, use and development.
- It will contribute to the protection of outstanding natural features and landscapes from inappropriate development, subdivision and use.
- It will contribute to the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.
- It will contribute to sustaining the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.
- It will assist in sustaining the potential of natural and physical resources to meet the reasonable foreseeable needs of future generations.
- It will contribute to safeguarding the life-supporting capacity of air, water, soil, and ecosystems.
- It will assist in mitigating the effects of climate change.

**Conclusion:** Taking into account the above, Council considers that the objectives in this chapter of the plan are the most appropriate to achieve the purpose of the Act.
## 23.3 Policies

### Policies most appropriate to achieve the objective:

**23.2.1**

To ensure that risk to people, the environment and property is not exacerbated by subdivision.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>23.2.1a Subdivision:</td>
<td>Benefits</td>
</tr>
<tr>
<td>i. Does not result in increased risk of erosion, subsidence, slippage or inundation.</td>
<td>• The subdivision of land shall not create development expectations where there is a potential risk from erosion, subsidence, slippage, inundation, contamination or other natural hazards.</td>
</tr>
<tr>
<td>ii. Minimises any adverse effects on water quality.</td>
<td>• Processes associated with the subdivision of land (e.g. earthworks) will not increase the risk of erosion, subsidence, slippage or inundation.</td>
</tr>
<tr>
<td>iii. Ensures that a building platform can be accommodated within the subdivided allotment clear of any areas subject to natural hazards.</td>
<td>• The subdivision of land and its associated processes will not create adverse effects on water quality.</td>
</tr>
<tr>
<td>iv. Ensures that any risks associated with soil contamination are appropriately remedied as part of the subdivision process.</td>
<td>• Ensuring that building platforms clear of any areas known to be subject to natural hazards will ensure that inappropriate development rights (e.g. allowing the construction of a house within a flood prone area) are not created through subdivision.</td>
</tr>
<tr>
<td>v. Ensures reverse sensitivity mitigation measures avoid or minimise effects such as noise associated from an arterial transport corridor or State Highway.</td>
<td>• Requiring remediation of contaminated soils through the subdivision process will ensure the adverse effects associated with contaminated soils (e.g. hazard to people, environmental effects) are remedied.</td>
</tr>
</tbody>
</table>

### Costs

- The loss of development rights.
- Administrative, time and financial costs to Council.
- Additional time and financial costs to developers.

### Efficient and Effective

These policies are an efficient and effective way of ensuring that risk to people, the environment and property is not exacerbated by the subdivision of land and its associated processes by:
• Not providing for subdivision where it would increase the risk of erosion, subsidence, slippage or inundation which could create risks to people and property.
• Avoiding any adverse effects on water quality.
• Ensuring that a building platform can be accommodated within the subdivided allotment clear of any areas subject to natural hazards.
• Ensuring that any risks to people and property associated with soil contamination are appropriately remedied as part of the subdivision process.
• It will ensure the efficient use and development of land and infrastructure and will enable people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety.
• The benefits and expected outcomes of the required process outweigh the respective costs.

**Policies not most appropriate to achieve the objectives:**

No policies on the need for the subdivision process to consider risks to people, the environment, and property. This approach would not be most appropriate as it would not represent sustainable management of resources, and it wouldn’t provide for the social, economic and cultural wellbeing of people and communities, or their health and safety. It would allow development and the use of resources to occur without looking at the needs of future generations.

**Policies most appropriate to achieve the objective:**

23.2.2
Subdivision contributes to the achievement of functional, attractive, safe and well designed environments.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>23.2.2a Subdivision:</td>
<td>Benefits</td>
</tr>
<tr>
<td>i. Is in general accordance with Subdivision Design Assessment Criteria to achieve good amenity and design outcomes.</td>
<td>• Requiring subdivision to be in general accordance with design assessment criteria, structure plans and catchment management plans will ensure the integrated management of subdivision, the efficient provision of infrastructure and quality urban design.</td>
</tr>
<tr>
<td>ii. Is in general accordance with any relevant Structure Plan.</td>
<td>• The above requirements will contribute to an attractive and vibrant city that is economically and socially successful.</td>
</tr>
</tbody>
</table>
iii. Is in general accordance with any relevant Integrated Catchment Management Plan.

iv. Maintains and, where possible, enhances existing amenity values.

v. Promotes energy, water and resource efficiency.

vi. Provides for the recreational needs of the community.

vii. Discourages cross-lease land ownership.

viii. Ensures that any allotment is suitable for activities anticipated for the zone in which the subdivision is occurring.

ix. Contributes to the achievement of identified residential yield requirements over time where appropriate.

x. Avoids or minimises adverse effects on the safe and efficient operation of network utilities and the transport network.

xi. Is avoided where significant adverse effects from established network utilities or the transport network are likely to occur.

xii. Promotes connectivity and the integration of transport networks.

xiii. Provides appropriate facilities for walking, cycling and passenger transport usage.

xiv. Provides and enhances

- Subdivision will contribute to the creation of well designed environments and occur in a manner that reflects Council’s strategic plans.
- Subdivision will protect, and not detract from, existing amenity values.
- Subdivision design and processes associated with subdivision will be water, energy and resource efficient thus contributing to an efficient use of resources.
- Recreational need created through the subdivision of land will be appropriately provided for through the subdivision process.
- The adverse economic and social effects associated with cross lease land tenure will be minimised.
- Ensuring that subdivided allotments are of an appropriate shape and/or size that will contribute to ensuring inappropriate development rights are not created through the subdivision process.
- Subdivision design will contribute to the creation of well connected, permeable environments that provide for the movement of people and freight in safe and efficient ways.
- Subdivision will be avoided in areas where it is likely to adversely affect the operation of significant infrastructure.
- Subdivision and associated development rights will be avoided in areas where future land uses would be significantly adversely affected by infrastructure.

**Costs**

- Administrative, time and financial costs to Council.
- Additional time and financial costs to developers.

**Efficient and Effective**

These policies will be efficient and effective ways of ensuring subdivision contributes to the achievement of functional, attractive, safe and well designed environments by:

- Requiring subdivision to be in general accordance with any relevant subdivision design assessment criteria, structure plan and/or catchment management plan will ensure a much higher
public access to and along the margins of the Waikato River and the City’s lakes, gullies and rivers.

xv. Facilitates good amenity and urban design outcomes by taking existing electricity transmission infrastructure into account in subdivision design, and where possible locating compatible activities such as infrastructure, roads or open space under or in close proximity to electricity transmission infrastructure.

xvi. Ensures that a compliant building platform can be accommodated within the subdivided allotment outside of the National Grid Yard.

degree of certainty in achieving objective 23.2.2 than allowing development to occur as of right.

- Recognising the relationship between the subdivision process and other activities.
- Recognising the role subdivision has in the creation of development expectations.
- Recognising that maintaining and improving amenity contributes to an attractive environment.
- Promoting environmental considerations that are consistent with the purpose of the Act as part of the subdivision process.
- Recognising that a well integrated and multi-modal transport network contributes to the achievement of functional, attractive, safe and well designed environments.
- The policies will ensure the efficient use and development of land and infrastructure and will enable people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety.
- The benefits and expected outcomes of the required processes outweigh the respective costs.

**Policies not most appropriate to achieve the objectives:**

Require a case-by-case assessment of subdivision design.

This approach would not be most appropriate as it would not promote the sustainable use of resources. It would allow development and the use of resources to occur without consideration of the wider built environment and the impacts of the built environment on social, economic and cultural wellbeing.

**Policies most appropriate to achieve the objective:**

23.2.3
Medium Density Residential Zone and Rototuna Town Centre Zone areas are developed comprehensively.

**Policies** | **Effectiveness, efficiency, costs and benefits**
--- | ---
23.2.3a | **Benefits**
Subdivision that creates additional allotments in the Medium-Density Residential Zone or the Rototuna Town | - The comprehensive development plan process is designed to ensure that the medium density residential zone is developed in a comprehensive
Centre Zone does not occur without an approved Comprehensive Development Plan or land Development Consents for Ruakura.

- Efficient provision of infrastructure and effective development of land and use of resources.

**Costs**
- Administrative, time and financial costs to Council.
- Additional time and financial costs to developers.

**Efficient and Effective**
- These policies will be efficient and effective in achieving the objective of Medium Density Residential areas, that being that they are developed comprehensively.
- Requiring development to be approved through the Comprehensive Development Plan process is a more efficient and effective means of achieving integrated and coordinated development than allowing development to occur as of right, without regard to integrating with adjacent activities and the provision of infrastructure.
- The benefits and expected outcomes of the required process outweigh the respective costs.

**Policies not most appropriate to achieve the objectives:**

Provide flexibility in the mechanism or tool used, provided that it meets the specified outcome.

This approach would not be most appropriate as the comprehensive management plan tool provides a process to enable developers and staff to ensure that the area will meet the outcomes required. Site by site development would not provide the same level of opportunity to meet the outcomes identified in the Plan, as a Comprehensive Development Plan approach can achieve.

**Policies most appropriate to achieve the objective:**

23.2.4
To ensure the provision of infrastructure services as part of the subdivision process.

**Policies**

<table>
<thead>
<tr>
<th>23.2.4a Subdivision:</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. Provides an adequate level of infrastructure and services appropriate for the proposed development.</td>
</tr>
</tbody>
</table>

**Effectiveness, efficiency, costs and benefits**

**Benefits**
- Infrastructure and services required to service development either proposed or anticipated on a subdivided allotment will be provided through the subdivision process to be in place to support future development and land use.
- The potential impact on infrastructural capacity
ii. Takes into account and shall not compromise the infrastructural needs of anticipated future development.

iii. Does not occur unless appropriate infrastructure and/or infrastructure capacity is available to service the proposed development.

iv. Ensures that the capacity, efficiency, performance and sustainability of the wider infrastructure network is not compromised.

v. Uses public infrastructure ahead of private infrastructure where appropriate.

<table>
<thead>
<tr>
<th>Policies not most appropriate to achieve the objectives:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Require a case-by-case assessment of infrastructure requirements and timing.</td>
</tr>
<tr>
<td>This approach would not be most appropriate as it would not promote the sustainable use of resources. It would allow development and the use of resources to occur without looking at the needs of future generations.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policies most appropriate to achieve the objective:</th>
</tr>
</thead>
<tbody>
<tr>
<td>23.2.5</td>
</tr>
<tr>
<td>Subdivision occurs in a manner that recognises historic heritage and natural</td>
</tr>
</tbody>
</table>

associated with development rights created by subdivision will be taken into account and not compromised through the subdivision process.

- Where infrastructure is not available to service future development, subdivision will not be allowed to occur.
- The efficient and effective provision of adequate infrastructure in accordance with Council’s Infrastructure Technical Specifications.
- Certainty to developers through clear identification of Council’s expectations and requirements.
- Infrastructure that meets the needs of future development.
- More certainty to Council around the utilisation and maintenance of public infrastructure.
- The minimisation of the adverse effects associated with private infrastructure schemes.

Costs

- Administrative, time and financial costs to Council.
- Additional time and financial costs to developers.
- More restriction on development rights.

Efficient and Effective

- Ensuring critical infrastructure and services are established to support future development is a more efficient means of ensuring the provision of infrastructure services as part of the subdivision process than allowing subdivision and infrastructure services to proceed in an ad hoc, sporadic manner.
- The benefits and expected outcomes of the required process outweigh the respective costs.
Policies

<table>
<thead>
<tr>
<th>23.2.5a</th>
<th>Subdivision avoids, remedies or mitigates adverse effects on:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>i. Scheduled heritage items.</td>
</tr>
<tr>
<td></td>
<td>ii. Scheduled archaeological and cultural sites.</td>
</tr>
<tr>
<td></td>
<td>iii. Scheduled significant trees.</td>
</tr>
<tr>
<td></td>
<td>iv. Scheduled significant natural areas.</td>
</tr>
<tr>
<td></td>
<td>v. The Waikato River and gullies and river banks, lakes, rivers and streams.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>23.2.5b</th>
<th>Subdivision protects, and where possible enhances any:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>i. Landforms and/or natural features.</td>
</tr>
<tr>
<td></td>
<td>ii. Vegetation.</td>
</tr>
</tbody>
</table>

| 23.2.5c  | Subdivision of land which protects and enhances the riparian margins of the Waikato River and the City’s lakes, gullies and rivers. |

Effectiveness, efficiency, costs and benefits

Subdivision, associated processes and the creation of development rights through subdivision can have adverse effects on historic heritage and the natural environment such as (but not limited to):

- The fragmentation of sites of historic heritage.
- Sedimentation of water bodies.
- The loss of cultural sites through development.

Policies 23.2.5a, 23.2.5b and 23.2.5c recognise this and require the avoidance, remediation or mitigation of such potential adverse effects through the subdivision process.

As such, the importance of scheduled heritage sites, archaeological sites, trees, natural areas, cultural sites and water bodies and water resources are recognised and protected through the subdivision process. Significant landforms, natural features and vegetation are protected and where possible enhanced, and the riparian margins of the Waikato River and the City’s lakes, gullies and rivers are appropriately managed.

Benefits

- It will contribute to achieving the protection of historic heritage from inappropriate subdivision, use and development.
- It will contribute to the protection of outstanding natural features and landscapes from inappropriate development, subdivision and use.
- It will contribute to the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.
- It will contribute to sustaining the relationship of Maaori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.
- It will assist in sustaining the potential of natural and physical resources to meet the reasonable foreseeable needs of future generations.
- It will contribute to safeguarding the life-supporting capacity of air, water, soil, and ecosystems.
- It will enable the effective management of riparian margins.
- It will assist in mitigating the effects of climate change.
Costs
- Administrative, time and financial costs to Council.
- Additional time and financial costs to developers.
- Restrictions on development rights.

Efficient and Effective
- These policies will be efficient and effective to achieve the objective of subdivision occurs in a manner that recognises historic heritage and natural environments.
- These policies will be efficient and effective means of achieving the objective of recognising historic heritage and natural environments through the subdivision process.
- Ensuring the avoidance, remediation or mitigation of adverse effects is a more efficient means of ensuring recognition as part of the subdivision process than allowing subdivision to proceed in an ad hoc sporadic manner.
- The benefits and expected outcomes of the required process outweigh the respective costs.

Policies not most appropriate to achieve the objectives:

| Subdivision isn’t required to recognise historic heritage or the natural environment. | This approach would not be appropriate as it would not promote the sustainable use of resources or protect historic heritage and the environment, as required by the Act. It would also not recognise the Waikato River Vision and Strategy. |

Risks

Risks of acting or not acting.
- It is considered that there is sufficient information regarding subdivision therefore the risks of not acting outweighs the risks of acting.

The risks of not acting is that subdivision:
- Occurs in areas that are known to be subject to natural hazards, and subdivision could exacerbate the inherent risks.
- Occurs in a manner that does not contribute to the achievement of functional, attractive, safe and well designed environments.
- Occurs in a piecemeal manner, not in a comprehensive way.
- Occurs in a manner that is inconsistent with relevant Council plans, assessment criteria and development plans.
- Occurs without suitable infrastructure provision.
- Occurs in a manner which does not recognise and creates adverse effects on historic heritage and natural environments.
Conclusion: Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objectives.

## 23.3 Rules

### Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Benefits</strong></td>
<td></td>
</tr>
</tbody>
</table>
| Classification of Activities in the Activity Status Table 23.3. | - Recognises that different types and degrees of adverse effects are associated with different types of subdivision activity.  
- In line with the above, provides a framework that responds to the environment in which subdivision activities occur, and the effects that the subdivision could potentially create.  
- Different activity statuses can be assigned depending on each Zone and the activities and development appropriate for each Zone.  
- Provides a framework where the degree of discretion associated with resource consent processes can be appropriately tailored to the degree of potential adverse effects associated with subdivision activities.  
- Avoids, remedies or mitigates adverse effects of activities. |
| **Costs** | |
| | - Administrative, time and financial costs to Council.  
- Additional time and financial costs to developers.  
- Restrictions on development rights. |
| **Efficient and Effective** | |
| | - The environmental and social benefits of ensuring the adverse effects of subdivision are appropriately managed through classifying activities far outweigh the costs of the process to achieve these outcomes. |

### General Standards

- Telecommunication, electricity, gas and computer media Services.  
- Provision of esplanade Reserves and Strips.  
- Standards in other chapters.

### Benefits

- Infrastructure and services required to service development either proposed or anticipated on a subdivided allotment will be provided through the subdivision process to be in place to support future development.  
- The potential impact on infrastructural capacity associated with the creation of additional
**Note:** that Acceptable methods of compliance for the provision, design and construction of services and infrastructure is contained within the Hamilton City Infrastructure Technical Specifications.

<table>
<thead>
<tr>
<th>Development rights through the subdivision of land will be taken into account and not compromised through the subdivision process.</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Where infrastructure is not available to service future development, subdivision will not be allowed to occur.</td>
</tr>
<tr>
<td>• The efficient and effective provision of adequate infrastructure will be provided in accordance with Council’s technical specifications.</td>
</tr>
<tr>
<td>• Certainty to developers through clear identification of Council’s expectations and requirements.</td>
</tr>
<tr>
<td>• Development that may adversely affect anticipated future development will not be allowed to occur without avoiding, remediying or mitigating those adverse effects.</td>
</tr>
<tr>
<td>• More certainty to Council around the utilisation and maintenance of public infrastructure rather than managing private infrastructure.</td>
</tr>
</tbody>
</table>

**Costs**

<table>
<thead>
<tr>
<th>Administrative, time and financial costs to Council.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additional time and financial costs to developers.</td>
</tr>
<tr>
<td>More restriction on development rights.</td>
</tr>
</tbody>
</table>

**Efficient and Effective**

<table>
<thead>
<tr>
<th>These standards will efficiently and effectively achieve the objective of ensuring the provision of infrastructure services as part of the subdivision process.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensuring critical infrastructure and services are established to support future development as part of the subdivision process is a more efficient means of ensuring the provision of infrastructure services as part of the subdivision process than allowing subdivision and infrastructure services to proceed in an ad hoc sporadic manner. The benefits and expected outcomes of the required process outweigh the respective costs.</td>
</tr>
</tbody>
</table>

**Specific Standards**

<table>
<thead>
<tr>
<th>Company leases and unit title subdivision.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amendments to a cross-lease, company lease or unit title plan.</td>
</tr>
<tr>
<td>Cross-lease to freehold</td>
</tr>
</tbody>
</table>

**Benefits**

<table>
<thead>
<tr>
<th>Recognises technical differences, associated issues and effects of (and associated with) different types of subdivision activities. Provides mechanisms to avoid, remedy and mitigate potential adverse effects.</th>
</tr>
</thead>
<tbody>
<tr>
<td>In line with the above, provides appropriate</td>
</tr>
<tr>
<td>subdivision.</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Leasehold Subdivision</td>
</tr>
<tr>
<td>Boundary adjustments.</td>
</tr>
<tr>
<td>Subdivision in a Medium-Density Residential Zone.</td>
</tr>
</tbody>
</table>

### Costs
- Administrative, time and financial costs to Council.
- Additional time and financial costs to developers.
- More restriction on development rights.

### Efficient and Effective
- The environmental and social benefits of ensuring the adverse effects of subdivision are appropriately managed through the use of specific standards far outweigh the costs of the process to achieve these outcomes.

<table>
<thead>
<tr>
<th>Specific Standards</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subdivision in the Ruakura Structure Plan Area.</td>
<td>• Recognises the technical, infrastructure phasing requirements and topographical constraints, associated issues and effects of (and associated with) different types of subdivision activities for the identified zones and structure plan areas. Provides mechanisms to avoid, remedy and mitigate potential adverse effects.</td>
</tr>
<tr>
<td>Subdivision in the Te Rapa North Industrial Zone.</td>
<td>• Where infrastructure is not available to service future development, subdivision will not be allowed to occur.</td>
</tr>
<tr>
<td>Subdivision Within Stage 1 of the Peacocke Structure Plan Area.</td>
<td>• Supports the achievement of functional, attractive, safe and well designed environments.</td>
</tr>
<tr>
<td>Subdivision in the Peacocke Character Zone.</td>
<td>• The efficient and effective provision of adequate infrastructure.</td>
</tr>
<tr>
<td>Subdivision within the Rototuna North East Character Zone</td>
<td>• Certainty to developers through clear identification of Council’s expectations and requirements.</td>
</tr>
<tr>
<td>Subdivision of Lot 2 DP425316</td>
<td><strong>Costs</strong></td>
</tr>
<tr>
<td></td>
<td>• Administrative, time and financial costs to Council.</td>
</tr>
<tr>
<td></td>
<td>• Additional time and financial costs to developers.</td>
</tr>
<tr>
<td></td>
<td>• More restriction on development rights.</td>
</tr>
</tbody>
</table>

### Efficient and Effective
- The environmental, economic and social benefits of ensuring the adverse effects of subdivision are appropriately managed through the use of specific standards for these areas far outweigh the costs of the process to achieve these outcomes.
### Specific Standards – Subdivision activities within the National Grid Corridor.

<table>
<thead>
<tr>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Reduces the risk of the electricity transmission network being adversely affected by subdivision and associated use and development of land in close proximity to the transmission lines.</td>
</tr>
<tr>
<td>• Provides certainty for landowners and the community.</td>
</tr>
<tr>
<td>• Gives effect to Policy 10 and 11 of the National Policy Statement for Electricity Transmission.</td>
</tr>
<tr>
<td>• Allows the restrictions imposed with each corridor to be matched to the existing environment under and around the lines.</td>
</tr>
<tr>
<td>• Increased safety and security to the lines by limiting the number of structures in close proximity.</td>
</tr>
<tr>
<td>• Increased safety to the community by limiting the future number of structures constructed underneath the electricity transmission lines.</td>
</tr>
<tr>
<td>• Increased safety to the community by limiting the number of people living or working in close proximity to the electricity transmission lines.</td>
</tr>
<tr>
<td>• Increased community awareness of the lines.</td>
</tr>
</tbody>
</table>

### Costs

| • Administrative, time and financial costs to Council. |
| • Additional time and financial costs to developers. |
| • More restriction on development rights. |
| • Potentially reduces the value of properties within the corridors as increased awareness of proximity to the lines. |
| • May result in unusable corridors of vacant land that no one wants to be responsible for maintaining. |

### Efficient and Effective

| • The environmental and social benefits of ensuring the adverse effects of subdivision within the National Grid Corridor are appropriately managed through the use of specific standards far outweigh the costs of the process to achieve these outcomes. |

<table>
<thead>
<tr>
<th>Subdivision Design Standards</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Ensures subdivision incorporates quality urban</td>
<td></td>
</tr>
<tr>
<td>Subdivision</td>
<td>Benefits</td>
</tr>
<tr>
<td>-------------</td>
<td>----------</td>
</tr>
</tbody>
</table>
| Allotment Size and shape. Subdivision suitability. General Residential Zone, and All Special Character Zones Large Lot Residential Zone Residential Intensification Zone. Business 1 to 7 Zones, Te Rapa North Industrial Zone, Ruakura Industrial Park Zone, Ruakura Logistics Zone and Industrial Zone. | - The Plan identifies that certain activities either by virtue of the activity or due to failing standards are, restricted discretionary, discretionary or non-complying activities.  
- The Plan includes assessment criteria that are able to be applied in the assessment of these activities through the resource consent process. The criteria are grouped clearly under headings relating to the matters Council has restricted its discretion (for restricted discretionary activities). These assessment criteria and the introductory ‘how to’ guide are a useful way to guide all parties on how Council is going to administer the provisions of the Plan.  
- The assessment criteria gives transparency and provides clarity for all users on the matters that Council has discretion over when considering restricted discretionary activities, and provides a guide for the consideration of discretionary and non-complying activities.  
- The assessment criteria also seeks to avoid duplication of effort or unnecessary assessment by enabling design based criteria to be disregarded if a more relevant design guide is in place or if the criteria is not considered relevant to the specific activity. |

<table>
<thead>
<tr>
<th>Costs</th>
</tr>
</thead>
</table>
| - The efficient and effective provision of adequate infrastructure in accordance with Council’s technical specifications.  
- Supports the achievement of functional, attractive, safe and well designed environments. |

**Efficient and Effective**

- These standards will be efficient and effective means of achieving objectives 23.2.1-23.2.5 as the social and economic benefits derived from quality urban design outcomes far outweigh the costs of the process to achieve these outcomes.
- There is a general duty on an applicant and the Council to consider the assessment criteria firstly for relevance and secondly where considered relevant to assess the application against the criteria to consider the effects.

- There are no identified costs from clarifying in the Plan the matters which will be considered when processing an application.

**Efficient and Effective**

These provisions will be efficient and effective to achieve the objectives by identifying a list of matters which are able to be used as a guide when both preparing and assessing consent applications which eases the administration and use of the District Plan for all parties.

### Risks

**Risks of acting or not acting.**

- It is considered that there is sufficient information regarding subdivision therefore the risks of not acting outweighs the risk of acting.

The risks of not acting is that subdivision:

- Occurs in areas that are known to be subject to natural hazards, and subdivision could exacerbate the inherent risks.

- Occurs in a manner that does not contribute to the achievement of functional, attractive, safe and well designed environments.

- Occurs in a piecemeal manner and not in a comprehensive way.

- Occurs in a manner that is inconsistent with relevant Council plans, assessment criteria and development plans.

- Occurs without suitable infrastructure provision.

- Occurs in a manner which does not recognise and creates adverse effects on historic heritage and natural environments.

**Conclusion:** Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objectives.
23.3 References

- Resource Management Act 1991
- National Policy Statement on Electricity Transmission 2008
- National Policy Statement on Renewable Electricity Generation 2011
- National Environmental Standards for Telecommunications Facilities 2008
- National Environmental Standards for Electricity Transmission Activities 2010
- Hamilton City Development Manual (Hamilton City Infrastructure Technical Specifications)
- Waikato – Tainui Raupato Claims (Waikato River) Settlement Act 2010
- Local Government Act 2002
- Local Government Official Information Act 1987
- Building Act 2004 and Building Code
- Reserves Act 1977
- Section 42A Hearing Report 19, 20 November 2013: Report on submissions and further submissions Chapter 23
- Response to Commissioner questions Chapters 23 – Subdivision and 24 – Financial Contributions
- Response to Commissioner questions: Residential and Subdivision
- Ruakura Plan Change – See Appendix 1

23.4 Glossary

- Refer to Volume 2, Appendix 1.1.2 of the District Plan.
24 Financial Contributions

24.1 Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 24: Financial Contributions.

Section 108 of the Act empowers a Council to impose financial contributions on resource consents, in accordance with the purposes specified in a District Plan. Financial contributions may be imposed for the purpose of promoting the sustainable management of natural and physical resources.

Financial contributions can be required as a condition of consent for subdivision and/or development, for the purposes of:

- Providing and/or upgrading public network utility services and transport infrastructure.
- Providing and/or upgrading public reserves.
- Securing environmental compensation generating positive effects to offset any adverse effects of the subdivision, use or development that cannot be avoided, remedied or otherwise mitigated.

Financial contributions under the Act allow Council to manage the externalities associated with proposed activities. Financial contributions are used as a mechanism for achieving the Plan’s objectives. They are distinct from, and in addition to, Council’s Development Contribution Policy which provide the Council’s main funding tool for infrastructure required as a result of growth.

The purpose of financial contributions as included in the Operative District Plan is to:

- Ensure that the costs of avoiding, remedying and mitigation adverse effects on the environment are shared equitably.
- Offset the adverse effects of development that cannot be otherwise avoided, remedied or mitigated.

24.2 Objectives

**Objective most appropriate to achieve the purpose of the Act:**

| 24.2.1 Subdivision, use and development contributes equitably towards the costs of avoiding, remedying or mitigating adverse effects of use, subdivision and development. | This objective is most appropriate because it recognises the different demands that are relevant for financial contributions on public utility services. The use of financial contributions is one way and an important and effective way of ensuring that the purpose of the Act is achieved. It is considered that all subdivision, use and development to varying extents generate effects on the environment. Subdivision, use and development can drive the need for: |
- The development and improvement of public reserves.
- The improvement of public network utility services and transport infrastructure.
- The need to protect particular environments.

All subdivision and development in the City will benefit from a positive and functioning public environment. Therefore, it is considered fair for subdivision, use and development to pay an equitable contribution towards the need of providing or improving network utilities and transport infrastructure, public reserves and offsetting environmental effects through compensation.

This objective is considered to be the most appropriate way to promote the sustainable management of natural and physical resources so that people and communities can provide for their social and economic wellbeing and for their health and safety because:

- It helps to provide adequate infrastructure and services as part of the development process.
- It responds to the foreseeable needs of future generations and aims to avoid, remedy, or mitigate the effects of development.
- It is consistent with Section 7(b) (the efficient use and development of natural and physical resources) of the Act.

Overall the objective provides for people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety by enabling and managing activities, whilst requiring the avoidance or mitigation of adverse effects on the environment.

<table>
<thead>
<tr>
<th>Objectives not the most appropriate to achieve the purpose of the Act:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>No objective – no provision made in the District Plan for financial contributions.</td>
<td>This would not achieve the purpose of the Act as it would not provide for the sustainable management of natural and physical resources. It would also not allow for people and communities to provide for their social wellbeing and for their health and safety.</td>
</tr>
</tbody>
</table>

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Having no objectives or policy framework for financial contributions would not allow adverse effects on the environment to be offset.</td>
<td></td>
</tr>
</tbody>
</table>

**Conclusion:** Taking into account the above, Council considers that the objectives in this chapter of the plan are the most appropriate to achieve the purpose of the Act.
## 24.3 Policies

### Policies most appropriate to achieve the objective:

#### 24.2.1

Subdivision, use and development contributes equitably towards the costs of avoiding, remedyng or mitigating adverse effects of use, subdivision and development.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>24.2.1a</td>
<td><strong>Benefits</strong>&lt;br&gt;The policies have the following benefits:&lt;br&gt;• Ensures that financial contributions are fair and equitable.&lt;br&gt;• Financial benefits to Council and the community from ensuring there is policy direction to enable recovery of costs.&lt;br&gt;• Certainty for both developers and Council.&lt;br&gt;• Offsets adverse effects of development on the environment.&lt;br&gt;• Takes into account the full costs involved (e.g. maintenance and operations as well as holding costs).&lt;br&gt;• Ensures that additional demand generated by new development or subdivision on the District’s network infrastructure are addressed.&lt;br&gt;• Helps to ensure that adequate infrastructure is in place and is maintained in order to support a development.&lt;br&gt;• Community and social benefits of having adequate reserve land in place.&lt;br&gt;• Positive environmental effects.</td>
</tr>
<tr>
<td></td>
<td><strong>Costs</strong>&lt;br&gt;• Financial costs to a development.</td>
</tr>
<tr>
<td></td>
<td><strong>Efficient and Effective</strong>&lt;br&gt;• The benefits of these policies outweigh the costs. They are efficient and effective in terms of achieving the objective as they provide for a fair and reasonable financial contribution in order to avoid, remedy or mitigate adverse effects on the environment. The policies are effective in ensuring that activities contribute to the costs associated with their environmental effects. They are efficient</td>
</tr>
</tbody>
</table>
mitigated. This may include river and gully restoration, requiring land to be set aside and developed as reserves to provide amenity and protect environmental, historical and cultural values of the area.

as they provide a clear direction for the financial contributions methods.

- Where a developer wishes to pursue development ahead of Council’s programmes identified in its Long Term Plan or Annual Plan, a Development Agreement will need to be entered into with Council to ensure infrastructure is provided in a way which is efficient and sustainable from a city-wide perspective. In such circumstances any financial contributions required may be considered as part of that Development Agreement.

### Risks

Risks of acting or not acting.

- The risks of acting are creating a regulatory burden. It is considered that the provisions as drafted are appropriate.

- The risks of not acting are adverse effects on the environment.

It is considered that there is sufficient information to support the approaches being taken.

### 24.4 Rules

**Rules most appropriate to achieve the objectives:**

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>24.3 Rules – General Standards</td>
<td>Benefits</td>
</tr>
<tr>
<td></td>
<td>• Provides clarity and certainty for landowners, developers and the Council about when financial contributions will be required and for what purpose.</td>
</tr>
<tr>
<td></td>
<td>• The wider community and Council as to the future direction of the development.</td>
</tr>
<tr>
<td></td>
<td>• Ensures that infrastructure and reserves are in place to support the development.</td>
</tr>
<tr>
<td></td>
<td>• Offsets adverse effects of development on the environment.</td>
</tr>
<tr>
<td></td>
<td>• Provides for a fair and transparent system of calculating financial contributions.</td>
</tr>
<tr>
<td></td>
<td>• Is clear about the nature of contributions and what matters will be considered when determining the level of financial contribution.</td>
</tr>
<tr>
<td></td>
<td>• Fair to existing ratepayers.</td>
</tr>
<tr>
<td></td>
<td>Costs</td>
</tr>
</tbody>
</table>
- Financial costs for the development.
- Administration and compliance costs.

**Efficient and Effective**

- The benefits provided by these rules outweigh the costs. The rules are effective as they set up clear criteria for when financial contributions will be required and what the level of contribution will be. This helps to ensure that development offsets any adverse effects on the environment. These rules are likely to be effective in achieving a fair allocation of costs. They are efficient as they ensure that costs are borne by those parties creating the need, rather than subsidised from general ratepayer sources.

<table>
<thead>
<tr>
<th>24.4 Rules – Specific Rules (Reserves: Level of Service)</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Clear and transparent about the level of service required for reserves.</td>
</tr>
<tr>
<td></td>
<td>• Adopts a level of service that ensures there are sufficient neighbourhood reserves outside of structure plans to support the population with associated social, cultural and health and wellbeing benefits.</td>
</tr>
<tr>
<td></td>
<td>• Reserves are to be acquired in accordance with a structure plan which helps to ensure that structure plans are implemented effectively with adequate reserve space.</td>
</tr>
</tbody>
</table>

**Costs**

- Costs to a development of providing the level of service outlined in the rule for reserves.

**Efficient and Effective**

- The benefits of this rule outweigh its costs. The rule is efficient as it provides clear direction on the level of service required for reserves. It is effective in that it will ensure that minimum levels of service are met for a development.

**Risks**

Risks of acting or not acting.

- The risks of acting are creating a regulatory burden. However, it is considered that the provisions as drafted are appropriate.
- The risks of not acting are adverse effects on the environment.

It is considered that there is sufficient information to support the approaches being taken.
Conclusion: Taking into account the above, Council considers that the rules in this chapter are both essential and the most appropriate to achieve the objective.

24.5 References

- Hamilton City Council 10 Year Plan 2012-22
- Hamilton City Council Development Contributions Policy 2010
- Hamilton Urban Growth Strategy 2008
- Future Proof Growth Strategy and Implementation Plan 2009
- Resource Management Act 1991
- Response to Commissioner questions: Chapters 23 – Subdivision and 24 – Financial Contributions
City-wide

Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 25: City-wide.

The overall approach of the plan chapter is to provide clear and strong guidelines for city-wide activities and to preserve amenity values throughout the City. Detailed introductions are included at the beginning of each section of the City-wide Chapter. Supporting documents are listed in the References section within each Section.
25.1 Development Suitability

25.1.1 Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 25.1: City-wide – Development Suitability.

The overall approach of the plan chapter is to provide guidance on the development of land when it occurs in isolation or as part of the subdivision of land. This section should be read in conjunction with the relevant zone chapter and provides cross-references to key chapters that should be considered when undertaking a development such as those identifying site specific constraints to development, the provision of infrastructure, and the design of the development.

This chapter also clarifies how the use, development and subdivision of contaminated or potentially contaminated land under the Act is to be managed. This District Plan concentrates on managing land affected by contaminants that pose a risk to human health. The Regional Plan manages effects on the natural environment with respect to contaminated land.

A National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health became operative on 1 January 2012. This chapter makes reference to this National Environmental Standard.

Supporting documents are listed in the References section of this chapter.

25.1.2 Objectives

<table>
<thead>
<tr>
<th>Objective most appropriate to achieve the purpose of the Act:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>25.1.2.1</strong> To ensure the provision of safe, efficient and integrated infrastructure as part of land development.</td>
</tr>
<tr>
<td>This objective is most appropriate because it recognises the value of integrating land use developments with the development of infrastructure. This is consistent with section 5(2) of the Act to sustainably manage the use and development of natural and physical resources. It is also consistent with 7(b) and 7(c) which state that particular regard must be given to the efficient use and development of resources and the maintenance and enhancement of amenity values.</td>
</tr>
<tr>
<td><strong>25.1.2.2</strong> 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.</td>
</tr>
<tr>
<td>This objective is the most appropriate because it recognises the value of ensuring that land use developments recognise and address the physical constraints of the land and the development minimises any adverse effects on the environment. This is consistent with section 5 to sustainably manage the use and development of natural and physical resources. It also responds to 7(b) which states that particular regard must be given to the efficient use and development of resources.</td>
</tr>
<tr>
<td><strong>25.1.2.3</strong></td>
</tr>
<tr>
<td>This objective is the most appropriate because it</td>
</tr>
</tbody>
</table>
Land affected by soil contaminants is identified and made safe for its intended use before any change of use, development or subdivision.

requires land to be appropriate for development, prior to any change in use, development or subdivision occurring on the land. This is consistent with section 5 as it manages the use, and development of natural and physical resources to enable people and communities to provide for their wellbeing and health and safety by addressing soil contamination. It also recognises Territorial Authority’s role under s31 of the Act to control the actual and potential effects of the use, development or protection of land including for the purpose of preventing or mitigating any adverse effects of the development, subdivision or use of contaminated land.

Objectives not the most appropriate to achieve the purpose of the Act:

| Objectives not the most appropriate to achieve the purpose of the Act: |
| Do nothing. |
| This would not be appropriate because it would not provide for the integration of Hamilton’s infrastructure developments and would not promote sustainable management of natural and physical resources in accordance with section 5 of the Act. |

Conclusion: Taking into account the above, Council considers that the objectives in this chapter of the plan is the most appropriate to achieve the purpose of the Act.

25.1.3 Policies

Policies most appropriate to achieve the objective:

25.1.2.1 To ensure the provision of safe, efficient and integrated infrastructure as part of land development.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| **25.1.2.1a** All development shall provide infrastructure appropriate for the activity proposed. | **Benefits**
- The policies provide for economic benefits to the community by providing a sustainable and efficient approach to land use and the development of infrastructure to enable integration to be achieved and resources conserved. |
| **25.1.2.1b** New development shall be adequately serviced by suitable telecommunication, electricity, Three Waters and transport infrastructure. | **Benefits**
- The policies have environmental benefits as they promote well connected infrastructure and transport modes which reduce the impact of inefficient infrastructure and thus having a lesser impact on the environment in terms of air, soil and water quality and use of both finite and infinite resources. |
| **25.1.2.1c** Urban development will not be allowed unless appropriate infrastructure is available, or is made | **Benefits**
- The policies have social and cultural benefits to the community and future owners and occupants as they enhance the liveability of areas and promote |
available by the developer, and the servicing of this land does not compromise the safety, efficiency and sustainability of planned infrastructure.

sustainability and safety through design, connectedness and improving local integration of infrastructure.

**Costs**

- There are potential financial costs to developers from having less flexibility in the form and timing of infrastructure.
- Financial costs to Council to manage the integrated provision of infrastructure and development.

**Efficient and Effective**

- These policies will be efficient and effective to achieve objective 25.1.2.1 by catering for the integration of infrastructure and land use developments. This is an efficient and effective use of land and infrastructure resources through connectedness, compatibility and the ability of the developments to cater for future maintenance and upgrading. It is an effective approach as the identified benefits are considered to outweigh the identified costs.

<table>
<thead>
<tr>
<th>Policies not most appropriate to achieve the objectives:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Require a case-by-case assessment of infrastructure requirements and timing.</td>
</tr>
<tr>
<td>This approach would not be appropriate as it would not promote the sustainable use of resources. It would allow development and the use of resources to occur without looking at the needs of future generations.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policies most appropriate to achieve the objective:</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>25.1.2.2a Development of land shall:</td>
<td></td>
</tr>
<tr>
<td>i. Not result in increased risk of erosion, subsidence, slippage or inundation</td>
<td></td>
</tr>
<tr>
<td>ii. Wherever possible, avoid or mitigate any adverse effects on water quality and quantity; and</td>
<td></td>
</tr>
<tr>
<td>iii. Avoid or mitigate</td>
<td></td>
</tr>
<tr>
<td>Benefits</td>
<td></td>
</tr>
<tr>
<td>- The policies provide for environmental and social benefits, as well as health and safety benefits, to owners and occupiers and the wider community, from ensuring that development is appropriate to the characteristics of the area, and the development will not exacerbate adverse effects such as erosion. They also provide for health and safety and economic benefits by recognising physical constraints such as Transpower lines need to be avoided or managed during development.</td>
<td></td>
</tr>
<tr>
<td>Costs</td>
<td></td>
</tr>
</tbody>
</table>

adverse effects on significant infrastructure.

25.1.2.2b Development shall be located and designed to maintain or enhance any:

i. Scheduled built heritage item

ii. Archaeological and cultural site

iii. Significant tree; and

iv. Significant natural area.

- These policies result in financial costs to developers at the time of site design as a higher level of assessment will be required in some areas to show how and where development can occur.
- There are potentially economic and social costs from some areas of land being limited in their use.
- Additional financial costs may be required by having to design buildings and structures appropriate to being located within sensitive areas.

Efficient and Effective

- These policies will be efficient and effective to achieve objective 25.1.2.2 by providing clarity to developers and the community about the need to address a site’s physical constraints at the time of development to minimise adverse effects on the environment. This is an efficient and effective use of land and will have benefits in the longer term for the site’s owners and occupiers.

Policies not most appropriate to achieve the objectives:

Do nothing. This approach would not be most appropriate as it would not promote the sustainable use of resources. It would allow development and the use of resources to occur without looking at the needs of existing and future generations. It would also not take into account a territorial authority’s responsibility under the Act to control the actual and potential effects of the use, development or protection of land.

Policies most appropriate to achieve the objective:

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.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| 25.1.2.3a Any use, development and subdivision shall minimise the adverse effects that may arise from land affected by soil contaminants. | Benefits
- The policies provide for health and safety benefits to owners and occupants of sites, and benefits to the environment, by providing for the sustainable and efficient management of contaminated land use that recognises the direction provided in the Resource Management (National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. |
| 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.  

**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 human health.

**Costs**  
- There will be financial costs to site owners and developers to comply with the National Environmental Standard. These costs may also affect Council’s and the wider community if publicly owned land is identified as contaminated and requires management.

**Efficient and Effective**  
- These policies will be efficient and effective to achieve objective 25.1.2.3 by facilitating the remediation or mitigation of contaminated land.

**Policies not most appropriate to achieve the objectives:**

<table>
<thead>
<tr>
<th>Policy</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do nothing.</td>
<td>This approach would not be most appropriate as it would not meet the requirements of the National Environmental Standards, or promote the sustainable use of resources. It would allow development and the use of resources to occur without looking at the needs of future generations.</td>
</tr>
</tbody>
</table>

**Risks**  
Risks of not acting.

- Development is not suitable or appropriate to the site and consequently there is a greater risk of environmental degradation; loss of social, environmental and culturally important sites; and a greater risk of adverse health and safety effects for future generations.

**Conclusion:** Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objective.

### 25.1.4 Rules

**Rules most appropriate to achieve the objectives:**

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| 25.1.3 – Rule that cross-references the National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health | Benefits  
- There are administrative benefits to Council and users of this District Plan as the rules and standards provide a central point at the beginning of the District Plan to focus attention on the range of matters that affect site suitability. They also outline the requirement to address contaminated land. The rule cross-references to the National Environmental Standard which has administrative benefits. | Costs  
- This rule has potential financial costs to anyone |
wishing to undertake development of land to ensure that the site complies with the standard.

**Efficient and Effective**
- This rule will be efficient and effective to achieve objective 25.1.2.3 as it provides clarity that contaminated land must be addressed, and will be undertaken in the same manner across the country in accordance with the National Environment Standard.

---

**Rule 25.1.4 – General Standards which:**

Require development to comply with standards of the underlying zone.

Include by way of a Note that the Hamilton City Council Infrastructure Technical Specifications are a guide to compliance for all aspects of development and that they do not apply to network utility structures.

Cross-references to chapters which set out standards relating to site specific constraints on development.

**Benefits**
- There are administrative benefits to Council and users of this District Plan as the rules and standards provide a central point at the beginning of the District Plan to focus attention on the range of matters that affect site suitability and require that the appropriateness of the site for development is addressed. The rules and standards cross-reference to relevant chapters contained in the rest of the District Plan e.g. Three Waters, rather than to duplicate the detail in each of those chapters.

**Costs**
- There are potential financial costs to anyone wishing to undertake development of land to ensure that the site is suitable for development.

**Efficient and Effective**
- These rules will be efficient and effective to achieve objective 25.1.2.1 and 25.1.2.2 by providing clarity that these matters must all be addressed, whilst not duplicating material contained elsewhere in the Plan, and instead directing the District Plan user to those locations.

---

**Rules not most appropriate to achieve the objectives:**

<table>
<thead>
<tr>
<th>Incorporating specific standards within the District Plan rather than to cross-reference the National Environmental Standard.</th>
<th>This would not be the most appropriate way to achieve the objective as it would not meet the requirements of the National Environmental Standard, and would add administrative complexity to the process.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Incorporate the Hamilton City Infrastructure Technical Specifications by way of a rule.</td>
<td>This would be appropriate to achieve the objective, but would be administratively difficult when the technical specifications are updated, which occurs on a more regular and less costly basis than changes to the Plan under the Act.</td>
</tr>
</tbody>
</table>

**Risks**

Risks of not acting.
- That there will be no central location within the District Plan to pull together all the considerations about development suitability.
- Site contamination will not be addressed in accordance with the requirements of the National Environmental Standard.

**Conclusion:** Taking into account the above, Council considers that the rules in this chapter are most appropriate to achieve the objectives.

### 25.1.5 Methods Other Than Rules

| Methods most appropriate to achieve the objectives: |
| --- | --- |
| Method | Effectiveness, efficiency, costs and benefits |
| Regulatory methods: National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health. | Benefits  
- This method provides a consistent approach and avoids unnecessary duplication in the District Plan.  
Costs  
- Potential financial cost to anyone wishing to establish or undertake an activity on a contaminated site.  
Efficient and Effective  
- These methods will be efficient and effective to achieve objective 25.1.2.3 by providing a nationally consistent approach that avoids unnecessary duplication in the District Plan. |
| Council works and services:  
Provide infrastructure in a manner that supports residential, business, industrial activities in preferred locations in accordance with City and Regional growth strategies.  
Maintain Hamilton City Infrastructure Technical Specifications, as a guide for acceptable engineering practice and design solutions.  
Undertake appropriate site investigation, assessment and design, and ensure good management practices are followed for Council controlled infrastructure and community facilities. | Benefits  
- These methods provide environmental and economic benefits to Council as they provide infrastructure that will comply with the District Plan. They also provide social benefits by demonstrating what the Council wishes private persons and organisations to achieve in the City.  
Costs  
- There are financial costs to Council to undertake these methods.  
Efficient and Effective  
- These methods will be efficient and effective to achieve objective 25.1.2.1 and 25.1.2.2 by ensuring development undertaken by Council meets the requirements of the District Plan. |
### Information, education and advocacy:
- Provide information via Land Information Memorandum/Project Information Memorandum.
- Providing information about contaminants in soil:
  - Hamilton City Council’s Selected Land Use Register.
  - Waikato Regional Council’s register of contaminated land.
- Land Information Memorandum.
- Ministry for the Environment’s Hazardous Activities and Industries List.
- Ministry for the Environment’s Contaminated Land Guidelines.
- Department of Labour’s Health and Safety Guidelines on the Cleanup of Contaminated Sites.

### Benefits
- These methods provide economic benefits to individuals and organisations through the sharing of information about sites held by Council and other government organisations. This enables individuals and developers to be aware of any potential concerns or work required.

### Costs
- There are financial costs to the Council and other government organisations to collect and share this information.

### Efficient and Effective
- These methods will be efficient and effective to achieve objective 25.1.2.2 and 25.1.2.3 by minimising the need for individuals and organisations to undertake costly research into these issues if the information is already available.

### Risks

**Risks of not acting.**
- The rules of the District Plan will operate in isolation without support of a suite of tools available to Council to achieve good environmental outcomes.

### Conclusion:
Taking into account the above, Council considers that the methods in this chapter are most appropriate to achieve the objectives.

### 25.1.6 References
- Resource Management (National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011
- Waikato Regional Policy Statement (Operative October 2000)
- Waikato Regional Policy Statement (Proposed November 2010, now Operative May 2016)
- Waikato Regional Plan (Operative in part September 2007)
- Hamilton 10 Year Plan – Long-Term Plan
• Hamilton Annual Plan
• Hamilton City Development Manual (Hamilton City Infrastructure Technical Specifications)
• Hamilton City Council Selected Land Use Register
• Waikato Regional Council register of contaminated land
• Hazardous Activities and Industries List, Ministry for the Environment
• Guides for the Assessment and Management of Contaminated Land, Ministry for the Environment
• Health and Safety Guide on the Cleanup of Contaminated Sites
• Section 42A Hearing Report: 1, 2 October 2013: Report on submissions and further submissions: Chapter 25.1 Development Suitability

25.1.7 Glossary

Refer to Volume 2, Appendix 1.1.2 of the District Plan
25.2 Earthworks and Vegetation Removal

25.2.1 Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 25.2: City-wide – Earthworks and Vegetation Removal.

The overall approach of the plan chapter is to achieve good environmental and social outcomes from land subdivision and development by managing the effects of earthworks on the environment and on the amenity of neighbourhoods. This chapter outlines earthworks and vegetation removal rules relating to the zones, and cross-references to chapters where more specific rules relating to earthworks and vegetation removal are outlined.

A National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health became operative on 1 January 2012. This chapter makes reference to that National Environmental Standard.

Supporting documents are listed in the References section of this chapter.

25.2.2 Objectives

<table>
<thead>
<tr>
<th>Objective most appropriate to achieve the purpose of the Act:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>25.2.2.1</strong> Minimise the adverse effects of earthworks and vegetation removal on people, property, and the environment.</td>
<td>This objective is most appropriate because it recognises the value of preserving and enhancing the character, amenity and functioning of the natural environment. This is consistent with section 5(2) in that natural and physical resources are to be sustainably managed and to avoid, remedy and mitigate any adverse effects of activities on the environment. It also responds to sections 7(c) which states that particular regard must be given to the maintenance and enhancement of amenity values.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Objectives not the most appropriate to achieve the purpose of the Act:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Do nothing.</td>
<td>This would not be most appropriate because it would not provide for the preservation of Hamilton’s environment or amenity which would not promote sustainable management of natural and physical resources in accordance with section 5 of the Act.</td>
</tr>
</tbody>
</table>

**Conclusion:** Taking into account the above, Council considers that the objective in this chapter of the plan is the most appropriate to achieve the purpose of the Act.
## 25.2.3 Policies

### Policies most appropriate to achieve the objective:

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>25.2.2.1a Earthworks and vegetation removal shall occur in a way that:</td>
<td><strong>Benefits</strong></td>
</tr>
<tr>
<td>i. Maintains natural character and amenity values by retaining existing landforms, natural features and significant vegetation.</td>
<td>• The policy provides for economic benefits by ensuring that land is suitable for earthworks and the removal of vegetation, which in turn provides for stability of development.</td>
</tr>
<tr>
<td>ii. Maintains natural processes and features including natural drainage patterns and streams.</td>
<td>• The policy has environmental benefits as it protects and preserves the environment from inappropriate development which may increase the risk from natural hazards and ecological degradation.</td>
</tr>
<tr>
<td>iii. Does not create new, or exacerbate existing, natural hazards.</td>
<td>• The policy has social and cultural benefits as it enhances the identity of Hamilton and promotes the retention of vegetation.</td>
</tr>
<tr>
<td>iv. Minimises adverse effects on land and water, especially effects such as erosion and sedimentation.</td>
<td><strong>Costs</strong></td>
</tr>
<tr>
<td>v. Creates practicable building sites, efficient use of land and infrastructure, ensures effective stormwater flow paths, and a safe living and working environment.</td>
<td>• Financial costs to owners or developers wishing to undertake earthworks and vegetation removal due to less flexibility in the way in which earthworks and vegetation removal may be undertaken.</td>
</tr>
<tr>
<td>vi. Minimises dust, noise, and runoff.</td>
<td><strong>Efficient and Effective</strong></td>
</tr>
<tr>
<td>vii. Adopts a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River and, in particular,</td>
<td>• This policy will be efficient and effective to achieve objective 25.2.2.1 by catering for the preservation and enhancement of Hamilton’s natural character and requiring further development to consider the impact of earthworks and vegetation removal on a range of environmental, amenity and health and safety factors.</td>
</tr>
</tbody>
</table>
those effects that threaten serious or irreversible damage to the Waikato River.

viii. Maintains or enhances riparian vegetation on the margins of natural watercourses and wetlands.

**Policies not most appropriate to achieve the objectives:**

| Do nothing. | This approach would not be most appropriate as developmental growth may have an adverse impact on the natural environment and character of Hamilton and thus detract from the visual amenity of developed spaces. |

**Risks**

Risks of acting or not acting.

The risks of acting are that in order to protect aspects of Hamilton’s natural character there will be restrictions put in place that may prevent subdivision and other developments. This may have an economic risk in that certain developments may be hindered through protection and preservation of ecological habitats and landscapes.

The risks of not acting are that the character and identity of Hamilton may be undermined, and the natural environment will not be preserved or enhanced through development growth which will detract from the visual amenity of the area.

**Conclusion:** Taking into account the above, Council considers that the policy in this chapter is the most appropriate to achieve the objective.

### 25.2.4 Rules

**Rules most appropriate to achieve the objectives:**

<table>
<thead>
<tr>
<th>Method</th>
<th><strong>Effectiveness, efficiency, costs and benefits</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Rule 25.2.3 – Activity Status Table</td>
<td><strong>Benefits</strong></td>
</tr>
<tr>
<td>Earthworks and vegetation removal have a different status depending on the location that they are undertaken.</td>
<td>• Administrative benefits to users of the Plan as it provides a clear expectation of what is anticipated/appropriate across all zones and environments.</td>
</tr>
<tr>
<td>Cross-references are included to Chapters containing additional earthworks and vegetation removal rules.</td>
<td>• With some exceptions earthworks and vegetation removal are permitted activities.</td>
</tr>
<tr>
<td></td>
<td>• This provides economic benefits to landowners and network utility operators as it enables earthworks in certain circumstances where they comply with minimum standards and maximum thresholds.</td>
</tr>
</tbody>
</table>
Earthworks associated with the replacement and/or removal of a fuel storage system as defined and controlled in the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

- The general vegetation removal rule enables the removal of vegetation in urban areas as required by the Act, except where specifically identified or where exceptions apply. This has a social and cultural benefit in enabling tree removal, in accordance with legislation.
- The activity status table refers users of the District Plan to other chapters regarding earthworks and vegetation removal affecting hazard areas, affecting scheduled items, and in specific zones such as open space which have different rules. This provides administrative benefits via these cross-links.
- The rule regarding the removal of fuel storage systems avoids conflict between NES requirements and the District Plan.

Benefits
- Administrative benefits to users of the Plan as it provides a clear cross reference to the National Environmental Standard as it applies to earthworks and vegetation removal.

Costs
- Some activities will require resource consent due to their location, scale and potential effect on the surrounding environment. This adds additional cost, complexity and time to those developments.

Efficient and Effective
- These rules will be efficient and effective to achieve objective 25.2.2.1 by ensuring that minor earthworks and vegetation removal is able to be undertaken (provided they meet the standards). A greater level of scrutiny over larger scale earthworks and vegetation removal affecting the specified locations is required. This provides certainty for developers.

25.2.3 – Cross-references are included to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

Benefits
- Administrative benefits to users of the Plan as it provides a clear cross reference to the National Environmental Standard as it applies to earthworks and vegetation removal.

Costs
- There will be some activities that will be required to obtain resource consent due to the direction in the National Environmental Standard. This adds additional cost, complexity and time to those developments, but is consistent across the country.

Efficient and Effective
- These rules will be efficient and effective to achieve objective 25.2.2.1 by ensuring that those undertaking minor earthworks and vegetation
removal are made aware that the National Environmental Standard for contaminated land applies.

25.2 - City-wide – Earthworks and Vegetation Removal

<table>
<thead>
<tr>
<th>25.2.3 - Cross-references are included to the National Environmental Standard for Electricity Transmission.</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative benefits to users of the Plan as it provides a clear cross reference to the National Environmental Standard for electricity transmission as it applies to earthworks and vegetation removal.</td>
<td></td>
</tr>
</tbody>
</table>

**Costs**

- There will be some activities that will be required to obtain resource consent due to the direction in the National Environmental Standard. This adds additional cost, complexity and time to those developments, but is consistent across the country.

**Efficient and Effective**

- These rules will be efficient and effective to achieve objective 25.2.2.1 by ensuring that those undertaking minor earthworks and vegetation removal are made aware that the National Environmental Standard for electricity transmission applies.

<table>
<thead>
<tr>
<th>General Standards 25.2.4.1 – Earthworks in All Zones.</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>These standards address matters such as fill material needing to be clean fill; site stabilisation; deposition on public roads; the maintenance of stormwater flows; and maximum volume. There are environmental, social and health and safety benefits arising from these rules as they require earthworks to be undertaken to certain standards. Failure to comply with standards makes the activity a restricted discretionary activity and requires resource consent.</td>
<td></td>
</tr>
</tbody>
</table>

**Costs**

- There will be some activities that will be required to obtain resource consent due to their potential affect on the surrounding environment. This adds additional cost, complexity and time to those developments.

**Efficient and Effective**

- These rules will be efficient and effective to achieve objective 25.2.2.1 as they set standards to which earthworks must conform in order to minimise adverse effects of earthworks. They also enable the positive effects of earthworks to be realised in terms of practicable building sites,
maintaining stormwater flows, efficient use of land and infrastructure and a resulting safe living and working environment. Exemptions apply for certain earthworks including those associated with: trenching, pole installation and telecommunications mast foundations for infrastructure and network utilities; fuel storage system replacement or removal; works within the Transport Corridor Zone; and works authorised by other consents that have conditions managing the effects of earthworks.

### General Standards

25.2.4.2 – Earthworks within any National Grid Yard.

### Benefits
- These standards address the manner in which earthworks within Transmission Buffers are undertaken. The rules provide a permissive regime, subject to meeting the standards. There are environmental, social and health and safety benefits arising from these rules as they require earthworks to be undertaken to a certain standard, whilst protecting the electricity transmission asset.

### Costs
- There will be some activities that will be required to obtain resource consent due to their potential affect on the surrounding environment. This adds additional cost, complexity and time to those developments.

### Efficient and Effective
- These rules will be efficient and effective to achieve objective 25.2.2.1 by ensuring that those undertaking earthworks within Transmission Buffers take into account potential risks on property.

### Rules not most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>All activities requiring resource consent.</th>
<th>This approach could potentially achieve the objectives; however it would significantly increase the cost, complexity and time to any development or activity. It would not be the most efficient way to meet the objective.</th>
</tr>
</thead>
<tbody>
<tr>
<td>No standards.</td>
<td>This approach would not achieve the objective. It would not provide certainty for property owners or the Council about the suitability and safety of earthworks. It would not be the most efficient way to meet the objective.</td>
</tr>
</tbody>
</table>

### Risks
Risks of acting or not acting.

The risks of not acting are that earthworks will be undertaken in an ad hoc manner potentially resulting in adverse effects on people, property and the environment.

**Conclusion:** Taking into account the above, Council considers that the rules in this chapter are most appropriate to achieve the objectives.

### 25.2.5 Methods Other Than Rules

<table>
<thead>
<tr>
<th>Methods most appropriate to achieve the objectives:</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Other plans and legislation</strong></td>
<td>Benefits</td>
</tr>
<tr>
<td>Regional Policy Statement, Regional Plans and Strategies.</td>
<td>• The Regional Council and Regional Plan have primary responsibility under the Act for controlling land use for soil conservation and water quality. The District Plan has a supporting role, as this controls subdivision and development of land. This provides rigour to the consideration of earthworks and enables the environmental impact of earthworks to be addressed as required by legislation.</td>
</tr>
<tr>
<td></td>
<td>Costs</td>
</tr>
<tr>
<td></td>
<td>• There may be some activities that will be required to obtain resource consent to two different authorities due to their potential effect on the surrounding environment. This adds additional cost, complexity and time to those developments.</td>
</tr>
<tr>
<td></td>
<td>Efficient and Effective</td>
</tr>
<tr>
<td></td>
<td>• These methods will be efficient and effective to achieve objective 25.2.2.1 by providing clear guidance in Regional documents to control earthworks.</td>
</tr>
<tr>
<td><strong>Information, education and advocacy</strong></td>
<td>Benefits</td>
</tr>
<tr>
<td>Provide guides and technical advice for earthworks.</td>
<td>• Support landowners and developers to understand rules and appropriate methods to meet the rules.</td>
</tr>
<tr>
<td></td>
<td>Costs</td>
</tr>
<tr>
<td></td>
<td>• There are minor financial costs in preparing and advertising this information.</td>
</tr>
<tr>
<td></td>
<td>Efficient and Effective</td>
</tr>
<tr>
<td></td>
<td>• These methods will be efficient and effective to achieve objective 25.2.2.1 by supporting landowners and developers in a less bureaucratic way to meet the rules in the District Plan.</td>
</tr>
</tbody>
</table>
Risks

Risks of acting or not acting.

The risks of acting are minor financial costs to Council.

The risks of not acting are a lack of information being available to people about how to undertaken earthworks appropriately.

Conclusion: Taking into account the above, Council considers that the methods in this chapter are most appropriate to achieve the objectives.

25.2.6 References

S42A Hearing Report: 26 September 2013: Report on submissions and further submissions Chapter 25.2 Earthworks and Vegetation Removal

Response to Commissioner questions: Chapter 25.2 – Earthworks and Vegetation Removal

Resource Management (National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

Waikato Regional Policy Statement (Operative October 2000)

Waikato Regional Policy Statement (Proposed November 2010 and Decision November 2012)

Waikato Regional Plan (Operative in part September 2007)


New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001)

25.2.7 Glossary

Refer to Volume 2, Appendix 1.1.2 of the District Plan
25.3 Events and Temporary Activities

25.3.1 Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 25.3: City-wide – Events and Temporary Activities.

Events are activities that are infrequent in nature and short in duration and are not covered by another activity in the District Plan. They include parades, festivals, concerts or exhibitions and occur on a regular basis throughout the City, as do other temporary activities. These events and activities make a contribution to the community and help to create a vibrant Hamilton.

The temporary nature of the activities generally makes any adverse effects (in particular noise and traffic) more acceptable to the community. Consequently, many events and temporary activities of short duration are tolerated by parts of the community, while others enjoy what the event has to offer.

The proposed way forward is to have District Plan provisions that encourage larger and more frequent events in certain locations such as the Stadia, Claudelands Events Centre (dealt with in the Major Facilities Zone), Hamilton Gardens, Hamilton Lake Domain and the Central City Precincts. For the remainder of the City the current provisions are considered appropriate.

Supporting documents are listed in the References section of this chapter.

25.3.2 Objectives

<table>
<thead>
<tr>
<th>Objective most appropriate to achieve the purpose of the Act:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>25.3.2.1</strong> Temporary activities and events are managed in a way that contributes to economic, social and cultural wellbeing and to creating a vibrant City, while adverse effects on the environment are minimised.</td>
</tr>
<tr>
<td>This objective is the most appropriate because it recognises the important role that events and temporary activities play in contributing to the economic, social and cultural wellbeing of the City. The benefits of events and temporary activities also need to be balanced with the adverse effects that they may create. Due to their positive effects, short duration and infrequent nature many events are tolerated within the District Plan.</td>
</tr>
<tr>
<td><strong>25.3.2.2</strong> Temporary activities and events are located appropriately.</td>
</tr>
<tr>
<td>This objective is the most appropriate because it recognises that events and temporary activities should be located appropriately. It is important that events are held in locations that can accommodate their effects. For large events permanent venues may be more suitable as they are designed to accommodate such activities. Temporary structures and buildings should be sited to not adversely affect the amenity of adjoining properties.</td>
</tr>
</tbody>
</table>
Conclusion: Taking into account the above, Council considers that the objectives in this chapter of the plan are the most appropriate to achieve the purpose of the Act.

25.3.2 Policies

Policies most appropriate to achieve the objective:

25.3.2.1
Temporary activities and events are managed in a way that contributes to economic, social and cultural wellbeing and to creating a vibrant City, while adverse effects on the environment are minimised.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>25.3.2.1a</td>
<td>Benefits</td>
</tr>
<tr>
<td>The positive effects of events and temporary activities shall be recognised and encouraged.</td>
<td>• Policy 25.3.2.1a achieves the first part of the objective, while policy 25.3.2.1b achieves the second part.</td>
</tr>
<tr>
<td>25.3.2.1b</td>
<td>Costs</td>
</tr>
<tr>
<td>Events and temporary activities shall be managed to minimise adverse effects including noise, light spill, glare, dust, odour, litter, effects on public health and safety, and the safe and efficient functioning of transport networks.</td>
<td>• The policy approach allows for the positive and adverse effects of events and temporary activities to be recognised when considering a resource consent application.</td>
</tr>
<tr>
<td></td>
<td>Costs</td>
</tr>
<tr>
<td></td>
<td>• Positive effects of events do not necessarily always outweigh the adverse effects.</td>
</tr>
</tbody>
</table>

Efficient and Effective

These policies will be efficient and effective to achieve objective 25.3.2.1:

• Policy 25.3.2.1a is most appropriate to achieve objective 25.3.2.1 because it recognises the positive effects of events and temporary activities and therefore achieves the first part of the objective.

• Policy 25.3.2.1b recognises the need to manage events and temporary activities so that adverse effects are minimised, this achieves the second part of objective 25.3.2.1.

Policies most appropriate to achieve the objective:

25.3.2.2
Temporary activities and events are located appropriately.
### Policies

<table>
<thead>
<tr>
<th>25.3.2.2a</th>
<th>Events and temporary activities shall be located where adverse effects can be adequately managed, with particular consideration given to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>i.</td>
<td>Expected attendance numbers, the facilities provided at the site, including for entry and exit, crowd control, and health and safety.</td>
</tr>
<tr>
<td>ii.</td>
<td>The timing, duration, scale and intensity of the adverse effects, including noise, dust, odour, lighting, glare, and waste.</td>
</tr>
<tr>
<td>iii.</td>
<td>The safety and efficiency of transport networks.</td>
</tr>
<tr>
<td>iv.</td>
<td>The frequency of events and temporary activities at any one location and associated cumulative effects.</td>
</tr>
<tr>
<td>v.</td>
<td>Any alternative venues available and suitable for all or part of the event, with preference given to permanent venues over temporary venues.</td>
</tr>
</tbody>
</table>

| 25.3.2.2b | Temporary structures and buildings shall be sited to minimise adverse effects on surrounding property and activities. |

### Effectiveness, efficiency, costs and benefits

**Benefits**

- Policy 25.3.2.2a enables the scale and nature of the event to be considered in the context of the site, including cumulative effects. This is further reflected in the Plan standards, which have different thresholds depending on the location.
- Policy 25.3.2.2b recognises the importance of locating temporary buildings and structures so they do not negatively impact on surrounding property and activities. Although temporary buildings and structures are not permanent they may be there for days or even months where they are incidental to a construction project. If they cannot meet these requirements the building or structure may still be allowed, however subject to a resource consent process.
- In most cases smaller scale community events will be permitted activities provided they are in pre-determined locations deemed appropriate for events.

**Costs**

- Larger events will need to go through a resource consent process to determine if they are appropriate for a particular location, which will result in increased compliance costs for event organisers. This is an appropriate cost given the size and scale of the event.

**Efficient and Effective**

These policies will be efficient and effective to achieve objective 25.3.2.2 by:

- Requiring events to meet specific standards around frequency, duration and scale depending on the location. This approach strikes a balance by allowing larger events in suitable locations as of right and restricting them in other areas that are considered more sensitive (e.g. residential areas).

### Risks

**Risks**

Risks of acting or not acting.

- It is considered that there is sufficient information regarding events and temporary activities therefore the risks of not acting outweigh the risk of acting.
• The risk of not acting is that events and temporary activities are undertaken in a manner that is not sympathetic to surrounding land uses.

**Conclusion**: Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objectives.

### 25.3.3 Rules

<table>
<thead>
<tr>
<th><strong>Method</strong></th>
<th><strong>Effectiveness, efficiency, costs and benefits</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Activity status</td>
<td>Benefits</td>
</tr>
<tr>
<td></td>
<td>• The starting point for most temporary activities and events is a permitted activity provided they can meet the specific standards, with the exception of events on Lake Rotokaeo and Lake Waiwhakareke which are non-complying and consistent with the relevant Reserve Management Plans.</td>
</tr>
<tr>
<td></td>
<td>• In the case of pyrotechnics and temporary retail in public places bylaws or Council policies provide a further method for controlling activities.</td>
</tr>
<tr>
<td></td>
<td>Costs</td>
</tr>
<tr>
<td></td>
<td>• Some of the activities are permitted as other methods help to control them or there is a low risk of adverse effects. If circumstances change or other methods change then the District Plan may need to change.</td>
</tr>
<tr>
<td></td>
<td>Efficient and Effective</td>
</tr>
<tr>
<td></td>
<td>These rules will be efficient and effective to achieve all objectives by:</td>
</tr>
<tr>
<td></td>
<td>• Ensuring that a number of events and temporary activities can be undertaken without resource consent. Standards create clear thresholds as to when these activities will need to go through a consent process.</td>
</tr>
</tbody>
</table>

### 25.3.5.1 Information to be provided with resource consent applications for events.

<table>
<thead>
<tr>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>• It is clear that if resource consent is required for an event then a waste management, transport management and noise management plan is required. The ‘Notes’ also add clarity around other requirements outside of the District Plan.</td>
</tr>
</tbody>
</table>
| • The main effects associated with an event are waste, traffic and noise therefore addressing these will lead to more successful events and less...
disruption.

**Costs**
- There is some duplication as these information requirements are covered elsewhere in the plan.
- Meeting the information requirements may require expert input and a cost to event organisers.

**Efficient and Effective**
These rules will be efficient and effective to achieve the objectives by:
- Ensuring that the expectations are clear when resource consent is required. Delivering events for the City that are appropriately planned contribute more positively to the environment.

<table>
<thead>
<tr>
<th>25.3.5.2</th>
<th>Events at Hamilton Gardens, Central City Zone – Downtown Precinct (including Garden Place, Civic Square and Hood St) and Central City Zone – Ferrybank Precinct.</th>
</tr>
</thead>
<tbody>
<tr>
<td>25.3.5.3</td>
<td>Events at Innes Common, Hamilton Lake Domain, Wintec (City and Rotokauri) and within the Knowledge Zone.</td>
</tr>
<tr>
<td>25.3.5.4</td>
<td>Events in the Destination Open Space Zone (excluding Lake Waiwhakareke), Sport and Recreation Open Space Zone (apart from those covered in 25.3.5.2 and 25.3.5.3).</td>
</tr>
<tr>
<td>25.3.5.5</td>
<td>Events or activities associated with events on the Waikato River or Lake Rotoroa (Lake Hamilton) – Motorised or Non-motorised.</td>
</tr>
<tr>
<td>25.3.5.6</td>
<td>Frankton Markets</td>
</tr>
<tr>
<td>25.3.5.7</td>
<td>Events in the rest of the City.</td>
</tr>
<tr>
<td>Benefits</td>
<td>- The maximum permitted scale of an event is tailored depending on location.</td>
</tr>
<tr>
<td></td>
<td>- Larger events are acceptable in high activity areas; the provisions in 25.3.5.2 and 25.3.5.3 recognise this.</td>
</tr>
<tr>
<td></td>
<td>- 25.3.5.4 provides for events that are more likely to be of a community scale.</td>
</tr>
<tr>
<td></td>
<td>- 25.3.5.5 provide parameters within which events can take place on the Waikato River and Lakes in Hamilton. Excluding Lake Rotokaeo and Lake Waiwhakareke removes the potential of the District Plan being contrary to the Reserves Act 1977 and the relevant Reserve Management Plans.</td>
</tr>
<tr>
<td></td>
<td>- 25.3.5.6 provides rules specific to Frankton Markets as it is recognised that adverse effects specific to the Frankton Markets need to be addressed beyond those controlled by the Public Places Bylaw and Policy.</td>
</tr>
<tr>
<td></td>
<td>- 25.3.5.7 recognises that in the rest of the City only small events are acceptable and if the thresholds are breached then resource consent will be required and applications considered on a case-by-case basis.</td>
</tr>
<tr>
<td>Costs</td>
<td>Some larger scale events will require resource consent.</td>
</tr>
<tr>
<td>Efficient and Effective</td>
<td></td>
</tr>
</tbody>
</table>

25.3 City-wide – Events and Temporary Activities
Page 25-23
<table>
<thead>
<tr>
<th>Section 32 – Operative District Plan</th>
<th>Hamilton City Council</th>
</tr>
</thead>
</table>

These rules will be efficient and effective to achieve the objectives by:
- Ensuring that events are appropriate to their location.

### 25.3.5.8

Temporary buildings and structures incidental to a construction project.

**Benefits**
- Provides some parameters within which this activity can be undertaken.
- Ensures temporary buildings are removed within certain time frames so that the amenity of the area is retained.
- As buildings incidental to a construction project may be onsite for months it is important that they meet relevant building standards to protect neighbours.

**Costs**
- In certain circumstances it may be difficult to comply with the relevant building standards for the zone, particularly where the permanent building being constructed has been built to the maximum limits.

### 25.3.5.9

Temporary buildings and structures ancillary to a permitted event or permitted activity in an open space zone.

**Benefits**
- Provides some parameters within which this activity can be undertaken.
- Ensures temporary buildings are removed within certain time frames so that the amenity of the area is retained.
- As buildings incidental to a construction project may be onsite for months it is important that they meet relevant building standards to protect neighbours.

**Costs**
- In certain circumstances it may be difficult to comply with the relevant building standards for the zone, particularly where the permanent building being constructed has been built to the maximum limits.

### 25.3.5.10

Temporary landing and takeoff points for helicopters.

**Benefits**
- In an emergency, helicopters can land and takeoff and no standards apply.

**Costs**
- If a site is used for landings and takeoffs on more than five days per year it is no longer a temporary activity and resource consent will need to be obtained.

### 25.3.5.11

Pyrotechnic displays.

**Benefits**
- The hours within which pyrotechnic displays take
25.3.5.12 Temporary retail.

place are restricted. However, few other restrictions apply as they are not a frequent activity within the City. Council also has a policy on pyrotechnic displays under the Reserves Act.

- Temporary retail (such as selling fireworks at Guy Fawkes) is an activity that happens from time to time in vacant buildings or sites. A few simple standards are required to control these activities to ensure they are temporary in nature.

**Costs**

- Restrictions placed on activities.

**Efficient and Effective**

- These assessment criteria will be efficient and effective to achieve the objectives by ensuring that these activities can continue with few restrictions.

**Risks**

Risks of acting or not acting.

- It is considered that there is sufficient information regarding events and temporary activities therefore the risks of not acting outweigh the risk of acting.

- The risk of not acting is that events and temporary activities are undertaken in a manner that is not sympathetic to surrounding land uses.

**Conclusion:** Taking into account the above, Council considers that the rules in this chapter are most appropriate to achieve the objectives.

### 25.3.5 Methods Other Than Rules

**Methods most appropriate to achieve the objectives:**

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other plans and legislation</td>
<td>Mechanisms, other than those within the Plan, provide an additional or alternate means of controlling some activities. The Hamilton City Public Places Bylaw, the Solid Waste Bylaw and the Council policy Pyrotechnic Displays on Council Administered Reserves are three examples of this. Sometimes these other methods are adequate to address the issues associated with certain activities.</td>
</tr>
<tr>
<td>Council works and services</td>
<td></td>
</tr>
<tr>
<td>Information, education and advocacy</td>
<td>Event buddy system (partnership between Council and event organisers).</td>
</tr>
</tbody>
</table>

**Risks**

Risks of acting or not acting:
• The risks of not acting and not listing other methods are that the other process related to events (under other legislation and regulations) may get missed.

**Conclusion:** Taking into account the above, Council considers that the methods in this chapter are most appropriate to achieve the objectives.

### 25.3.6 References

- *Resource Management Act 1991*
- *Hamilton City Public Places Bylaw 2009*
- *Hamilton Solid Waste Bylaw 2012*
- *Waikato Regional Council Navigation Safety Bylaw 2009*
- *Hamilton City Public Places Policy 2009*
- *Hamilton Pyrotechnic Displays on Council Administered Reserves Policy 2011*
- *Local Government Act 2002*
- *Hazardous Substances and New Organisms Act 1996*
- *Section 42A Hearings Report: 1 October 2013: Report on submissions and further submissions: Chapter 25.3 Events and Temporary Activities*
- *Response to Commissioner questions: Chapter 25.3 – Events and Temporary Activities*
- *Response to Commissioner questions: Chapter 25.3 – Events and Temporary Activities – Decision re Frankton Village Markets*
- *Response to Commissioner questions: Chapter 25.3 – Events and Temporary Activities – Rule 3.5 Temporary Activities*
25.4 Hazardous Facilities

25.4.1 Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 25.4: City-wide – Hazardous Facilities, which is a chapter that applies to all parts of the City. This summary section 32 evaluation should be read together with the text of the District Plan itself.

“Hazardous facility” is the general term used in the plan to describe any site where hazardous substances are stored, used, transported or disposed. A wide range of hazardous substances are used in manufacturing and processing activities, as well as retail, business and domestic activities. Hazardous substances are those substances that may harm human health or the environment through their toxicity, explosiveness and flammability.

Many activities in the City involve the storage, transportation or use of hazardous substances. Risks to people and the environment arise if the substances react, degrade or are inadvertently released because of inadequate management or accidental spillage. To prevent or minimise these effects, hazardous facilities need to be managed, designed and located appropriately and have processes in place for dealing with accidental spills or the release of hazardous substances.

Measures must be taken to ensure risk to the local community, property and the wider environment is reduced to an acceptable level. The three main types of environmental risk associated with hazardous substances are as follows.

- Fire or explosion – with emphasis on damage to property, the built environment and the wellbeing health and safety of people.
- Human health – with emphasis on the wellbeing, health and safety of people.
- Environmental – with emphasis on possible adverse effects on ecosystems and natural resources.

Because of the nature of many hazardous substances, danger to people or property, or contamination of the environment is always a possibility. This is dramatically decreased when the substances are correctly used, stored, transported, handled, or disposed of. There is an onus on those using hazardous substances to apply appropriate site management measures or staff training to assist in minimising risk.

Appendix A contains discussion on resource management issues, management of risk and Councils statutory responsibilities under s32 of the Act regarding hazardous facilities.

Appendix B contains references to key documents, standards and legislation.

Appendix C contains relevant extracts from the Operative Regional Policy Statement.

Appendix D contains relevant extracts from the Proposed Regional Policy Statement.

25.4.2 Objectives
### Objective most appropriate to achieve the purpose of the Act:

<table>
<thead>
<tr>
<th>Objective</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>25.4.2.1</strong></td>
<td>To protect people, property and the natural environment by avoiding or minimising the adverse effects of storage, use, disposal, or transport of hazardous substances.</td>
</tr>
<tr>
<td><strong>This objective is most appropriate to achieve the purpose of the Act because:</strong></td>
<td></td>
</tr>
<tr>
<td>a)</td>
<td>It promotes the management of activities involving hazards substances in a way which:</td>
</tr>
<tr>
<td></td>
<td>• Avoids or mitigates adverse effects on the environment.</td>
</tr>
<tr>
<td></td>
<td>• Safeguards the life-supporting capacity of air, water, soil, and ecosystems.</td>
</tr>
<tr>
<td></td>
<td>• Protects the health and safety of people and communities.</td>
</tr>
<tr>
<td></td>
<td>• Enabling people and communities to provide for their ongoing social and economic wellbeing.</td>
</tr>
<tr>
<td>b)</td>
<td>It meets the specific legislative requirements regarding the function of territorial authorities which, among other matters, is to control any actual or potential effects of the use, development, or protection of land, including for the purpose of the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances.</td>
</tr>
<tr>
<td>c)</td>
<td>It is in line with Council’s responsibilities under the Regional Policy Statement (Operative and Proposed).</td>
</tr>
</tbody>
</table>

### Objectives not the most appropriate to achieve the purpose of the Act:

<table>
<thead>
<tr>
<th>Objective</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>To prevent the establishment of activities that store, use, dispose, or transport hazardous substances.</td>
<td>An objective like this would not be appropriate, because it does not provide for the use or development of a physical resource (hazardous facilities) necessary to enable people and communities to continue to provide for their social and economic wellbeing.</td>
</tr>
<tr>
<td>To enable activities that store, use, dispose, or transport hazardous substances regardless of risk to people, property and the natural environment.</td>
<td>An objective like this would not be appropriate, because it does not provide for the use or development of a physical resource (hazardous facilities) in a way that:</td>
</tr>
<tr>
<td></td>
<td>a) Safeguards the life-supporting capacity of air, water, soil, and ecosystems.</td>
</tr>
<tr>
<td></td>
<td>b) Protects the health and safety of people and communities.</td>
</tr>
</tbody>
</table>

### Objective most appropriate to achieve the purpose of the Act:

<table>
<thead>
<tr>
<th>Objective</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>25.4.2.2</strong></td>
<td>This objective is most appropriate because it</td>
</tr>
</tbody>
</table>
The operations of established hazardous facilities and the areas within which these facilities are encouraged are protected from significant reverse-sensitivity effects arising from the inappropriate location of sensitive land-use activities.

Objectives not the most appropriate to achieve the purpose of the Act:

To encourage sensitive land use activities to establish in areas where hazardous facilities exist or are encouraged.

An objective like this would not be appropriate, because it does not protect physical resources (hazardous facilities) from adverse effects (reverse sensitivity) and does not sustain the potential of the physical resource to continue to meet the needs of people and the community. Also it does not provide for land use activities in a way that protects the health and safety of people and communities.

The consequences of an unintentional release of hazardous substances from a hazardous facility increases when sensitive activities such as rest homes, childcare facilities, and residential dwellings have been allowed to establish nearby. These activities can place a greater number of people (or more vulnerable people e.g. elderly and children) within areas potentially affected by the effects of an unintentional release of a hazardous substance. Encroaching activities that increase these risks can lead to pressure being placed on the operation of the hazardous facilities and opposition to the development of new hazardous facilities. This can compromise the ability of hazardous facilities to operate and reduce the capacity of available land to accommodate activities involving the use, storage, transportation or disposal of hazardous substances.

Conclusion: Taking into account the above, Council considers that the objectives in this chapter of the plan are the most appropriate to achieve the purpose of the Act.

25.4.3 Policies

Policies most appropriate to achieve the objective:
### 25.4.2.1
To protect people, property and the natural environment by avoiding or minimising the adverse effects of storage, use, disposal, or transport of hazardous substances. (Policies 25.4.2.1a to 25.4.2.1f)

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>25.4.2.1a</td>
<td>Hazardous facilities shall be located where they do not give rise to levels of risk, including residual risks, which are incompatible with the nature of surrounding land uses or natural environment.</td>
</tr>
<tr>
<td>Benefits</td>
<td>• Ensures a safer environment.</td>
</tr>
<tr>
<td></td>
<td>• Provides overall direction and guidance for locating hazardous facilities.</td>
</tr>
<tr>
<td></td>
<td>• Recognises the need to protect sensitive receiving environments.</td>
</tr>
<tr>
<td></td>
<td>• Recognises that the importance of considering residual risk and need to assess risk within the local context, including in relation to the likelihood and consequences of natural hazard events.</td>
</tr>
<tr>
<td></td>
<td>• Ensures that the protection of the environment is a key consideration in the design, construction and management of hazardous facilities.</td>
</tr>
<tr>
<td></td>
<td>• Cumulative effects are appropriately managed to minimise risk particularly where a low risk individual hazardous facility may create a higher risk situation where in close proximity to other hazardous substance facilities, or due to incompatibility of onsite storage and use of hazardous substances.</td>
</tr>
<tr>
<td></td>
<td>• Recognises the positive contribution of hazardous facilities to the social and economic wellbeing of people and communities.</td>
</tr>
<tr>
<td>25.4.2.1b</td>
<td>Hazardous facilities shall be designed, constructed and managed to avoid, or minimise significant adverse effects, including cumulative effects.</td>
</tr>
<tr>
<td>25.4.2.1c</td>
<td>Hazardous facilities shall provide facilities and systems to avoid the contamination of air, land and water (including groundwater, potable water supplies and surface waters) in the event of an accidental spill or release of hazardous substances.</td>
</tr>
<tr>
<td>25.4.2.1d</td>
<td>Disposal of hazardous substances shall be undertaken in an environmentally safe manner to minimise the risk of hazardous substances being discharged into the environment.</td>
</tr>
<tr>
<td>25.4.2.1e</td>
<td>Hazardous facilities shall be located, designed, installed and managed to avoid adverse effects of natural hazards, e.g., flooding, on the facility so as to reduce the risk of hazardous substances being discharged</td>
</tr>
<tr>
<td>Costs</td>
<td>• Restrictions on development opportunities whereby the location of new hazardous facilities, and modification to existing facilities, may be restricted when near sensitive, receiving environments.</td>
</tr>
<tr>
<td></td>
<td>• Works to prevent or minimise risk may also add time and financial costs to the development of hazardous facilities.</td>
</tr>
<tr>
<td></td>
<td>• Design requirements to prevent or minimise adverse effects may add to the development costs of the hazardous facility.</td>
</tr>
<tr>
<td></td>
<td>• Management requirements to prevent or minimise adverse effects may add to the</td>
</tr>
</tbody>
</table>
25.4.2.1f

The positive effects that hazardous facilities have on the economic and social wellbeing of the Waikato region and Hamilton should be recognised.

Risks

Risks of acting or not acting.

- While there is sufficient information about risks presented by individual hazardous substances the potential effects of hazardous facilities varies significantly (e.g. quantity and type of substances involved, design and management practices, local environment).
- The risks of not acting are that hazardous facilities establish in locations, or are designed and managed in ways that has adverse effects on, or creates unacceptable levels of risk to, people, property and the natural environment.

<table>
<thead>
<tr>
<th>Policies most appropriate to achieve the objective:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>25.4.2.2</strong></td>
</tr>
<tr>
<td>The operations of established hazardous facilities and the areas within which these facilities are encouraged are protected from significant reverse-sensitivity effects arising from the inappropriate location of sensitive land-use activities [Policy 25.4.2.2a].</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>25.4.2.2a</td>
<td>Benefits</td>
</tr>
<tr>
<td>The establishment of sensitive land uses within or near existing hazardous facilities or areas identified for such a facility shall be managed as if they would create significant reverse-sensitivity effects that would limit a facility’s ability to carry out its operations without unreasonable operational costs of the hazardous facility.</td>
<td></td>
</tr>
</tbody>
</table>

- Administrative, time and financial costs to Council – administering plan, monitoring and enforcement (off-set by fees).

**Efficient and Effective**

- This group of policies will be efficient and effective to achieve objective 25.4.2.1.
- Ensuring hazardous facilities are located, designed and managed to avoid or minimise adverse effects in a manner that recognises risk in the local context is an efficient and effective means of enabling hazardous facilities while protecting people, property and the natural environment.
- The benefits and expected outcomes of the required process outweigh the respective costs.
### Constraints

opportunities for new hazardous facilities in preferred locations (e.g. industrial land) which might be foreclosed by the establishment of other activities sensitive to the effects of hazardous facilities.

### Costs

- Restrictions on development opportunities for sensitive activities in some locations.
- Design requirements and works to prevent or minimise risk of sensitive activities may add to the development costs of sensitive activities where they seek to establish in some areas (e.g. industrial land).
- Administrative, time and financial costs to Council – administering the plan, monitoring and enforcement (off-set by fees).

### Efficient and Effective

- This group of policies will be efficient and effective to achieve objective 25.4.2.2.
- Reverse sensitivity effects arise where a new activity is introduced into an environment which has the potential to limit the operation of existing activities. These new activities are incompatible or otherwise sensitive to the effects of the existing activity.
- Reverse sensitivity effects need to be taken into account particularly for significant hazardous facilities or larger areas of smaller facilities, where residual risks cannot be reduced to insignificant levels.
- Managing the location of activities sensitive to the effects and risks presented by hazardous facilities is an efficient and effective means of ensuring hazardous facilities (and opportunities for new facilities) can continue to contribute to the social and economic wellbeing of people and communities.
- The benefits and expected outcomes of the required process outweigh the respective costs.

### Risks

Risks of acting or not acting.

- While there is sufficient information about risks presented by individual hazardous substances the potential effects of hazardous facilities varies significantly (e.g. 

---

<table>
<thead>
<tr>
<th>Constraints</th>
<th>Opportunities for new hazardous facilities in preferred locations (e.g. industrial land) which might be foreclosed by the establishment of other activities sensitive to the effects of hazardous facilities.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Costs</td>
<td>- Restrictions on development opportunities for sensitive activities in some locations.</td>
</tr>
<tr>
<td></td>
<td>- Design requirements and works to prevent or minimise risk of sensitive activities may add to the development costs of sensitive activities where they seek to establish in some areas (e.g. industrial land).</td>
</tr>
<tr>
<td></td>
<td>- Administrative, time and financial costs to Council – administering the plan, monitoring and enforcement (off-set by fees).</td>
</tr>
<tr>
<td>Efficient and Effective</td>
<td>- This group of policies will be efficient and effective to achieve objective 25.4.2.2.</td>
</tr>
<tr>
<td></td>
<td>- Reverse sensitivity effects arise where a new activity is introduced into an environment which has the potential to limit the operation of existing activities. These new activities are incompatible or otherwise sensitive to the effects of the existing activity.</td>
</tr>
<tr>
<td></td>
<td>- Reverse sensitivity effects need to be taken into account particularly for significant hazardous facilities or larger areas of smaller facilities, where residual risks cannot be reduced to insignificant levels.</td>
</tr>
<tr>
<td></td>
<td>- Managing the location of activities sensitive to the effects and risks presented by hazardous facilities is an efficient and effective means of ensuring hazardous facilities (and opportunities for new facilities) can continue to contribute to the social and economic wellbeing of people and communities.</td>
</tr>
<tr>
<td></td>
<td>- The benefits and expected outcomes of the required process outweigh the respective costs.</td>
</tr>
</tbody>
</table>
quantity and type of substances involved, design and management practices, local environment).

- The risks of not acting are that activities sensitive to the effects of hazardous facilities establish in inappropriate locations or are designed in ways that create significant levels of risk or exposure to adverse effects. This may lead to constraints on the operation of existing hazardous facilities, limiting their ability to positively contribute to the social and economic wellbeing of people and the community, or reduce the suitability and availability of land for new hazardous facilities.

**Conclusion:** Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objectives.

### 25.4.4 Rules

#### Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Standards</strong></td>
<td></td>
</tr>
<tr>
<td>25.4.4.1 Site Design.</td>
<td></td>
</tr>
<tr>
<td>25.4.4.2 Site Layout.</td>
<td></td>
</tr>
<tr>
<td>25.4.4.3 Site Drainage.</td>
<td></td>
</tr>
<tr>
<td>25.4.4.4 Wash-Down Areas.</td>
<td></td>
</tr>
<tr>
<td>25.4.4.5 Spill Containment Systems.</td>
<td></td>
</tr>
<tr>
<td>25.4.4.6 Waste Management.</td>
<td></td>
</tr>
<tr>
<td>25.4.4.7 Storage.</td>
<td></td>
</tr>
<tr>
<td>25.4.4.8 Storage Tanks – Petroleum Products.</td>
<td></td>
</tr>
</tbody>
</table>

**Benefits**

- Establishes clear minimum design, construction and management standards for hazardous facilities.
- Rules applicable as relevant to the proposal.

**Costs**

- Time and financial cost in meeting requirements.
- Time and financial cost in developing and implementing contingency plans and strategies.
- The on-site location of storage or use of hazardous substances may be restricted to certain areas which may reduce the amount of space that a hazardous facility can use for activities involving hazardous substances.
- Time and financial cost of monitoring compliance with standards and resource consent conditions.
- Time and financial cost of developing, implementing and reviewing a site management plan for the storage of hazardous substances.

**Efficient and Effective**

- These rules will be efficient and effective to achieve objective 25.4.2.1.
- These types of standards are commonly used in District Plans and are generally accepted as best practice for hazardous facilities. These are an efficient and effective means of establishing a minimum level of design, construction and management which creates opportunities to
allow hazardous facilities in suitable locations as permitted activities.

- The benefits and expected outcomes of these rules outweigh the respective costs.

<table>
<thead>
<tr>
<th>Activity Status Table</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>25.4.3 a) and b) Activity Status Tables in land use zones (sensitive activities requiring resource consent).</td>
<td>- Provides overall direction and guidance for the location of hazardous substance facilities (i.e. calibration of Consent Status Matrix).</td>
</tr>
<tr>
<td>25.4.5.1 Hazardous Facility Screening Procedure (HFSP) and Consent Status Matrix.</td>
<td>- Allows for effects based controls of hazardous facilities.</td>
</tr>
<tr>
<td>Definitions</td>
<td>- Allows for recognition and protection of particularly sensitive environments from the risks of fire, explosion and toxicity.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Hazardous Facilities.</th>
<th>Efficient and Effective</th>
</tr>
</thead>
</table>

- Ensures a high level of environmental and public health and safety protection.
- Recognises the positive contribution of hazardous facilities to the social and economic wellbeing of people and communities.
- Potentially less hazardous substance facilities being required to undertake HFSP assessment.
- Ensures sensitive activities in areas where hazardous facilities are expected (e.g. Industrial Zone) require consent process that considers risk.

<table>
<thead>
<tr>
<th>Costs</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>- Time spent preparing and processing applications – all except exempt activities and specifically identified activities need to pass through the HFSP.</td>
<td></td>
</tr>
<tr>
<td>- Difficult for the public to understand HFSP without technical assistance.</td>
<td></td>
</tr>
<tr>
<td>- Uncertainty as to how to quantify domestic scale as a permitted exemption, which may heighten risk of adverse effects.</td>
<td></td>
</tr>
<tr>
<td>- Exemptions for retail of domestic scale quantities of hazardous substances (and other exempted activities) may cumulatively result in a greater level of risk than would normally be acceptable in a locality.</td>
<td></td>
</tr>
</tbody>
</table>

25.4 City-wide – Hazardous Facilities
These rules will be efficient and effective to achieve all objectives.

The purpose of the HFSP is to determine whether a particular proposal involving hazardous substances requires a land use consent under the Act. While it is used to determine the resource consent status of a proposed hazardous facility, it is not suitable to determine the outcome of a resource consent application. This decision can only be made once additional information presented in the Assessment of Environmental Effects has been evaluated.

The HFSP is a commonly used method for screening hazardous facilities. While it is a more complex method than other options it is still an efficient and effective method for determining the consent status of hazardous facilities.

The benefits and expected outcomes of these rules outweigh the respective costs.

### Activity Status Table

| 25.4.3 f) to i) Radioactive. | 25.4.3 j) to m) High BODs. |

### Definitions

**Hazardous Substances.**

**Radioactive material.**

**High BODs.**

### Benefits

- Provides for activities involving hazardous substances not fully captured by the HFSP.
- Ensures environmental and public health and safety protection.
- Recognises the positive contribution of hazardous facilities to the social and economic wellbeing of people and communities.
- Sets clear and specific thresholds for activities involving these substances.

### Costs

- Potential uncertainty as to how to apply technical measures – may require technical assistance.

### Efficient and Effective

- These rules will be efficient and effective to achieve all objectives.
- These rules complement the HFSP in that they provide coverage to activities using hazardous substances that would not be captured using solely the HFSP method. This is an efficient and effective means to achieve the objectives.
- The benefits and expected outcomes of these rules outweigh the respective costs.
<table>
<thead>
<tr>
<th>Definitions</th>
<th>Hazardous Facilities exemptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>25.4.3 c), d) and e)</td>
<td>• Provides for activities that have insignificant levels of risk or low levels of risk that can are suitably managed by other mechanisms, saving time and financial costs for unnecessary consenting processes.</td>
</tr>
<tr>
<td></td>
<td>• Requires controlled activity resource consent for specific activities that have substantial industrial research, practices, and codes – providing certainty for the proposal activity but ensuring opportunity for assessment with the ability to set conditions of consent.</td>
</tr>
<tr>
<td></td>
<td>• Potentially less hazardous substance facilities being required to undertake HFSP assessment.</td>
</tr>
<tr>
<td>Costs</td>
<td>• Uncertainty as to how to quantify domestic scale as a permitted exemption.</td>
</tr>
<tr>
<td></td>
<td>• Exemptions for retail of domestic scale quantities of hazardous substances (and other exempted activities) may cumulatively result in a greater level of risk than would normally be acceptable in a locality.</td>
</tr>
<tr>
<td>Efficient and Effective</td>
<td>• These rules will be efficient and effective to achieve all objectives.</td>
</tr>
<tr>
<td></td>
<td>• Most of these types of exemptions to the HFSP are commonly used in District Plans.</td>
</tr>
<tr>
<td></td>
<td>• Excluding low risk activities from the definition of hazardous facilities is an efficient way of ensuring unnecessary consenting processes are avoided.</td>
</tr>
<tr>
<td></td>
<td>• Specifically identifying low risk hazardous facilities that are exempt from the HFSP but still require consent is an efficient and effective way of managing these types of facilities.</td>
</tr>
<tr>
<td></td>
<td>• Hazardous facilities are spread throughout the community. Some present very low risks, because of the nature or small quantities of the hazardous substances held on the site. Any management regime should assign a level of control appropriate to the scale of risk that these activities present.</td>
</tr>
<tr>
<td></td>
<td>• The plan recognises that there are:</td>
</tr>
<tr>
<td></td>
<td>i. Domestic concentrations of hazardous substances which are impractical and unnecessary to control.</td>
</tr>
</tbody>
</table>
### Activity Status Table

<table>
<thead>
<tr>
<th>Activity Status Table</th>
<th>Benefits</th>
</tr>
</thead>
</table>
| 25.4.3o) Specific Standards 25.4.5.2 | - Provides for activities within the Te Rapa Dairy Manufacturing Site and Crawford Street Freight Village that are complying with standards 25.4.4 and 25.4.5.2 to occur as a permitted activity  
- Certainty to Council and the operator of the sites that a detailed breakdown of existing hazardous substances for both sites and the volumes and quantities of hazardous substances are known.  
- Any hazardous substances over what is provided for in 25.4.5.2 will be assessed as part of the HFSP.  
- Provides for activities that have acceptable levels of risk or low levels of risk that are suitably managed by other mechanisms, saving time and financial costs for unnecessary consenting processes. |

### Costs
- Provides for a 20% increase in hazardous substances on both sites as at 31 March 2016.

### Efficient and Effective
- These rules will be efficient and effective to achieve all objectives.  
- The exemption from the HFSP only applies if compliance with 25.4.5.2 is achieved.  
- The scale of the hazardous facilities on both sites is better managed through a separate process which only considers the HFSP when not complying with 25.4.5.2.  
- Different management regimes are justifiable for these sites. The plan provides a specific regime for these activities because it is considered to be the most efficient and effective method of control.
The benefits and expected outcomes of these rules outweigh the respective costs.

**Rules not most appropriate to achieve the objectives:**

<table>
<thead>
<tr>
<th>Solely using a quantity based hazardous facility consent status table.</th>
<th><strong>Benefits</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Quick and easy to comprehend consent status of an activity for those with some level of knowledge relating to the classes of hazardous substances.</td>
</tr>
<tr>
<td></td>
<td>• Ensures a high level of environmental and public health and safety protection.</td>
</tr>
<tr>
<td></td>
<td><strong>Costs</strong></td>
</tr>
<tr>
<td></td>
<td>• Is not as effects based as HFSP.</td>
</tr>
<tr>
<td></td>
<td>• The costs of monitoring compliance with minimum standards and resource consent conditions.</td>
</tr>
<tr>
<td></td>
<td>• The cost of devising and implementing a new consent status framework based on quantities of hazardous substances.</td>
</tr>
<tr>
<td></td>
<td><strong>Efficient and Effective</strong></td>
</tr>
<tr>
<td></td>
<td>• These rules will be not be as efficient or effective as the HFSP to achieve the objectives.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Solely using an activity based consent status listing and rules.</th>
<th><strong>Benefits</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• No perceived confusion over Hazardous Substances and New Organisms Act and Resource Management Act controls.</td>
</tr>
<tr>
<td></td>
<td>• Easily comprehended by members of the public (given activities are clearly defined).</td>
</tr>
<tr>
<td></td>
<td><strong>Costs</strong></td>
</tr>
<tr>
<td></td>
<td>• Is not effects based.</td>
</tr>
<tr>
<td></td>
<td>• Does not adequately take into account location specific consideration including the location of sensitive receiving environments.</td>
</tr>
<tr>
<td></td>
<td>• Time, cost and complexity of establishing a regime of activities to cover all situations.</td>
</tr>
<tr>
<td></td>
<td><strong>Efficient and Effective</strong></td>
</tr>
<tr>
<td></td>
<td>• These rules will be not be as efficient or effective as the HFSP to achieve the objectives.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Specific Rules</th>
</tr>
</thead>
<tbody>
<tr>
<td>Specified Minimum Setbacks</td>
</tr>
</tbody>
</table>
|  | • Ensures a high level of environmental and public
between hazardous facilities and other activities and sensitive environments. | health and safety protection.  
- Easily comprehended by members of the public.

**Costs**
- Time, cost and complexity of establishing a regime of setbacks to cover all situations.

**Efficient and Effective**
- These rules will be effective but not as efficient to achieve all objectives.
- The variations involved (e.g. nature of activity, hazardous substances used, combinations, quantity and relative sensitivities of adjoining environment) would require extensive research and investigation, likely requiring a large list of different setbacks to cover different scenarios.

**Risks**

**Risks of acting or not acting.**

- The risk of acting is that the perceived complexity of the process, minimum standards and consenting requirements may discourage people from undertaking that assessment, complying with the plan or other hazardous substance requirements (e.g. concealment of hazardous nature of the activity).

- The risks of not acting are that the hazardous facilities may establish which create adverse effects on surrounding activities or create unacceptable levels of residual risk given the nature of the surrounding environment (e.g. as a result of the spill or release of hazardous substances).

**Conclusion:** Taking into account the above, Council considers that the rules in this chapter are most appropriate to achieve the objectives.
### 25.4.5 Methods Other Than Rules

**Methods most appropriate to achieve the objectives:**

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other plans and legislation.</td>
<td>• Regional Plan.</td>
</tr>
<tr>
<td></td>
<td>• Hazardous Substances and New Organisms Act 1996 and all its regulations.</td>
</tr>
<tr>
<td></td>
<td>• Building Act 2004 and its regulations.</td>
</tr>
<tr>
<td></td>
<td>• Health and Safety at Work Act 2015.</td>
</tr>
<tr>
<td></td>
<td>• Radiation Protection Act 1965 and its 1982 regulations.</td>
</tr>
<tr>
<td></td>
<td>• Land Transport Act 1998, and all its regulations.</td>
</tr>
<tr>
<td></td>
<td>• Hamilton City Council’s Trade Waste Bylaw.</td>
</tr>
</tbody>
</table>

Mechanisms, other than those within the Plan, provide an additional, complementary means of managing some aspects of the effects and risks associated with hazardous substances.

In some specific situations these other methods may be adequate to address the issues associated with effects and risks arising from hazardous facilities.

| Information, education and advocacy. | • In-house experts available to the public. |
|                                      | • Pamphlets, information brochures.         |
|                                      | • Involvement in technical forums.          |

Council can provide access to technical information and assistance to help inform and educate people using or intending to use hazardous substances. This can improve the awareness and understanding of the effects and risks arising from hazardous substances, educate the community generally about the positive and negative aspects of hazardous substances and may encourage greater compliance with the plan and other regulations through improved awareness.

**Risks**

The risks of not acting and not identifying other methods are that people or organisations undertaking activities involving hazardous substances may think that the Plan is the only set of regulations that applies to their activity. The Plan only complements other legislative requirements, and is not the sole legal requirement on activities involving hazardous substances.

**Conclusion:** Taking into account the above, Council considers that the methods in this chapter are most appropriate to achieve the objectives.
25.4.6 References

- Refer to Appendix B below for a list of resources, documents, standards and legislation

25.4.7 Glossary

- Refer to Volume 2, Appendix 1.1.2 of the District Plan
- Other key definitions can be found in the “Land Use Planning Guide for Hazardous Facilities” referenced in Appendix B
Appendix A

Resource Management Issues, Management of Risk and Council’s Statutory Responsibilities Under s32 of the Act

Statutory responsibilities

The Council is required under section 32 of the Resource Management Act 1991 (the Act) to carry out an evaluation of alternatives, costs and benefits, and efficiency and effectiveness of the various components of the district plan. Section 32(3) of the Act requires that the evaluation must examine.

a) The extent to which each objective is the most appropriate way to achieve the purpose of the Act; and

b) Whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objectives.

An evaluation must also take into account (Section 32(4)).

a) The benefits and costs of policies, rules, or other methods; and

b) The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.

Central Government controls hazardous substances, primarily under the Hazardous Substances and New Organisms Act 1996 (HSNO) and its associated regulations. HSNO regulations contain detailed controls over containment, packaging, identification, tracking, competency, emergency management and disposal. Regulations focus on the characteristics of hazardous substances regardless of the location of the hazardous facility.

The Resource Management Act gives Regional Councils and territorial authorities powers to control the storage, use, disposal and transportation of hazardous substances. Territorial authorities develop objectives, policies, rules and methods for most land, leaving the Regional Council responsible for the coast, lakes and river beds.

The Act is intended to perform a complementary function, addressing site specific issues with the particular location or land use involving hazardous substance use (i.e. site design and separation from sensitive uses).

i) Resource Management Act 1991

The overall purpose of the Act is to promote the sustainable management of natural hazards and physical resources (section 5). Both Regional and District Councils have responsibilities for control of the use of land, for the avoidance and mitigation of hazards.

Specific functions of territorial authorities are set out in the Act. With respect to hazardous substances, these include the following.

Section 31(b) states that every territorial authority has as a function:

Functions of territorial authorities under this Act

(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:

(a) the establishment, implementation, and review of 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:

(b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—

(i) the avoidance or mitigation of natural hazards; and

(ii) the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and

(iii) the maintenance of indigenous biological diversity:

(c) [Repealed]

(d) the control of the emission of noise and the mitigation of the effects of noise:

(e) the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:

(f) any other functions specified in this Act.

Section 73 of the Act requires each territorial authority to prepare a District Plan. Section 72 states that the purpose of the Plan is “to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act”: Section 75(2) states that a District Plan “must give effect to—

(a) any national policy statement; and
(b) any New Zealand coastal policy statement; and
(c) any regional policy statement.

Under Section 75(4) a District Plan must not be inconsistent with:

(a) a regional plan for any matter specified in section 30(1).

There are no National Policy Statements for managing hazardous substances and the New Zealand Coastal Policy Statement is not relevant in this regard.

Regional documents of relevance to the management of hazardous substances in Hamilton include:

• The Regional Policy Statement (Operative and Proposed).

• The Regional Plan.

Under the Act there is an overlapping function between the City Council and the Regional Council in the control of hazardous substances. While the City Council is responsible for addressing issues of hazardous substances in relation to the use, development and subdivision of land, the Regional Council is charged with discharges to land, air and water. The Act requires agreement between the Regional and territorial authority, and for this to be addressed in the Regional Policy Statement.

ii) The Regional Policy Statement (October 2000)

The Regional Policy Statement (RPS) was made operative in October 2000.

Territorial authorities are required to give effect to a RPS under section 75(3) of the Act:
(3) A district plan must give effect to—
(c) any regional policy statement.

Refer to Appendix C for key objectives, policies and methods of the RPS that relate to the development of the Hazardous Facilities Chapter for the district plan.

Relevant provisions need to be taken into account in developing any objectives, policies and rules in respect to Hazardous Substances to ensure that they are not inconsistent, and give effect to, the RPS.

iii) The Proposed RPS (November 2010)

The proposed Regional Policy Statement was notified on 3 November 2010. Hearings were held in 2012. Decisions were notified in November 2012.

Territorial authorities are required to have regard to a proposed RPS under section 74(2)(a)(i) of the RMA:

(2) In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to—
(a) any—
(i) proposed regional policy statement;

Refer to Appendix D for key objectives, policies and methods of the Proposed Regional Policy Statement that relate to the development of the Hazardous Facilities Chapter for the district plan.

Regard must be had to relevant provisions in developing any objectives, policies and rules in respect to Hazardous Substances.

iv) Waikato Regional Plan

Under section 75(4) of the Act.

A District Plan must not be inconsistent with—
(a) a water conservation order.
(b) a regional plan for any matter specified in section 30(1).

The Waikato Regional Plan was made operative in part on 28 September 2007.

Relevant provisions need to be taken into account in developing any objectives, policies and rules in respect to Hazardous Substances to ensure that they are not inconsistent with the Waikato Regional Plan.

Resource Management Issues

The significant resource management issues which need to be addressed in the Plan are:

- The use, storage, transportation and disposal of hazardous substances are associated with primary production, manufacturing and processing activities, as well as retail, business and domestic activities. There are risks associated with hazardous substances that could adversely affect the environment and human health. The risks are the likelihood of occurrence of an adverse effect from a hazard and the resulting consequences adversely affecting people and the environment. These hazards include explosiveness, flammability, corrosiveness, toxicity and eco-toxicity.

- Hazardous substances need to be managed in a safe manner to avoid, remedy
mitigate any adverse effects on human health and the environment caused by accidental or deliberate release of hazardous substances. Measures need to be taken to reduce the risk to the local community and environment from the location of hazardous facilities.

Particular attention should be paid to:

- How to provide for the use, storage, transportation and disposal of hazardous substances, recognising that these can be a necessary part of primary production, manufacturing, business and domestic activities.
- How to manage the risks associated with the use, storage, transportation and disposal of hazardous substances in order to avoid adverse effects on the environment recognising different environmental sensitivities and risks arising from natural hazards.
- How to manage risks to the ongoing operation of hazardous facilities, which can be adversely affected by reverse sensitivity conflicts arising from the inappropriate location of sensitive land use activities.

The emphasis of the Act is on sustainable management and the avoidance, remediation and mitigation of environmental effects. Control mechanisms for hazardous substances should focus on facilities or activities generating the effect, rather than on the intrinsic properties of the hazardous substance alone.

The provisions of the Act and Hazardous Substances and New Organisms Act 1996 (HSNO) work in a complementary manner to manage hazardous substances and their impact on the environment (including people and communities, and natural and physical resources).

The storage, use, transportation and disposal of hazardous substances is controlled under the HSNO provisions, regardless of location. However, where necessary, more stringent measures than those required under HSNO, may be imposed to manage the risk to more sensitive environments.

i) Management of Risk

The Plan uses the ‘Hazardous Facilities Screening Procedure’ (HFSP) for most activities involving hazardous substances. The HFSP is a nationally recognised screening tool that identifies those hazardous facilities which have a higher risk level and therefore require further assessment in terms of mitigation measures, emergency contingency measures and risk management techniques.

In addition to the HFSP the plan uses rules to manage activities involving radioactive and high BOD₅ substances.

Provisions managing activities using radioactive material are based on the Radiation Protection Act 1965 and Radiation Protection Regulations 1982 to set a suitable level of control based on the risk and potential adverse effects presented by radioactive substances. The location and controls on hazardous facilities involving radioactive substances should recognise the level of risk to people from potential exposure to unsafe levels of radioactivity.

Provisions managing activities involving High BOD₅ substances are specifically controlled because of the risks associated with the release of significant quantities of such substances into a sensitive natural environment, such as a waterway or wetland. If released the breakdown High BOD₅ substances can deplete the oxygen levels in water to levels that can damage the natural environment, including
ecosystems.

The nature and scale of environmental effects and risks associated with hazardous substance facilities are influenced by their proximity to sensitive receiving environments, such as waterways or residential areas or places where large numbers of people are likely to congregate. Generally, the closer these facilities are to sensitive environments, the greater the likelihood of environmental risk. Hazardous substance facilities should therefore be located so their inherent risk is minimised.

Specific controls arising from the implementation of the HFSP, consent status for activities involving radioactive and high BOD₅ substances and zoning policies will directly affect the location of these activities and influence the levels of risk they pose to the wider environment (including people and communities, and natural and physical resources).

ii) Design and Management of Facilities

Proper design and construction of a hazardous substance facility is critical to the long-term avoidance or mitigation of potential adverse effects on the environment (including people and communities, and natural and physical resources), as is the ongoing management of the operation. Site management has the ability to greatly reduce the possibility of future environmental degradation and personal injury. The permitted activity standards in the Plan cover matters of design and construction, e.g. material to aid the prevention or minimisation of adverse environmental effects.

Protective measures against water and soil pollution are required in areas used for industrial processing, storage of materials, loading and unloading of vehicles and wash-down facilities. These measures require the provision of impervious surfacing, contouring and containing, e.g. by bunding, drainage into sealed catchment areas and the installation of traps for grease and dirt.

iii) Use and Storage of Hazardous Substances

The use of hazardous substances can provide benefits to the community by meeting consumer needs for products and services, but facilities or activities involving hazardous substances can also present a risk. In some cases, the risk may be of particular concern because of the proximity of sensitive ecological areas or residential land uses. Because similar industries are often located together, risk to the wider environment needs to be assessed in terms of actual or likely cumulative effects presented by a number of hazardous substance facilities in any one area. Individual hazardous substance facilities may have a low risk, but cumulatively they could generate adverse effects if site design factors and management procedures are not met.

The application of standards, a buffer separation between incompatible land-use zones and a monitoring regime that identifies the nature and risks associated with the substances, provide the means by which adverse environmental risk can be effectively managed.

iv) Transportation and Disposal of Hazardous Substances

Other legislation, regulations, standards, codes of practice and regional plans also help to manage the storage, use, transportation and disposal of hazardous substances. Where more appropriate, these other provisions will be used to
manage the hazardous facilities and activities, particularly for the transportation and disposal of hazardous substances. This includes regulations under the Hazardous Substances and New Organisms Act and other legislation (e.g. the Land Transport Act 1998 and the Land Transport Rule: Dangerous Goods 2005).
Appendix B

Referenced External Resources, Documents, Standards and Legislation

- Response to Commissioner questions: Chapter 25.4 - Hazardous Facilities
- Resource Management Act 1991
- Operative Waikato Regional Policy Statement (October 2000)
- Proposed Waikato Regional Policy Statement (Notified November 2010 and Decision November 2012)
- Waikato Regional Plan
- Building Act 1991 and the Building Code
- Health and Safety in Employment Act 1992
- Land Transport Management Act 1998 and its regulations
- Hazardous Substances and New Organisms Act 1996 and all its regulations
- Radiation Protection Act 1965 and its 1982 regulations
- Hamilton City Council’s Trade Waste Bylaw

This guide is the result of the review of the 1995 document Land Use Planning for Hazardous Facilities commonly known as the “Red Book”. The Red Book introduced planning guidelines for hazardous facilities and a planning method, the Hazardous Facility Screening Procedure (HFSP).

- Land-use Planning for Hazardous Facilities
  (http://www.qualityplanning.org.nz/plan-topics/land-use-planning.php)

This website provides best practice advice on a range of resource management issues. It is administered in partnership between the New Zealand Planning Institute, the Resource Management Law Association, Local Government New Zealand, the NZ Institute of Surveyors and the Ministry for the Environment.

- Environmental Protection Agency resources
  (http://www.epa.govt.nz/hazardous-substances/Pages/default.aspx)

  - “Environmental Guidelines for Water Discharges from Petroleum Industry Sites
in New Zealand” Ministry for the Environment, 1998

- NZS8409: 2004 Management of Agrichemicals
- AS/NZS 1596: 2008 – Storage and Handling of Liquid Petroleum Gas
- AS/NZS 2982: 2010 – Laboratory Design and Construction
- AS/NZS 2243.1: 2005 – Safety in Laboratories – Planning and Operational Aspects
- AS/NZS 2243.2: 2006 – Safety in Laboratories – Chemical Aspects
- AS/NZS 2243.3: 2010 – Safety in Laboratories – Microbiology
- AS/NZS 2243.5: 2004 – Safety in Laboratories – Non-ionising radiation
- AS/NZS 2243.6: 2010 – Safety in Laboratories – Plant and Equipment aspects
- AS/NZS 2243.8: 2006 – Safety in Laboratories – Fume Cupboards
- AS/NZS 2243.9: 2009 – Safety in Laboratories – Recirculating Fume Cabinets
- AS/NZS 2243.10: 2004 – Safety in Laboratories – Storage of Chemicals

- Hazard rating and technical data:
  - the Ministry for the Environment’s website: http://www.mfe.govt.nz; or
  - the Environmental Protection Agencies website: http://www.epa.govt.nz
- High level review of Draft Hazardous Facilities discussion document by Norbert Schaffoener (Resources - Hazardous Substance and Resource Management Consulting), September 2011
Appendix C

Key Regional Policy Statement Objectives, Policies and Methods (Operative October 2000)

### 3.10.2 Management of Hazardous Substances

**Objective**

“The roles of all agencies responsible for the management of hazardous substances in the Waikato Region clearly identified and their responsibilities consistently implemented.”

**Policy One: The Management of Hazardous Substances**

“A consistent regime for the management of hazardous substances will be provided throughout the Waikato Region and between the Waikato and neighbouring regions.”

**Implementation Methods**

Refer to Regional Policy Statement pg 149-150.

### 3.10.3 Storage, Transportation, Use and Disposal of Hazardous Substances

**Objective**

“No significant risk of adverse environmental and human health effects deriving from the storage, transport, use and disposal of hazardous substances.”

**Policy One: Storage of Hazardous Substances**

“Hazardous substances are to be stored in a manner that is designed to avoid adverse effects from unintentional release.”

**Implementation Methods**

Refer to Regional Policy Statement pg 153.

**Policy Two: Transport of Hazardous Substances**

“Hazardous substances are to be transported in a manner that is designed to avoid unintentional releases occurring and avoids, remedies or mitigates the effects of releases when they do occur.”

**Implementation Methods**

Refer to Regional Policy Statement pg 153-154.

**Policy Three: Use of Hazardous Substances**

“Hazardous substances are to be used in a manner that is designed to avoid adverse effects. Where these effects are unable to be completely avoided they will be remedied or mitigated.”

**Implementation Methods**

Refer to Regional Policy Statement pg 154.

**Policy Four: Hazardous Substances Disposed of Safely**

“Hazardous substances are to be disposed of in ways that are designed to avoid adverse effects on human health and the environment.”
Implementation Methods

Refer to Regional Policy Statement pg 154-155

Other objectives, policies and methods related to the effects of hazardous substances.

- Contamination of ground and surface water (see 3.3 Water).
- Contamination of soil (see 3.3 Land and Soils).
- Contamination of air (see 3.6 Air).
- Accumulation of persistent substances in plants, animals and humans (see 3.11 Plants and Animals).
- Damage to ecosystems (see 3.11 Plants and Animals).
- Reduction in the mauri of natural resources (see 2.1 Tangata Whenua and 3.4.10 Mauri).
Appendix D

Key Regional Policy Statement Objectives, Policies and Methods (Decisions Version November 2012)

Policy 25.2 Collaborative approach

“Waikato Regional Council will:
a) recognise and provide for the unique role that territorial authorities have in the implementation of the provisions of the Waikato Regional Policy Statement; and

b) encourage collaboration, participation and information sharing between resource management agencies, tāngata whenua and relevant stakeholders, particularly where there are shared or overlapping responsibilities or functions for issues or resources, and including when resources or issues cross boundaries.”

Implementation Method

4.2.10 Hazardous substances

“Regional and district plans shall recognise and provide for the following division of responsibilities when developing provisions for the control of the use of land for the prevention or mitigation of any adverse effects of the storage, use, disposal or transportation of hazardous substances:
a) Waikato Regional Council shall be responsible for developing objectives, policies, rules and other methods for land in the coastal marine area and the beds of lakes and rivers; and

b) territorial authorities shall be responsible for developing objectives, policies, rules and other methods for all other land.”
25.5 **Landscaping and Screening**

25.5.1 **Introduction**

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 25.5: City-wide – Landscaping and Screening.

The overall approach of the plan chapter is to achieve positive aesthetic, functional and ecological outcomes by managing the effects of development through landscaping and screening. Landscaping in this context is intended to soften hard surfaces and bleak areas, reduce visual impacts and provide visual unity in the environment. The standards recognise however that landscaping standards can also contribute towards ecological functioning.

Supporting documents are listed in the References section of this chapter.

25.5.2 **Objectives**

<table>
<thead>
<tr>
<th>Objective most appropriate to achieve the purpose of the Act:</th>
</tr>
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<tbody>
<tr>
<td><strong>25.5.2.1</strong> To maintain and enhance amenity values within and around development, while contributing to local ecology and cultural connection where possible.</td>
</tr>
<tr>
<td>This objective is most appropriate to achieve the purpose of the Act. It recognises the value of enhancing and maintaining amenity values and preserving ecology and cultural connections. This is consistent with section 5(2) in that it enables communities to provide for their social and cultural wellbeing through amenity planting in the urban landform, it helps to sustain the potential of natural and physical resources by considering the contribution to ecology, and it aims to avoid, remedy and mitigate adverse effects of activities on the environment. It also responds to section 7(b), 7(c) and 7(f) which requires that particular regard is given to the efficient use and development of natural and physical resources, the maintenance and enhancement of amenity values, and the maintenance and enhancement of the quality of the environment.</td>
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</table>

<table>
<thead>
<tr>
<th>Objectives not the most appropriate to achieve the purpose of the Act:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do nothing.</td>
</tr>
<tr>
<td>This would not be appropriate because it would not provide for amenity values in conjunction with development, or mitigate the effects of development. This would not promote the sustainable management of natural resources and would not provide for the social and cultural wellbeing of communities.</td>
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</tbody>
</table>

**Conclusion:** Taking into account the above, Council considers that the objective in this chapter of the plan is the most appropriate to achieve the purpose of the Act.
### 25.5.3 Policies

#### Policies most appropriate to achieve the objective:

**25.5.2.1**
To maintain and enhance amenity values within and around development, while contributing to local ecology and cultural connection where possible.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
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| **25.5.2.1a** Minimise visual impacts of developments in part by providing appropriate screening and planting around activities and between zones. | Benefits  
The policies have environmental and ecological benefits as they minimise the impact on visual amenity that development may have, whilst aiming to increase the biodiversity and ecological health of the environment.  
The policies have social and cultural benefits as they provide for the social wellbeing of communities by improving the visual amenity of development, in a way that also recognises New Zealand ecology and culture. |
| **25.5.2.1b** Encourage the planting of native species where appropriate. | Costs  
There are financial costs associated with requiring developments to provide landscaping and screening that may result in less land being available for development. There are also financial costs arising from the cost of plants, and maintenance of the planting. |

#### Efficient and Effective

These policies will be efficient and effective to achieve objective 25.5.2.1 by providing clarity to developers about expected amenity, and by ensuring that landscaping is used effectively as a buffer between activities and for visual enhancement.

#### Policies not most appropriate to achieve the objectives:

- **Do nothing.**  
  This approach would not be appropriate as the importance of landscaping and screening would not be recognised and implemented.

- **Policies which prioritise development growth over environmental and cultural values.**  
  This approach would not be appropriate as development growth may take precedence over the preservation and enhancement of environmental and amenity values, causing environmental degradation and a loss of visual amenity in new developments.

#### Risks
Risks of acting or not acting (for this group of policies):

The risks of not acting are cultural, visual and environmental. If planting and screening is not required there could be a loss of visual amenity, character and identity for the City. This could affect the social and cultural well-being of communities.

**Conclusion:** Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objectives.

### 25.5.4 Rules

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| General Standards 25.5.3.1 a) Landscaping Table that requires buffer strips, planting strips, planting areas and internal planting between Zones and for specific activities. | Benefits
These rules are broadly based on provisions that were used in the Operative District Plan, and incorporate comments from the report ‘Peer Review-Landscape Provisions HCC District Plan’, by Beca dated 23 February 2012, which provide landscape architect and planning advice on the provisions of this section of the Plan. These rules provide clear direction for developers about the minimum required landscaping and screening for identified locations and activities. They include planting strips for amenity, buffer strips for screening, planting areas for amenity where a solid planting strip would be out of character, and internal planting to break up impermeable surfaces. The rules are primarily based on inter-zone planting, and landscaping requirements for specific activities such as external ground level parking lots, service areas, and outdoor storage areas. Landscaping for activities that are restricted discretionary activities, such as a non-residential activity in a residential zone, is picked up through the assessment criteria. There are environmental and amenity benefits to the community from having a base level of landscaping and amenity required. |
|                             | Costs
There will be some activities that will be required to obtain resource consent if they do not comply with the landscaping and screening requirements. This adds additional cost, complexity and time to those developments. There will be costs to property owners to meet landscaping requirements, and to forgo alternative uses on their sites where landscaping is required. |
There may be potential costs to the amenity of the environment for those activities that are not identified as requiring landscaping and screening through rules in the Plan.

**Efficient and Effective**

These rules will be efficient and effective to achieve objective 25.5.2.1 by setting a clear standard that developments must meet to facilitate a positive amenity outcome.

<table>
<thead>
<tr>
<th>General Standards</th>
<th>Benefits</th>
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<tbody>
<tr>
<td><strong>25.5.3.1 b) – e)</strong> Regarding planting timeframes for planting and maintenance.</td>
<td>These rules provide further clarification about the rules in Table 25.5.3.1 a). The Peer Review report provided advice to strengthen the Plan requirements to provide more direction about the manner in which planting and fencing should be undertaken and maintained. The rules, for example, clarify that planting strips, buffer strips and planting areas are not required on that part of the boundary required for pedestrian or vehicle access to the site. They also outline planting timeframes, i.e. the first planting season after buildings and site works are completed, and outline maintenance standards. There are administrative benefits to developers/landowners from these rules. There are also amenity benefits to the community from ensuring the planting occurs quickly post-construction, and that the plantings are maintained.</td>
</tr>
<tr>
<td><strong>Costs</strong></td>
<td>There will be costs to ensure plants and fences are maintained as required by these rules.</td>
</tr>
<tr>
<td><strong>Efficient and Effective</strong></td>
<td>These rules are efficient and effective as they provide further information about the rules set out in 25.5.3.1 a) to enable a positive amenity outcome.</td>
</tr>
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<td></td>
<td>Guidance notes are provided to give clarity on matters such as the selection of plant species including trees and that further advice is provided by Council on these matters.</td>
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**25.5.3.2 – 25.5.3.3** Regarding about fences and walls and permeable fences. These are

<table>
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<tr>
<th>General Standards</th>
<th>Benefits</th>
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<tbody>
<tr>
<td><strong>25.5.3.2 – 25.5.3.3</strong> Regarding about fences and walls and permeable fences. These are</td>
<td>The Peer Review report provided advice to strengthen the Plan requirements to provide more direction about the manner in which</td>
</tr>
</tbody>
</table>

**25.5 City-wide – Landscaping and Screening**

*Page 25-56*
supported by Figure 25.5.3a. fencing should be undertaken. These rules provide clarification of the standards set out in 25.5.3.1 a) about the location of fences in relation to planting (if both are required), the need to be able to access plantings in order to maintain them, and provides clarification about the design requirements for permeable fences both in text and through diagrams. This enables greater certainty and clarity for both developers and the Council about the amenity expectations from planting and screening provisions.

There are amenity, health, and safety benefits to the community from clarifying how permeable fences are to be built, as permeable fences are considered to reduce the potential for blind spots.

**Costs**

There will be financial costs to developers and the Council to ensure plantings and fences are built as specified.

**Efficient and Effective**

These rules will be efficient and effective to achieve objective 25.5.2.1 by providing clear standards that outline the relationship between plantings and fences, and specify what permeable fencing must look like.

<table>
<thead>
<tr>
<th>General Standards</th>
<th>Benefits</th>
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<tbody>
<tr>
<td><strong>25.5.3.4 – 25.5.3.7</strong></td>
<td><strong>The Peer Review report provided advice to strengthen the Plan requirements to provide more direction about the manner in which planting should be undertaken. These rules and figures provide a high level of detail outlining the planting requirements for each of these categories, including desired height, spacing and types of plants to be planted (e.g. shrub, hedge, specimen trees); and the final outcome sought. This provides clarity to developers and Councils about what is expected.</strong></td>
</tr>
</tbody>
</table>

**Costs**

There are financial costs to developers to implement the planting and maintenance requirements. There are also potentially enforcement costs to Council to enforce them.

**Efficient and Effective**

These rules will be efficient and effective to achieve...
objective 25.5.2.1 by providing clear standards that explain the outcome sought.

**Rules not most appropriate to achieve the objectives:**

| No standards. | This approach would not achieve the objective. It would not provide certainty for the community about the expected base level of landscaping and amenity from identified activities, and would consequently not be the most efficient way to meet the objective. |

**Risks**

- Risks of acting or not acting.
- The risks of acting are that in order to protect Hamilton’s character and amenity there will be requirements for landscaping and screening in specific circumstances. This may have an economic risk in that certain developments may be hindered through meeting these standards.
- The risks of not acting are the level of amenity in Hamilton may not be maintained or enhanced.

**Conclusion:** Taking into account the above, Council considers that the rules in this chapter are most appropriate to achieve the objectives.

### 25.5.5 Methods Other Than Rules

**Methods most appropriate to achieve the objectives:**

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Council works and services</strong>&lt;br&gt;Council works shows leadership in Best practice solutions.</td>
<td><strong>Benefits</strong>&lt;br&gt;These methods provide environmental and economic benefits to Council as they demonstrate what the Council wishes private persons and organisations to achieve in Hamilton. <strong>Costs</strong>&lt;br&gt;There are financial costs to Council, and therefore to ratepayers, to undertake these methods. <strong>Efficient and Effective</strong>&lt;br&gt;These methods will be efficient and effective to achieve objective 25.5.2.1 by ensuring development undertaken by Council meets the requirements of the District Plan.</td>
</tr>
<tr>
<td><strong>Information, education and advocacy</strong>&lt;br&gt;Provide guides and technical advice for:</td>
<td><strong>Benefits</strong>&lt;br&gt;These methods support landowners and developers to understand rules and appropriate methods to meet the rules, and encourage the use of native</td>
</tr>
</tbody>
</table>
Planting in the City, including recommendations on native planting.

<table>
<thead>
<tr>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>There are financial costs in preparing and advertising this information.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Efficient and Effective</th>
</tr>
</thead>
<tbody>
<tr>
<td>These methods will be efficient and effective to achieve objective 25.5.2.1 by supporting landowners and developers in a less bureaucratic way to meet the rules in the District Plan, and encouraging them to use native plants.</td>
</tr>
</tbody>
</table>

**Risks**

Risks of acting or not acting.

The risks of acting are potential financial costs to the community.

The risks of not acting are that there will be little support to developers to demonstrate the level of amenity expected.

**Conclusion:** Taking into account the above, Council considers that the methods in this chapter are most appropriate to achieve the objectives.

### 25.5.6 References

- Peer Review-Landscape Provisions HCC District Plan, by Beca, dated 23 February 2012
- Hamilton City Development Manual (Hamilton City Infrastructure Technical Specifications)
- Section 42A Hearing Report: 1, 2 October 2013: Report on submissions and further submissions: Chapter 25.5 Landscaping and Screening
- Response to Commissioner questions: Chapter 25.5 Landscaping and Screening BECA Peer Review

### 25.5.7 Glossary

Refer to Volume 2, Appendix 1.1.2 of the District Plan
25.6 Lighting and Glare

25.6.1 Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 25.6: City-wide – Lighting and Glare.

The overall approach of the plan chapter is to protect amenity values by managing the effects of lighting that may cause a nuisance to other people.

Supporting documents are listed in the References section of this chapter.

25.6.2 Objectives

**Objective most appropriate to achieve the purpose of the Act:**

- **25.6.2.1** An environment free from the adverse effects of intrusive lighting.
  
  This objective is most appropriate because it recognises the value of controlling and restricting the use of lighting to avoid potential adverse effects arising from inappropriate forms of lighting. This will enable people and communities to provide for their social, economic and cultural wellbeing and health and safety. This also responds to sections 7(c) and 7(f) which states that particular regard must be given to the maintenance and enhancement of amenity values and the quality of the environment.

**Objectives not the most appropriate to achieve the purpose of the Act:**

- Do nothing.
  
  This would not be most appropriate because it would not address the adverse effects that arise from intrusive lighting. This would result in an environment that suffers from increasing negative impacts caused by excessive and inappropriate lighting and glare.

**Conclusion:** Taking into account the above, Council considers that the objective in this chapter of the plan is the most appropriate to achieve the purpose of the Act.

25.6.3 Policies

**Policies most appropriate to achieve the objective:**

- **25.6.2.1** An environment free from the adverse effects of intrusive lighting.

**Policies**

<table>
<thead>
<tr>
<th><strong>25.6.2.1a</strong> Ensure that light spill and glare do not detract from the amenity values of other properties, compromise traffic</th>
</tr>
</thead>
</table>

**Effectiveness, efficiency, costs and benefits**

<table>
<thead>
<tr>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>The policy has environmental, social and cultural benefits as it requires lighting to not detract from the amenity of the area. It also has health and safety benefits to users of the transport network</td>
</tr>
</tbody>
</table>
safety, or have a negative effect on people’s health and general welfare. and the wider community, as it requires lighting to be used appropriately so as not to detract from the safety of transport network users or people’s health and general wellbeing.

**Costs**
- Potential financial costs to those erecting lighting arising from the requirement to meet the standards, and in some cases a resource consent to undertake their intended activity.

**Efficient and Effective**
- This policy will be efficient and effective to achieve objective 25.6.2.1 by providing for the safety of road users and the amenity values of properties and minimising the adverse effects from intrusive lighting, including effects on people’s health and general wellbeing.

**Risks**
Risks of acting or not acting.
- The risk of not acting is the loss of amenity values of properties experiencing intrusive lighting and glare. This then reduces the economic values of these properties and affects the social wellbeing and health of its residents.

**Conclusion:** Taking into account the above, Council considers that the policy in this chapter is most appropriate to achieve the objective.

### 25.6.4 Rules

#### Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Standards</td>
<td></td>
</tr>
<tr>
<td>25.6.3</td>
<td></td>
</tr>
<tr>
<td>Addressing lighting being designed in accordance with the AS/NZS suite of standards, including AS4282.</td>
<td></td>
</tr>
<tr>
<td>Benefits</td>
<td></td>
</tr>
<tr>
<td>- The health and safety benefit of applying these standards is that it facilitates transport network users being protected from the intrusive effects of lighting from other light sources. These standards rely on existing credible and tested standards to manage the intrusive effects of outdoor lighting in accordance with the advice in the “Lighting Considerations for District Plan Report” prepared for Hamilton City Council in July 2010.</td>
<td></td>
</tr>
<tr>
<td>Costs</td>
<td></td>
</tr>
<tr>
<td>- There will be some activities that will be required to obtain resource consent if they do not comply with the general standards. This adds additional cost, complexity and time to those</td>
<td></td>
</tr>
</tbody>
</table>
### Efficient and Effective

- These rules will be efficient and effective to achieve objective 25.6.2.1 by providing clarity on what standards apply when erecting artificial lighting. It does however rely on people talking to Council about what the relevant AS/NZS standards are, or researching them, either independently or with expert advice.

### Benefits

- There are administrative benefits for road controlling authorities to have the technical details spelled out in the Infrastructure Technical Specifications as transport corridor lighting is generally erected on behalf of the road controlling authority. Adding a cross-reference via a Note rather than a standard has the benefit of enabling more flexibility in the process to update the Technical Specifications in future.

### Costs

There will be financial costs associated with meeting the required standards.

### Efficient and Effective

- These rules will be efficient and effective to achieve objective 25.6.2.1 as they provide clarity to road controlling authorities and the wider community about where transport corridor lighting is controlled.

### Note: the Hamilton City Infrastructure Technical Specifications provide acceptable methods of compliance for the provision, design and construction of street lighting.

### Specific Standards

25.6.4.1 – 25.6.4.4

### Benefits

- There are environmental and social benefits to the community as these standards identify the maximum lux and the location of measurement within each zone. The rules are amended slightly from the previous District Plan in terms of the location of measurement, to provide greater specificity, and to recognise the change in name of zones. The lighting review of the operative District Plan identified that the lighting lux levels in the Plan are low compared to some other Council’s Plans. Having reviewed complaints received, none of these have been upheld, and as the existing provisions of the District Plan appear not to have caused consent issues, it was recommended to leave them as they are, to encourage energy efficient lighting solutions.
- There are financial benefits for major facilities as the rules are specific to recognise that activities in these zones are different than in other zones, and some of the standards therefore need to be more specific.

**Costs**

- There will be some activities that will be required to obtain resource consent if they do not comply with the general standards. This adds additional cost, complexity and time to those developments.

**Efficient and Effective**

- These rules will be efficient and effective to achieve objective 25.6.2.1 by providing clarity about the lighting levels appropriate to each zone.

### Rules not most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Amend the lux standards to be higher or lower than those specified in the Plan.</th>
<th>This approach would potentially still achieve the objective and would manage lighting levels. It would not follow the lighting advice received in the Lighting Considerations for the District Plan Report, or provide any significant benefits, given that few complaints have been upheld about the existing lighting levels and therefore was deemed not to be the most efficient way to meet the objective.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Add specific lux requirements for the Central City mixed-use areas.</td>
<td>This approach would potentially still achieve the objective and would manage lighting levels. It would not follow the lighting advice received in the Lighting Considerations for the District Plan Report. It was recommended in that report that because the district plan requirements allow 10 lux at the boundary within these areas, these existing conditions are achievable even though they are low for commercial areas compared to other Councils. This will mean residential enclaves within the Central City will be subject to higher lighting levels than housing in areas zoned residential. As the current plan has a low maximum for residential zones, the applicable 10 lux level is acceptable for residential activities within the Central City. Lower levels than the current 10 lux limit being applied for residential buildings within the City centre were therefore not recommended.</td>
</tr>
</tbody>
</table>

**Risks**

Risks of acting or not acting.
- The risks of acting are that lighting levels specified in the Proposed Plan could adversely affect the ability for people to develop as they wish.
- The risks of not acting are that the lighting levels in the Central City could have adverse effects on amenity, and consequently on the environment and people.

**Conclusion:** Taking into account the above, Council considers that the rules in this chapter are most appropriate to achieve the objectives.

### 25.6.5 Methods Other Than Rules

<table>
<thead>
<tr>
<th><strong>Methods most appropriate to achieve the objectives:</strong></th>
<th><strong>Effectiveness, efficiency, costs and benefits</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Regulatory methods</strong></td>
<td><strong>Benefits</strong></td>
</tr>
<tr>
<td>Hamilton City Infrastructure Technical Specifications.</td>
<td>• Certainty arising from the use of existing tried and tested standards which have been recommended in the Lighting Considerations for the District Plan Report.</td>
</tr>
<tr>
<td>AS/NZS suite of standards. AS4282.</td>
<td><strong>Costs</strong></td>
</tr>
<tr>
<td></td>
<td>• Relies on documents outside of the District Plan to control effects, which is administratively more complex for District Plan users.</td>
</tr>
<tr>
<td><strong>Efficient and Effective</strong></td>
<td>• These methods will be efficient and effective to achieve objective 25.6.2.1 by ensuring that they manage intrusive light to maintain the amenity of the City’s environment.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Council works and services</strong></th>
<th><strong>Benefits</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Council works shows leadership in best practice solutions.</td>
<td>• This method provides social benefits by demonstrating what the Council wishes private persons and organisations to achieve in Hamilton.</td>
</tr>
<tr>
<td><strong>Costs</strong></td>
<td>• There are financial costs to Council, and therefore to ratepayers, to undertake these methods.</td>
</tr>
<tr>
<td><strong>Efficient and Effective</strong></td>
<td>• These methods will be efficient and effective to achieve objective 25.6.2.1 by ensuring development undertaken by Council meets the requirements of the District Plan.</td>
</tr>
</tbody>
</table>

**Risks**

Risks of acting or not acting.

- The risks of acting are that there will be minor financial costs to the Council.
The risks of not acting are a lack of information being available to people about how to undertake lighting.

**Conclusion:** Taking into account the above, Council considers that the methods in this chapter are most appropriate to achieve the objectives.

### 25.6.6 References

- *Lighting Considerations for the District Plan Report*, prepared by MWH on behalf of Hamilton City Council, July 2010
- Hamilton City Council Development Manual (Hamilton City Infrastructure Technical Specifications)
- AS/NZS relating to lighting, including AS4282: 1997 Control of the obtrusive effects of outdoor lighting

### 25.6.7 Glossary

- Refer to Volume 2, Appendix 1.1.2 of the District Plan
- Ruakura Plan Change – see Appendix 1
25.7 Network Utilities and the Electricity National Grid Corridor

25.7.1 Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 25.7 concerned with network utilities and the electricity national grid corridor.

Network utilities are the infrastructure which is contained within the City to enable it to function. They are physical resources and include telephone and electricity lines; radio and telecommunications masts; gas networks, meteorological devices; water, wastewater and stormwater systems; underground pipelines, and associated infrastructure. The majority of the City has well developed network utilities to meet the needs of the community. However, public works and network utilities are constantly being maintained, upgraded, or expanded and therefore provision needs to be made for these activities in the District Plan.

The Electricity National Grid Corridor seeks to control development and activities located in close proximity to electricity transmission lines, which are part of the National Grid, in order to give effect to the National Policy Statement for Electricity Transmission. The corridors seek to manage activities to avoid reverse sensitivity effects on the transmission network and to ensure that the operation, maintenance, upgrading and development of the network is not compromised.

As new developments take place (including greenfields) the servicing requirements expand. Changing technology also means that network utility networks require upgrading or modifying over time.

Ham radio operators frequently have aerials located in the rear of their properties. Such aerials are not network utility operations as defined in the Resource Management Act 1991 (the Act) or the District Plan. For completeness however, those activities and structures are included in this Chapter. Amateur Radio is important to ensure emergency management and international communications can be maintained and provided for.

Designations are often used by network utility operators who are requiring authorities. This allows areas of land to be managed by the designation process. In this way, they provide an alternative to resource consents or plan changes. The procedure for designating land is set out in Part VIII of the Act and is covered in Chapter 26 of the District Plan.

The overall approach of the network utility section of the plan was to simplify the rules from the Operative District Plan, reflect the changes in infrastructure technology that have occurred since the last District Plan was drafted and to recognise the National Policy Statements and National Environmental Standards that now apply for network utilities and electricity transmission.

Supporting documents are listed in the References section of this chapter. In summary, the following background research has been used to inform the network utility provisions in the District Plan.

A review of the operative provisions was undertaken to determine their effectiveness and identify opportunities for improvement. The Operative District Plan contained...
generic activities and standards which could apply to a multitude of different infrastructure and was rather confusing as to what applied to each situation.

The new approach for the District Plan was to separate out the components of various network utility services and address them individually. A review of the objectives, policies, activities and rules was undertaken and the following issues identified.

- Objectives and policies need to be updated to align with the Act and Regional Policy Statement.
- Clarity of rules relating to specific network utilities.
- Clarity of rules relating to the electricity national grid corridor.
- Updating of rules to reflect new technology.
- Updating of objectives, policies and rules to reflect the importance of broadband and enable easy rollout and availability.
- Objectives, policies and rules must not duplicate or conflict with the two National Environmental Standards (National Environmental Standard for Electricity Transmission Activities and National Environmental Standard for Telecommunication Facilities).

Environmental Standards

- National Environment Standards for Electricity Transmission Activities (adopted).

The National Environmental Standards for Telecommunications Facilities apply only to activities in the road zone for the establishment of low impact telecommunications facilities and covers:

- Radio frequency fields generated by telecommunication antennas;
- Road-side cabinets;
- Addition of antennas to existing structures (such as light poles);
- Noise levels.

These standards override any District Plan zones or rules, however can provide useful guidance on how to manage other network utilities that have similar effects (for example all road-side cabinets).

The National Policy Statement for Electricity Transmission sets out the objectives and policies to enable the management of the effects of the electricity transmission network under the Act. This requires that, within four years, all local authorities are to have notified a plan change to give effect to this policy statement.

The 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.

National Environmental Standards for Electricity Transmission Activities apply only to an activity that relates to the operation, maintenance, upgrading, relocation, or removal of an existing transmission line, including any of the following activities that relate to those things.

a) A construction activity.

b) A use of land or occupation of the coastal marine area.

c) An activity relating to an access track to an existing transmission line.

d) Undergrounding an existing transmission line.

These rules replace those of a District Plan, and under Section 44A of the Act a District Plan must not duplicate or conflict with a National Environmental Standard. All other electricity transmission activities not associated with an existing line can be covered by district plan rules.

The National Policy Statement for Renewable Electricity Generation provides an objective and policies to enable the sustainable management of renewable electricity generation under the Act. The National Policy Statement recognises that development that increases renewable electricity generation capacity can have environmental effects that span local, regional and national scales. This means adverse effects manifesting locally and positive effects manifesting nationally.

The objective of the National Policy Statement for Renewable Electricity Generation is:

To recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand’s electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government’s national target for renewable electricity generation.

Relevant Waikato Regional Policy Statement Objectives and Policies

Objective 3.5 Energy

Energy use is managed, and electricity generation and transmission is operated, maintained, developed and upgraded, in a way that:

a) increases efficiency;

b) recognises any increasing demand for energy;

c) seeks opportunities to minimise demand for energy;

d) recognises and provides for the national significance of electricity transmission and renewable electricity generation;
e) recognises and provides for the national regional and local benefits of electricity transmission and renewable electricity generation;

f) reduces reliance on fossil fuels over time;

g) addresses adverse effects on natural and physical resources;

h) recognises the technical and operational constraints of the electricity transmission network and electricity generation activities; and

i) recognises the contribution of existing and future electricity transmission and electricity generation activities to regional and national energy needs and security of supply.

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:

a) promoting positive indigenous biodiversity outcomes;

b) preserving and protecting natural character, and protecting outstanding natural features and landscapes from inappropriate subdivision, use, and development;

c) 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;

d) integrating land use and water planning, including to ensure that sufficient water is available to support future planned growth;

e) recognising and protecting the value and long-term benefits of regionally significant infrastructure;

f) protecting access to identified mineral resources;

g) minimising land use conflicts, including minimising potential for reverse sensitivity;

h) anticipating and responding to changing land use pressures outside the Waikato region which may impact on the built environment within the region;

i) providing for the development, operation, maintenance and upgrading of new and existing electricity transmission and renewable electricity generation activities including small and community scale generation;

j) promoting a viable and vibrant central business district in Hamilton City, with a supporting network of sub-regional and town centres; and

k) providing for a range of commercial development to support the social and economic wellbeing of the region.

Policy 6.3 Co-ordinating growth and infrastructure

Management of the built environment ensures:

a) the nature, timing and sequencing of new development is coordinated with the development, funding, implementation and operation of transport and other
infrastructure, in order to:

i. optimise the efficient and affordable provision of both the development and the infrastructure;

ii. maintain or enhance the operational effectiveness, viability and safety of existing and planned infrastructure;

iii. protect investment in existing infrastructure; and

iv. ensure new development does not occur until provision for appropriate infrastructure necessary to service the development is in place;

b) the spatial pattern of land use development, as it is likely to develop over at least a 30-year period, is understood sufficiently to inform reviews of the Regional Land Transport Strategy. As a minimum, this will require the development and maintenance of growth strategies where strong population growth is anticipated;

c) the efficient and effective functioning of infrastructure, including transport corridors, is maintained, and the ability to maintain and upgrade that infrastructure is retained; and

d) a coordinated and integrated approach across regional and district boundaries and between agencies; and

e) that where new infrastructure is provided by the private sector, it does not compromise the function of existing, or the planned provision of, infrastructure provided by central, regional and local government agencies.

Policy 6.6 Significant infrastructure and energy resources

Management of the built environment ensures particular regard is given to:

a) that the effectiveness and efficiency of existing and planned regionally significant infrastructure is protected;

b) the benefits that can be gained from the development and use of regionally significant infrastructure and energy resources, recognising and providing for the particular benefits of renewable electricity generation and municipal water supply; and

c) the locational and technical practicalities associated with renewable electricity generation and the technical and operational requirements of the electricity transmission network.

Understanding the relevant objectives and policies of the Regional Policy Statement ensures they are given effect to in the drafting of the District Plan.
## 25.7.2 Objectives

**Objective most appropriate to achieve the purpose of the Act:**

<table>
<thead>
<tr>
<th>25.7.2.1</th>
<th>The importance of network utilities to support the development and functioning of Hamilton is recognised.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This objective is most appropriate because a well-planned built environment that functions well and is serviced by appropriate infrastructure will enable people to provide for their health and safety. This objective recognises network utility structures and services must be available to enable the efficient functioning of the City.</td>
</tr>
<tr>
<td></td>
<td>This objective ensures that planning for new development is co-ordinated with planning for infrastructure required to service development, and to ensure new development does not reduce the efficiency and effectiveness of existing infrastructure.</td>
</tr>
<tr>
<td></td>
<td>Network utility services are an important part of infrastructure and the objective recognises the important role they play in ensuring the wellbeing of the community. The objective recognises this and through rules provides for a range of utility services while ensuring any adverse effects are avoided, remedied or mitigated which is consistent with section 5(2).</td>
</tr>
<tr>
<td></td>
<td>The objective directly meets the requirements of the Act to provide for people and communities to provide for their social, economic, and cultural wellbeing and is therefore considered to be appropriate.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>25.7.2.2</th>
<th>Network utilities (excluding renewable electricity generation activities) are located, designed and operated to avoid, remedy or mitigate adverse effects on amenity and the surrounding environment.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This objective recognises that network utility structures can adversely affect the environment and amenity, and seeks to manage potential adverse effects, particularly through design and location. This objective excludes renewable electricity generation activities in recognition of the National Policy Statement for Renewable Electricity Generation. This objective is most appropriate to achieve the purpose of the Act because it provides for the health and safety of people and communities.</td>
</tr>
<tr>
<td></td>
<td>Objectives 25.7.2.1 and 25.7.2.2 balance the need to provide network utilities to assist the City to function, whilst avoiding their potential adverse effects. Adverse effects include not only effects on visual and amenity values but also health and safety. This objective will ensure that network utilities are located and operated in a way which takes account of the human and natural environmental values.</td>
</tr>
<tr>
<td>Section 32 – Operative District Plan</td>
<td>Hamilton City Council</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td><strong>The objective directly meets the requirements of the Act to provide for people and communities to provide for their social, economic, and cultural well-being and is therefore considered to be appropriate.</strong></td>
<td></td>
</tr>
<tr>
<td><strong>25.7.2.3</strong> Increased use and development of renewable energy resources.</td>
<td>This objective provides for the development and use of renewable energy resources. It clearly promotes the use of renewable electricity generation and the need for energy efficiency and, by association, the benefits derived from the use of renewable electricity. Renewable electricity by its nature is focussed both on existing needs and on the needs of future generations. By developing renewable forms of energy generation, future generations are more likely to be able to meet their needs. This is in accordance with Section 7(j) of the Act which requires Council to have particular regard to the benefits to be derived from the use and development of renewable energy. This objective is also consistent with the need to develop, operate, maintain and upgrade renewable electricity generation activities throughout New Zealand; and the benefits of renewable electricity generation. These are both identified as matters of national significance in the National Policy Statement for Renewable Electricity Generation. The objective directly meets the requirements of the Act and is therefore considered to be appropriate.</td>
</tr>
<tr>
<td><strong>25.7.2.4</strong> Efficient operation, maintenance and upgrade of the existing electricity transmission network and to enable the establishment of new electricity transmission resources.</td>
<td>This objective provides for both the development and operation of existing and new electricity transmission networks. This is in accordance with the purpose of the Act which is to enable people and communities to provide for their social, economic, and cultural wellbeing. It is also consistent with the need to operate, maintain, develop and upgrade the electricity transmission network. These are all identified as matters of national significance in the National Policy Statement for Electricity Transmission. The objective directly meets the requirements of the Act and is therefore considered to be appropriate.</td>
</tr>
<tr>
<td><strong>25.7.2.5</strong> Amateur Radio Configurations are provided for where they do not have a significant adverse effect on visual amenity and residential character.</td>
<td>This objective provides for Amateur Radio Configurations in the General Residential Zone and Future Urban Zone. Providing for the activity of Amateur Radio Configuration is important given the role they play in emergency response and international telecommunication. However, this requires balancing between providing for Amateur</td>
</tr>
</tbody>
</table>
Radio and protecting the community and environment from significant adverse effects on amenity values.

**Objectives not the most appropriate to achieve the purpose of the Act:**

<table>
<thead>
<tr>
<th>No Objective.</th>
<th>Having no objective provides no opportunity to establish:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• The necessity of network utilities.</td>
</tr>
<tr>
<td></td>
<td>• Recognise that there are potential adverse effects arising from network utilities.</td>
</tr>
<tr>
<td></td>
<td>• Encourage development of renewable electricity generation.</td>
</tr>
<tr>
<td></td>
<td>• Allow efficient development and operation of the electricity transmission network.</td>
</tr>
<tr>
<td></td>
<td>• Amateur Radio Configurations where there is not a significant adverse effect on visual amenity and residential character</td>
</tr>
</tbody>
</table>

It is considered that this option would not meet the requirements of the Act or the national policy statements as detailed above.

<table>
<thead>
<tr>
<th>To accommodate network utilities throughout the City in a manner which enables the community to meet its needs while minimising adverse effects on the environment.</th>
<th>This objective is essentially a combination of objectives 25.7.2.1 and 25.7.2.2. Splitting the objective into two allows greater clarity.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rely on relevant acts such as the Telecommunications Act, and Electricity Act; Code of Practice and Designations process.</td>
<td>The alternative is unlikely to achieve good environmental outcomes as there are no limits on bulk and location. Council would lose the ability to control visual and amenity effects on the environment. The Council has the ability to impose ‘reasonable conditions’ with respect to placement and location of utilities on publicly owned land and similar appliances in the legal road under the Telecommunications Act. Reliance on various statutes does not achieve consistency in terms of environmental outcomes, including managing effects where utilities are proposed to be sited on non-public land. While there are some benefits in this approach, there is a lack of a framework that can deal with the full range of environmental effects that network utility services may generate. This is especially relevant in matters relating to visual and amenity effects.</td>
</tr>
</tbody>
</table>

**Conclusion:** Taking into account the above, Council considers the objectives in this chapter of the plan are the most appropriate to achieve the purpose of the Act.
25.7.3 Policies

**Policies most appropriate to achieve the objective:**

| **25.7.2.1** | The importance of network utilities to support the development and functioning of Hamilton is recognised. |

**Policies** | **Effectiveness, efficiency, costs and benefits**

| **25.7.2.1a** | The positive effects and importance of network utilities, including the Electricity National Grid Corridor, for the social and economic wellbeing of Waikato region and Hamilton shall be recognised. |

| **25.7.2.1b** | The operation, maintenance and upgrading of and access to existing network utilities shall not be adversely affected by subdivision, land use and development. |

| **25.7.2.1c** | Subdivision, use and development in the Electricity National Grid Corridor shall not adversely affect the safe and efficient operation, maintenance of and access to of the electricity transmission network. |

| **25.7.2.1d** | Sensitive Land Uses including schools, childcare facilities, residential buildings or hospitals, shall not establish close to high voltage electricity transmission lines. |

| **25.7.2.1e** | The alteration or extension of existing development already within the Electricity National Grid Corridor shall be provided for where it does not compromise the electricity |

**Benefits**

The policies contained in Section 25.7.2.1 will ensure that network utilities are available to service the City. The policies achieve this by:

- Establishing a clear directive that network utilities need to be provided throughout the City for its functioning.
- The location of infrastructure can be planned early to avoid conflicts with sensitive environments.
- Locational requirements need to be taken into account to ensure operational efficiency.
- Network utilities will be able to develop and operate without reverse sensitivity effects arising.
- Integrating development and infrastructure planning can ensure development does not compromise the function of existing infrastructure, putting unsustainable pressure on existing infrastructure, or by limiting the potential to upgrade existing infrastructure.
- Sensitive land uses (as defined in the National Policy Statement) are not encouraged in close proximity to electricity transmission networks. This ensures public safety, and manages the adverse effects of third parties on the network.
- Providing for alteration or extension to existing development within the electricity national grid corridor where this does not compromise the electricity transmission network.
- Development will be accompanied by appropriate servicing. This policy requires co-ordination of development with infrastructure.
- Ensures that development is serviced to an appropriate level.
- Recognition that the capacity of new and existing
25.7.2.1f Reverse sensitivity effects shall be avoided.

25.7.2.1g Network utility infrastructure shall be deployed in conjunction with land development.

25.7.2.1h All development shall be adequately serviced by network utilities including Three Waters, gas, electricity and telecommunications.

25.7.2.1i New network utilities shall have adequate capacity to support the potential scale and timing of development to be served.

25.7.2.1j Broadband infrastructure shall be established and operated throughout the City.

Transmission network. Network utilities must be appropriate to the type and size of development it is serving.

- Enables easy roll-out of broadband, both in established areas and greenfield developments.
- Increased accessibility to broadband throughout the City.
- The policies also recognise that network utilities have technical and operational requirements which need to be taken into account.

Costs

- Limitations on where sensitive uses locate with respect to significant infrastructure.
- Limitations on where development locates with respect to the electricity national grid corridor.
- A loss of development potential for landowners in close proximity to significant infrastructure.
- Increased cost associated with development of land to ensure there is adequate network utility capacity.
- Increased cost associated with development to provide adequate servicing at the time of development.

Efficient and Effective

These policies will be efficient and effective to achieve objective 25.7.2.1 for the following reasons:

- They recognise that network utility structures and services are critical for the functioning of the City. The policies require that an appropriate level of service must be planned in advance of new development, which is particularly the case in greenfields. It is important that the services provided are of sufficient capacity to accommodate the level of growth proposed.
- This policy integrates the provision of infrastructure with land use.
- There is potential for existing network utility infrastructure to be adversely affected by subdivision, use and development of surrounding land uses. Changes in land uses can affect access to the network utility or affect the ongoing operation, maintenance and upgrading. When network utility infrastructure is already existing, surrounding land uses need to be carefully managed to protect the functioning of.
utilities. Sensitive activities should not be located where future conflicts are predictable, to avoid reverse sensitivity effects.

- Policies 25.7.2.1c and e are in response to Policies 10, 11 and 12 of the National Policy Statement for Electricity Transmission. These policies require Councils to:
  - Manage activities to avoid reverse sensitivity effects on the electricity transmission network.
  - Identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for.
  - Identify the electricity transmission network on their relevant planning maps.

- These policies are an efficient and effective way of achieving the three policies from the National Policy Statement.

- Broadband is critical to the progress of the City. The Hamilton Economic Development Strategy includes an outcome that Hamilton has leading broadband infrastructure.

- The policies for managing network utilities and surrounding land uses are appropriate to achieve the objective, to give effect to the Regional Policy Statement and to meet the Council’s statutory requirements under the Act.

### Policies not most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>No policy framework.</th>
<th>Having no policies regarding the efficient establishment and operation of network utilities does not provide any protection for network utilities.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Network utilities are resources that are provided to meet the needs of the community. By not having policies on this matter, guidance would not be provided on the importance of utilities nor the matters that should be taken into account in the consenting process.</td>
</tr>
<tr>
<td></td>
<td>It is considered that this option would not meet the requirements of the Act, National Policy Statements or Regional Policy Statement as detailed above.</td>
</tr>
</tbody>
</table>

### Risks

Risks of acting or not acting.
- Council considers there is sufficient information regarding the subject matter of the above policies that support objective 25.7.2.1. The risks of establishing a policy framework to ensure efficient development and operation of network utilities outweighs the risks of not acting.

- By not recognising the importance of renewable electricity generation, Council would not be giving effect to Section 7(j) of the Act, which requires Council to have particular regard to the benefits to be derived from the use and development of renewable energy, nor the National Policy Statement for Renewable Electricity Generation. The proposed policies provide a framework to reduce this risk.

- By not providing for the development and operation of existing electricity transmission networks, Council would not be giving effect to the National Policy Statement for Electricity Transmission. The proposed policies provide a framework to reduce this risk. The policies also reduce the risk of interruption to the national grid.

### Policies most appropriate to achieve the objective:

#### 25.7.2.2

Network utilities (excluding renewable electricity generation activities) are located, designed and operated so as to avoid, remedy or mitigate adverse effects on amenity and the surrounding environment.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>25.7.2.2a</strong></td>
<td>Benefits</td>
</tr>
<tr>
<td>Network utilities shall be designed, located, installed, operated and maintained to:</td>
<td>• Utility services are by their very nature utilitarian and their function often dictates their size and appearance. This group of policies ensures that the establishment of network utility services do not detract from the visual amenity of the environment. Policy 25.7.2.2a outlines a number of methods to avoid visual and amenity adverse effects including scale, character, design, location, landscaping, screening and undergrounding. These policies will result in network utilities designed, sited, operated and maintained to address the potential adverse effects:</td>
</tr>
<tr>
<td>i. Minimise the potential discharge of contaminants to the environment.</td>
<td>i. Of emissions of noise, light, vibration, odour or hazardous substances.</td>
</tr>
<tr>
<td>ii. To the extent practicable avoid potential adverse effects on the health, safety and wellbeing of people and communities.</td>
<td>ii. On other network utilities.</td>
</tr>
<tr>
<td>iii. Minimise effects on the scale and character of surrounding land uses.</td>
<td>iii. On the amenity of the surrounding environment, its landscape character and streetscape qualities.</td>
</tr>
<tr>
<td>iv. Minimise adverse visual effects as far as practicable through design and location, landscaping and screening.</td>
<td>• For safety and amenity reasons this policy advocates for undergrounding where practical. This will result in a less cluttered urban environment.</td>
</tr>
<tr>
<td>v. Be placed underground where practicable, excluding stormwater.</td>
<td>• This policy encourages co-locating or co-siting</td>
</tr>
<tr>
<td>vi. Allow for the provision and maintenance of access for maintenance and repair.</td>
<td></td>
</tr>
</tbody>
</table>
efficient operation of other network utilities.

vii. Co-locate or co-site where possible.

viii. Minimise adverse effects on adjacent properties

**25.7.2.2b**

Network utilities that generate electromagnetic or radio frequency fields shall comply with national and international standards as specified in the relevant National Environmental Standard.

**25.7.2.2c**

Network utility structures are to be in accordance with all relevant National Environmental Standards.

**25.7.2.2d**

To the extent practicable network utility structures should not be located within areas of high amenity values listed in Volume 2, Appendix 13: Areas with Historic Heritage Values or Visual Amenity Values.

where possible to result in a higher level of urban amenity.

- Policy 25.7.2.2b ensures network utilities, in particular those network utilities emitting radiofrequency fields or generating electric and magnetic fields, are designed, sited, operated and maintained to meet nationally recognised standards. This ensures a healthier and safer environment for Hamilton’s communities.

- Although all telecommunications and electricity transmission activities are governed by their respective National Environmental Standards, Policy 25.7.2.2c makes the link between the District Plan and National Environmental Standard explicit.

- Policy 25.7.2.2d will result in maintenance of the character of high amenity areas. Avoiding these locations for telecommunications structures will avoid visual and amenity adverse effects.

**Costs**

- Operational efficiency of the network utility may be reduced by minimising adverse effects.

- Increased cost to the network utility operator with the requirement to underground where practicable.

- Increased cost to the network utility operator to mitigate adverse effects.

- Increased costs associated with co-location and co-siting.

- Limited locations available due to high amenity areas.

**Efficient and Effective**

- Adverse visual effects can often be managed by undergrounding. For those networks such as cables that can be located underground, this is the required approach where practicable. Where network utility structures are located above ground, particular attention should be given to their design, location, and minimising any adverse visual effects. This can be achieved in a number of ways including screening, careful placement, size and appearance.

- In the case of broadband, above ground deployment of cables will allow rapid, relatively inexpensive and less disruptive installation of fibre to areas where overhead electricity

distribution lines already exist. In the longer term, underground installation is required to reduce visual pollution.

- Co-location and co-siting of network utilities may provide environmental benefits in terms of visual amenity. Co-location is not always possible due to operational issues such as electrical interference. Opportunities for co-location should be explored radiofrequency interference and structural capacity.
- There are a number of national and international standards that are external to the District Plan that must be complied with. These are identified in the National Environmental Standards.
- The policies recognise predominantly regulatory rules and methods to ensure that the amenity of the City is maintained or where possible enhanced. It is considered that this is the most efficient and effective way to ensure giving effect to objective 25.7.2.2.

**Policies not most appropriate to achieve the objectives:**

| No policy framework. | This alternative is unlikely to achieve good environmental outcomes as there will be no ability to control visual and amenity effects on the environment. The Council has the ability to impose ‘reasonable conditions’ with respect to placement and location of utilities on publicly owned land and similar appliances in the legal road under the Telecommunications Act. Reliance on various statutes does not necessarily achieve optimal environmental outcomes, including managing effects where network utilities are proposed to be sited on non-public land. This is especially relevant in matters relating to visual and amenity effects. In addition, this Act only applies to telecommunication structures. An absence of policies would not allow the District Plan to give effect to the National Policy Statement for Electricity Transmission which addresses the location of sensitive land uses. |

**Risks**

Risks of acting or not acting.

- Council considers there is sufficient information regarding the subject matter of the above policies that support objective 25.7.2.2. The policies ensure that objective 25.7.2.2 can be effectively delivered.
By not providing a policy framework to manage sensitive land Uses in relation to electricity transmission networks, Council would not be giving effect to the National Policy Statement for Electricity Transmission. The proposed policies provide a framework to reduce this risk.

<table>
<thead>
<tr>
<th>Policies most appropriate to achieve the objective:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>25.7.2.3</strong> Increased use and development of renewable energy resources.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| **25.7.2.3a**  
The positive effects of using and developing renewable energy resources, for the environment and economic and social wellbeing, shall be recognised. | **Benefits**  
- The National Policy Statement for Renewable Electricity Generation highlights that regardless of scale, renewable electricity generation makes a crucial contribution to the wellbeing of New Zealand, its people and the environment. Any reductions in existing renewable electricity generation will compromise achievement of the Government’s renewable electricity target of 90% of electricity from renewable sources by 2025. |
| **25.7.2.3b**  
The renewable energy resources of Hamilton (including geothermal, hydro, biomass, solar and wind) shall be recognised and encouraged for their potential contribution to national and local energy production. |  
- These policies encourage the investigation and development of renewable electricity generation activities at a range of scales – from a single household with a solar panel to commercial operations. |
| **25.7.2.3c**  
Investigation, identification and assessment of potential sites and energy sources for renewable electricity generation shall be encouraged. |  
- The policies enable full consideration of all issues and recognise variable nature of effects. |
| **25.7.2.3d**  
Renewable electricity generation activities shall be designed, located, installed, operated and maintained to:  
  i. Minimise the potential adverse effects to the environment.  
  ii. Avoid, reduce or displace greenhouse gas emissions.  
  iii. Maximise the use of the renewable energy resource. |  
- Policy 25.7.2.3d outlines potential adverse effects including greenhouse gas emissions. These policies will result in renewable electricity generation which is designed, sited, operated and maintained to address the potential adverse effects. |
| **25.7.2.3e**  
Small scale electricity generation activities. These policies will result in small scale electricity generation which is designed, sited, operated and maintained to address the potential adverse effects of:  
  i. Amenity values.  
  ii. Noise, visual impacts on neighbourhoods, air emissions, glare and lighting, flicker effects on natural light, steam, odour. |
iv. Offset any residual environmental effects with measures or environmental compensation which benefit the local environment and community affected.

25.7.2.3e

The development and use of small and community-scale distributed renewable electricity generation shall be encouraged, subject to:

i. Acceptable effects on amenity values, especially from noise, visual impacts on neighbourhoods, air emissions, glare and lighting, flicker effects on natural light, steam and odour.

ii. Acceptable effects on water bodies, landscapes and significant natural areas.

iii. An assured standard of long-term maintenance of sites and equipment.

iii. Water bodies, landscapes and significant natural areas.

Costs

- Operational efficiency may be reduced by minimising adverse effects.
- Increased cost to the generator with the requirement to mitigate adverse effects.
- There is a lack of information regarding renewable energy opportunities within the City, therefore a precautionary approach is taken.
- Difficulty in defining what constitutes “investigation” as the scale and generation mechanisms vary significantly.

Efficient and Effective

- These policies recognise the production and use of renewable electricity resources can have positive effects on the environment and community wellbeing. Making the best use of renewable resources may adversely impact on other resources and values, such as landscape and local amenity, which need to be considered along with the positive effects.
- The Act requires the Plan to have particular regard to the benefits to be derived from the use and development of renewable energy generation. These benefits may include security of supply and greater reliability (by diversifying sources of energy), reduction in greenhouse gas emissions, reduction in dependence on the national grid, and reduction of transmission losses. It will also add to electricity generation capability on a more sustainable basis.
- The development, operation, maintenance and upgrading of new and existing renewable electricity generation activities throughout New Zealand, and the associated benefits of it are matters of national significance as outlined in the National Policy Statement for Renewable Electricity Generation.
- Each of these policies is considered to be appropriate in achieving the purpose of the Act. Together they address the matters in Part 2 of the Act, which include s5(2) [managing the use, development, and protection of natural and physical resources in a way or at a rate, which
enables people and communities to provide for their social, economic, and cultural well being and for their health and safety ...].

- The National Policy Statement for Renewable Electricity Generation recognises that energy demand has been growing steadily and will continue to rise. Renewable electricity generation can assist in meeting this demand. Policies recognise that renewable energy development can be undertaken at a number of levels, at a household level or domestic scale, a community need for a secure energy supply, or for commercial reasons to develop a renewable resource on a large or utility scale.

- “Small and community-scale distributed electricity generation” are promoted by the National Policy Statement, subject to the local context, which for Hamilton will necessarily involve consideration of urban and suburban amenity values.

- It is considered that these policies are the most efficient and effective way to ensure giving effect to objective 25.7.2.3, the National Policy Statement and the Regional Policy Statement.

### Policies not most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Policy Area</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>No policy framework</td>
<td>An absence of policies would not allow the District Plan to give effect to the National Policy Statement for Renewable Electricity Generation. This requires decision-makers to recognise and provide for the national significance of renewable electricity generation activities, including the national, regional and local benefits relevant to renewable electricity generation activities (Policy A).</td>
</tr>
<tr>
<td>Mapping electricity generation areas.</td>
<td>This approach is neither effective nor efficient as this would involve significant resources and time. Electricity can be generated from a number of sources including the Waikato River, wind generation, geothermal etc. The measurement of any of the fuel sources would need to be balanced by the cost of generation and therefore the level of commercial return. Council does not have the expertise to realistically identify all the variables and map, with any certainty, viable areas for electricity generation. It is more appropriate for generation companies to undertake the research and analysis of viability.</td>
</tr>
</tbody>
</table>
(economic, practical and physical) as these variables will change over time as technologies and markets change.

### Risks

Risks of acting or not acting.

- Council considers there is sufficient information regarding the subject matter of the above policies that support objective 25.7.2.3. The policies ensure that objective 25.7.2.3 can be effectively delivered.

- By not providing a policy framework to encourage and assess renewable electricity generation activities, Council would not be giving effect to the National Policy Statement for Renewable Electricity Generation. The proposed policies provide a framework to reduce this risk.

### Policies most appropriate to achieve the objective:

#### 25.7.2.4

Efficient operation, maintenance and upgrade of the existing electricity transmission network and to enable the establishment of new electricity transmission resources.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>25.7.2.4a</td>
<td>The national, regional and local benefits of sustainable, secure and efficient electricity transmission shall be recognised.</td>
</tr>
<tr>
<td>25.7.2.4b</td>
<td>The effective operation, maintenance, upgrading and development of the electricity transmission network shall be supported.</td>
</tr>
<tr>
<td>25.7.2.4c</td>
<td>The technical and operational requirements of the network shall be considered.</td>
</tr>
<tr>
<td>25.7.2.4d</td>
<td>Adverse effects of new transmission infrastructure or major upgrades of existing transmission infrastructure shall be addressed by the route, site and method selection.</td>
</tr>
<tr>
<td>25.7.2.4e</td>
<td>The reasonable operational,</td>
</tr>
</tbody>
</table>

### Benefits

The National Policy Statement for Electricity Transmission establishes that the operation, maintenance, development and upgrading of the electricity transmission network is of national significance. The National Policy Statement highlights that the efficient transmission of electricity on the national grid plays a vital role in the wellbeing of New Zealand, its people and the environment.

These policies recognise the importance of the national grid and give effect to the policies contained in the National Policy Statement. The benefits of these policies are:

- Upgrading and development of the electricity transmission network continues. This ensures that electricity is always available to communities.

- The technical and operational requirements of the network can be taken into consideration. This will allow a balancing of operational needs with the creation of any adverse effects.

- Route, site and method selection will be considered.

- Operational, maintenance and minor upgrade
maintenance and minor upgrade requirements of established electricity transmission assets shall be recognised.

25.7.2.4f
Substantial upgrades of transmission infrastructure shall be used as an opportunity to reduce existing adverse effects of transmission.

25.7.2.4g
Where practicable new transmission infrastructure shall be avoided in urban environments, areas of high recreational value or where sensitive land uses have established will be avoided.

25.7.2.4h
New transmission networks shall in preference be established using the designation process for efficient long term development, operation and maintenance of electricity transmission infrastructure. Requirements of established electricity transmission assets can take place as required. This ensures that electricity is always available to communities.

- Substantial upgrades of transmission infrastructure can be used as an opportunity to reduce existing adverse effects of transmission.
- Areas with high recreational value or where sensitive land uses have established will be avoided.
- New transmission networks will be designated allowing for better management of activities in close proximity to the lines and easier access by Transpower for maintenance.
- The policies enable full consideration of all issues and recognise the variable nature of effects.

Costs
The above policies have the following associated costs:

- Operational efficiency may be reduced by minimising adverse effects.
- Increased cost to Transpower with the requirement to mitigate adverse effects.
- Increased electricity cost to the end user due to increased cost of transmission.

Efficient and Effective

- These policies recognise that the transmission of electricity is critical to all of New Zealand even though this District Plan can only address the part of the network that passes through Hamilton.
- Each of these policies is considered to be appropriate in achieving the purpose of the Act. Together they address the matters in Part 2 of the Act, which include s5(2) [managing the use, development, and protection of natural and physical resources in a way or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety ...].
- The operation, maintenance, development and upgrading of the electricity transmission network is a matter of national significance as
These policies give effect to the National Policy Statement on Electricity Transmission. The National Policy Statement on Electricity Transmission is intrinsically linked to the National Environmental Standard for Electricity Transmission Activities. While the National Policy Statement provides the strategic policy framework, the National Environmental Standard provides rules for the existing transmission infrastructure. The National Policy Statement on Electricity Transmission has one objective with several components.

i. To recognise the national significance of the electricity transmission network.

ii. Facilitate the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources.

iii. Manage the adverse environmental effects of the network.

iv. Manage the adverse effects of other activities on the network.

- It is considered that these policies are the most efficient and effective way to ensure giving effect to objective 25.7.2.4, the National Policy Statement and the Regional Policy Statement.

<table>
<thead>
<tr>
<th>Policies not most appropriate to achieve the objectives:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>No policy framework.</strong></td>
</tr>
<tr>
<td><strong>Avoid the establishment of high voltage power lines throughout the City in locations where they may negatively impact on development opportunities close to or beneath them.</strong></td>
</tr>
</tbody>
</table>
Recognise and encourage the use of the existing electricity national grid corridor in preference to a new corridor.

This policy would not be the most appropriate policy to achieve the objective as it does not adequately recognise any operational constraints. There may be operational reasons why existing corridors may not be appropriate but this policy does not allow consideration of any such reasons.

**Risks**
Risks of acting or not acting.

- Council considers there is sufficient information regarding the subject matter of the above policies that support objective 25.7.2.4. The policies ensure that objective 25.7.2.4 can be effectively delivered.
- By not providing a policy framework to address operation, maintenance, development and upgrading activities of electricity transmission infrastructure, Council would not be giving affect to the National Policy Statement for Electricity Transmission. The proposed policies provide a framework to reduce this risk.

**Policies most appropriate to achieve the objective:**

<table>
<thead>
<tr>
<th>25.7.2.5</th>
<th>Amateur Radio Configurations are provided for where they do not have a significant adverse effect on visual amenity and residential character.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Policies</strong></td>
<td><strong>Effectiveness, efficiency, costs and benefits</strong></td>
</tr>
<tr>
<td>25.7.2.5a</td>
<td>This objective provides for Amateur Radio Configurations whilst recognising the importance of minimising adverse effects on residential amenity and character.</td>
</tr>
<tr>
<td></td>
<td>This objective is consistent with providing for Amateur Radio Configurations which is particularly important in emergency management situations (e.g. Civil defence emergency).</td>
</tr>
<tr>
<td></td>
<td>The objective meets the requirements of the Act to provide for people and communities and is therefore considered to be appropriate.</td>
</tr>
<tr>
<td></td>
<td>Policy 25.7.2.5a provides for amateur radio operation where the relevant provisions addressing adverse effects on existing and anticipated residential character and amenity of adjoining properties or the surrounding neighbourhood are met.</td>
</tr>
<tr>
<td><strong>Benefits</strong></td>
<td>The policy contained in 25.7.2.5 will ensure that Amateur Radio Configurations continue to be provided for within the community for emergency management and international communication. The</td>
</tr>
</tbody>
</table>
policy achieves this by:

- Establishing a clear direction that Amateur Radio is important to be provided for within the City for emergency management response and international telecommunication
- Adverse effects on existing or anticipated residential character and amenity of adjacent properties are appropriately addressed

**Costs**

- Limitations on the size and location of Amateur Radio operations
- Increased costs to Amateur Radio configurations to comply with standards
- Adverse effects of Amateur Radio on the local amenity and character of an area
- Increased compliance costs for Amateur Radio if standards are not met

**Efficient and Effective**

- This objective and policy will be effective and efficient in providing for Amateur Radio in the General Residential Zone and Future Urban Zone. This will ensure emergency management and international communication can be readily available at times of need.

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**Policies not most appropriate to achieve the objectives:**

<table>
<thead>
<tr>
<th>No policy framework or retention of existing District Plan policy.</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Not having a policy framework would fail to recognise Amateur Radio Configuration as important to be provided for within the City for emergency management and international communication.</td>
</tr>
<tr>
<td>• Retaining the approach within the District Plan would compromise the ability to address adverse effects on amenity and residential character of Amateur Radio operations, in addition to being overly restricted on Amateur Radio operations.</td>
</tr>
</tbody>
</table>

**Risks**

Risks of acting or not acting.

- The risks of creating clear provisions for Amateur Radio operations outweigh the risks of not acting. The Amateur Radio provisions will allow for the adverse effects of such activities to be addressed to ensure the impact on the immediate neighbours and surrounding neighbourhood are appropriately provided for.
- Continuing with the status quo approach to Amateur Radio will not provide for Amateur Radio appropriately, with the consenting implications likely to deter future
Amateur Radio operators from establishing, and the adverse effects not being appropriately balanced with the role Amateur Radio plays in the community and wider region during times of emergency management and international communication.

**Conclusion:** Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objectives.

### 25.7.4 Rules

| **Rules most appropriate to achieve the objectives:** |
| **Method** | **Effectiveness, efficiency, costs and benefits** |
| Identification of electricity transmission lines on the planning maps. | **Benefits**  
- Demarcates the location of the electricity transmission lines.  
- Clearly delineates between transmission and distribution lines.  
- Provides certainty for landowners and the community.  
- Gives effect to Policy 12 of the National Policy Statement for Electricity Transmission.  
- Increased community awareness of the lines.  
**Costs**  
- Administrative costs for Council associated with obtaining the GIS coordinates from Transpower.  
- Risk that the lines are not in the correct place on the map.  

**Efficient and Effective**  
This method will be an efficient and effective method of partially achieving objectives 25.7.2.1 and 25.7.2.4. Identifying the electricity lines on the planning maps allows those lines to be more efficiently protected. It also gives effect to Policy 12 of the National Policy Statement for Electricity Transmission. |

| The Electricity National Grid Corridor. | The Electricity National Grid Corridor approach is based on a Yard and Corridor. The National Grid Yard is the inner area, directly under and adjacent to the electricity transmission lines. This yard represents the area where risks and constraints are greatest. Beyond this area is the Electricity National Grid Corridor, which has to meet minimum electrical safety clearance distances and can be subject to |
reverse sensitivity and amenity effects, due to proximity of the lines.

The widths of the Yard and the Corridor are determined based on the type of line (single circuit, double circuit), type of support structure (poles, towers), and voltage (110kv, 220kv). The yard and corridor widths are consistent along the whole of each line. The yard and corridor widths have been minimised and are considered by Transpower as the minimum possible corridor. The controls on development within the National Grid Yard and Corridor are determined by whether the underlying development is primarily existing urban development or greenfield development.

The greatest levels of controls relate to the National Grid Yard in greenfield areas, where there is little existing underbuild. This represents an opportunity to ensure that when the area develops, reverse sensitivity and amenity effects are avoided in close proximity to the lines. In urban areas, development in the National Grid Yard is also closely controlled, with resource consent required for any new buildings, but acknowledging that underbuild already exists, and allowing a less restrictive activity status where appropriate.

The National Grid Corridor facilitates compliance with NZECP34:2001, and many activities/buildings can be undertaken as a permitted activity.

Additionally, further controls are required directly around pole and tower structures, where change of use to a sensitive activity, new buildings or additions to the building envelope within 12m of a pole or tower (measured from the outer visible edge of the structure) are non-complying activities. This reflects the greater degree of safety concern, and is in accordance with NZECP34:2001.

The ‘greenfield’ and ‘urban’ sections of each line are mapped on the Planning Maps.

The rules for the Electricity National Grid Corridor are located within the Network Utilities chapter as an overlay. The overlay supersedes zone rules unless specifically stated, such as when the zone rule is more restrictive.

Fences and small buildings less than 2.5m in height and 10m² in area are allowed as permitted activities.

This approach contrasts with the Operative District Plan 2012 which had no controls relating to buildings or activities close to electricity transmission lines,
except in the Rototuna Structure Plan area.

**Benefits**

- Reduces the risk of the electricity transmission network being adversely affected by subdivision, land use and development.
- Reduces the risk of the electricity transmission network being adversely affected by earthworks and planting.
- Clearly delineates between those areas affected by electricity transmission line swing and those not.
- Provides certainty for landowners and the community.
- Gives effect to Policy 10 and 11 of the National Policy Statement for Electricity Transmission.
- Allows the width of each National Grid yard and corridor to be tailored to the physical characteristics of each line, whilst minimising corridor width.
- Allows the restrictions imposed with each National Grid yard and corridor to be matched to the existing environment under and around the lines.
- The National Grid yard and corridor can be very accurately mapped including around poles and towers to give certainty.
- Increased safety and security to the lines by limiting the number of structures in close proximity.
- Increased safety to the community by limiting the future number of structures constructed underneath the electricity transmission lines.
- Increased safety to the community by limiting the number of people living or working in close proximity to the electricity transmission lines.
- Increased community awareness of the lines.
- Ability for flexibility to allow existing development to extend in circumstances where it will not compromise the network.
- Increased certainty by providing for the corridor as an overlay within the Network Utilities chapter, so that the rules associated with the corridor is consistent despite lines crossing into different zones. This is important given that the lines cross 12 different zones or areas within the District Plan. This would lead to an extremely
complex set of provisions if each zone/area was provided for separately. This also allows the approach in the Rototuna area to be consistent with the rest of the City, which is not currently the case in the Operative District Plan 2012.

- Increased awareness and compliance with NZECP34:2001. NZECP34:2001 cannot be enforced until the risk already exists and does not prevent development, including sensitive development, from occurring underneath transmission lines.

- Allows most activities in the Electricity National Grid Corridor, except the National Grid Yard, to be permitted activities, thus reducing any duplication with NZECP34:2001 and reducing the administrative costs of obtaining consent for subdivision, use and development within the corridor.

- Reduced corridor width to the minimum required to avoid reverse sensitivity and ensure operation, maintenance, upgrading and development of the transmission network is not compromised. This minimises the amount of land over which the Electricity National Grid Corridor applies and therefore minimises the costs to land owners of obtaining consent for subdivision, use and development.

- Allows small buildings less than 2.5m in height and less than 10m² in area to be built without resource consent. This allows a small amount of development, such as fences and garden sheds.

- Default to non-complying activity status for some activities sends a strong signal that such proposals are not contemplated or provided for.

**Costs**

- Increased cost of obtaining consent for subdivision, use and development within the corridor compared with the Operative District Plan 2012 approach.

- Administration costs to Council of updating the planning maps if the characteristics of the line change (e.g. additional towers added which reduce swing and therefore reduce the width of the corridor).

- Reduced development options for properties within the corridor.

- Potentially reduce the value of properties within
| the corridor as increased awareness of proximity to the lines. |
| May result in unusable corridor of vacant land that no one wants to be responsible for maintaining. |

**Efficient and Effective**

- This method will be an efficient and effective method of partially achieving objectives 25.7.2.1 and 25.7.2.4.
- The approach is a pragmatic approach to enable a level of development that does not increase the risk to either the transmission network or the community.
- The purpose of the corridor is to ensure the continued operation of the line while minimising the risks of line failure, nuisance and adverse effects on health and property. The corridor approach seeks to:
  - **Ensure that the supply of electricity is secure.**
  - **Promote community safety (including the safety of the public, landowners and power company employees and contractors).**
  - **Ensure that the line operator has 24 hour access to the lines of inspection, maintenance, repair and construction.**
  - **Assist in compliance with the mandatory Electricity Regulations (NZEC34: 2001) and the Tree Regulations (Electricity (Hazards from Trees) Regulations 2003).**
  - **Mitigate against the risk of damage to property.**
  - **Maintain a level of amenity for those living in close proximity to transmission lines.**
  - **Retain the option of maintaining existing lines, rather than building additional lines to meet increased electricity demand.**

- The width of the corridor takes into account the maximum conductor swing to ground distance.
- It is recognised that Transpower will always be an affected party through the consenting process.
- Identifying the National Grid yard and corridor on the planning maps allows those lines to be more efficiently protected. The rules are efficient in seeking the outcome sought by the objective.
This method will ensure Council has regard to the benefits of maintaining the integrity of the national grid and delivers on the requirements of the National Policy Statement on Electricity Transmission (particularly Policy 10 and 11).

### Hamilton Electricity Transmission Networks

**HAM-MER-A**

Single circuit; 110kV; poles

- Urban (residential):
  - road reserve predominantly [Tramway Road/Gordonton Road].
  - includes underground section [Barrington Road, Huntingdon].

- Greenfield/rural north of underground section.

**HAM-MER-B**

Double circuit; 110kV; towers

- Urban (residential) between Northolt Road and Radiata Street.
- Greenfield/rural in 'Waikato DC' sections [now part Hamilton CC] – within RPS 6C Future Proof Map 'urban limit'.

**HAM-WHU-A**

Double circuit; 110kV; towers

- Urban (residential) – two existing residential properties at 316 and 318 Ruakura Road, as illustrated on the planning maps.
- Greenfield – the majority of the line excluding the above residential properties.

**HAM-DEV-A**

Double circuit; 220kV; towers

- Greenfield – identified in RPS as 'Strategic Industrial Node' [Ruakura].

**ARI-HAM-A**

Single circuit; 110kV; poles

- Existing Urban over Silverdale between Sheridan Street and Southsea Crescent.
- Greenfield over Ruakura and existing greenfield areas adjacent to Silverdale as shown on the planning maps.

**ARI-HAM-B**

Double circuit; 110kV; towers

- Existing Urban over Silverdale between Sheridan Street and Southsea Crescent.
- Greenfield over Ruakura and existing greenfield areas adjacent to Silverdale as shown on the planning maps.
HAM-KPO-A

Double circuit; 110kV; towers

- Greenfield [Ruakura area].
- Urban – Waikato University [predominantly sports fields or carparking].
- Urban (residential) between Sheridan Street and Barrie Crescent.
- Greenfield to SH26.

National Grid Corridor and National Grid Yard: Means a buffer area around the national grid high voltage electricity transmission lines identified on the Planning Maps. The purpose of this yard and corridor is to manage activities and structures in close proximity to the National Grid transmission lines and is required by the National Policy Statement for Electricity Transmission. The corridor seeks to ensure that subdivision is designed so that future buildings will avoid the yard. The Corridors within Urban Areas and Greenfield Areas are differentiated on the Planning Maps.

Diagrammatically, the Yard and Corridor are as follows.

National Grid Yard (shown in red)
- the area located 12 metres in any direction from the outer edge of a National Grid support structure; and
- the area located 10 metres either side of the centreline of any above ground 110kV National Grid line on single poles (HAM-MER A, ARI-HAM A); or
- the area located 12 metres either side of the centreline of any above ground National Grid line on towers (HAM-MER B, HAM-WHU A, ARI-HAM B, HAM-KPO A, HAM DEV A)

National Grid Corridor means the area measured either side of the centreline of any above ground electricity transmission line as follows:
- 14m for the 110kV National Grid lines on single poles (HAM-MER A, ARI-HAM A)
- 32m for 110kV National Grid lines on towers (HAM-MER B, HAM-WHU A, ARIHAM B, HAM-KPO A)
- 37m for the 220kV transmission lines (HAM DEV A)

Note:
The National Grid Corridor and National Grid Yard do not apply to underground cables or any transmission lines (or sections of line) that are designated.

<table>
<thead>
<tr>
<th>Activity Table</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Day to day operation, maintenance and repair of existing network utilities is permitted and requires no further resource management regulatory process.</td>
</tr>
<tr>
<td></td>
<td>• Low impact activities such as removal of existing network utilities is permitted.</td>
</tr>
<tr>
<td></td>
<td>• The installation and upgrading of underground network utilities is permitted to encourage undergrounding.</td>
</tr>
<tr>
<td></td>
<td>• Increased visual amenity with undergrounding of utilities.</td>
</tr>
<tr>
<td></td>
<td>• Clear balancing of any adverse effects with the benefits and importance of network utilities.</td>
</tr>
<tr>
<td></td>
<td>• Any activity that may have adverse affects in an Open Space Zone or Special Character Area (excluding Peacocke Character Area) is subject to a discretionary activity and thus assessment against (amongst other things) consistency with objectives and policies.</td>
</tr>
<tr>
<td></td>
<td>• Ensures the identification of any adverse effects and proposed avoidance, mitigation or remediation of those.</td>
</tr>
<tr>
<td></td>
<td>• Clearly makes links between the District Plan rules and the two National Environmental Standards which effectively replace District Plan rules.</td>
</tr>
<tr>
<td></td>
<td>• The benefit of this approach is that minor activities can be undertaken without the need for resource management processes, whilst more complex activities will be subject to a consent process.</td>
</tr>
</tbody>
</table>

**Costs**

- Administrative costs for Council associated with processing applications and assessing compliance.
- Regulatory costs and time for network utility.
- Increased cost associated with installing and maintaining underground structures.

### Efficient and Effective
- The activity status clearly signals to the community and network utility operators the importance of balancing the adverse effects and the benefits of network utilities. Discretion is used where it is considered the activity has potential to create adverse effects and thus require assessment through a resource consent process. This is an efficient approach in achieving the objectives.
- The activity table is effective because it provides a statutory framework which enables the Council to identify activities likely to cause adverse effects and consider those effects through a consent process.

<table>
<thead>
<tr>
<th>Standards</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>25.7.5.1 Height.</td>
<td>- Establishes acceptable parameters for network utility structures in terms of bulk and location.</td>
</tr>
<tr>
<td>25.7.5.2 Cross-sectional width of antenna, poles and masts.</td>
<td>- The bulk and location standards are tailored to the surrounding environment e.g., a residential environment has different standards to an industrial environment.</td>
</tr>
<tr>
<td>25.7.5.3 Separation distance.</td>
<td>- The development controls regulating network utilities also reflect the utilitarian nature of those services. Zone rules would unduly constrain and conflict with operational matters such as the need for overhead lines to clear the ground by a set standard as set out in the electricity statutes.</td>
</tr>
<tr>
<td>25.7.5.4 Size of panels and dishes.</td>
<td>- Increased clarity for location and size requirements of satellite dishes in residential areas.</td>
</tr>
<tr>
<td>25.7.5.5 Cabinets, Equipment and other structures.</td>
<td>- Residential amenity is retained by requirements to place satellite dishes greater than 1m diameter behind the dwelling.</td>
</tr>
<tr>
<td>25.7.5.6 Setbacks.</td>
<td>- Satellite dish standards recognise the importance of connection to culture through television.</td>
</tr>
<tr>
<td>25.7.5.7 Standards in other chapters.</td>
<td>- Greater clarity around lightning rods and whether they constitute part of the structure.</td>
</tr>
<tr>
<td>25.7.5.8 Benefits.</td>
<td>- Increased clarity regarding the maximum size and location of solar / photovoltaic panels.</td>
</tr>
</tbody>
</table>
| 25.7.5.9 Standards in other chapters. | - Increased height limits where antennas are co-
located to facilitate and encourage co-location.

Costs
- Administrative costs for Council associated with processing applications and assessing compliance.
- Limitations on the dimensions of network utility structures.
- Limitations on the location of network utility structures.
- Compromised efficiency of structures in order to meet permitted size and location requirements.

Efficient and Effective
- The standards clearly signal to the community and network utility operators the bulk and location of network utility structures which are acceptable. This is an efficient approach in achieving the objectives.
- The standards are an effective approach because they provide a statutory framework which enables the Council to identify activities likely to cause adverse effects and consider those effects through a consent process.

Benefits
- Protects identified areas with heritage or visual amenity values.
- Provides certainty to the community and network utility providers which areas are to be protected.
- Gives effect to the National Environmental Standard for Telecommunications Activities.

Costs
- Places limitations on the location of network utility structures within a portion of Hamilton.
- Compromised efficiency of structures in order to meet permitted location requirements.
- Additional consenting costs and processing for telecommunications structures in these identified areas.

Efficient and Effective
- These rules will be efficient and effective to achieve objective 25.7.2.2.

Rules not most appropriate to achieve the objectives:

| More permissive activity | While this would result in less regulatory cost and |
| status. | time for the network utility operators, there would be less certainty for the community. There would be no mechanism for assessing the effects of network utility structures and services and no means of mitigation. This would not be an appropriate means of achieving objective 25.7.2.2 in particular. |
| More restrictive activity status. | This would result in increased regulatory cost and time for the network utility operators and would not appropriately recognise the importance of network utilities in the functioning of the City. Requiring each proposal to go through a resource consent process would be cumbersome and unwieldy and would not necessarily result in better environmental outcomes. This would not be an appropriate means of achieving objective 25.7.2.1, 25.7.2.3 and 25.7.2.4 in particular. |
| No control of subdivision, land use and development near electricity transmission lines. | This alternative is not appropriate in that it does not deliver on the requirements of the National Policy Statement on Electricity Transmission which Councils must give effect to. This approach would increase the risk to the community through structures and buildings still being able to be constructed in close proximity to the electricity transmission lines. This increases the risk both to the security of the lines and health and safety of the community. Because of this, the alternative is neither effective nor efficient. |
| Rely only on NZECP34:2001 provisions for control of subdivision, land use and development near electricity transmission lines. | This alternative is not appropriate in that it does not deliver on the requirements of the National Policy Statement on Electricity Transmission. NZECP34:2001 provisions do not control subdivision or sensitive activities. The provisions are also not enforceable until a hazard exists and would be a reactive rather than proactive approach in relation to controls over new buildings or extensions to existing buildings. This alternative would not be an efficient or effective way of achieving the objectives. The proposed approach seeks to avoid duplication of NZECP34:2001 provisions, which must be complied with regardless, by making many activities within the Electricity National Grid Corridor ‘permitted’. An advice note draws attention to the need to comply with NZECP34:2001. An alternative approach would be to have a permitted activity standard requiring compliance with NZECP34:2001, but this would require Council to assess compliance with NZECP34:2001. It is not Council’s responsibility to assess compliance and Council does not have the in-
house expertise for this. Non-compliance with NZECP34:2001 is already addressed via remedies (such as a fine) under the Electricity (Safety) Regulations 2010. The proposed approach avoids the need for Council to have specialised staff or consultants capable of assessing compliance with NZECP34:2001.

No standards.

This alternative is unlikely to achieve good environmental outcomes as there are no limits on bulk and height. This makes it difficult to anticipate the effects of network utility structures, particularly visual and amenity effects. Council has the ability to impose ‘reasonable conditions’ with respect to placement and location of utilities on publicly owned land and similar appliances in the legal road under the Telecommunications Act. This does not extend to network utilities proposed on non-public land.

It is considered that this option would not meet the requirements of the Act or the objectives as detailed above.

## 25.7.6 Specific Standards

### 25.7.6.1 National Grid Buildings and Structures

The addition of specific standards for National Grid Buildings and Structures is important to ensure that adherence to the minimum vertical clearance occurs and that the relevant safe clearance distances are maintained, as outlined in the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001).

### 25.7.6.2 Amateur Radio Configuration

Specific standards for Amateur Radio Configuration allow for the establishment of Amateur Radio within the General Residential Zone and Future Urban Zone. The specific standards relate to Antennas, Aerials and Supporting Structures in relation to Amateur Radio and will ensure the effects of Amateur Radio are appropriately considered.

### 25.7.6.3 Temporary Diesel-Fuelled Generators

Specific standards that provide for the use of temporary diesel-fuelled generators providing the output of the generation and duration of the use do not exceed the specific standards.

<table>
<thead>
<tr>
<th>25.7.7 Assessment Criteria</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• The Plan identifies that certain activities either by virtue of the activity or due to failing standards are controlled, restricted discretionary, discretionary or non-complying activities.</td>
</tr>
</tbody>
</table>
• The Plan includes assessment criteria that are able to be applied in the assessment of these activities through the resource consent process. The criteria are grouped clearly under headings relating to the matters Council has reserved control over (for controlled activities) and restricted its discretion (for restricted discretionary activities). These assessment criteria and the introductory ‘how to’ guide are a useful way to guide all parties on how Council is going to administer the provisions of the Plan.

• The assessment criteria gives transparency and provides clarity for all users on the matters that Council has control or discretion over when considering controlled or restricted discretionary activities, and provides a guide for the consideration of discretionary and non-complying activities.

• The assessment criteria also seeks to avoid duplication of effort or unnecessary assessment by enabling design based criteria to be disregarded if a more relevant design guide is in place or if the criteria is not considered relevant to the specific activity.

Costs

• There is a general duty on an applicant and the Council to consider the assessment criteria firstly for relevance and secondly where considered relevant to assess the application against the criteria to consider the effects.

• There are no identified costs from clarifying in the Plan the matters which will be considered when processing an application.

Efficient and Effective

These provisions will be efficient and effective to achieve the objectives by identifying a list of matters which are able to be used as a guide when both preparing and assessing consent applications which eases the administration and use of the District Plan for all parties.

25.7.5 Methods Other Than Rules

<table>
<thead>
<tr>
<th>Methods most appropriate to achieve the objectives:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Method</strong></td>
</tr>
<tr>
<td>Other plans and legislation</td>
</tr>
</tbody>
</table>
Regulatory methods.  
- National Environmental Standards.
- Regional Policy Statement.
- Designation procedures.
- Hamilton City Infrastructure Technical Specifications: Specifies standards for the provision and construction of utility services.
- Electricity (Safety) Regulations 2010.

Information, education and advocacy  
- Public education and advocacy.
- Advocate for undergrounding of network utility services where practicable.
- Coordinate upgrades with other network utility operators so the road corridor openings are minimised.
- Promote the availability of broadband across the City.
- Council works and services.
- Long term plans, infrastructure plans, and budgets.
- Coordination with other network utility operators regarding the location of new utility services.
- Infrastructure providers: develop infrastructure including roads, passenger transport, water services, electricity and telecommunications infrastructure, as well as public space, including reserves, roads, walkways and cycle-ways to complement higher density areas.
- Manage landowner expectations by clear and consistent information about the constraints and opportunities of network utility structures in close proximity to their property.

Conclusion: Taking into account the above, Council considers that the methods in this chapter are most appropriate to achieve the objectives.

25.7.6 References
- Telecommunications Act 2001
- Resource Management (National Environmental Standards for Electricity Transmission Activities) 2010
- National Policy Statement on Electricity Transmission 2008
- Electricity (Safety) Regulations 2010
- New Zealand Electrical Code of Practice, Electrical Safe Distances:34: 2001
- Electricity (Hazards from Trees) Regulations 2003
- National Policy Statement on Renewable Electricity Generation 2011
- National Environmental Standard for Telecommunication Facilities 2008
- International Commission on Non-Ionising Radiation Protection (ICNIRP) Guidelines
- Hamilton City Operative District Plan 2012
- Waikato Regional Policy Statement (Operative October 2000)
- Waikato Regional Policy Statement (Proposed November 2010 now Operative may 2016)
- Response to Commissioner Questions: Chapter 25.7 Network Utilities
- Ruakura Plan Change – see Appendix 1

25.7.7 Glossary - Refer to District Plan Volume 2, Appendix 1.1.2: District Plan Administration – Definitions Used in the District Plan.
25.8 Noise and Vibration

25.8.1 Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 25.8: City-wide – Noise and Vibration.

The overall approach of the plan chapter is to maintain amenity by managing noise so that it does not adversely affect people’s health, interfere with communication and disturb sleep and concentration. Under the Act, noise includes vibration, so the objectives and policies on noise cover vibration as well, unless the context otherwise requires.

The District Plan standards for noise are important in determining when resource consents will be required for land uses and the assessment of applications. The District Plan provisions are subject to section 16 of the Act, which requires everyone carrying out activities to adopt the best practicable option to ensure that noise does not exceed a reasonable level.

The duty to adopt the best practicable option is not avoided by compliance with a District Plan rule on noise. Noise may be deemed to be excessive even though the District Plan sets permitted noise limits or does not require resource consent. Enforcement action for excessive noise will usually be based on the noise enforcement provisions of the Act, but may be based on exceeding the District Plan standards.

Supporting documents are listed in the References section of this chapter.

25.8.2 Objectives

<table>
<thead>
<tr>
<th>Objective most appropriate to achieve the purpose of the Act:</th>
<th>This objective is most appropriate because it considers the impact of noise effects on the surrounding environment in relation to the activities existing in that environment. It is consistent with s 7(c) which states that particular regard must be given to the maintenance and enhancement of amenity values. It is considered to be the most appropriate means to maintain the health and wellbeing of people and communities.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>25.8.2.1</strong> Activities have minimal adverse noise and vibration effects on other activities and sites, consistent with the amenity values of the receiving environment.</td>
<td>This objective is most appropriate because it considers the impact of new developments on the existing environment, particularly in those locations which are anticipated to have higher noise levels, such as industrial zones, due to the activities which occur there. It is considered to be the most appropriate means to maintain the health and wellbeing of people and communities.</td>
</tr>
<tr>
<td><strong>25.8.2.2</strong> Reduce reverse sensitivity effects arising from new noise sensitive activities locating:</td>
<td></td>
</tr>
<tr>
<td>i. Within the Central City, Business, Industrial, Te Rapa North Industrial, Ruakura Logistics and Ruakura Industrial Park Zones.</td>
<td></td>
</tr>
</tbody>
</table>
ii. Near to transport networks.

iii. Within a defined helinoise boundary.

iv. Within the noise emission boundary of the Te Rapa Dairy Manufacturing Site.

**25.8.2.3**
Reduce reverse-sensitivity vibration effects arising from new development locating near to the rail transport network.

This objective is the most appropriate because it considers the impact on new developments of locating near to existing rail corridors which are likely to have higher vibration levels. It is considered to be the most appropriate means to maintain the health and wellbeing of people and communities.

**Objectives not the most appropriate to achieve the purpose of the Act:**

Do nothing.

This would not be appropriate, because it would not promote quality urban environments that take into account the effects of noise on the surrounding environment. It would not recognise amenity or adverse environmental effects that can be generated by noise and vibration and thus would not cater for the social and cultural wellbeing of communities in section 5.

**Conclusion:** Taking into account the above, Council considers that the objective in this chapter of the plan is the most appropriate to achieve the purpose of the Act.

### 25.8.3 Policies

**Policies most appropriate to achieve the 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.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>25.8.2.1a</strong></td>
<td>The amenity values of the surrounding neighbourhood and adjoining activities, especially noise-sensitive activities, shall be protected from the effects of unreasonable noise.</td>
</tr>
<tr>
<td><strong>25.8.2.1b</strong></td>
<td>Construction, maintenance and demolition activities shall be required to minimise</td>
</tr>
<tr>
<td><strong>Benefits</strong></td>
<td>The policies have environmental and amenity benefits to people and communities. Policy 25.8.2.1a requires that all activities, but particularly noise sensitive activities, are protected from the effects of unreasonable noise. Policies 25.8.2.1b - f require that activities which are considered to generate noise such as roading activities, demolition, commercial and industrial activities, non-residential activities in residential areas, and temporary events are managed to minimise potential effects created</td>
</tr>
</tbody>
</table>
potential adverse effects on the surrounding neighbourhood and adjoining activities.

25.8.2.1c Noise effects arising from new and altered roads should be managed using best practicable options to ensure noise levels received by existing premises and facilities that are sensitive to noise are reasonable.

25.8.2.1d Commercial, industrial and community activities shall ensure that noise received at the boundary of Residential and Special Character Zones is consistent with the existing residential ambient noise environment.

25.8.2.1e Noise from non-residential activities in residential areas shall not unduly adversely affect residential amenity values.

25.8.2.1f Temporary events shall minimise noise impacts on residential activities when taking into account the level and duration of the noise.

The policies have social and cultural benefits as they provide for more liveable residential areas and more integrated non-residential areas that take into account noise standards. This contributes to the social wellbeing of the residential areas.

Each of the policies also have administrative benefits by directing the methods of the District Plan to manage noise from construction, maintenance and demolition activities; from roading activities; from commercial, industrial and community activities at the boundary of the residential zone; non-residential activities in residential areas; and temporary events, particularly at the boundary of residential zones.

Costs

Economic costs associated with implementing and monitoring noise standards for all development adjoining residential areas. There may also be financial costs to activities in order to meet the standards specified in the Plan.

Efficient and Effective

These policies will be efficient and effective at achieving objective 25.8.2.1 by promoting development which takes into consideration the effects on the amenity of the receiving environment of activities generating noise or vibration.

Policies most appropriate to achieve the objective:

25.8.2.2 Reduce reverse sensitivity effects arising from new noise sensitive activities locating:

i. Within the Central City, Business, Industrial, Te Rapa North Industrial, Ruakura Logistics and Ruakura Industrial Park Zones.

ii. Near to Transport networks.

iii. Within a defined helinoise boundary.

iv. Within the Te Rapa Dairy Manufacturing Site Noise Emission Boundary.
### 25.8.2.2a
Noise-sensitive activities locating within the Central City, Business, Industrial, Ruakura Logistics, Te Rapa North and Ruakura Industrial Park Zones or within an existing defined helinoise boundary or within the Te Rapa Dairy Manufacturing Site Noise Emission boundary should include design and materials to reduce interior noise to acceptable levels.

### Benefits
These policies have environmental and economic benefits as they require all new development to consider the environment in which they are developing and not to create reverse sensitivity impacts on the identified locations which are expected to have a higher noise environment than some other parts of the City.

Each of the policies also has administrative benefits by directing the methods of the District Plan to manage reverse sensitivity effects in these specific locations.

### Costs
These policies may have financial implications for developers as they provide less flexibility for new activities in these locations.

### Efficient and Effective
These policies will be efficient and effective to achieve objective 25.8.2.2 by promoting development which takes into consideration the impact of their activity on existing locations and activities.

### Policies most appropriate to achieve the objective:

### 25.8.2.3
Reduce reverse-sensitivity vibration effects arising from new development locating near to the rail transport network.

### Policies

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>25.8.2.3a</td>
<td>New buildings locating near to the rail network should include design and materials to reduce vibration to acceptable levels.</td>
</tr>
<tr>
<td>Benefits</td>
<td>This policy has environmental and economic benefits. It requires all new development to consider the environment in which it is developing in order to minimise the impact of vibration on future occupants, and avoid creating reverse sensitivity impacts on the rail network.</td>
</tr>
</tbody>
</table>
Section 32 – Operative District Plan  Hamilton City Council

### Costs
This policy has financial implications for developers as it provides less flexibility for new activities in these locations.

### Efficient and Effective
These policies will be efficient and effective to achieve objective 25.8.2.3 by promoting development which takes into consideration the impact of their activity on existing locations and activities.

<table>
<thead>
<tr>
<th>Policies not most appropriate to achieve the objectives:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do nothing.</td>
</tr>
<tr>
<td>This approach would not be most appropriate. It would create a level of uncertainty around the amenity expected in the urban environment, in relation to noise and vibration effects, and it would be left to individuals to ensure the design of buildings recognises the constraints of the particular location. Thus the purpose of the Act to sustainably manage the use of natural and physical resources would not be achieved.</td>
</tr>
</tbody>
</table>

### Risks

#### Risks of acting or not acting

The risk of acting is that development opportunities for land adjoining residential areas may be perceived as being too restrictive. This may deter some developers from investing and restrict the operation of activities. It may also limit noise sensitive activities locating in areas with a higher expectation of noise.

The risk of not acting is the development of environments adjoining residential areas are not designed to integrate sustainably and may cause adverse noise effects. This results in non-residential activities having negative effects on surrounding land uses.

The risk of not acting on reverse sensitivity concerns is that it may drive activities which need to produce higher levels of noise, such as manufacturing or automotive repair activities, to move elsewhere or cease operating.

**Conclusion:** Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objectives.

---

### Rules

---

25.8 City-wide – Noise and Vibration  Page 25-107
### Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| **General Standards**  
25.8.3.1 – Measurement and assessment of noise.  
25.8.3.2 Construction Noise.  
25.8.3.3 Construction Vibration.  
25.8.3.4 Design and Construction of New and Altered Roads.  
25.8.3.5 Helicopter Landing Area Noise.  
25.8.3.6 Events and Temporary Activities cross-reference to Chapter 25.3.  
25.8.3.7 Noise Performance Standards for Activities in all zones except Major Facilities, Knowledge and Open Space Zones.  
25.8.3.8 Te Rapa Dairy Manufacturing Site Noise Emission Boundary.  
25.8.3.9 Noise Performance Standards for Activities in Major Facilities, Knowledge and Open Space Zones.  
25.8.3.10 Noise Sensitive Activities – Activities in all zones.  
25.8.3.11 Noise Sensitive Activities – Ruakura Logistics Zone, Ruakura Industrial Park Zone and Knowledge Zone  
25.8.3.12 – Operational Vibration from Rail Lines – Activities in all zones.  
25.8.3.13 – Noise Performance Standards for Activities in the Ruakura Logistics and Rukaura Industrial Park Zone | **Benefits**  
There are benefits to Council and the community in knowing that buildings and sites will be managed to minimise effects from noise and vibration on amenity, and public health, which is also a social benefit.  
Provides scope for Council to control the operation of activities which generate excessive noise.  
**Costs**  
Financial costs for activities to ensure that noise and vibration effects do not have an adverse amenity effect.  
Financial costs on Council associated with enforcing these rules.  
**Efficient and Effective**  
These rules will be efficient and effective to achieve objectives 25.8.2.1, 25.8.2.2 and 25.8.2.3 by providing a clear framework that identifies the appropriate standards to assess and measure noise in general, and specifically for construction noise and vibration, construction of new and altered roads, and for helicopter landing areas.  
The rules cross-reference to existing recognised national and international standards that have been included based upon research; a report prepared by Malcolm Hunt Associates on the noise rules in the Operative District Plan 2012, in-house expertise, and feedback on the draft plan. The rules are supported by an acoustic report prepared by Malcolm Hunt & Associates which identified the relevant and most recent standards appropriate for these activities.  
Rule 25.8.3.7 sets maximum noise levels, for different times of the day, measured at the zone boundary of, or notional boundary of any site within, the Residential, Special Character and Future Urban Zones. This complies with the direction in the policies, provides a more flexible regime for other zones such as the commercial zone activities whilst ensuring that the amenity levels at the boundary of these zones are maintained. This approach, particularly in
<table>
<thead>
<tr>
<th>Rule</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>25.8.3.14</td>
<td>Non-conformity with Standards in the Ruakura Logistics Zone Volume 2, Appendix 14-1 – Residential Units in the Ruakura Logistics Zone.</td>
</tr>
<tr>
<td></td>
<td>relation to the Central City, was recommended in the Acoustic Report. The rule also applies the residential noise limit to residential units in the Ruakura Logistics Zones, arising from their zoning changing from a residential type of use to a logistics use and in order to protect their amenity.</td>
</tr>
<tr>
<td>Rule 25.8.3.7</td>
<td>c) sets maximum noise levels within the Industrial, Te Rapa North Industrial Zone (Stages 1A and 1B and, once the Deferred Industrial Zoning overlay is removed, the remainder of the Zone), except within the Te Rapa Dairy Manufacturing Site, Ruakura Logistics and Ruakura Industrial Park Zones. This is higher than in other Zones, but also encourages a certain level of amenity within the Zone.</td>
</tr>
<tr>
<td>Rule 25.8.3.8</td>
<td>manages noise from activities within the Te Rapa Dairy Manufacturing Site in a consistent and coherent manner: it requires the noise standard to be met at the Te Rapa Dairy Manufacturing Site Noise Emission Boundary.</td>
</tr>
<tr>
<td>Rule 25.8.3.9</td>
<td>provides clear noise limits that apply within the Major Facilities Zone, Knowledge and Open Space Zones, and to a set number of events in specific locations within the Major Facilities Zone.</td>
</tr>
<tr>
<td>Rule 25.8.3.10</td>
<td>sets requirements for noise sensitive activities that occur within all zones. It manages the amenity of these activities, and ensures they do not have reverse sensitivity effects on the surrounding environment. An example of a noise sensitive activity is a residential activity. The setback distance from a transport corridor within which Rule 25.8.3.10 applies varies according to whether or not the transport corridor is the Waikato Expressway, another State highway or road, or a railway. It may also depend on the traffic volume and speed limit. The rule is deemed to be complied with if a habitable room is effectively screened from the transport corridor by an existing solid building or land form.</td>
</tr>
<tr>
<td>Rule 25.8.3.11</td>
<td>aims to protect the amenity of new vibration sensitive activities near the rail transport network, and is based on an international standard that aims to protect the wellbeing of the community located in close proximity to the railway.</td>
</tr>
</tbody>
</table>
These rules have been established based upon research and a report prepared by Malcolm Hunt Associates on the noise rules in the Operative District Plan 2012. They have also been developed with the in-house environmental health officer, and feedback on the draft plan. Weekend noise limits were removed from the rules in order to simplify noise rules and make compliance easier to assess; there is no evidence of increased sensitivity to daytime noise on Sundays and public holidays, and trends in other urban District Plans in New Zealand is to standardise noise limits for all days of the week.

The Malcolm Hunt Associates report also recommended a general update but no wholesale change in approach was considered necessary. The noise decibel limits in the general noise standards have been retained, with a change to the new noise descriptor, and some minor amendments to the limits.

The noise standard applying to activities within the Te Rapa Dairy Manufacturing Site, other than construction noise, (Rule 25.8.3.8) was refined through the appeal process. Settlement of the appeal established a single noise standard to be met at the Te Rapa Dairy Manufacturing Site Noise Emission Boundary at all times. Prior to settlement of the appeal, there was a night time limit and a higher day time limit. The all day limit is based on the former night time limit. Consequential amendments included the addition of Figure 6-4, which defines the extent of the Te Rapa Dairy Manufacturing Site and the location of the Te Rapa Dairy Manufacturing Site Noise Emission Boundary.

Rules 25.8.3.11, 25.8.3.13, and 25.8.3.14 all relate specifically to the Ruakura Plan Change – see Appendix 1

### Rules not most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Inclusion of general standards for:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wind farms.</td>
</tr>
<tr>
<td>Airport noise management.</td>
</tr>
<tr>
<td>Port noise.</td>
</tr>
</tbody>
</table>

| Rules regarding noise from wind farms, airports, port and motorised watercraft were considered in the Acoustic Report. They were subsequently deemed to be unnecessary within the Hamilton City context to give effect to the purpose of the Act for the following reasons: |
Motorised watercraft. | Wind farms are not identified as an activity in any zone.  
Port Noise Management was considered in the Acoustic report but given that Hamilton is land locked and does not have any ports was deemed unnecessary.  
There have not been any noise or vibration issues arising from motorised watercraft and so inclusion of standards was not considered necessary.  
Airport noise management was considered through Variation 22 to the Part Operative District Plan, and the decision on this variation did not include noise controls. Consequently airport noise management controls have not been incorporated into the District Plan.

<table>
<thead>
<tr>
<th>Risks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Risks of not acting</td>
</tr>
</tbody>
</table>

The risks of not acting are the potential for conflict to arise as a result of noise impacting on amenity.

**Conclusion:** Taking into account the above, Council considers that the rules in this chapter are most appropriate to achieve the objectives.

### 25.8.5 Methods Other Than Rules

**Methods most appropriate to achieve the objectives:**

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| **Regulatory methods**<br>Enforcement action through the “excessive noise” provisions of the RMA, sections 326 – 328. | **Benefits**<br>There are amenity benefits for the community, and administrative benefits to Council, as this method enables Council to manage and take enforcement action for excessive noise.  
**Costs**<br>There are amenity costs to the community and financial costs to Council to manage and enforce noise issues through this process.  
**Efficient and Effective**<br>These methods will be efficient and effective to achieve objective 25.8.2.1 and 25.8.2.2 by providing the ability to enforce in situations where noise is excessive. |

<table>
<thead>
<tr>
<th>Risks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Risks of acting or not acting</td>
</tr>
</tbody>
</table>
The risks of acting are an increased perception of Council as being ‘heavy-handed’ and overly prescriptive.

The risks of not acting are conflicts arising within communities due to the impact of noise on amenity.

**Conclusion:** Taking into account the above, Council considers that the methods in this chapter are most appropriate to achieve the objectives.

### 25.8.6 References


*NZS 6801: 2008 Acoustics – Measurement of Environmental Sound*

*NZS 6802: 2008 Acoustics – Environmental Noise*

*NZS 6806:2009 Acoustics – Road Traffic Noise – New and Altered Roads*

*NZS 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas*

*DIN 4150-3:1999 Structural vibration – Effects of vibration on structures*


*Ruakura Plan Change – See Appendix 1*

### 25.8.7 Glossary

*Refer to Volume 2, Appendix 1.1.2 of the District Plan*
25.9 Public Art

25.9.1 Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 25.9: City-wide – Public Art.

The overall approach of the plan chapter is to increase the provision of art throughout the City. Public art provides an opportunity to create a sense of place, and to add to an aesthetically attractive and vibrant City. A District Plan can contribute to the inclusion of public art in public places through bulk and location standards, and incentives. These are included in other sections of the District Plan and so are not assessed against this Chapter.

Supporting documents are listed in the References section of this chapter.

25.9.2 Objectives

<table>
<thead>
<tr>
<th>Objective most appropriate to achieve the purpose of the Act:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>25.9.2.1</strong> Increased provision of art throughout the City that is reflective of the character and diversity of the Hamilton community.</td>
</tr>
<tr>
<td>This objective is most appropriate because it recognises the value of encouraging and celebrating art and diversity in Hamilton. This is consistent with section 5(2) of the Act, to sustainably manage the use, development, and protection of resources which enables people and communities to meet their needs. It is also consistent with 7(c) of the Act, which states that particular regard must be given to the maintenance and enhancement of amenity values.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Objectives not the most appropriate to achieve the purpose of the Act:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do nothing.</td>
</tr>
<tr>
<td>This would not be appropriate because it would not promote the enhancement and celebration of Hamilton’s cultural identity and artistic character expression which would not promote sustainable management of resources for communities to meet their cultural and social needs in accordance with section 5 of the Act.</td>
</tr>
</tbody>
</table>

**Conclusion:** Taking into account the above, Council considers that the objective in this chapter of the plan is the most appropriate to achieve the purpose of the Act.

25.9.3 Policies

<table>
<thead>
<tr>
<th>Policies most appropriate to achieve the objective:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>25.9.2.1</strong> Increased provision of art throughout the City that is reflective of the character and diversity of the Hamilton community.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
### 25.9.2.1a
Public art shall be encouraged in public places and on private land that is easily visible from public places and that has relevance to the site, history, the environment, or has cultural significance.

### Benefits
The policies have environmental benefits as they encourage enhancement of aspects of the environment in particular visual amenity. This protects the environment from inappropriate development which may detract from the visual amenity of the area and detrimental long term impacts. This includes any detrimental impact on the transportation network.

The policies have social and cultural benefits as they enhance the liveability of areas and promote cultural and artistic expression through design, construction and improving local amenity values.

### Costs
Potential financial costs to Council and therefore to ratepayers from encouraging access to arts and cultural activities, particularly if these are provided by the council.

### Efficient and Effective
These policies will be efficient and effective to achieve objective 25.9.2.1 by catering for the enhancement of Hamilton’s natural and physical environment and recognising the significance of cultural and artistic expression. It is effective and efficient in that it encourages design that takes into account Hamilton’s diverse community and therefore improves the social and cultural wellbeing of residents.

### Policies not most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Policies</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do nothing.</td>
<td>This approach would not be appropriate as it would not promote the sustainable use of resources. It would allow development and the use of resources to occur without looking at the needs of future generations.</td>
</tr>
</tbody>
</table>

### Risks

Risks of acting or not acting.

The risks of acting are artistic expressions in public spaces which do not necessarily represent all communities in Hamilton. All art is subjective and therefore certain forms of public art may not be appreciated by some portions of society.

The risk of not acting is a built environment which is lacking in character and identity which decreases the visual amenity and liveability of the City.

**Conclusion:** Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objective.
25.9.4 Rules

**Rules most appropriate to achieve the objectives:**

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>There are no rules in this chapter of the Plan. Rules in other chapters of the Plan include incentives within the Central City Zone.</td>
<td>This approach provides an overarching policy direction under the title of Public Art, but leaves the rules to be located in a location within the District Plan which users will find easier to locate. The rules themselves are assessed in each of the relevant chapters.</td>
</tr>
</tbody>
</table>

25.9.5 Methods Other Than Rules

**Methods most appropriate to achieve the objectives:**

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulatory methods Hamilton City Council Bylaws.</td>
<td>Benefits</td>
</tr>
<tr>
<td></td>
<td>There are environment and economic benefits from using bylaws to control public space, for example, to require public art to be erected in appropriate locations etc. This works complementary to the District Plan.</td>
</tr>
<tr>
<td></td>
<td>Costs</td>
</tr>
<tr>
<td></td>
<td>There can be economic costs associated with having to get approvals through one or more different processes.</td>
</tr>
<tr>
<td></td>
<td>Efficient and Effective</td>
</tr>
<tr>
<td></td>
<td>These methods will be efficient and effective to achieve objective 25.9.2.1 by ensuring that they manage public art to maintain and improve the amenity of the City’s environment.</td>
</tr>
</tbody>
</table>

| Council works and services Provision of public art by the City. | Benefits |
| | This method provides environmental and economic benefits to Council as Council can directly achieve the outcomes they seek. |
| | Costs |
| | There are financial costs to Council, and therefore to ratepayers, to undertake these methods. |
| | Efficient and Effective |
| | These methods will be efficient and effective to achieve objective 25.9.2.1 by ensuring development undertaken by Council meets the objectives of the District Plan. |
Information, education and advocacy
Advocate for public art in the City.

Benefits
This method provides social benefits as it enables Council to talk about and encourage voluntary public art.

Costs
This method will have minor financial implications arising from time spent on this activity.

Efficient and Effective
Public art has historically often been a gift to the public on behalf of benefactors. This method has the potential to be effective at little cost to the Council.

Risks
Risks of acting or not acting.

The risks of acting are that there will be art erected around of the City that will cause some controversy. As noted previously all art is subjective and therefore certain forms of public art may not be appreciated by some portions of society.

The risks of not acting are that the District Plan becomes the sole requirement for public art in the City, which will have less success than if multiple tools are used.

Conclusion: Taking into account the above, Council considers that the methods in this chapter are most appropriate to achieve the objectives.

25.9.6 References

*Hamilton City Council’s Art in Public Places Policy 2012*

*Public Art Plan 2010-2020*

*Creativity and Identity Strategy 2010*

*Hamilton Arts Agenda 2012*

*Hamilton City Public Places Bylaw 2009*

*Section 42A Hearing Report: 3 October 2013: Report on submissions and further submissions: Chapter 25.9 Public Art*

25.9.7 Glossary

*Refer to Volume 2, Appendix 1.1.2 of the District Plan*
25.10 Signs

25.10.1 Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 25.10: City-wide – Signs.

The overall approach of the plan chapter is to facilitate the use of signs as they are valued as a tool to communicate information to the public, whilst managing the quality and location of signs so that potential visual amenity effects are avoided. Signs have the potential to create adverse effects, particularly in areas where high amenity levels are expected. They also have the potential to adversely affect traffic when located adjacent to roads.

Supporting documents are listed in the References section of this chapter.

25.10.2 Objectives

**Objective most appropriate to achieve the purpose of the Act:**

<table>
<thead>
<tr>
<th>Objective</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>25.10.2.1</td>
<td>Provide for signs which contribute positively to an area and do not compromise visual amenity and transport safety.</td>
</tr>
</tbody>
</table>

This objective is most appropriate because it recognises the value of maintaining visual amenity and road safety from the potential effects of signs. This facilitates the wellbeing, health and safety of people and communities. It also gives effect to section 7(c) of the Act, which states that particular regard must be given to the maintenance and enhancement of amenity values.

**Objectives not the most appropriate to achieve the purpose of the Act:**

<table>
<thead>
<tr>
<th>Objective</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do nothing.</td>
<td></td>
</tr>
</tbody>
</table>

This would not be appropriate, because it would not address issues of road safety in regards to signs causing visual obstructions and distractions. Nor would it address the potential for negative impact on the visual amenity.

**Conclusion:** Taking into account the above, Council considers that the objective in this chapter of the plan is the most appropriate to achieve the purpose of the Act.

25.10.3 Policies

**Policies most appropriate to achieve the objective:**

<table>
<thead>
<tr>
<th>Policy</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>25.10.2.1</td>
<td>Provide for signs which contribute positively to an area and do not compromise visual amenity and transport safety.</td>
</tr>
</tbody>
</table>

**Policies**

<table>
<thead>
<tr>
<th>Policy</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>25.10.2.1a</td>
<td>Benefits</td>
</tr>
<tr>
<td>The number, size, location and appearance of signs</td>
<td>Policies 25.10.2.1a, 25.10.2.1b, 25.10.2.1d, 25.10.2.1e and 25.10.2.1f have environmental...</td>
</tr>
</tbody>
</table>
visible from public places shall maintain the character of the area.

25.10.2.1b
Signs shall not create adverse effects from illumination, light spill, flashing or reflection.

25.10.2.1c
Messages or images on signs visible from transport corridors shall not confuse or distract transport corridor users.

25.10.2.1d
Signs in the Central City Zone that contribute to an attractive and vibrant centre should be allowed.

25.10.2.1e
Signs on scheduled historic heritage buildings and sites and archaeological and cultural sites shall be compatible with the heritage values being protected.

25.10.2.1f
Signs shall be well maintained to minimise impacts on visual amenity values.

benefits as they provide for the visual amenity of the environment. They take into consideration the visual impact of signs and the effects that signs can have on the character, heritage and appearance of the environment. They also have economic benefits as they facilitate people’s ability to use signs to communicate messages.

- Policy 25.1.2.1c has social, health and safety benefits as it provides for the safety of transport corridor users and recognises the dangers of highly visible and potentially distracting signs.
- Policy 25.1.2.1d has social benefits as it encourages the contribution towards providing an attractive and vibrant centre and thus contributes to the identity and character of the centre.

Costs

- There are economic costs for people to ensure that they meet the standards for signs.
- Costs to Council to monitor and enforce sign standards.

Efficient and Effective

- These policies will be efficient and effective to achieve objective 25.1.2.1 by catering for the safety of transport corridor users as well as the visual amenity and appearance of the city.

Policies not most appropriate to achieve the objectives:

| Do nothing. | This approach would not be appropriate as it would not manage the potential effects arising from signs on amenity and transport corridor safety. |

Risks

Risks of acting or not acting.

- The risks of not acting are in regards to the safety of road users and the detrimental impact that distractive signage can have. Other risks involve the loss of visual amenity and loss of the character of the city. These risks have further impacts such as on the social wellbeing of the area and the vibrancy and attractiveness of the city.

Conclusion: Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objectives.
### Rules

#### Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| 25.10.3 Activity status table which identifies:  
a) The following activities as permitted activities:  
i. Temporary signs.  
ii. Low intensity signs.  
iii. Any low intensity sign which is not visible from beyond the site on which it is located.  
v. Traffic control devices and signs erected by a public authority.  
| Benefits |  
- The rules provide social benefits to the surrounding community in terms of providing clear direction that signs are to be provided for (subject to standards), and social and economic benefits to landowners/occupiers in terms of certainty from which they can plan and manage signs on their sites. The rules also provide clarity that signs on environmentally sensitive sites require consent, and high intensity signs, irrespective of the zone, are a discretionary activity.  
- The rules also recognise the changes in technology and the increasing use of so-called electronic or digital signage and the potential advantages these may have in the communication of information.  
| Costs |  
- There are potential financial costs to the land owner in adhering to the rules relating to signs.  
| Efficient and Effective |  
- These rules will be efficient and effective to achieve objective 25.10.2.1 by providing a clear definition of what is permitted and what is not a permitted.  
| 25.10.4 General Standards on:  
c) High intensity signs as discretionary activities. |

#### 25.10.4 General Standards on: Benefits  
- The rules provide social benefits to the
| Signs not visible from outside a site. | surrounding community in terms of providing clear direction about the manner in which signs are to be provided, and social and economic benefits to landowners/occupiers in terms of certainty from which they can plan and manage signs on their sites. |
| Signs near to transport corridor. | Costs |
| The relationship between signs and site setback controls. | • There are potential financial costs to the land owner in adhering to the rules relating to signs. |
| How to interpret the specific standard. | Efficient and Effective |
| Images to avoid in order to not create a distraction for transport corridor users. | • These rules will be efficient and effective to achieve objective 25.10.2.1 by providing clear standards that apply to all signs. |

| 25.10.5 Specific Standards on: | Benefits |
| Illuminated signs including Electronic Signs25.10.5.1). | • The rules provide social benefits to the surrounding community in terms of providing clear direction about the manner in which signs are to be provided, the size, number of signs, and information permitted to be displayed on the sign. They also provide an economic benefit to landowners/occupiers in terms of certainty from which they can plan and manage signs on their sites. |
| The type of sign, and the maximum number of signs, the area, dimensions and heights for signs in specific zones including Future Urban, Open Space, Major Facilities, Community Facilities, Residential and Special Character, Central City, Business and Industrial, Knowledge, Ruakura Logistics and Ruakura Industrial Park Zone (25.10.5.1 to 25.10.5.9). | Costs |
| Veranda signs above the Transport Corridor Zone (25.10.5.10). | • There are potential financial costs to the land owner in adhering to the rules relating to signs. |
| Scheduled Historic Heritage Buildings and Sites listed in Volume 2, Appendix 8, Schedule 8A and 8B (25.10.5.11). | Efficient and Effective |
| Temporary sign standards (25.10.5.12). | • These rules will be efficient and effective to achieve objective 25.10.2.1 by providing a clear framework for signs within each zone that is appropriate to each zone. |
| | • The specific standards are an update on the standards in the Operative District Plan but do not represent a wholesale change. For example, Veranda signs above the Transport Corridor Zone have been included in the District Plan where previously they were solely in a Bylaw, as the Transport Corridor is now zoned. The Business and Industrial Zone standards for signs have also been updated in conjunction with urban design advice to continue to enable a more permissive approach to signs than in other zones, but to also recognise that amenity of these zones is important, and to relate the signs to the size of buildings within these zones. |
Illuminated sign standards have been updated in accordance with advice in the Lighting Considerations for District Plan Report prepared in July 2010 by MWH, which recommended that the signage section be amended to identify the low intensity and high intensity signs as meeting the same intensity rules as the rural and general signs for the NZS 9201-Part 8-1999: Model Building Bylaws Control of Advertising Signs.

The above does not apply to Electronic signs which are subject to their own set of standards (see Rule 25.10.5.7 (b))

<table>
<thead>
<tr>
<th>Assessment Criteria</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The Plan identifies that certain activities either by virtue of the activity or due to failing standards are controlled, restricted discretionary, discretionary or non-complying activities.</td>
<td></td>
</tr>
<tr>
<td>• The Plan includes assessment criteria that are able to be applied in the assessment of these activities through the resource consent process. The criteria are grouped clearly under headings relating to the matters Council has reserved control over (for controlled activities) and restricted its discretion (for restricted discretionary activities). These assessment criteria and the introductory ‘how to’ guide are a useful way to guide all parties on how Council is going to administer the provisions of the Plan.</td>
<td></td>
</tr>
<tr>
<td>• The assessment criteria gives transparency and provides clarity for all users on the matters that Council has control or discretion over when considering controlled or restricted discretionary activities, and provides a guide for the consideration of discretionary and non-complying activities.</td>
<td></td>
</tr>
<tr>
<td>• The assessment criteria also seeks to avoid duplication of effort or unnecessary assessment by enabling design based criteria to be disregarded if a more relevant design guide is in place or if the criteria is not considered relevant to the specific activity.</td>
<td></td>
</tr>
</tbody>
</table>

| Costs |
|• There is a general duty on an applicant and the Council to consider the assessment criteria firstly for relevance and secondly where considered |
relevant to assess the application against the criteria to consider the effects.

- There are no identified costs from clarifying in the Plan the matters which will be considered when processing an application.

**Efficient and Effective**

These provisions will be efficient and effective to achieve the objectives by identifying a list of matters which are able to be used as a guide when both preparing and assessing consent applications which eases the administration and use of the District Plan for all parties.

### Rules not most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Rules requiring all signs to obtain resource consent.</th>
<th>This approach would be very restrictive and would add significant cost and time for those wishing to erect a sign, as well as for Council to process applications. Consequently it was deemed to be an inappropriate method.</th>
</tr>
</thead>
<tbody>
<tr>
<td>No rules to control signs.</td>
<td>This approach was deemed to be too permissive and would not enable management of the potential adverse effects of signs. Consequently it was deemed to be an inappropriate method.</td>
</tr>
</tbody>
</table>

**Risks**

Risks of acting or not acting.

- The risks of acting are that the standards restrict the ability of businesses and individuals to erect signs.

- The risks of not acting are that signs could undermine the amenity and character of the City.

**Conclusion:** Taking into account the above, Council considers that the rules in this chapter are most appropriate to achieve the objectives.

### 25.10.5 Methods Other Than Rules

#### Methods most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulatory methods: Hamilton City Council Public Places Bylaw. Enforcement processes under Resource Management Act.</td>
<td><strong>Benefits</strong>&lt;br&gt;• The bylaw method has administrative benefits for Council, and environmental/amenity benefits for the community as it controls signage on footpaths, streets and public places according to a licensing framework.&lt;br&gt;&lt;br&gt;Costs</td>
</tr>
<tr>
<td>Council works and services: Signage placed by council</td>
<td>Benefits</td>
</tr>
<tr>
<td>------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td><strong>Efficient and Effective</strong></td>
<td><strong>Costs</strong></td>
</tr>
<tr>
<td>• These methods will be efficient and effective to achieve objective 25.10.2.1 by managing signs in public places to maintain amenity and safety.</td>
<td>• There are financial costs to the Council to undertake enforcement action.</td>
</tr>
<tr>
<td>• There are costs to those wishing to erect signs in public places to obtain a licence for signs through the bylaw process.</td>
<td>• There are costs to those wishing to erect signs in public places to obtain a licence for signs through the bylaw process.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Information, education and advocacy: Advocate for enhanced advertising standards in commercial centres and along industrial frontages.</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Efficient and Effective</strong></td>
<td><strong>Costs</strong></td>
</tr>
<tr>
<td>• These methods will be efficient and effective to achieve objective 25.10.2.1 by promoting good design in areas such as commercial centres where signs can enhance the character and amenity of the City.</td>
<td>• There are minor financial costs to Council to undertake advocacy activities.</td>
</tr>
<tr>
<td><strong>Benefits</strong></td>
<td><strong>Costs</strong></td>
</tr>
<tr>
<td>• This method has the benefit of encouraging good design, with minimal adverse effects.</td>
<td>• There are minor financial costs to Council to undertake advocacy activities.</td>
</tr>
</tbody>
</table>

**Costs**
- There are financial costs to Council to erect these signs, however in circumstances where these signs are a required part of business the additional cost is minimal or nil.
Risks
Risks of acting or not acting.

The risks of not acting are that the rules are not supported by advocacy nor enforcement actions.

Conclusion: Taking into account the above, Council considers that the methods in this chapter are most appropriate to achieve the objectives.

25.10.6 References
- "Lighting Considerations for the District Plan Report", prepared by MWH on behalf of Hamilton City Council, July 2010
- NZS 9201-Part8-1999: Control of Advertising Signs
- Manual of Traffic Signs and Markings, NZTA
- Traffic Control Devices Manual, NZTA
- Hamilton City Public Places Bylaw 2009
- Hamilton City Development Manual (Hamilton City Infrastructure Technical Specifications)
- Electoral Act 1993
- Section 42A Hearing Report: 3 October 2013: Report on submissions and further submissions: Chapter 25.10 Signs
- Response to Commissioner questions: Chapter 25.10 - Signage

25.10.7 Glossary
- Refer to Volume2, Appendix 1.1.2 of the District Plan
25.11 Smoke, Fumes, Odour and Dust

25.11.1 Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 25.11: City-wide – Smoke, Fumes, Odour and Dust. The overall approach of the plan chapter is to maintain amenity values by managing potential nuisance effects arising from smoke, fumes, odour and dust. Supporting documents are listed in the References section of this chapter.

25.11.2 Objectives

**Objective most appropriate to achieve the purpose of the Act:**

<table>
<thead>
<tr>
<th>25.11.2.1</th>
<th>Avoid adverse effects on local amenity values and people’s wellbeing arising from smoke, fumes, odour and dust.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This objective is most appropriate because it recognises the value of preserving social wellbeing and the negative impacts of smoke, fumes, odour and dust. This is consistent with section 5(2) of the Act, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety. It is also consistent with sections 7(c) and 7(f) of the Act, which state that particular regard must be given to the maintenance and enhancement of amenity values and the quality of the environment.</td>
</tr>
</tbody>
</table>

**Objectives not the most appropriate to achieve the purpose of the Act:**

| Do nothing. | This would not be the appropriate option because it would not provide for local amenity values that are adversely affected by smoke, fumes, odour and dust. |

**Conclusion:** Taking into account the above, Council considers that the objective in this chapter of the plan is the most appropriate to achieve the purpose of the Act.

25.11.3 Policies

**Policies most appropriate to achieve the objective:**

<table>
<thead>
<tr>
<th>25.11.2.1</th>
<th>Avoid adverse effects on local amenity values and people’s wellbeing arising from smoke, fumes, odour and dust.</th>
</tr>
</thead>
</table>

**Policies**

<table>
<thead>
<tr>
<th>25.11.2.1a</th>
<th>Avoid adverse effects of offensive or objectionable smoke, fumes, odour or dust, shall be avoided outside the site where they originate.</th>
</tr>
</thead>
</table>

**Effectiveness, efficiency, costs and benefits**

**Benefits**

- Policies 25.11.2.1a, 25.11.2.1b and 25.11.2.1c have environmental and ecological benefits as they reduce the adverse impacts of smoke, fumes and dust on the environment, and social benefits as they provide for spatial management of activities which have the potential to generate...
25.11.2.1b Activities sensitive to smoke, fumes, odour or dust, should not locate where amenity values are already compromised by those effects.

25.11.2.1c Activities that pose significant risks of major adverse effects on air quality should not locate where high air quality is expected.

• objectionable smoke, fumes, odour and dust. This then preserves the local amenity values of areas where high air quality is expected.

• Policy 25.11.2.1c provides for economic benefits by providing higher quality environments in the City and thus attracting more business and residential opportunities.

Costs

• There are economic and activity associated costs to Council to manage and monitor smoke, fumes, odour and dust.

Efficient and Effective

• Impacts on amenity values from smoke, fumes, odour or dust can arise from a variety of land uses. They often cannot be contained within the site where they originate, and some dispersal across the boundaries is inevitable and usually acceptable. There is often a subjective element in the way these effects are perceived. The first policy addresses smoke, fumes, odour or dust that is offensive or objectionable outside the originating site. What is offensive or objectionable will vary according to the characteristics of the area. Only very low levels of smoke, fumes, odour or dust will be acceptable in residential areas, while higher levels may be acceptable in Industrial Zones.

• The second and third policies envisage that activities with similar effects or expectation of amenity be grouped together, and those with dissimilar effects and expectations be kept apart. This will help to reduce conflicts, the potential for reverse sensitivity and help to mitigate effects that cannot be contained within sites.

• These policies will be efficient and effective to achieve objective 25.11.2.1 in that they are direct and clearly set out the framework for which the adverse effects of smoke, fumes, dust and odour are to be avoided and mitigated. The benefits are considered to outweigh the identified costs.

Policies not most appropriate to achieve the objectives:

Do nothing. This approach would not be most appropriate as activities that pose significant risks of major adverse effects would compromise local amenity values.

Risks
Risks of acting or not acting.
The risks of not acting are the effects of smoke, fumes, odour and dust having a detrimental impact on other activities which may be sensitive to these effects; which decreases the quality of the environment and adversely affects the social wellbeing of communities. This may then result in economic risks as these objectionable effects may cause a decrease in the value of property.

Conclusion: Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objectives.

25.11.4 Rules

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| Zones identified on the planning maps and supported by activity status tables which identify appropriate activities in a zone. | Benefits  
This has amenity and environmental benefits for the community as it encourages activities with similar effects or expectation of amenity to be grouped together, and those with dissimilar effects and expectations to be kept apart. This will help to reduce conflicts, the potential for reverse sensitivity and help to mitigate effects that cannot be contained on sites. |
| | Costs  
- There are economic costs to those wishing to undertake activities in a zone where the activity has not been identified as appropriate for the zone. |
| General Standard |  
25.11.3 a)  
Outlining that no objectionable or offensive dust, smoke, fumes or odour has adverse effects at any other site, supported with a note advising about enforcement duties under Section 17 of the Act. | Benefits  
- This has amenity and environmental benefits for the community as it provides a mechanism to clearly outline that objectionable or offensive dust, smoke, fumes or odour is not to have adverse effects on any other site, and that enforcement action could be taken under Section 17 of the Act. |
| | Costs  
- There are administrative costs to Council to enforce this provision, as well as potential economic costs to the site owner/occupier to |
Section 32 – Operative District Plan  Hamilton City Council

<table>
<thead>
<tr>
<th>Ensure adverse effects relating to dust, smoke, fumes or odour are not generated.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Efficient and Effective</strong></td>
</tr>
<tr>
<td>- These rules will be efficient and effective to achieve objective 25.11.2.1 by encouraging activities with similar expected amenity levels to be located together, and to facilitate enforcement processes if required.</td>
</tr>
</tbody>
</table>

### Rules not most appropriate to achieve the objectives:

| No rules. | This will not be an appropriate option to give effect to the objective as it will not address effects on local amenity values or people’s wellbeing arising from smoke, fumes, odour and dust. |

### Risks

- The risks of not acting are the potential for adverse amenity effects arising from activities within Hamilton City.

**Conclusion:** Taking into account the above, Council considers that the rules in this chapter are most appropriate to achieve the objectives.

### 25.11.5 References

- Resource Management Act 1991
- Waikato Regional Plan (Operative in part September 2007)
- Hamilton City Bylaws
- Health Act 1956
- Section 42A Hearing Report: 3 October 2013: Report on submissions and further submissions: Chapter 25.11 Smoke, Fumes, Odour and Dust

### 25.11.6 Glossary

- Refer to Volume 2, Appendix 1.1.2 of the District Plan
25.12 Solid Waste

25.12.1 Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 25.12: City-wide – Solid Waste.

The overall approach of the plan chapter is to provide for solid waste activities and facilities in appropriate zones, and to reduce the amount of solid waste being generated and entering landfills through requiring developments to provide facilities that encourage a reduction in the quantity of solid waste entering landfill.

Supporting documents are listed in the References section of this chapter.

25.12.2 Objectives

<table>
<thead>
<tr>
<th>Objective most appropriate to achieve the purpose of the Act:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>25.12.2.1</strong> Reduce the amount of solid waste generated and ultimately entering landfills.</td>
<td>This objective is most appropriate because it addresses the sustainable management of natural and physical resources by promoting a reduction in resources entering landfill. It is also consistent with section 7(b) of the Act which states that particular regard must be given to the efficient use and development of resources.</td>
</tr>
<tr>
<td><strong>25.12.2.2</strong> Solid waste activities and facilities are managed in a way that addresses adverse effects from the storage and disposal of solid waste.</td>
<td>This objective is most appropriate to achieve the purpose of the Act because it recognises the value of providing for solid waste activities and facilities and promotes appropriate management of the potential effects arising from these activities and facilities. This is consistent with section 5(2) as it promotes the sustainable management of natural and physical resources and the avoidance of adverse effects of activities on the environment. It is also consistent with sections 7(b) and 7(c) which state that particular regard must be given to the efficient use and development of resources and the maintenance and enhancement of amenity values.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Objectives not the most appropriate to achieve the purpose of the Act:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Do nothing.</td>
<td>This would not be appropriate because it would not sustainably manage the use, development and protection of natural and physical resources in accordance with section 5 of the Act.</td>
</tr>
</tbody>
</table>

**Conclusion:** Taking into account the above, Council considers that the objective in this chapter of the plan is the most appropriate to achieve the purpose of the Act.
### 25.12.3 Policies

#### Policies most appropriate to achieve the objective:

**25.12.2.1**
Reduce the amount of solid waste generated and ultimately entering landfills.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>25.12.2.1a</strong>&lt;br&gt;Promote the reduction of solid waste volumes based on the following waste hierarchy.&lt;br&gt;Reduction.&lt;br&gt;Reuse.&lt;br&gt;Recycle.&lt;br&gt;Recovery.&lt;br&gt;Treatment.&lt;br&gt;Disposal.&lt;br&gt;<strong>25.12.2.1b</strong>&lt;br&gt;Promote practices that reduce the volume of solid waste generated and disposed of.</td>
<td>Benefits&lt;br&gt;These policies have environmental and social benefits as they encourage the sustainable use of resources. In the long term this is a sustainable and efficient way to provide for the social, economic and cultural wellbeing of people, communities and the environment as it reduces the waste of resources through disposal to landfill, and reduces the quantity of virgin material which needs to be extracted from the earth to produce new products. The policies have social and cultural benefits as they promote a sense of sustainability and pride through improving waste and recycling practices. In the longer term there may be economic benefits to organisations and individuals arising from more efficient use of resources. Costs&lt;br&gt;There will be financial costs to Council associated with promoting best practice solid waste management, and to organisations as they amend and implement new waste minimisation practices. Efficient and Effective&lt;br&gt;These policies will be efficient and effective to achieve objective 25.12.2.1 by identifying in the District Plan that activities should consider and address solid waste in accordance with a waste hierarchy, thereby recognising the significance of waste minimisation and the impact of solid waste on the environment.</td>
</tr>
</tbody>
</table>

#### Policies most appropriate to achieve the objective:

**25.12.2.2**
Solid waste activities and facilities are managed in a way that addresses adverse effects from the storage and disposal of solid waste.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
### 25.12.2a
Solid waste collection, recycling, recovery, storage, treatment and disposal activities shall be sited, designed and managed to reduce solid waste entering landfills, and minimise adverse effects on the environment.

### 25.12.2b
Ensure pleasant and functional service areas are provided in new developments for waste and recycling storage.

#### Benefits
The policies have environmental benefits as they aim to protect and preserve the environment from potential effects arising from solid waste collection, recycling, recovery, storage, treatment and disposal activities, which may detract from the amenity of the area and which could have adverse environmental effects.

The policies have social and cultural benefits as they enhance the liveability of areas and promote a sense of sustainability and pride through improving waste and recycling practices.

#### Costs
There are financial costs to facility owners and operators associated with ensuring solid waste disposal and recycling facilities meet the policy requirements.

#### Efficient and Effective
These policies will be efficient and effective to achieve objective 25.12.2.2 by catering for the protection of Hamilton’s natural environment through appropriately designed and managed waste facilities and through service areas within developments that promote waste and recycling practices.

#### Policies not most appropriate to achieve the objectives:

| Do nothing. | This approach would not be appropriate as it would not address the sustainable management of natural and physical resources. |

#### Risks

**Risks of acting or not acting**

The risks of not acting are the potential increase of waste in the environment, and the need for more landfills to dispose of waste in the environment.

**Conclusion:** Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objective.

### 25.12.4 Rules
### Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| **Benefits**<br>General Standard<br>25.12.3.1 – Solid waste storage areas.<br>The following zone standards specify additional requirements for service areas.<br>Rule 5.4.12 (Special Character Zone).<br>Rule 17.5.2 (Major Facilities Zone).<br>Rule 16.4.5 (Community Facilities Zone).<br>Rule 4.4.11 (Residential Zone).<br>Rule 6.4.6 (Business Zones).<br>Rule 7.4.10 (Central City Zone).<br>Rule 9.4.7 (Industrial Zone – Rotokauri Employment Area).<br>Rule 13.8.5 (Rototuna Town Centre Zone). | There are environmental and social benefits from this City-wide standard which, working in conjunction with standards in the Zone chapters that specify requirements (e.g. size) for service areas, will require developments to provide areas for recycling and litter bin storage that are accessible and visible to site users.  
There are amenity benefits to owners and occupiers of sites and to the wider community from having a dedicated area for the storage of these materials within developments, which otherwise would have to be squeezed into inappropriate areas within the site or on occasion has historically been stored in public areas contrary to bylaws.  
**Costs**<br>There are potential financial costs to developers from the initial provision of these storage areas in compliance with the standard.  
**Efficient and Effective**<br>These rules will be efficient and effective to achieve objective 25.12.2.2 by ensuring that developments provide for solid waste storage areas to facilitate waste minimisation options.  
Rules in the temporary events chapter requiring a waste management plan.  
Rules in the Hazardous Facilities Chapter require appropriate waste management for hazardous substances.  
Rules in individual zone chapters that provide for solid waste management facilities. |
| Rules in the temporary events chapter requiring a waste management plan. | Refer to the s32 report and text for Chapter 25.3: City-wide – Events and Temporary Activities.  
Rules in the Hazardous Facilities Chapter require appropriate waste management for hazardous substances. | Refer to the s32 report and text for Chapter 25.4: City-wide – Hazardous Facilities.  
Rules in individual zone chapters that provide for solid waste management facilities. | These rules are assessed in the zone chapter section 32 reports. |

### Rules not most appropriate to achieve the objectives:
Require a demolition plan for all demolition proposals. | This standard was considered but determined to not be the most appropriate way to achieve the objective as it is an information requirement for a permitted activity, and would therefore be ineffective. The activity status of demolition activities in most zones is permitted. This is the current approach in the Operative District Plan and there have been no identified issues arising from this approach. The approach is also consistent with many other District Plans. Changing the activity status of demolition and requiring a demolition plan is a very regulative approach and would result in significant costs to individuals and developers, which are considered to outweigh the benefits that would be achieved.

Require dairies and service stations to provide litter bins at the site entrance. | This rule was considered, but determined to not be the most appropriate way to achieve the objective, as it only addresses two activities amongst many, would be difficult to monitor and enforce, and potentially difficult to achieve if the only location for litter bins is on public land.

### Risks

**Risks of acting or not acting**

The risks of acting for the rules that have been deemed to be inappropriate is they are not effective and in some cases could be ultra vires.

The risk of not acting is that the policy direction for encouraging waste minimisation would not be supported with appropriate and effective infrastructure and facilities.

**Conclusion:** Taking into account the above, Council considers that the rules in this chapter are most appropriate to achieve the objectives.

### 25.12.5 Methods Other Than Rules

<table>
<thead>
<tr>
<th>Methods most appropriate to achieve the objectives:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Method</strong></td>
</tr>
<tr>
<td>Regulatory methods:</td>
</tr>
<tr>
<td>Solid waste bylaw,</td>
</tr>
<tr>
<td>Other plans and legislation: Waste minimisation plan.</td>
</tr>
<tr>
<td>------------------------------------------------------</td>
</tr>
<tr>
<td>Costs</td>
</tr>
<tr>
<td>Efficient and Effective</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Council works and services: Secure necessary land, consents and designations for infrastructure (e.g. land for waste and recycling, organic waste, and materials recovery activities). Waste management contracts / lease agreements: Funding from the waste</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Costs</td>
<td>These methods have administrative benefits to Council because Council is either the provider or contracts out the provision of waste and recycling activities, such as for residential waste collection. Consequently securing the land for these activities through Council works and services provides a community owned resource through which Council can directly influence waste and recycling activities.</td>
</tr>
<tr>
<td>Efficient and Effective</td>
<td>Decisions about how waste is managed, paid for, what can be recycled, how much can be disposed of</td>
</tr>
</tbody>
</table>
management levy to support trials, e-waste recycling facility establishment, etc. etc. through flexible waste management contracts also provides an administrative benefit to Council as they facilitate a high level of control to encourage and promote waste reduction behaviour. This tool also enables changes to be made to contracts (assuming contracts are set up appropriately) to respond to changes in the market and in waste management techniques.

<table>
<thead>
<tr>
<th>Information, education and advocacy:</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Promote the Hamilton Waste Management and Minimisation Plan including:</td>
<td>There are environmental and social benefits for the community from positive promotion of waste reduction, re-use, recycling and disposal to encourage positive behavioural change.</td>
</tr>
<tr>
<td>Waste audits and waste reduction to be carried out by high waste generating activities; and</td>
<td>Costs</td>
</tr>
<tr>
<td>Re-use, recycling and disposal of waste including demolition materials</td>
<td>There are minor financial costs to Council to undertake these promotional activities.</td>
</tr>
</tbody>
</table>

**Risks**

Risks of not acting.

The risks of not acting are that these tools provide a wide range of effective mechanisms to manage solid waste and to promote waste minimisation, which the District Plan on its own would be unable to achieve.

**Conclusion:** Taking into account the above, Council considers that the methods in this chapter are most appropriate to achieve the objectives.

### 25.12.6 References

*Waste Management and Minimisation Plan*

*Waste Minimisation Act 2008*
Litter Act 1979
Local Government Act 2002
Hamilton City Sustainability Strategy 2008
Hamilton Solid Waste Bylaw 2012

25.12.7 Glossary

Refer to Volume 2, Appendix 1.1.2 of the District Plan
25.13 Three Waters

25.13.1 Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 25.13: City-wide – Three Waters. This chapter applies to all parts of the City.

The overall approach of the plan chapter is to focus on the impact of land use on water resources, and on the need for integrated provision of sustainable Three Waters infrastructure in conjunction with land use development.

This summary section 32 evaluation should be read together with the District Plan. Other chapters particularly relevant to Three Waters issues are Chapter 2: Strategic Framework, Chapter 3: Structure Plans, Chapter 25.2: City-wide – Earthworks and Vegetation Removal, Chapter 21: Waikato River Corridor and Gully Systems, Chapter 22: Natural Hazards and Chapter 23: Subdivision.

The use of Integrated Catchment Management Plans (ICMPs) as a tool to manage the form and function of Three Waters infrastructure in an integrated, effective, efficient, functional, safe and sustainable manner will increase over time. Structure plans will require a full Integrated Catchment Management Plan (as described in Volume 2, Appendix 1.2.2.6) to be prepared. Over time, ICMPs will be developed for existing urban areas. Until an ICMP specific to each area is prepared, a generic framework for the provision and management of Three Waters infrastructure must be available.

As part of the sustainable and efficient management of Three Waters, water sensitive techniques (including minimum permeable surface standards) are required by the plan. Appendix A contains references to key documents, standards and legislation.

During development of the Proposed Plan, a number of issues and strategic directions relating to Three Waters were identified through research and consultation, and are summarised below.

- Pressure on water resources in the region is increasing due to growing population sizes and the associated concentration of activities and industry. This affects demand for water resources and Three Waters infrastructure, which are managed by Council.

- Water quality in the Waikato River has declined over time as it passes north through Hamilton. Although point source pollutants have reduced since the 1970s, non-point, diffuse sources now comprise the majority of nutrient and sediment inputs into the Waikato River and its tributaries. Water quality in Lake Rotoroa has improved over time; however it still suffers from algal blooms attributed to high nutrient levels and from time to time is closed to contact recreation.

- As part of the Waikato River Settlement between the Crown and Waikato-Tainui, Te Ture Whaimana o Te Awa o Waikato – The Vision and Strategy for the Waikato River has been developed. The Vision and Strategy is the primary direction-setting document for the Waikato River and its catchments which includes the lower reaches of the Waipa River.

- The Hamilton City Environmental Sustainability Strategy states “in 2008, Hamilton went through its worst drought on record and the need for water efficiency hit home to many communities, businesses and Council operations. We rely on water for
drinking, cooking and washing as well as supporting businesses and agriculture in the surrounding area. Importantly we also rely on water for much of our energy supply both through hydro-electricity and cooling Huntly Power Station. On average Hamilton consumes 230 litres of water per person per day, approximately 62% higher than residents of Wellington and Auckland. In 2008, Hamilton’s water consumption peaked to a record high of 482 litres per person per day during which water restrictions were imposed.”

- As a municipal water provider, Council has three significant resource consents for the taking of water for municipal purposes and discharging of wastewater and stormwater. In complying with these consent conditions, and as a responsible water manager, Council must impose standards and conditions on development within the City. This means that limits have been imposed for some water users on the quantity of water which can be sourced from the municipal supply.
- If a proposed development is located in an area within the City for which there is no finalised ICMP, there will be a lack of information about the range of ‘new’ three waters management techniques that can be used for that development.

### 25.13.2 Objectives

<table>
<thead>
<tr>
<th>Objective most appropriate to achieve the purpose of the Act:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>25.13.2.1</strong> Water resources are protected from the adverse effects of subdivision and development.</td>
</tr>
<tr>
<td>This objective is most appropriate to achieve the purpose of the Act because:</td>
</tr>
<tr>
<td>a) It provides for subdivision and development while ensuring the protection of water resources from adverse effects. This is consistent with the purpose because it:</td>
</tr>
<tr>
<td>• Sustains the potential of natural resources to meet the foreseeable needs of future generations (s5(2)(a)).</td>
</tr>
<tr>
<td>• Safeguards the life-supporting capacity of water and ecosystems (s5(2)(b)).</td>
</tr>
<tr>
<td>• Aims to avoid, remedy or mitigate any adverse effects on the environment (s5(2)(c)).</td>
</tr>
<tr>
<td>• Preserves the natural character of lakes, rivers and their margins (s6(a)).</td>
</tr>
<tr>
<td>• Maintains or enhances amenity values (s7(c)).</td>
</tr>
<tr>
<td>• Maintains or enhances the quality of the environment (s7(f)).</td>
</tr>
<tr>
<td>• Protects the habitat of trout and salmon (s7(h)).</td>
</tr>
<tr>
<td>b) It is in accordance with the:</td>
</tr>
<tr>
<td><strong>25.13.2.2</strong> Measures to facilitate the efficient use of water</td>
</tr>
<tr>
<td>This objective is most appropriate because:</td>
</tr>
<tr>
<td>a) It promotes sustainable management of water</td>
</tr>
</tbody>
</table>
resources are incorporated into new subdivision and development.

resources through incorporation of efficient techniques in subdivisions and developments, which:
- Promotes sustaining the potential of water resources (supply – volume and quality) to meet the reasonably foreseeable needs of future generations (s5(2)(a)).
- Has regard to the efficient use and development of natural (water) and physical resources (capacity of Three Waters infrastructure) (s7(b)).
- Has regard to the finite characteristics of natural (water quality and volume) and physical resources (capacity of Three Waters infrastructure) (s7(g)).

b) It is in accordance with the:
- Vision and Strategy for the Waikato River.
- Regional Policy Statement.

### 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.
- Sustainable.

This objective is most appropriate because:

a) It promotes sustainable management of water resources through the provision of infrastructure in a co-ordinated manner at the time of land development. This enables people and communities to provide for their social, economic and cultural wellbeing (s5(2) of the Act) by ensuring efficient and well-planned infrastructure is in place at the time of land use development, this:
- Helps to meet the reasonable foreseeable needs of future generations s5(2)(a).
- Avoids, remedies or mitigates adverse effects of activities on the environment s5(2)(c).
- Has regard to the efficient use and development of resources s7(b).

b) It is in accordance with the:
- Vision and Strategy for the Waikato River.
- Regional Policy Statement.

### Objectives not the most appropriate to achieve the purpose of the Act:

No policy.

This would not be appropriate because it would not provide for the protection of water resources, or ensure Three Waters infrastructure is provided in an integrated manner with land use development. This would not promote sustainable management of natural resources in accordance with the Act.
Furthermore, it would not be in accordance with the:
- Vision and Strategy for the Waikato River.
- Regional Policy Statement.

**Conclusion:** Taking into account the above, Council considers that the objective in this chapter of the plan is the most appropriate to achieve the purpose of the Act.

### 25.13.3 Policies

**Policies most appropriate to achieve the objective:**

**25.13.2.1**
Water resources are protected from the adverse effects of subdivision and development [Policies 25.13.2.1a to 25.13.2.1b].

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>25.13.2.1a</td>
<td><strong>Benefits</strong></td>
</tr>
<tr>
<td>Subdivision and</td>
<td>Environmental benefits – emphasis has been</td>
</tr>
<tr>
<td>development is</td>
<td>placed on the value of water resources and</td>
</tr>
<tr>
<td>located and</td>
<td>that attention needs to be paid to activities</td>
</tr>
<tr>
<td>designed to</td>
<td>which may affect that resource, including:</td>
</tr>
<tr>
<td>minimise</td>
<td>The capacity of the resource (e.g. quality</td>
</tr>
<tr>
<td>adverse effects</td>
<td>and quantity).</td>
</tr>
<tr>
<td>on ground</td>
<td>• Protection of ecosystems.</td>
</tr>
<tr>
<td>and surface</td>
<td>• Maintaining or enhancing riparian margins.</td>
</tr>
<tr>
<td>water resources,</td>
<td>This in turn respects the social and cultural</td>
</tr>
<tr>
<td>particularly the</td>
<td>values associated with water resources and</td>
</tr>
<tr>
<td>life-supporting</td>
<td>identified in the Vision and Strategy for the</td>
</tr>
<tr>
<td>capacity of water</td>
<td>Waikato River.</td>
</tr>
<tr>
<td>bodies and their</td>
<td></td>
</tr>
<tr>
<td>riparian margins.</td>
<td></td>
</tr>
</tbody>
</table>

**25.13.2.1b**
Subdivision and development on the margins of natural watercourses and wetlands should be located and designed to maintain, and where possible enhance:

i. Riparian margins.
ii. Water quality.
iii. Water resources.
iv. Aquatic habitats.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Design and construction costs incurred in order to ensure development</td>
</tr>
<tr>
<td></td>
<td>meets the requirements of the Plan (for example developments in</td>
</tr>
<tr>
<td></td>
<td>proximity to water resources or those affecting ground water</td>
</tr>
<tr>
<td></td>
<td>infiltration).</td>
</tr>
<tr>
<td></td>
<td>• Opportunities or flexibility for development may be reduced as some</td>
</tr>
<tr>
<td></td>
<td>locations or design options may not be suitable.</td>
</tr>
<tr>
<td></td>
<td>• Monitoring costs to Council to manage development near natural</td>
</tr>
<tr>
<td></td>
<td>watercourses or affecting ground and surface water resources, to</td>
</tr>
<tr>
<td></td>
<td>ensure the desired outcomes are being achieved.</td>
</tr>
</tbody>
</table>

**Efficient and Effective**

These policies will be efficient and effective in achieving objective 25.13.2.1 by providing clear direction about the protection of water resources from inappropriate land use developments.

This is an efficient and effective use of resources as it
### Policies most appropriate to achieve the objective:

**25.13.2.2**
Measures to facilitate the efficient use of water resources are incorporated into new subdivision and development [Policy 25.13.2.2a].

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| **25.13.2.2a**  
Water-sensitive techniques are incorporated into new subdivisions and developments to reduce demand on water supplies, wastewater disposal and to manage stormwater. | **Benefits**  
Environmental benefits – incorporating sustainable water sensitive techniques into new subdivision and development reduces impacts on water resources including reducing overall demand (e.g. less pressure on water resource from water take requirements).  
Economic benefits – to the wider community in circumstances where these water sensitive techniques are sufficient to avoid the need to increase the capacity of water infrastructure (e.g. increase the size of stormwater pipes to accommodate new development or to build a new waste treatment facility).  
Economic benefits – to the individual whereby new development has cost savings over the longer term because of greater resource efficiency (e.g. less water/wastewater costs).  
**Costs**  
Financial and time costs to individuals and developers to understand what water sensitive techniques are (as these principles may be new to some people) or to employ specialists in order to understand the technical aspects of how to incorporate them effectively into developments.  
Opportunities or flexibility for development may be reduced as a result of using some water sensitive techniques (e.g. permeable surfaces).  
Costs to Council to manage information about water sensitive techniques and review applications.  
**Efficient and Effective**  
This policy will be efficient and effective to achieve Objective 25.13.2.2 by providing clear direction about the purpose of water sensitive techniques and the circumstances where they are required.  
The stated benefits are considered to outweigh their
likely costs.

**Policies most appropriate to achieve the 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.
- Sustainable.

[Polices 25.13.2.3a to 25.13.2.3h]

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>25.13.2.3a</strong></td>
<td>All subdivision and development provides integrated Three Waters infrastructure and services to a level that is appropriate to their location and intended use.</td>
</tr>
<tr>
<td><strong>25.13.2.3b</strong></td>
<td>Subdivision and development shall not occur unless the required infrastructure is available to service it.</td>
</tr>
<tr>
<td><strong>25.13.2.3c</strong></td>
<td>Three waters infrastructure is to be designed and constructed in accordance with any existing Structure Plan and relevant Integrated Catchment Management Plan.</td>
</tr>
<tr>
<td><strong>25.13.2.3d</strong></td>
<td>Large scale subdivision and development proposals are to prepare an Integrated Catchment Management Plan (where one does not already exist) or a Water Impact Assessment.</td>
</tr>
</tbody>
</table>

**In areas where a full Integrated Catchment Management Plan does not**

<table>
<thead>
<tr>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Efficiency, environmental, social and economic benefits – to Council and the community from these policies, which require all developments to have an ‘appropriate’ level of infrastructure for their location and intended use and for this infrastructure to be provided in conjunction with subdivision and development. This ensures no development remains without some form of water, stormwater and wastewater infrastructure.</td>
</tr>
</tbody>
</table>

Efficiency, environmental, social and economic benefits - to Council and the community from ensuring that where a Structure Plan and an ICMP have been prepared (which will provide catchment-wide direction on how to manage water, stormwater and wastewater) infrastructure must be designed and constructed in accordance with it. In circumstances where these do not exist, policy guidance is provided to inform the design of water, stormwater and wastewater infrastructure and techniques.

Efficiency, environmental and economic benefits – to Council and the community from the advancement of ICMP coverage for the City by requiring an ICMP to be prepared as part of large proposals. Establishing an ICMP framework faster allows for more informed decision making and improved Three Waters integration and management sooner than would otherwise be established by Council’s work programme.

Efficiency, environmental and economic benefits – to the community from requiring water impact assessments as part of proposals. This allows site
exist, the following policies also apply:

**Design 25.13.2.3e**

Three Waters infrastructure is designed and constructed to:

i. Minimise the effects of urban development on downstream receiving waters and groundwater.

ii. Ensure that the capacity, efficiency and sustainability of upstream and downstream infrastructure will not be compromised.

iii. Facilitate access, maintenance and operational requirements.

iv. Cater for the potential effects of climate change.

v. Ensure appropriate standards of public health, safety and amenity.

vi. Ensure that surface water runoff is appropriately managed in accordance with the following drainage hierarchy.

   1. Retention for reuse.
   2. Soakage techniques
   3. Detention and gradual release to a watercourse.
   4. Detention and gradual release to stormwater reticulation.

**Stormwater 25.13.2.3f**

Stormwater management techniques are designed and constructed to:

i. Maintain or improve the

and proposal specific assessment and identification of best practicable options for Three Waters management and integration with land use.

**Costs**

Financial and time costs to developers (and Council) of preparing ICMPs and water impact assessments.

Financial costs to developers and Council to ensure that infrastructure is in place in conjunction with development, is appropriate to the location and intended use, and is in accordance with a relevant Structure Plan and ICMP or the policy direction outlined in the Plan for circumstances where there is no Structure Plan or ICMP.

There are potential environmental costs associated with development allowed to proceed without an ICMP to inform water, stormwater and wastewater infrastructure development.

**Efficient and Effective**

These policies provide clear direction to developers and the community about the expectations for considering and responding to the need for appropriate Three Waters infrastructure.

The stated benefits are considered to outweigh their likely costs.
quality of stormwater entering the receiving environment.

ii. Avoid or mitigate off-site effects from surface water runoff.

iii. Sustainably manage the volume and rate of discharge of stormwater to the receiving environment.

**Water Supply**

25.13.2.3g

Water supply infrastructure is designed and constructed to meet consumption, hygiene, water-sensitive design and fire-fighting requirements.

**Wastewater**

25.13.2.3h

Wastewater is treated and disposed of from a site in a way that minimises effects on public health, the environment, and cultural values.

### Policies not most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Policy Framework</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>No policy framework.</td>
<td>This approach would not be appropriate as it would not promote the sustainable use of resources. It would allow development and the use of resources to occur without looking at the needs of future generations.</td>
</tr>
<tr>
<td>Rely solely on the Infrastructure Technical Specifications to outline the policy direction for Three Waters infrastructure.</td>
<td>With regards to infrastructure design this approach would also promote the sustainable use of resources, but would not address other matters identified in policy regarding protection of water resources from land use development, nor would it encourage water sensitive techniques as part of land use developments.</td>
</tr>
</tbody>
</table>

### Risks

The risks of not acting.

- Environmental risks from allowing inappropriate development or subdivision, and the inefficient use of resources.
- Economic risks from the inefficient use of resources which may force otherwise unnecessary provision or upgrading of Three Waters infrastructure.
• Health and safety risks from development providing inadequate Three Waters infrastructure (e.g. poor provision for potable water supply or wastewater disposal).

Conclusion: Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objective.

25.13.4 Rules

<table>
<thead>
<tr>
<th>Rules most appropriate to achieve the objectives:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Method</strong></td>
</tr>
<tr>
<td>General Standards</td>
</tr>
<tr>
<td>Minimum permeability standards in each of the Zone chapters of the Plan.</td>
</tr>
<tr>
<td>Costs</td>
</tr>
<tr>
<td>Monitoring and enforcement costs to ensure standards are maintained.</td>
</tr>
<tr>
<td>Efficient and Effective</td>
</tr>
<tr>
<td>General Standards</td>
</tr>
<tr>
<td>Integrated Catchment Management Plan (25.13.4.1 a) and b)) Activity Status Table (25.13.3 b))</td>
</tr>
</tbody>
</table>
accordance with an ICMP.

Efficiency, environmental, social and economic benefits – to Council and the community from the advancement of ICMP coverage for the City by requiring ICMPs to be prepared as part of large proposals. Improves Three Waters integration and management and helps set a Three Waters framework for the balance of the catchment.

Efficiency, environmental, social and economic benefits – arising from proposals responding to the findings of an ICMP: Greater Three Waters integration achieved; necessary infrastructure identified and required; adverse effects on water resources minimised; most efficient, effective and appropriate water sensitive techniques are identified and can be incorporated; and long term cost savings arising from more efficient water use.

**Costs**

Financial and time costs to developers to prepare and implement ICMPs.

Opportunities or flexibility for development may be reduced as a result of development having to be in accordance with an ICMP.

- Potential uncertainty over development opportunities or constraints until an ICMP has been prepared.
- Allowing development to occur without a full ICMP could result in three-waters infrastructure that is less efficient than if the development were undertaken in accordance with a full ICMP.

**Efficient and Effective**

The rule is effective at ensuring that an ICMP is undertaken for large scale proposals and for the balance of the Structure Plan area not excluded pursuant to Rule 25.13.4.1 b) iv. Such an ICMP will provide a comprehensive overview of how Three Waters infrastructure will be provided within the catchment, and how it ties into the existing City infrastructure. The rule also requires that subsequent development occurs in accordance with the ICMP.

A separate ICMP is not required when all the information that it would otherwise include is incorporated into an approved Concept Plan for a Major Facility prepared under Rule 17.4 and the Concept Plan is accepted as satisfying all the requirements of an ICMP.
The proposed rule is efficient in that its stated benefits outweigh their likely costs.

Further discussion on ICMPs, water impact assessments and water sensitive techniques, including threshold triggers and indicative costs, is contained in “Summary Technical Report – Integrated Catchment Management Plans, Water Impact Assessments, Water Sensitive Techniques”.

### General Standards

**Stormwater** (25.13.4.2), **Wastewater** (25.13.4.3), and **Water** (25.13.4.4).

### Benefits

Certainty that in the absence of an ICMP, development is undertaken in accordance with outcome based standards that ensure appropriate Three Waters infrastructure is provided.

Certainty of acceptable technical design can be provided by reference to Infrastructure Technical Specifications which provide an acceptable means of compliance for the design of infrastructure.

Provides some flexibility for innovation to determine site or proposal specific solutions to providing Three Waters infrastructure.

### Costs

Financial and time costs to developers to ensure that the standards are met.

Monitoring and enforcement costs to Council to ensure that non-piped solutions for stormwater do not have adverse effects on adjoining properties.

### Efficient and Effective

In the absence of an ICMP, these rules are effective at ensuring that suitable Three Waters infrastructure is provided as part of any proposal.

It provides clarity that within urban areas all lots are to be connected to water supply and the wastewater network – which meets basic requirements for access to fresh water and helps to ensure that wastewater is dealt with in a safe manner.

Rule 25.13.4.3(d) allows the 7ha development within Te Rapa North Industrial Zone Stage 1A to be connected to and serviced by the wastewater infrastructure on Te Rapa Dairy Manufacturing Site.

The rules also require that stormwater is managed, but encourages retention for reuse prior to the disposal of stormwater to ground or other low impact system, and for any overflow to be detained and released gradually to a waterway (preferably), or to the City’s stormwater.
This is considered an effective way to encourage more sustainable approaches to stormwater treatment. The proposed rule is efficient in that its stated benefits outweigh their likely costs.

<table>
<thead>
<tr>
<th>General Standards</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water efficiency measures (25.13.4.5).</td>
<td>Environmental benefits from reduced impact on water resources.</td>
</tr>
<tr>
<td></td>
<td>Economic benefits for the community (three water savings and reduced pressure to increase capacity by upgrading existing or providing new three water infrastructure) – long term.</td>
</tr>
<tr>
<td></td>
<td>Certainty that all new residential units and other new buildings containing a kitchen, laundry or bathroom will incorporate low flow fixtures and at least one water sensitive technique for stormwater without requiring assessment via a resource consent process.</td>
</tr>
<tr>
<td></td>
<td>Low flow fixtures shall be incorporated in alterations and additions to any existing building that adds an extra toilet, kitchen, laundry or bathroom.</td>
</tr>
<tr>
<td></td>
<td>Some flexibility for developers to choose water sensitive techniques most suited to their site or proposal.</td>
</tr>
<tr>
<td></td>
<td>Responsive to findings and recommendations of new ICMPs.</td>
</tr>
<tr>
<td></td>
<td>Infrastructure technical specifications can be referenced for alternative ‘equivalent features’. As new technologies or innovative techniques are recognised they can be incorporated into the technical specifications as an acceptable means of complying with the standard set in the Plan.</td>
</tr>
<tr>
<td></td>
<td>Exceptions for rainwater tanks to setback, site coverage and permeability rules provide greater onsite opportunities / flexibility for something with low offsite effects.</td>
</tr>
<tr>
<td>Costs</td>
<td>Financial costs to developers to provide water efficiency measures.</td>
</tr>
<tr>
<td></td>
<td>Monitoring and enforcement costs to Council to ensure that water efficiency measures are installed and retained.</td>
</tr>
<tr>
<td></td>
<td>Financial and time costs to Council of identifying suitable ‘equivalent features’ (though these can be identified as part of an ICMP).</td>
</tr>
</tbody>
</table>

Efficient and Effective
These rules are effective at ensuring that water efficiency measures are provided as part of small scale proposals. In particular this gives effect to objective 25.13.2.2 and policy 25.13.2.2a.

The proposed rule is efficient in that its stated benefits outweigh their likely costs.


**General Standard**

**Water Impact Assessments (WIA).**

**Activity Status Table (25.13.3 a)).**

**Benefits**

Provides certainty that larger proposals consider opportunities to reduce impacts on water resources by incorporating water sensitive techniques.

Provides certainty that larger proposals are considered against ICMPs.

Environmental benefits from reduced impact on water resources from measures identified in Water Impact Assessments (WIA).

Economic benefits for the community (three water cost savings and reduced pressure to increase capacity by upgrading existing or providing new three water infrastructure) – long term.

Provides an opportunity to consider site or proposal specific solutions to Three Waters infrastructure and water efficiency.

**Costs**

Financial and time costs to developers to prepare WIAs and implement measures identified in them.

Opportunities or flexibility for development may be reduced as a result of development having to meet Three Waters and water efficiency measures.

Potential uncertainty over development opportunities or constraints until a WIA has been prepared.

**Efficient and Effective**

The rule is effective at ensuring that larger scale proposals are assessed in accordance with any ICMP, regarding how the proposal responds to or otherwise provides for Three Waters infrastructure and achieves water efficiencies. Larger proposals
have more opportunities (than smaller proposals) to provide a co-ordinated and comprehensive response to water efficiency and impacts on Three Waters infrastructure.

A separate Water Impact Assessment is not required in areas where an ICMP exists that is in accordance with Table 1.2.2.5b of Volume 2, Appendix 1.2.2.5, or where all the information that a Water Impact Assessment would otherwise include, or matters it would otherwise address, are incorporated into a water supply agreement with Council, or another document, assessed and approved under any other provision of the District Plan or the Waikato Regional Plan.

The proposed rule is efficient in that its stated benefits outweigh their likely costs.


<table>
<thead>
<tr>
<th>25.13.5 Assessment Criteria</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The Plan identifies that certain activities either by virtue of the activity or due to failing standards are controlled, restricted discretionary, discretionary or non-complying activities. The Plan includes assessment criteria that are able to be applied in the assessment of these activities through the resource consent process. The criteria are grouped clearly under headings relating to the matters Council has reserved control over (for controlled activities) and restricted its discretion (for restricted discretionary activities). These assessment criteria and the introductory ‘how to’ guide are a useful way to guide all parties on how Council is going to administer the provisions of the Plan. The assessment criteria give transparency and provide clarity for all users on the matters that Council has control or discretion over when considering controlled or restricted discretionary activities, and provides a guide for the consideration of discretionary and non-complying activities. The assessment criteria also seek to avoid duplication</td>
</tr>
</tbody>
</table>
of effort or unnecessary assessment by enabling design based criteria to be disregarded if a more relevant design guide is in place or if the criteria are not considered relevant to the specific activity.

**Costs**
There is a general duty on an applicant and the Council to consider the assessment criteria firstly for relevance and secondly where considered relevant to assess the application against the criteria to consider the effects.

There are no identified costs from clarifying in the Plan the matters which will be considered when processing an application.

**Efficient and Effective**
These provisions will be efficient and effective to achieve the objectives by identifying a list of matters which are able to be used as a guide when both preparing and assessing consent applications which eases the administration and use of the District Plan for all parties.

<table>
<thead>
<tr>
<th>Information requirements</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water impact assessments.</td>
<td>Provides clarity and certainty of nature and type of information required for proposals.</td>
</tr>
<tr>
<td>ICMPS.</td>
<td>Ensures relevant matters are considered and reported on which assists in efficient assessment and determination of consents.</td>
</tr>
<tr>
<td>Structure Plans, Subdivision, activities of a certain scale (25.13.3 a) and b), or which fail permeability standards.</td>
<td>All subdivisions are required to submit information about the incorporation of water sensitive techniques into the development. Whilst it is recognised that at the subdivision stage there will not be the same level of detail about the design of each site, this will provide the parameters for the overall design of development, and provide the ability to put a consent notice on the certificate of title requiring more detailed information at the land use stage.</td>
</tr>
</tbody>
</table>

Environmental and economic benefits by identifying the most suitable water sensitive techniques for specific sites and proposals.

<table>
<thead>
<tr>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Time and financial cost of commissioning, preparing, providing information, some of which will require technical assistance (degree of information required is off-set by the scale of the proposal).</td>
</tr>
<tr>
<td>Costs associated with administering this process to ensure that information is provided to sufficient</td>
</tr>
<tr>
<td>Advice notes which cross-reference to the Infrastructure Technical Specifications and Bylaws.</td>
</tr>
<tr>
<td>---</td>
</tr>
<tr>
<td>Efficient and Effective</td>
</tr>
<tr>
<td>These rules will be efficient and effective to achieve the objectives, as they provide a clear framework for users of the Plan to determine information requirements and setting clear parameters as to when more detailed analysis is required to address the impact of the development on water resources.</td>
</tr>
<tr>
<td>These advice notes are an effective way to link plan users to a guidance document containing design and construction details that can be used as acceptable means of complying with standards in the plan. This allows the technical specifications to act as a guidance document that can be updated as technologies and practices evolve.</td>
</tr>
<tr>
<td>These notes also provide notice that other regulatory instruments might be particularly relevant to the proposal.</td>
</tr>
<tr>
<td>Provides notice of relevant bylaws that also need to be considered by the developer.</td>
</tr>
<tr>
<td>Provides a link for Plan users to technical guidance for Three Waters Infrastructure that provides design and construction details considered to be acceptable means of complying with infrastructure standards within the Plan.</td>
</tr>
<tr>
<td>Costs</td>
</tr>
<tr>
<td>Ongoing costs to Council of maintaining and updating the technical specifications and enforcing bylaws.</td>
</tr>
<tr>
<td>Efficient and Effective</td>
</tr>
<tr>
<td>The proposed rule is efficient in that its stated benefits...</td>
</tr>
</tbody>
</table>
Risks

Risks of not acting:

The risks of not acting are that water, stormwater and wastewater will be inadequately addressed, which in turn can have health and safety implications for the community and result in a degradation of the quality and quantity of water resources.

Conclusion: Taking into account the above, Council considers that the rules in this chapter are most appropriate to achieve the objectives.

25.13.5 Methods Other Than Rules

Methods most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| Regulatory methods outside of the District Plan, for example:  
  - Hamilton City Council Bylaws  
  - Temporary banning of sprinkler or hose use | Benefits  
  Enables Council to manage their Three Waters assets including controlling water use to comply with resource consent conditions for water take, to meet seasonal fluctuations in supply and to meet capacity constraints, connections, soakage systems, and targeting reductions in stormwater entering the wastewater system.  
  Costs  
  Administrative costs to Council to establish and other regulatory methods, and costs to the community to

undertake activities that are affected by the Bylaw.

Efficient and Effective

These methods will be efficient and effective to support the objectives.

Bylaws are made by Council mainly using powers contained in the Local Government Act 2002. They are designed to provide a framework under which specific controls are adopted by Council resolution. This approach enables Council to better respond to changing circumstances while the principle of consultation with people prior to making a Council resolution is protected in the Local Government Act. Bylaws about Three Waters enable Council to provide a clear framework about management of Council assets.

The proposed method is efficient in that its stated benefits outweigh their likely costs.

<table>
<thead>
<tr>
<th>Council projects and initiatives (subject to LTP and annual plan), for example:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Develop integrated catchment management plans and/or water impact assessments for the long term sustainable management of water resources and align Council works with those catchment management plans and river bank stability programmes.</td>
</tr>
<tr>
<td>• Maintain Hamilton City Infrastructure Technical Specifications, as a guide to acceptable engineering practice and design solutions.</td>
</tr>
<tr>
<td>• Improve Hamilton City Council systems efficiency: through leakage detection and repair; change in system operations such as pressure reduction and changes to mains</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>• The development of integrated catchment management plans for the long term sustainable management of water resources will enable Council to provide a well-informed framework for the management of water resources within the City. Asset plans and works and services to increase efficiencies provide significant benefits through planning for, and undertaking, improvements to the Council (and Community) asset.</td>
</tr>
<tr>
<td>• There are environmental benefits from these methods as they maintain Council assets and aim to minimise impacts of the assets on the environment.</td>
</tr>
<tr>
<td>• There are social benefits from these methods as they provide an asset on behalf of the Community to address water, stormwater and wastewater, which are essential for most developments, and for the health and safety of the community.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>• There are significant financial costs to the Council and community to develop Plans and to undertake works and services.</td>
</tr>
</tbody>
</table>

Efficient and Effective

These methods will be efficient and effective to support the objectives by outlining how future Three Waters infrastructure ought to be developed, and ensuring that it is maintained by Council on behalf of the community.
flushing and reservoir cleaning; installing peak balancing capacity.

- Develop and implement Hamilton City Council Three Waters Management Plan.
- Activity Management plans for development of three waters infrastructure to respond to City growth, renewal and enhanced service levels (including improved service levels to meet environmental objectives).
- Observe responsibilities under Council’s resource consents for water take, wastewater and stormwater management to increase water efficiency and the resulting slowing of growth in demand.
- Secure necessary land, consents and designations for infrastructure (e.g. land for waste and recycling, and materials recovery activities; transport corridors; Three Waters networks).
- Undertake appropriate site investigation, assessment and design, and ensure good management practices are followed for Council-controlled infrastructure and community facilities.

**Education and advocacy:**

- Provide guides and technical advice for efficient water use and conservation (e.g. water-sensitive techniques including technologies such as low flow shower heads and dual flush toilets in new developments; water efficient appliances (e.g. washing machines).
- Advocate or promote water-sensitive approaches to water use and disposal and the benefits of energy and water efficiency mechanisms and changing behaviour.

**Benefits**

- The benefits of these approaches are to provide information that enable communities to change their behaviour with regards to water, which has more positive connotations than a regulatory approach.

**Costs**

- There will be financial costs to Council to promote these approaches.

**Efficient and Effective**

These methods will be efficient and effective to support the objectives by supporting the District Plan approach with information to encourage behavioural change. These approaches are likely to have more effect than regulatory approaches in existing areas where buildings are already constructed and therefore don’t fall within the parameters of the District Plan unless they undertake redevelopment that will require resource consent.

The proposed method is efficient in that its stated benefits outweigh their likely costs.

**Economic instruments, for example:**

- Development Contributions and Financial Contributions policies that are consistent with the City’s strategies, Hamilton City Long-Term Plan, Annual Plans and Activity Management Plans.
- Development

**Benefits**

- These methods provide financial incentives to property owners and developers to incorporate water sensitive techniques into developments, which will result in environmental benefits.
- Cost recovery methods provide financial disincentives to wasting water resources.
- Development contributions, financial contributions, and development agreements have financial benefits to Council to fund infrastructure provision.

**Costs**

- There will be financial costs to developers and to
agreements between Council and developers for the funding of additional infrastructure and the use and upgrading of existing infrastructure.

- Cost recovery for services provided (fees and charges).
- Incentives (e.g. development bonuses, rebates, financial contributions for reserves, discounts) for proposals to:
  i. Encourage high-level adoption of water-sensitive techniques, including financial incentives for water-efficient appliances or financial disincentives (e.g. water metering).

Council to undertake these approaches.

**Efficient and Effective**

These methods will be efficient and effective to support the objectives by providing clarity about the funding obligations for infrastructure. Cost recovery methods are an effective mechanism to assign a financial value to water resources that recognises the societal value placed on this resource, and is considered an effective method to incentivise more sustainable use of water resources. Incentives also provide financial encouragement to sustainable water use, and are considered to be effective irrespective of whether the site is being redeveloped and requires resource consent through Resource Management Act processes.

The proposed method is efficient in that its stated benefits outweigh their likely costs.

**Risks**

Risks of acting or not acting:

- The risks of acting are financial and relate to public acceptance, as many of these methods require changes to the way in which water resources are paid for and therefore valued.

- The risks of not acting are that sustainable use of water resources will largely depend on District Plan mechanisms, which are not broad enough on their own to achieve the outcomes being sought for sustainable use of water resources.

**Conclusion**: Taking into account the above, Council considers that the methods in this chapter are most appropriate to achieve the objectives.

25.13.6 **References**

*Refer to Appendix A below for a list of resources, documents, standards and legislation*

25.13.7 **Glossary**

*Refer to Volume 2, Appendix 1.1.2 of the District Plan*
Appendix A

Referenced External Resources, Documents, Standards and Legislation

Resource Management Act 1991

Building Act 1991 and Building Code

Operative Regional Policy Statement (October 2000)

Proposed Regional Policy Statement (November 2010)

Waikato Regional Plan

Environmental Sustainability Strategy, Hamilton City Council, October 2008

Hamilton Urban Growth Strategy, Hamilton City Council, March 2010

Futureproof Growth Strategy and Implementation Plan, Futureproof et al, 2009

Te Ture Whaimana o Te Awa o Waikato – The Vision and Strategy for the Waikato River, Schedule 2 of Waikato Raupatu Claims (Waikato River) Settlement Act 2010


Draft Sub-regional Three Waters Strategy, Futureproof et al, June 2012

National Policy Statement for Fresh Water Management


Trade Waste Bylaw 2006

Water Supply Bylaw 2008

Hamilton City Infrastructure Technical Specifications, Hamilton City Council, 2012.


AS/NZS 3718: 2005 Water supply – Tap ware

AS/NZS 3662: 2005 Performance of showers for bathing

AS 1172.2: 1999 Water closet (WC) pans of 6/3 L capacity or proven equivalent – Cisterns

New Zealand Water Efficiency Labelling Scheme


Response to Commissioner questions: Chapter 25.13 Three Waters
• “Assessment of Water Reuse for Residential Dwellings in Hamilton” (Wainui Consulting Ltd, 30 September 2014).
25.14 Transportation

25.14.1 Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in Chapter 25.14: City-wide – Transportation. This is a city-wide chapter that applies to all parts of the City.

For the related matter of the Transport Corridor Zone, see Chapter 18: Transport Corridor Zone. Objectives, policies and rules and methods directly or indirectly relevant to transportation are identified in other chapters and their respective section 32 evaluations (e.g. Structure Planning in Chapter 3, Subdivision in Chapter 23, and Financial Contributions in Chapter 24). This section 32 evaluation should be read together with the text of the District Plan itself.

The overall approach of this plan is to manage activities to ensure the integration of land use and the transport network.

The transport network is a significant and essential physical resource of the City that contributes to the economic, social and cultural wellbeing of residents, visitors and businesses within and outside the City. The transport network is broadly defined to include all roads, pedestrian and cycle, rail, river ferry and air routes. Parts of the transport network provide access to and from the country’s major urban areas, key ports, airport and major facilities (e.g. Waikato Hospital).

The Proposed Plan establishes the policy framework for subdivision and land use. Any decisions made on these matters have the potential to affect the safe, efficient and sustainable use and function of the transport network and influence the implementation of strategic transport objectives over time, as land use and transport are closely related.

The purpose of the proposed transportation provisions of the plan is to:

- Give effect to the regional policies and have regard to national, regional and local transport strategies.
- Ensure integration between subdivision, use and development and the transport network.
- Encourage the use of alternative modes of transport.
- Provide for the development and management of an integrated, safe, responsive and sustainable transport network.

Appendix A contains references to key documents, standards and legislation.

Appendix B contains discussion on resource management issues and Council’s statutory responsibilities under s32 of the Act regarding transportation.

Appendix C contains relevant extracts from the Operative Regional Policy Statement.

Appendix D contains relevant extracts from the Proposed Regional Policy Statement.
### 25.14.2 Objectives

#### Objective most appropriate to achieve the purpose of the Act:

<table>
<thead>
<tr>
<th><strong>Integrated Transport Network</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>25.14.2.1</strong> An integrated, multi-modal transport network that meets national, regional and local transport needs and is:</td>
</tr>
<tr>
<td>- Responsive.</td>
</tr>
<tr>
<td>- Efficient.</td>
</tr>
<tr>
<td>- Affordable.</td>
</tr>
<tr>
<td>- Safe.</td>
</tr>
<tr>
<td>- Accessible.</td>
</tr>
<tr>
<td>- Sustainable.</td>
</tr>
<tr>
<td>- Integrated with land use.</td>
</tr>
<tr>
<td><strong>The transport network is a significant physical resource critical in providing for the social, economic and cultural well being of people and the community. This objective is most appropriate to achieve the purpose of the Act because:</strong></td>
</tr>
<tr>
<td>- It defines a broad transport network outcome which is relevant to the use and development of the transport network itself and all activities generating effects that impact on that outcome;</td>
</tr>
<tr>
<td>- An integrated and multi-modal, responsive, efficient, affordable and accessible network contributes towards:</td>
</tr>
<tr>
<td>ii. Ensuring people and communities will be able to provide for their ongoing social, economic and cultural wellbeing.</td>
</tr>
<tr>
<td>iii. The efficient use and development of natural and physical resources.</td>
</tr>
<tr>
<td>iv. The efficiency of end of use energy.</td>
</tr>
<tr>
<td>- A safe network contributes towards protecting the health and safety of people and communities;</td>
</tr>
<tr>
<td>- This outcome ensures consideration of the sustainability of the network, which includes:</td>
</tr>
<tr>
<td>i. Sustaining the potential of the network, and natural and other physical resources to meet the reasonably foreseeable needs of future generations.</td>
</tr>
<tr>
<td>ii. Safeguarding the life-supporting capacity of air, water, soil, and ecosystems.</td>
</tr>
<tr>
<td>iii. Avoiding or mitigating adverse effects on the environment.</td>
</tr>
<tr>
<td>iv. The maintenance of amenity values.</td>
</tr>
<tr>
<td>- It meets the specific legislative requirements regarding the function of territorial authorities.</td>
</tr>
<tr>
<td>- It gives effect or has regard (as appropriate) to relevant national and regional policies, plans and strategies.</td>
</tr>
</tbody>
</table>
- It is achievable through the proposed policies, rules and other methods.
- Transport networks are broadly defined to include the combined network of:
  
i. Existing and future transport corridors (as shown on the City Spatial Plan, a Structure Plan or the Transport Corridor Hierarchy Plan).
  
ii. Private roads and ways, access ways, service lanes pedestrian, cycle and passenger transport lanes or routes (both in and outside the transport corridor).
  
iii. Rail, river ferry and air travel routes that provide for the movement of people and goods to, from and through the City. It includes all of the ancillary support transport infrastructure and activities, and vehicle entrances. It also includes those facilities in addition to transport infrastructure that support the use of the transport network, as well as (but not limited to) end-of-journey facilities and Travel Management Plans.

<table>
<thead>
<tr>
<th>Objectives not the most appropriate to achieve the purpose of the Act:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>No objective.</strong></td>
</tr>
<tr>
<td><strong>As proposed but excluding any of the factors listed.</strong></td>
</tr>
</tbody>
</table>

- This option does not meet the specific legislative requirements regarding the function of territorial authorities.
- This option does not give effect or have regard (as appropriate) to relevant national and regional policies, plans and strategies.
25.14.3 Policies

**Conclusion:** Taking into account the above, Council considers that the objective in this chapter of the plan are the most appropriate to achieve the purpose of the Act.

### Policies most appropriate to achieve the 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.
- Integrated with land use.

### Policies

#### Land Use Integration

**25.14.2.1a**
The transportation network and related infrastructure is planned, designed, constructed and managed in a manner that:

1. Is consistent with and support the land use spatial framework for the City (Figure 2.1a in Chapter 2).
2. Promotes vibrant business centres.
3. Contribute to safe and efficient multi-modal transport corridors serving the Central City, business centres and

### Effectiveness, efficiency, costs and benefits

**Benefits**
- Ensures that the development of the transport network and infrastructure is affordable and practical in the long term and supports the planned land use framework for the City – intensification in identified locations, growth in structure plan areas, vibrant business centres.
- Integration with planned land use recognises the sensitivities and demands of land uses – e.g. residential land uses demand high amenity, business land uses demand high accessibility and efficient movement.
- Supporting the planned land uses accrue benefits from the reduced need to travel – live/work options, intensification, and walkable neighbourhoods can reduce the demand on transport infrastructure and reduce the time people are forced to invest in moving (this approach is reflected in zoning, land use densities and structure planning).
iv. Contributes to a transportation network that:

A. Is accessible to all users, including transport disadvantaged and mobility impaired.

B. Maximises opportunities for walking, cycling and passenger transport.

C. Creates good connections between residential areas, passenger transport services, schools, employment nodes, recreation areas, shops and other destinations.

D. Provides a choice of routes and transport modes for travelling.

v. Recognises the need for effective long-term solutions that are affordable and practicable.

- Ensures the transport network and infrastructure is developed in a way that creates safe and efficient routes and supports multimodal travel options and route choice.

- Recognises the need to design and develop transport networks that are accessible and usable by all members of the community. While this ensures that travel barriers experienced by transport disadvantaged and mobility impaired people are minimised, it can also improve the ease by which all people travel.

- Supports active modes of travel and passenger transport which encourages reduced mode share for private vehicle travel, this may:
  
  i. Ensure travel options are available for those with limited or no access to private vehicles – improved accessibility.
  
  ii. Contribute towards more healthy people - regular walking, running or cycling contributes towards a healthier lifestyle.
  
  iii. Contribute towards a transport network that generates fewer CO₂ and other vehicle emissions – less impact on the environment.
  
  iv. Improve amenity – walking and cycle networks may create or provide improved access to attractive recreational spaces.
  
  v. Encourage more efficient use of land as space for private vehicles is reduced (e.g. demand for parking spaces) – this may also provide greater development opportunities.
  
  vi. Reduce the rate of growth and pressure on transport infrastructure.

- Ensures the transport network connects people to the places they need to go in order to provide for their social, economic and cultural wellbeing.

- Supports businesses by ensuring a transport network that reduces the cost (time and/or distance) of transporting goods, and provides access for customers.

Costs

- Design, construction and maintenance costs to Council and/or developers to provide transport network and infrastructure.

- Restrictions on development opportunities if land is required to provide for transport network and infrastructure.
- Financial cost to Council of monitoring performance indicators in the transport network and identifying network needs and user demands to inform development proposal and works.

**Efficient and Effective**

- The proposed policies provide for the efficient integrated management of the City’s transport network in a manner that provides for the social, economic and cultural wellbeing of people and the community. The proposed policies are effective because they provide clear guidance for the development of the City’s transport network and infrastructure.
- The benefits and expected outcomes of the required process outweigh the respective costs.

### Transport Network

**25.14.2.1b**

The transportation network and related infrastructure is planned, designed, constructed and managed in a manner that:

i. Recognises the affordability of providing new public infrastructure and other actions to increase the capacity of the transport network to accommodate growth.

ii. Enables flexible management of transport corridors to perform their function within the City’s transport corridor hierarchy.

iii. Promotes energy conservation and efficiency.

iv. Promotes a safe and efficient transport network.

v. Allows for network utility infrastructure, and streetscape amenity.

vi. Provides access to and

<table>
<thead>
<tr>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Recognises that to be responsive and efficient the transport network and infrastructure needs to have some level of flexibility in how it responds.</td>
</tr>
<tr>
<td>- Recognises that financial constraints or considerations are relevant matters in considering how to provide transport networks and infrastructure solutions to accommodate growth. This ensures that long term affordability of proposed transport network solutions is considered, specifically including operational and maintenance costs.</td>
</tr>
<tr>
<td>- Provides certainty that the planned function of transport corridors identified in the transport corridor hierarchy plan is recognised and allowed for.</td>
</tr>
<tr>
<td>- A more energy efficient/sustainable transport network.</td>
</tr>
<tr>
<td>- A transport network that is capable of providing for the efficient provision of network utilities. Reducing the need for network utility corridors over private land which may restrict development opportunities and/or hinder the efficient operation of network utility operators.</td>
</tr>
<tr>
<td>- A transport network that enables streetscape amenity features that improves the amenities of the space (or as a means to maintain amenity by mitigating effects of the transport network).</td>
</tr>
<tr>
<td>- Ensures transport networks are safe, efficient, accessible and considers the needs of all members of the community and modes of travel.</td>
</tr>
<tr>
<td>has regard for the safety and needs of the mobility impaired, transport disadvantaged, cyclists, pedestrians, passenger transport users, and others using the transport corridor to move from place to place.</td>
</tr>
<tr>
<td>vii. Contributes to the social, economic, cultural and environmental needs of current and future users of the transport network.</td>
</tr>
<tr>
<td>viii. Takes account of the whole of life operational and maintenance costs of the transport network.</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

**Efficient and Effective**

<p>|  | • The proposed policies provide for the management of the City’s transport network in a manner that provides for the social, economic and cultural wellbeing of people and the community. The proposed policies are effective because they provide clear guidance for the planning, construction and management of the City’s transport network and infrastructure. |
|  | • The benefits and expected outcomes outweigh the respective costs. |</p>
<table>
<thead>
<tr>
<th>Adverse Effects of the Transport Network</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>25.14.2.1c Adverse effects of new transport infrastructure and changes to the existing transport network on:</td>
<td>• Ensures that new transport activities and changes to the existing transport network are provided for in a way that considers how to minimise adverse effects on amenity, cultural, heritage, biodiversity values and levels of safety, access and mobility – protection against adverse effects.</td>
</tr>
<tr>
<td>i. Amenity values of adjacent activities.</td>
<td>• Balances consideration of adverse effects with the function of that part of the transport network and the character and purpose of the relevant land use environment.</td>
</tr>
<tr>
<td>ii. Cultural and heritage values, biodiversity.</td>
<td>• Ensures parking areas recognise and provide for sufficient parking facilities for network users – e.g. design, number and location suitable for the full range of users (including physically disabled) – parking includes cycle modes and end of journey facilities.</td>
</tr>
<tr>
<td>iii. Safety, access and mobility of all users are minimised while recognising:</td>
<td>• Recognises and seeks to minimise the adverse effects from over or under supply of parking e.g. under supply - traffic congestion, access and safety issues; over supply – low density development/inefficient use of land, visual amenity (expanse of parking), traffic congestion.</td>
</tr>
<tr>
<td>iv. The function and the location that that part of the transport network has within the transport corridor hierarchy.</td>
<td>• Ensures the location and design of parking facilities minimises adverse effects on the safety and efficiency of the transport networks – protects the safety of network users and the level of service/efficiency of the network.</td>
</tr>
<tr>
<td>v. The character and purpose of the zone in which it is located.</td>
<td>• More efficient provision and use of parking facilities – providing greater opportunity for development (more land available), more intensive land uses and activities can create more vibrant business centres, reduces development costs.</td>
</tr>
<tr>
<td>25.14.2.1d The design, location and quantity of parking infrastructure is managed in a way that:</td>
<td>• Reduced rate of growth and pressure on transport infrastructure through travel demand management interventions.</td>
</tr>
<tr>
<td>i. Provides for special design requirements of transport network users.</td>
<td>• Potential for a more efficient passenger transport system.</td>
</tr>
<tr>
<td>ii. Minimises adverse effects arising from an over or under supply of parking.</td>
<td>Costs</td>
</tr>
<tr>
<td>iii. Minimises adverse safety and efficiency effects on the transport network.</td>
<td>• Design, construction and maintenance costs to Council and/or developers to provide transport network and infrastructure solutions that minimise adverse effects.</td>
</tr>
<tr>
<td>iv. Maximises opportunities for the efficient use of parking infrastructure</td>
<td>• Loss of existing amenity or other values where the</td>
</tr>
</tbody>
</table>
travel demand management and passenger transport options.

minimisation of adverse effects cannot result in complete avoidance.
- Development opportunities or flexibility may be restricted.
- Ongoing costs of travel demand management solutions.
- Financial cost to Council of monitoring performance indicators in the transport network and identifying network needs and user demands to inform development proposal and works.

**Efficient and Effective**
- This group of policies will be efficient and effective to achieve objective 25.14.2.1.
- The proposed policies provide for the minimisation of adverse effects generated by changes to the transport network while balancing the need for the City’s transport network to be able to respond in a manner that provides for the social, economic and cultural wellbeing of people and the community.
- The benefits and expected outcomes outweigh the respective costs.

### Adverse Effects on the Transport Network

**25.14.2.1e** Adverse effects of subdivision, use and development activities on the transport network are avoided or minimised with particular regard to:

i. Connections to, and integration with, the transport network.

ii. Reverse sensitivity effects of land uses sensitive to adverse transport effects (e.g. noise).

iii. Promoting streetscape amenity.

iv. Ensuring performance, condition, safety, efficiency and long term sustainability and affordability of the

### Benefits

- Ensures protection for the transport network from adverse effects from subdivision, use and development.
- Ensures integration of land use with the transportation network.
- Protects the transport network from reverse sensitivity effects which might otherwise hinder the operation of the network – compromises efficiency, affordability, and responsiveness.
- Ensures proposals consider amenity values of the streetscape which are a component in supporting alternative travel modes (e.g. pleasant walking/cycling routes).
- Ensures potential effects of the proposal on the performance, condition, safety and long term sustainability of the transport network are avoided or minimised – protects safety, efficiency, affordability of the transport network.
- Reduced rate of growth and pressure on transport infrastructure through travel demand management interventions.
transport network.

v. Ensuring trips by active modes and passenger transport are encouraged through integration with travel demand management and passenger transport options.

vi. Protects of strategic and arterial transport networks, including associated intersections.

25.14.2.1f

Integrated Transport Assessments (ITAs) shall be required for new subdivision, use or development of a nature, scale or location that has the potential to generate significant adverse transportation effects.

- Minimisation of private vehicle trips may:
  i. Reduce the rate of growth and pressure on transport infrastructure.
  ii. Contribute towards a transport network that generates less CO₂ and other vehicle emissions – reduces impact on the environment.

- Encourage more efficient use of land as space for private vehicles is reduced (e.g. demand for parking spaces) – this may also provide greater development opportunities.

- Enable a more efficient passenger transport system.

- Protects identified transport corridors critical to servicing the transportation needs of the City, region and North Island.

**Costs**

- Design, construction and maintenance costs to Council and/or developers to provide solutions that minimise adverse effects on the transport networks.

- Development opportunities or flexibility may be restricted.

- Ongoing costs of travel demand management solutions.

- Financial cost to Council of monitoring performance indicators in the transport network and identifying network needs and user demands to inform development proposal and works.

- Refer to Benefit and Cost discussion on Rule 25.14.4.3 Integrated Transport Assessment Requirements for further assessment regarding policy 25.14.2.1f.

**Efficient and Effective**

- The proposed policies are effective because they provide a clear framework for managing the potential adverse effects of subdivision, use and development on the transport network.

- Intervening through a consent process (refer to methods) is an efficient way of ensuring the adverse effects of activities on the transport network are addressed.

- Avoiding or minimising the effects at the planning stage is more efficient than relying on post
development intervention (e.g. enforcement, Council works and services, retrofits).
- The benefits and expected outcomes outweigh the respective costs.

**25.14.2.1g**
Buildings, structures and trees shall not create a potential hazard to the flight paths of aircraft or any other operations associated with Hamilton Airport by intruding within the airport’s airspace.

<table>
<thead>
<tr>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>- The health and safety of people flying in aircraft operating out of Hamilton Airport is protected from intruding obstacles.</td>
</tr>
<tr>
<td>- The efficient operation of the Hamilton Airport, as significant transport infrastructure and an important part of the transport network is unhindered by encroaching development.</td>
</tr>
<tr>
<td>- The City form develops in a way whereby the risk to the health and safety of people and property is minimised – people, buildings and structures are less exposed to aircraft movements.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Time and financial costs of identifying whether development intrudes within the airspace.</td>
</tr>
<tr>
<td>- Time and financial costs of assessing and determining whether intrusions create a potential hazard.</td>
</tr>
<tr>
<td>- Potential restriction of development opportunities (height of buildings/structures).</td>
</tr>
</tbody>
</table>

**Efficient and Effective**
- The policy provides for the efficient use and operation of Hamilton Airport as part of the wider transport network through the sustainable management of the Airport (as a significant physical resource) in a way that will enable the health and safety of people and the community, while continuing to provide for their social, economic and cultural wellbeing.
- The benefits and expected outcomes outweigh the respective costs.

**Policies not most appropriate to achieve the objectives:**

<table>
<thead>
<tr>
<th>No policies.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Having no policies regarding the transportation network gives no certainty that an integrated, multi-modal transport network that meets the transport needs of the City (that is responsive, efficient, affordable, safe, accessible, and sustainable) will be achieved. This approach would not provide for the sustainable management a significant physical resource.</td>
</tr>
</tbody>
</table>
resource, in that it does not:

- Provide for the protection of the transport network in a way that enables people and the communities to continue to provide for their social, economic and cultural wellbeing.
- Provide for the health and safety of people and the community.
- Manage adverse effects of the transport network on the environment.
- This option does not meet the specific legislative requirements regarding the function of territorial authorities.
- This option does not give effect or have regard to relevant national and regional policies, plans and strategies.

| No preference for land transport systems and transport modes which promote energy efficiency and conservation. | Benefits |
| Focus entirely on one mode of transport, no preference or support for transport systems that provide for active modes. | Greater flexibility to developers in the design, construction and operation of new development and transport infrastructure. |
| No requirement for new development to consider future planned transport infrastructure or ensure adequate connection to the existing transport network or hierarchy. | Costs |
| Ignore land use (including aspects of integration) in the development of transport networks and infrastructure. | Less clarity provided as to the preferred approach for development of new transport infrastructure. Potential for increased adverse effects on the transport network, including the transport corridor hierarchy. |
| No regulation of provision for safe vehicle entrances, or consideration of the safety of transport network users. | This policy approach would not effectively promote and provide for alternate modes of transport (passenger transport, walking, cycling), nor would it encourage energy efficiency in new development. The approach would not require new transport infrastructure to be developed in a way which provided appropriate connection to the existing transport network. The policy approach would not be efficient as it would fail to give effect to the objective. |
| Benefits |
| Greater flexibility to developers in the design, construction and operation of new development and transport infrastructure. |
| Costs |
| Adverse effects on the transportation network through a lack of integration between new development and transport infrastructure and the existing transport network. |
No requirement to consider the effects of new subdivision, use, development or transport infrastructure provision on the character and amenity of the surrounding environment.

- Potential adverse effects to the safety of transport corridor users.
- Potential adverse effects on the character and amenity of the transportation network and surrounding environment.
- This policy approach would not provide for the effective integration of new land use and development with the wider transportation network. There would also be no effective requirement to consider design solutions in order to mitigate the potential effects of new development on safety, amenity or character. The policy approach would not be efficient as it would fail to give effect to the objective.

### Risks

Risks of acting or not acting.

- Access to an integrated, accessible, affordable, responsive, safe, sustainable and efficient transport network is critical to the successful functioning of the City, (including Hamilton Airport), the wider region and the country. Without the proposed policies there is a risk that:
  
  i. businesses and people may encounter significant transportation constraints, impacting on the provision of goods and services which constrains the ability of people and the community to meet their social, economic and cultural wellbeing.

  ii. Ongoing health and safety of transport network users may be at risk.

  iii. Opportunities to create an integrated transport network are lost and the levels of service of transport corridors are reduced.

- Transportation interventions become more ad-hoc with a loss of strategic direction. This may lead to more reactionary solutions involving costly investment in infrastructure.

**Conclusion:** Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the objective.
25.14.4 Rules

Rules most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Standard</strong>&lt;br&gt;25.14.4.1 Vehicle Crossings and Internal Vehicle Access.  &lt;br&gt;• Separation Distances.  &lt;br&gt;• Sightlines.  &lt;br&gt;• Quantity.  &lt;br&gt;• Design and Access Widths.</td>
<td><strong>Benefits</strong>&lt;br&gt;• Provides minimum permitted design standards relevant to ensuring safety, accessibility, and efficiency – creates an envelope for permitting activities.  &lt;br&gt;• Protects the health and safety of transport network users.  &lt;br&gt;• Protects the efficiency of the transport network.  &lt;br&gt;• Provides certainty for site access and site accessibility.  &lt;br&gt;<strong>Costs</strong>&lt;br&gt;• Design, construction and maintenance costs.  &lt;br&gt;• Development opportunities or flexibility may be restricted.  &lt;br&gt;<strong>Efficient and Effective</strong>&lt;br&gt;• This group of rules will be efficient and effective to achieve objective 25.14.2.1 and policies in 25.14.2.1f.  &lt;br&gt;• The benefits and expected outcomes outweigh the respective costs.</td>
</tr>
<tr>
<td><strong>General Standard</strong>&lt;br&gt;25.14.4.2 Parking, Loading Spaces and Manoeuvring Areas.  &lt;br&gt;• Quantity.  &lt;br&gt;• Design.</td>
<td><strong>Benefits</strong>&lt;br&gt;• No minimum car parking requirements in the Central City (refer McCormick Ranking Cagney reports and other research material), minimum and maximum range for Business Zones outside of the Central City.  &lt;br&gt;• Provides flexibility to meet parking demands, reflecting site context and nature of activity.  &lt;br&gt;• Supports street frontage continuity, maximises opportunities for active frontages and creates a stronger relation between buildings and the street (see also controls restricting use of frontage for parking in business chapters).  &lt;br&gt;• Supports a more concentrated built form – more vibrant centres.</td>
</tr>
</tbody>
</table>
• More efficient use of land that enables greater development opportunity (reduced development costs/need to set aside large areas of land for parking, economic benefits for the City), greater densities and mixes, which supports active modes of travels and makes passenger transport more efficient.

• With greater density there can be greater investment in the public realm.

• Provides certainty of when parking is required and at what rate.

• Provides certainty that design of parking, loading spaces and manoeuvring areas and facilities is appropriate to the use and users of the activity and surrounding transport network.

• Cycle parking and end of journey facility requirements ensures opportunity exists to improve cycle mode share (and related benefits – less demand on transport network from private vehicle modes, less CO₂ and other emissions, health benefits to user etc).

• Motor cycle parking recognises needs of those transport network users – supports travel by motor cycle which is more space efficient (one car park [one person + passengers, low occupancy rates at peak times] can hold three or four motor cycles [3-4 people + pillion passengers]).

• Accessible parking is required when other parking is provided – ensures accessible parking is available for disabled users and other users with access needs (e.g. elderly, prams/young children etc).

• Specific exclusion rule for generic parking requirements where activities are undertaken in accordance with an approved concept plan or other similar mechanism, where sufficiently detailed assessment has already been undertaken. Avoids duplication of assessment and consenting process.

Costs

• Where parking provided – design, construction and maintenance costs to Council and/or developers (noted that costs already incurred as part of development, may be a reduction in costs elsewhere in the development process).
- Financial cost to Council of monitoring performance indicators in the transport network and identifying network needs and user demands.
- Cost to Council of active role in parking demand management, including potential costs of intervention (this is already part of Access Hamilton – Parking Management Action Plan).
- This is a long term approach to parking in Hamilton.

Efficient and Effective

- Setting parking requirements is an efficient and effective means of managing the parking element of the transport network. It creates clarity and certainty over parking requirements.
- The benefits and expected outcomes outweigh the respective costs.
- Risks of not acting in parking management – refer to McCormick Ranking Cagney report. Continued inefficient parking management whereby the true costs of parking are not reflected. Low density development, inefficient use of land, not supportive of alternative modes of transport.

Activity Status Table

25.14.3(a) Any activity in this District Plan required to prepare a simple or broad Integrated Transport Assessment by Rule 25.14.4.3.

**General Standard**

25.14.4.3 Integrated Transport Assessment Requirements.

Volume 2, Appendix 15-3, Table 15-3d Integrated Transport Assessment Conversion Table.

Any activity (other than discretionary or non-complying) triggering an ITA by Rule 25.14.4.3 is a restricted discretionary activity.

**Benefits**

- Ensures appropriate capture and assessment of activities generating effects on the transport network, including cumulative effects on performance over a 10 to 20 year planning period.
- Ensures ITAs are prepared by suitably qualified and experienced practitioners so the information and assessment provided is robust.
- Creates case specific consideration of mitigation options and ensures land use proposals are integrated with the transportation network.
- Protects safety and efficiency of the transport network and users.
- Promotes travel demand management and support for alternative modes as means for mitigating effects.
- Restricted discretionary activity status ensures Council can refuse consent for activities that do not appropriately mitigate adverse effects.
- Certainty on when an ITA will be required and
clarity over the way in which it should be prepared – provided by nationally recognised guidance report (NZTA Research Report 422).

- Consistent City-wide effects-based thresholds (vehicle per day), with a conversion table that can be used to allow efficient screening of proposals. Thresholds reflect sensitivity of the network, whether the land use is anticipated in the zone (higher threshold for otherwise permitted activities), and three levels of ITA (simple, broad and Downtown Precinct).

- Additional ITA triggers capture instances which the vehicle per day trigger may not and likely adverse effects on the transport network need to be assessed and minimised:
  
  i. New vehicle access to major arterials or the strategic network, within the Central City.
  
  ii. New vehicle access across railway line or active frontage.
  
  iii. Increased use of an existing vehicle crossing to major arterials, the strategic network, or across a railway line.

- Specific activities (e.g. transport depots).

- Specific sensitive areas with their own trigger rates (e.g. Rotokauri Employment Area).

- Specific exclusion rule for activities undertaken in accordance with an approved concept plan or other similar mechanism, where sufficiently detailed transport assessment has already been undertaken. Avoids duplication of assessment and consenting process.

### Costs

- Financial cost of preparing an ITA, however the level of detail required will be relevant to the scale of the proposal (noted that an assessment of environmental effects should already include considering transportation effects). Approximate costs: Simple ITA - $2,000 to $3,000; Broad ITA <1,500 vpd $5,000 to $10,000; Broad ITA >1,500 vpd $10,000+. Refer Gray Matter advice considering costs of preparing an ITA for more detail and assumptions.

- Cost of required mitigation works for developer.

- Development opportunities may be constrained where effects can not be suitably mitigated.

- Conversion table may not be as responsive to
Effects generated by individual activities (e.g. expected vehicles per day (vpd) for Retail type A 100m$^2$ may not be the same as expected vpd for Retail type B 100m$^2$).

- Financial cost to Council of monitoring performance indicators in the transport network and identifying network needs and user demands to inform development proposal and works.

**Efficient and Effective**

- Defining thresholds for intervention and the information requirements is an efficient and effective means of protecting the transport network and users and for promoting integration between transport and land use. It creates clarity and certainty over assessment requirements and ensures mitigation options are explored and implemented if necessary.

- Requiring a Downtown Precinct ITA, rather than a Broad ITA, for any activity in the Downtown Precinct of the Central City Zone, simplifies the need for future assessments and limits the assessment to effects in the immediate vicinity of the proposed activity.

- The benefits and expected outcomes outweigh the respective costs.

- Refer to Gray Matter Network Tolerance Plan: Integrated Transportation Assessments for detailed discussion.

**General Standard**

25.14.4.4 Minimum sight distances at Railway Level Crossings

**Benefits**

- Clearly defines areas where sightlines must be maintained to protect safety around railway level crossings (particularly relevant to greenfield areas of the City, e.g. Ruakura Structure Plan Area).

- Protects the health and safety of transport network users.

- Restrictions are responsive to any railway level crossing upgrade (i.e. crossings controlled by alarms and booms mean some restrictions cease to apply).

**Costs**

- Development opportunities or flexibility are restricted to those parts of sites within the Approach or Restart Sight Triangles (impact may be offset because of existing development restrictions, e.g. railway designation, building setbacks).
Efficient and Effective

- The proposed rule is efficient and effective because it clearly defines the area within which sightlines are at risk from development, prevents obstructions and responds to other means of mitigation (i.e. railway crossing control upgrades).
- The benefits and expected outcomes outweigh the respective costs.

### General Standard

25.14.4.5 Height of structures – horizontal and conical obstacle limitation surfaces.

### Restricted Discretionary Activity

Non-compliance with Rule 25.14.4.5.

Information requirements regarding consultation with Hamilton Airport.

### Planning Maps

Defining horizontal and conical obstacle limitation surfaces.

Hamilton Airport is located within Waipa District but the airport’s horizontal and conical Obstacle Limitation Surfaces extend into the City. Hamilton Airport is a significant regional and national resource and is a key part of Hamilton’s transport network.

The Plan sets height restrictions on land which lies under these surfaces to ensure airport operations and development are not compromised (see Planning Maps).

### Benefits

- The health and safety of people flying in aircraft operating out of Hamilton Airport is protected from intruding obstacles.
- The efficient operation of the Hamilton Airport, as significant transport infrastructure and an important part of the transport network is unhindered by encroaching development.
- The City form develops in a way whereby the risk to the health and safety of people and property is minimised – people, buildings and structures are less exposed to aircraft movements.
- This rule provides the framework to consider building height that is proposed to penetrate the airport slopes and surfaces. The rule recognises that the potential adverse effects of such a proposal are restricted to the safe operation of Hamilton Airport.
- Provides certainty for Hamilton Airport that where the airspace required to operate the airport safely is at risk of being built out they will be involved in considering any potential adverse effects.

### Costs

- Time and financial costs of identifying whether development intrudes within the airspace.
- Time and financial costs of assessing and determining whether intrusions create a potential hazard.
- Potential restriction of development opportunities (height of buildings / structures).

**Efficient and Effective**

- The proposed rule is efficient because it clearly identifies the key operational requirement for the airport and effectively manages it by managing development within a defined spatial envelope.
- The benefits and expected outcomes outweigh the respective costs.

### Activity Status Table

**25.14.3(b) New Transport Corridors.**

New transport corridors connecting to the transport network can have a wide range of potential impacts. New transport corridors are identified as restricted discretionary activities. While local and collector transport corridors are usually identified, assessed and vested as part of the subdivision process, there is the potential for new transport corridors to be developed outside of a subdivision process (e.g. private road network being established on large greenfield sites. New arterial transport corridors will be designated by Council or the NZTA. The Transport Corridor Zone addresses changes to existing transport corridors.

**Benefits**

- Ensures full and comprehensive assessment of effects of new transport corridors, requirements for mitigation, designs that achieve objective (e.g. integrated, multi-modal, safe, efficient, accessible, affordable, sustainable).

**Costs**

- Design, construction and maintenance costs to Council and/or developers to provide solutions that minimise adverse effects.
- Development opportunities or flexibility may be restricted.
- Financial cost to Council of monitoring performance indicators in the transport network and identifying network needs and user demands to inform development proposal and works.

**Efficient and Effective**

- The proposed rule is effective because it captures new transport corridors which might not otherwise be captured through the subdivision or other development controls.
- A consent process is considered to be more efficient at achieving the objectives and policies than leaving such proposals to other mechanisms.
| Volume 2, Appendix 15-5 Transport Corridor Hierarchy Plan and Definitions | Guidance for considering the appropriate form and function of the proposed transport corridors is contained in the Plan.
- The benefits and expected outcomes outweigh the respective costs. |
| --- | --- |
| Transport Corridor Hierarchy Plans are common District Plan method used to define and manage transport networks. The Proposed Plan uses the hierarchy to define the function of existing and planned transport corridors in the City. Some parts of the Proposed Plan refer to this plan in relation to policies and rules (e.g. protection of strategic networks, building setbacks from arterial roads, ITA thresholds for residential local roads). The proposed hierarchy uses four general classifications (major arterial, minor arterial, collector and local) with two overlays (strategic network, pedestrian focus area). These define the function of the transport corridor, which is used to determine permitted activities in the Transport Corridor Zone. The form of the transport corridors is influenced by the surrounding land use environment. The proposed plan contains criteria for the form of transport corridors. The design elements (form) vary according to function and the surrounding land use environment (e.g. design speeds are slower for a local transport corridor in a residential environment). **Benefits**
- Clearly identifies existing and planned transport corridor network – makes it easy to understand long term vision for the transport network.
- Provides certainty to landowners of the nature and scale of effects and activities that should be expected for adjoining transport corridors.
- Defines strategic and arterial network so they can be protected (e.g. safety, efficiency).
- The definition of function and criteria for the form of transport corridors provides scope for permitted activities within the Transport Corridor Zone and guidance for assessing proposals for new transport corridors.
- Integrates the transport corridor function with appropriate forms that reflect the surrounding land use environment. **Costs**
|
Some development opportunities may be constrained depending on the classification of the transport network which can incur costs for land owners and developers.

- Constrains Council activities to those that give effect to the defined function (e.g. cannot four lane a local road without a consent process, change to the plan to alter the hierarchy, or designation process).
- Financial cost to Council of monitoring performance indicators in the transport network and identifying network needs and user demands to inform development proposal and works.

**Efficient and Effective**

- This group of rules will be efficient and effective to achieve objective 25.14.2.1 and policy 25.14.2.1a to 25.14.2.1d.
- The benefits and expected outcomes outweigh the respective costs.

### 25.14.6 Notification Rule

The following activities:

- Activities required to prepare a simple or broad ITA by Rule 25.14.4.3.
- Any activity not complying with any separation or minimum sight distances at Railway Level Crossings standards in Rule 25.14.4.1b) and 25.14.4.4.
- Any activity not complying with any height of structures – Horizontal and Conical Obstacle Limitation Surfaces standards in Rule 25.14.4.5. will be considered without notification or the need to obtain approval from affected persons except:
  - As provided for by the Act.
  - To the New Zealand Transport Agency (NZTA) with respect to minor or more than minor effects on the State Highway network.
  - To Kiwirail with respect to non-compliance with Rule 25.14.4.4, and minor or more than minor effects on railway crossings.
  - To the operator of the Hamilton Airport with respect to non-compliance with Rule 25.14.4.5.

**Benefits**

- Reduces complexity and potential financial and
time costs for assessing and determining the proposal. Applicants deal primarily with Council with regards to effects on the transport network and users.

- Still allows NZTA, Kiwirail, Hamilton Airport operators to be considered affected and for the application to be limited notified to these parties where relevant.

**Costs**

- Onus on Council to represent community interests to ensure all relevant aspects of transport effects are considered may create time and financial costs.
- Opportunities for community involvement in consent processes are reduced.

**Efficient and Effective**

- This group of rules will be efficient and effective to achieve objective 25.14.2.1 and policy 25.14.2.1a to 25.14.2.1d.
- The benefits and expected outcomes outweigh the respective costs.

**Provisions in other City wide chapters, including:**

Chapter 25.3 Events and Temporary Activities.
Chapter 25.6 Lighting and Glare.
Chapter 25.8 Noise and Vibration.
Chapter 25.10 Signs.
Chapter 25.11 Smoke, fumes, odour and dust.

Refer to the section 32 and text for these chapters for further discussion on the management of adverse effects in relation to:

- Events and temporary activities.
- Lighting and glare.
- Noise.
- Signage.
- Smoke, fumes, odour and dust.

**Benefits**

Creates linkages to other relevant provisions in the plan dealing with specific activities or effects, this reduces duplication in the Plan and, in relation to transportation:

- Provides minimum permitted design standards relevant to managing adverse effects on or of the Transport Network – creates an envelope for permitting activities.
- Protects the health and safety of transport network users.
- Protects the efficiency of the transport network.

**Costs**

- Financial costs of measures necessary to comply
<table>
<thead>
<tr>
<th>Section 32 – Operative District Plan</th>
<th>Hamilton City Council</th>
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<tr>
<td></td>
<td>with standards.</td>
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<td></td>
<td>• Development opportunities or flexibility may be restricted.</td>
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<tr>
<td><strong>Efficient and Effective</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• This group of rules will be efficient and effective to achieve objective 25.14.2.1 and policy 25.14.2.1a to 25.14.2.1d.</td>
</tr>
<tr>
<td></td>
<td>• The benefits and expected outcomes outweigh the respective costs.</td>
</tr>
<tr>
<td><strong>25.14.6 Assessment Criteria</strong></td>
<td><strong>Benefits</strong></td>
</tr>
<tr>
<td></td>
<td>• The Plan identifies that certain activities either by virtue of the activity or due to failing standards are controlled, restricted discretionary, discretionary or non-complying activities.</td>
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<td></td>
<td>• The Plan includes assessment criteria that are able to be applied in the assessment of these activities through the resource consent process. The criteria are grouped clearly under headings relating to the matters Council has reserved control over (for controlled activities) and restricted its discretion (for restricted discretionary activities). These assessment criteria and the introductory ‘how to’ guide are a useful way to guide all parties on how Council is going to administer the provisions of the Plan.</td>
</tr>
<tr>
<td></td>
<td>• The assessment criteria gives transparency and provides clarity for all users on the matters that Council has control or discretion over when considering controlled or restricted discretionary activities, and provides a guide for the consideration of discretionary and non-complying activities.</td>
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<tr>
<td></td>
<td>• The assessment criteria also seeks to avoid duplication of effort or unnecessary assessment by enabling design based criteria to be disregarded if a more relevant design guide is in place or if the criteria is not considered relevant to the specific activity.</td>
</tr>
<tr>
<td><strong>Costs</strong></td>
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<td></td>
<td>• There is a general duty on an applicant and the Council to consider the assessment criteria firstly for relevance and secondly where considered relevant to assess the application against the criteria to consider the effects.</td>
</tr>
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<td>• There are no identified costs from clarifying in the</td>
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</table>
Plan the matters which will be considered when processing an application.

**Efficient and Effective**

These provisions will be efficient and effective to achieve the objectives by identifying a list of matters which are able to be used as a guide when both preparing and assessing consent applications which eases the administration and use of the District Plan for all parties.

### Risks

Risks of acting or not acting.

- Access to an integrated, accessible, affordable, responsive, safe, sustainable and efficient transport network is critical to the successful functioning of the City (including Hamilton Airport), which also impacts on the wider region and country. Without the proposed rules there is a risk that activities will affect the transport network in a manner that will not be able to provide for the social, economic and cultural wellbeing of people and the community. The ongoing health and safety of transport network users may also be at risk.

**Conclusion:** Taking into account the above, Council considers that the rules in this chapter are most appropriate to achieve the objectives.

#### 25.14.5 Methods Other Than Rules

<table>
<thead>
<tr>
<th><strong>Methods most appropriate to achieve the objectives:</strong></th>
<th><strong>Effectiveness, efficiency, costs and benefits</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulatory methods, other plans and legislation outside of the District Plan, for example:</td>
<td><strong>Benefits</strong></td>
</tr>
<tr>
<td>• Bylaws:</td>
<td>• Provides other mechanisms for Council and transport agencies to manage and enforce the use of public spaces and influence the manner in which transport networks are developed, maintained and used.</td>
</tr>
<tr>
<td>i. Use of public spaces</td>
<td><strong>Costs</strong></td>
</tr>
<tr>
<td>ii. Advertising signs</td>
<td>• Administrative costs to Council to establish and enforce other regulatory methods.</td>
</tr>
<tr>
<td>iii. Speed Limits</td>
<td>• Costs of complying with to undertake activities that are affected by the bylaw.</td>
</tr>
<tr>
<td>• Shared spaces and safer speed zones.</td>
<td><strong>Efficient and Effective</strong></td>
</tr>
<tr>
<td>• Notice of Requirements (Designations).</td>
<td>• Bylaws are made by Council, mainly using powers contained in the Local Government Act 2002. They are designed to provide a framework under which specific controls are adopted by Council resolution. This approach enables Council to better respond to changing circumstances.</td>
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<tr>
<td>• Structure Plans.</td>
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<td>• Regional Plan controls.</td>
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<td>• Enforcement (including parking).</td>
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<tr>
<td>• Local Government Act</td>
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<tr>
<td>Council projects</td>
<td>Benefits</td>
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<td>------------------</td>
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<tr>
<td>1974, 2002 and regulations.</td>
<td>Designations are an essential tool to enable the acquisition of critical parts of land for transportation purposes. They also enable the creation of a tailored response to the management of effects and ensuring the ongoing operability of transport infrastructure.</td>
</tr>
<tr>
<td>Land Transport Management Act 2003 and regulations.</td>
<td>The efficient and effective management of transport network necessitates a co-ordinated approach. This requires a hierarchy of integrated strategies supported by actions plans. The District Plan is one mechanism involved in an integrated approach.</td>
</tr>
<tr>
<td>Government Roading Powers Act 1989.</td>
<td>The proposed method is efficient in that its stated benefits outweigh their likely costs.</td>
</tr>
<tr>
<td>Public Transport Management Act 2008.</td>
<td></td>
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<tr>
<td>Regional Passenger Transport Plan.</td>
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<tr>
<td>Transport funding plans and programmes (including national and regional transport funding programmes, Long-Term Plans).</td>
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<tr>
<td>Growth strategies (e.g. Futureproof and Hamilton Urban Growth Strategy).</td>
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<tr>
<td>Walking and Cycling strategies.</td>
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<tr>
<td>City Strategies – Access Hamilton action plans</td>
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<tr>
<td>Network Action Plan.</td>
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<td>Activity Management Plan.</td>
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<td>Active Travel Action Plan.</td>
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<td>Travel Demand Management Action Plan.</td>
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<td>Parking Management Action Plan.</td>
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<tr>
<td>Integrated Transport Plan.</td>
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</table>
initiatives (subject to LTP and annual plan), for example:

As an infrastructure provider / road controlling authority:

- Develop transport infrastructure and public spaces, including reserves, walkways and cycle-ways.
- Design and management policies, manuals and technical specifications for Council activities that set expected outcomes, design criteria, management practices for existing and new Council provided infrastructure.

- The development of ICMPs for the long-term, sustainable management of water resources will enable Council to provide a well-informed framework for the management of water resources within the City. Asset plans and works and services to increase efficiencies provide significant benefits through planning for, and undertaking, improvements to the Council (and community) asset.
- There are environmental benefits from these methods as they maintain Council assets and aim to minimise impacts of the assets on the environment.
- There are social benefits from these methods as they provide an asset on behalf of the community to address water, stormwater and wastewater, which are essential for most developments, and for the health and safety of the community.

Costs

- There are significant financial costs to the Council and community to develop plans and to undertake works and services.

Efficient and Effective

- These methods will be efficient and effective to achieve the objectives by outlining how future Three Waters infrastructure ought to be developed, and ensuring that it is maintained by Council on behalf of the community.

Education and advocacy:

- Advocate for good urban design.
- Manage public expectations by clear and consistent information about good urban design outcomes and solutions, and their associated benefits.
- Promote public understanding of the benefits of energy mechanisms and changing behaviour.
- Education programmes promoting safety in the

Benefits

- The benefits of these approaches are to provide information that enable communities to change their behaviour with regards to land use and transportation, which has more positive connotations than a regulatory approach.

Costs

- There will be financial costs to Council to promote these approaches.

Efficient and Effective

- These methods will be efficient and effective to achieve the objectives by supporting the District Plan approach with information to encourage behavioural change.
- These approaches are likely to have more effect than regulatory approaches in existing areas
transport network, the benefits of travel demand management, travel plans (workplace and school), walking school buses.
- Accessibility audits and modelling.

<table>
<thead>
<tr>
<th>Economic instruments, for example:</th>
<th>Benefits</th>
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<tbody>
<tr>
<td>• Develop Development Contributions and Financial Contributions policies that are consistent with the City’s strategies, Hamilton City Long-Term Plan, Annual Plans and Activity Management Plans.</td>
<td>• Development contributions, financial contributions, and development agreements have financial benefits to Council by providing funding or land for infrastructure.</td>
</tr>
<tr>
<td>• Development agreements between Council and developers for the funding of additional infrastructure and the use and upgrading of existing infrastructure.</td>
<td>• There will be financial costs to developers and to Council to undertake these approaches.</td>
</tr>
<tr>
<td>• Cost recovery for services provided (fees and charges).</td>
<td><strong>Efficient and Effective</strong></td>
</tr>
<tr>
<td></td>
<td>• These methods will be efficient and effective to achieve the objectives by providing clarity about the funding obligations for infrastructure. Cost recovery methods are an effective mechanism to assign a financial value to transport network resources that recognises the societal value placed on this resource.</td>
</tr>
<tr>
<td></td>
<td>• It is also considered an effective method to incentivise more sustainable use of the transport network.</td>
</tr>
<tr>
<td></td>
<td>• The proposed method is efficient in that its stated benefits outweigh their likely costs.</td>
</tr>
</tbody>
</table>

25.14.6 References
- Refer to Appendix A for a list of resources, documents, standards and legislation

25.14.7 Glossary
- Refer to Volume 2, Appendix 1.1.2 of the District Plan
Appendix A

Referenced external resources, documents, standards and legislation

- Response to Commissioner questions: Chapter 18 Transport Corridor Zone and 25.14 Transportation – Day 1
- Response to Commissioner questions: Chapter 18 Transport Corridor Zone and 25.14 Transportation – Day 2
- Response to Commissioner questions: Chapter 18 Transport Corridor Zone and 25.14 Transportation – Day 2 – Addendum
- Response to Commissioner questions: Chapter 18 Transport Corridor Zone and 25.14 Transportation – Day 2 – Gray Matter
- Resource Management Act 1991
- Hamilton City Plan (Operative 2012)
- Regional Policy Statement (Operative October 2000)
- Regional Policy Statement (Proposed November 2010 and Decision November 2012)
- Waikato Regional Plan (Operative in part September 2007)
- Waikato (Operative in part June 2011), Franklin (Operative February 2007) and Waipa District Plans (Operative 1997)
- New Zealand Transport Strategy 2008 (NZTS)
- National Rail Strategy Strategic Directions to 2015
- Local Government Act 1974
- Local Government Act 2002
- Land Transport Management Act 2003
- Regional Land Transport Strategy 2011-2041
- Public Transport Management Act 2008
- Regional Passenger Transport Plan 2011-21
- Regional Walking and Cycling Strategy 2009-2015
- Waikato Regional Rail Strategy (Draft)
- Regional Energy Strategy 2009
- Future Proof Growth Strategy and Implementation Plan 2009
- City Strategy – Hamilton Urban Growth Strategy, April 2010
- City Strategy – Access Hamilton, April 2010 and Action Plans:
  - Network Action Plan (March 2010)
  - Passenger Transport Action Plan (March 2010)
  - Activity Management Plan (March 2010)
  - Active Travel Action Plan (March 2010)
  - Travel Demand Management Action Plan (March 2010)
  - Transport Safety Action Plan (March 2010)
  - Parking Management Action Plan (March 2010)
  - Integrated Transport Plan (March 2010)
- New Zealand Disability Strategy (2001)
- Managing changes in transport demand a survey of local authorities, 2009, Ward et al, NZTA Research Report 236/08
- Transportation and noise: land use planning options for a quieter New Zealand, 2006, McCallum-Clark et al, LTNZ Research Report 299
- Integrating land use and transport planning, November 2007, LTNZ Research Report 333
- Integrated transport assessment guidelines, November 2010, Abley et al, NZTA Research Report 422
- The variability of road traffic noise and implications for compliance with the noise conditions of roading designations, November 2011, Dravitzki et al, NZTA Research Report 446
- Workplace Travel Plan Guidance, NSW Premier’s Council for Active Living, April 2010, Mackay, PCAL Workplace Travel Planning Group
- Road and traffic standard series, NZTA, particularly: RTS6, Guidelines for visibility at driveways, RTS7 Advertising signs and road safety, RTS14 Guidelines for facilities for blind and vision impaired pedestrians, Speed Limits New Zealand.
• Cycle network and route planning guide, 2004, Land Transport Safety Authority
• Pedestrian planning and design guide, October 2009, NZTA
• Travel Demand Management Manual, November 2007, Transit NZ
  • Although this manual is primarily focussed on guiding the management of the national road network it also provides guidance on how local authorities can assist in managing the demand for travel. In particular this manual notes that parking has a role to play as a facilitator for the movement of people and goods and recognises that “the availability and cost of parking can be a key determinant of whether the car is used for a particular journey or not.” (page 87). Increased reliance on car use can lead to congestion which will affect the efficient operation of the transport network
• NZS 6806:2010 Acoustics – Road Traffic Noise – New and Altered Roads
• NZS 4404:2010 Land Development and Subdivision Infrastructure
• NZS 4121:2001: Design for Access and Mobility: Buildings and Associated Facilities
• AS/NZS 2890.1:2004 Parking facilities – Off-street car parking
• AS/NZS 2890.6:2009 Parking facilities – Off-street parking for people with disabilities
• Austroads Standards
• Driving and the Built Environment The Effects of Compact Development on Motorized Travel, Energy Use, and CO2 Emissions – Special report 298, 2009, Transportation Research Board
• HARTS – Preliminary Feasibility Study into Passenger Rail Services in the Hamilton Area, 2005, Transport Planning Solutions
• A National Road Hierarchy – Are We Ready? 2007 IPENZ Transportation Conference Technical Paper, Macbeth, A.
• Network Tolerance Plan – Integrated Transport Assessments and Triggers, Issue 2, August 2012, Gray Matter
• Review of Draft District Plan feedback on Parking and Transport Corridor Hierarchy Plan, 31 July 2012, Gray Matter
• Parking Policy Options and Recommendations, July 2010, McCormick Rankin Cagney NZ Ltd, July 2010
  • Identifies options and recommends parking policies for its District Plan to implement the Council’s recently adopted Parking Management Action Plan (PMAP), which forms part of the Access Hamilton strategy. This paper is specifically concerned with the first of four action points identified in the PMAP, which is to remove minimum parking requirements from the Central City
• Qualitative aspects of parking, July 2010, McCormick Rankin Cagney NZ Ltd
  • Considers how to improve the management and regulation of parking as part of a wider package of policy responses the Council is implementing in
response to a range of transport and planning challenges and opportunities the City is experiencing, partly as a result of growth

- Analyses the principles of best practice parking management to determine a series of options for consideration within the District Plan. Considers development scenarios for three sites within the City Centre zone or the Commercial Service zone of the current District Plan to examine the difference in quality and flexibility of development that each scenario engenders in order to better understand the implications of the regulatory parking options on the built form of Hamilton City

- Parking Reforms in Hamilton City The Economic and Financial Impacts, McCormick Rankin Cagney NZ Ltd, January 2010
  - Investigates the economic and financial impacts of proposed parking reforms in Hamilton City, as articulated in the Access Hamilton Parking Management

- The Hamilton City Accessible Journey Trial – An evaluation, January 2009

- Issues and options paper – Transport and Accessibility May 2010
  - This paper how the city strategy of a ‘Vibrant Hamilton’ could be delivered through the plan. This involves describing the outcomes that are sought for the management of the transport network in the City, and assessing the options available to achieve these outcomes
  - The intent of this paper is to
    - Progress the District Plan review by facilitating council workshop discussion, and Council’s preliminary decisions about the content of the new District Plan.
    - Provide the basis for consultation with the public and stakeholders
    - Provide a starting point for development of the new District Plan.

- Paper: Transportation – Mechanisms for managing road spaces within a District Plan, Hamilton City Council, June 2011


- NZS 4121:2001 Design for Access and Mobility: Buildings and Associated Facilities

- AS/NZS 2890.1:2004 Parking facilities – Off-street car parking

- AS/NZS 2890.6:2009 Parking facilities – Off-street parking for people with disabilities

- Austroads Standards

- Variation 22 to the Proposed District Plan (now operative)

- Variation 22 to the Proposed District Plan (now operative) Decision

- NZS1158.3.1 Lighting of Pedestrian Areas (P11)


- Land Transport (Road User) Rule 2004

- The Austroads Guide to Road Design – Part 3: Geometric

- The Manual for streets (UK Department for Transport 2007)

- Figure 7.16 of UK Department for Transport ‘Manual for streets’ and 'TRL661 – The
Appendix B

Resource management issues and Councils statutory responsibilities under s32 of the Act

Resource Management Issues

a) Resource Management Issues

The transport network is a significant and essential physical resource of the City that contributes to the economic, social and cultural wellbeing of residents, visitors and businesses and outside the City. The transport network is broadly defined to include all roads, pedestrian and cycle, rail, river ferry and air routes. Parts of the transport network provide access to and from the country’s major urban areas, key ports, airports and major facilities (e.g. Waikato Hospital).

Hamilton and the wider region has experienced periods of significant growth. Population is predicted to increase from 134,400 in 2006 (NZ Census 2006) to 224,100 in 2041, and 277,600 in 2061 with the wider sub-regional area growing from 223,500 in 2006 to 365,000 in 2041 and 437,700 in 2061 (Hamilton Urban Growth Strategy (HCC, September 2008) and Future Proof – sub regional growth strategy (HCC, WRC et al 2009, “Population Projections until 2061 for FutureProof – the Hamilton Sub-Regional Growth Strategy”, Cameron et al, The University of Waikato, October 2008)).

The number of businesses within Hamilton has grown from 12,630 in 2006 to 13,114 in 2011, peaking at 13,353 in 2009. Employment count has dropped over the same period from 74,690 in 2006 to 74,140 in 2011, peaking at 77,990 in 2008 (Statistics NZ). These statistics generally reflect national trends during a period of global financial instability. Comparing 2010 with 2011 the employed count has increased by 940, or 1.3%, this is a more substantial recovery than experienced nationally, being 0.4% (Statistics NZ).

The economic performance of the ‘growth triangle’, and the role that the Waikato Region has in it, is of vital national importance. The Regional Land Transport Strategy 2011-2041 describes key factors that reinforces the importance of the transportation network, especially inter-regional corridors, these are:

- The growth triangle’s combined population at Census 2006 was 2.03 million, about 48 per cent of the national population. Population in the three regions is predicted to grow to 2.75 million by 2031, or to 53 per cent of the national total.
- The Waikato region is the fourth largest regional economy in New Zealand. It grew by four per cent per year between 1995 and 2006 – the highest growth of any region in New Zealand over the same period.
- The economic base of the Waikato relies heavily on the transport sector to improve its economic performance. It is home to the dairy sector which contributes significantly to national wealth. It is the nation’s biggest mineral producer and contains major commercial forest resources.
- Significant economic growth potential lies in the region’s primary industries, along with value added products which are strategically important for the nation’s economic prosperity. In 2006/07, 55 per cent of all national freight
movements occurred in the Auckland, Waikato and Bay of Plenty regions, and the Waikato region has more heavy commercial vehicle (HCV) movements per day than any other region. Heavy vehicle growth rates in the Waikato are higher than the national average, a trend that will continue into the foreseeable future as the demand for freight movement doubles by 2031.

- Approximately 40 per cent of all export tonnes through the Port of Tauranga originate from the Waikato region, or approximately 11 per cent of New Zealand’s total exports.
- The rail network contributes significantly to the interregional movement of freight as the region currently carries approximately 16 per cent of New Zealand’s rail freight traffic in terms of net tonne kilometres travelled.
- Seventy per cent of international tourists arrive in Auckland and a vast majority travel down State Highway 1 to visit key national tourism assets accessed through the region (Rotorua) or in the region (Waitomo Caves, Lake Taupo).

In resource management terms the transport network is a physical resource that requires careful management to ensure that it will continue to meet the needs of current and future generations. Directives in national legislation and national and regional policies, strategies and plans seek to achieve an affordable, sustainable and integrated transport network. Predicted growth has, and will continue to put pressure on the transport network making it imperative that this network is managed in the most safe, efficient and effective manner to ensure it can sustainably meet future growth demands.

The Spatial Framework for the City (in addition to Structure Plans and the Transport Corridor Hierarchy) sets out the manner in which land use activities, urban growth and the infrastructures to support both of these, is to be integrated. The transport network should be developed in a manner that is efficient and effective and treats the physical resource as a corridor that could be adapted to accommodate different forms of transport.

The adverse effects of traffic on the environment include aspects such as safety and physical environmental effects such as storm water runoff (e.g. quality and intensity) and changes to amenity values (e.g. noise, visual). There is a tension between enabling the transport network to operate, while recognising that within certain environments (e.g. residential, Central City) other community resources or values need to be sustained.

Some of the spaces that form the transport network provide places in which other network utility operations are located and also allows for business, tourist, civic, community, social and other functions and activities to be undertaken. It is important that the multi-functional opportunities created by transport network spaces are properly recognised and managed.

The Proposed Plan establishes the policy framework for subdivision and land use. Any decisions made on these matters have the potential to affect the safe, efficient and sustainable use and function of the transport network and influence the implementation of strategic transport objectives over time, as land use and transport are closely related.

The purpose of the proposed transportation provisions of the proposed plan is to:

- Give effect to the regional policies and have regard to national, regional and local transport strategies.
- Ensure integration between subdivision, use and development and the transport network.
- Encourage the use of alternative modes of transport.
• Provide for the development and management of an integrated, safe, responsive and sustainable transportation network.

Statutory Responsibilities

Council is required under section 32 of the Act to carry out an evaluation of alternatives, costs and benefits, and efficiency and effectiveness of the various components of the district plan.

Section 32(3) of the Act requires that the evaluation must examine:

a) the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and
b) whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objectives.

An evaluation must also take into account (Section 32(4)):

a) the benefits and costs of policies, rules, or other methods; and
b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.

i. Resource Management Act 1991

The sections of the Act considered relevant to transportation are identified as follows:

Section 5 – Purpose of the Act

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, “sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –

(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

The City’s transport network is a physical resource which provides for the social and economic wellbeing of the community. The potential adverse effects from use and development need to be sustainably managed to ensure the overall function of the transport network is not compromised. The transport network can also have adverse effects on the environment that need to be managed (e.g. effects of noise on amenity values). The introduction of specific transportation provisions is considered to be consistent with the purpose of the Act.

Section 7 – Other Matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to:

...
(b) the efficient use and development of natural and physical resources

(ba) the efficiency of the end use of energy

(c) the maintenance and enhancement of amenity values

...

(f) maintenance and enhancement of the quality of the environment

(g) any finite characteristics of natural and physical resources

The transport network is a physical resource. The transportation provisions recognise the finite characteristics of the transport network and the importance of ensuring its continued efficient use and development. In addition, through promoting the use of alternative transport and a more efficient transport network, there will be a more efficient use of energy in the interests of amenity values and the quality of the environment.

Section 31

(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:

(a) The establishment, implementation, and review of 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 control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—

The proposed transportation provisions provide the framework for integrated management of the adverse effects of subdivision, use and development on the transport network.

Section 73 of the Act requires each territorial authority to prepare a District Plan. The District Plan is the primary tool to ensure that the transport network is managed is a sustainable way to achieve the purpose of the Act.

Section 72 states that the purpose of the Plan is “to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act”: Section 75(2) states that a District Plan must give effect to:

| (a) any national policy statement; and | There are no national policy statements for managing transportation. |
| (b) any New Zealand coastal policy statement; and | The New Zealand Coastal Policy Statement is not relevant in this regard. |
| (c) any regional policy statement. | The Regional Policy Statement (Operative 2000) is relevant in this regard. |

Under Section 75(4) a District Plan must not be inconsistent with:

| (b) a regional plan for any matter specified in section 30(1). | The Regional Plan (Operative 2007) is relevant in this regard. |

Section 74 states the matters to be considered by territorial authority. In addition to the requirements of section 75(3) and (4), when preparing a district plan, a territorial authority shall have regard to:
(2)(a) any—
(i) proposed regional policy statement; or

The Proposed Regional Policy Statement (2010) is relevant in this regard.

(ii) proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and

There are no Proposed Regional Plans. Variations No.2 (Geothermal module), No. 5 (Lake Taupo catchment) and No. 7 (Geothermal Maps and minor changes) to the operative regional plan are not relevant in this regard.

(b) any—
(i) management plans and strategies prepared under other Acts; and

See below.

(c) the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.

... The Waikato District Plan (Operative in part – 2010, proposed parts, and variations) and Waipa District Plan (Operative 1997) are relevant in this regard. The Franklin District Plan (Operative 2000, and plan changes and variations) which covers parts of the former Franklin District Council which became part of Waikato District Council’s jurisdiction on 1 November 2010 is also relevant.

ii. **The Regional Policy Statement (October 2000)**

The Regional Policy Statement (RPS) was made operative in October 2000.

Territorial authorities are required to give effect to an operative RPS under section 75(2)(c) of the Act.

Refer to Appendix C for key objectives, policies and methods of the RPS that relate to the development of the Transportation Chapter for the District Plan.

The proposed transportation provisions provide for the integrated management of land use activities and the transport network in a sustainable manner that avoids potential adverse effects on that network whilst providing for the social, economic and cultural wellbeing of people and the community. By recognising the importance of transport corridors within the transport network, managing parking and access, encouraging alternative modes of transport and recognising the specific requirements of the Hamilton airport the transportation provisions are considered to give effect to the RPS.

iii. **The proposed Regional Policy Statement (November 2010)**

The Proposed Regional Policy Statement was notified on 3 November 2010.

Hearings were held in 2012. Decisions were notified in November 2012.

Territorial authorities are required to have regard to a proposed RPS under section 74(2)(a)(i) of the Act.
Refer to Appendix D for key objectives, policies and methods of the Proposed Regional Policy Statement that relate to the development of the Transportation Chapter for the district plan.

Regard has been had to provisions in the proposed Regional Policy Statement in developing objectives, policies and rules with respect to transportation issues.

iv. Waikato Regional Plan

The Waikato Regional Plan was made operative in part on 28 September 2007.

Under section 75(4)(b) of the Act a District Plan must not be inconsistent with a Regional Plan for any matter specified in section 30(1).

Relevant provisions have been taken into account in developing objectives, policies and rules with respect to Transportation to ensure that they are not inconsistent with the Waikato Regional Plan.

v. The Waikato (and Franklin) and Waipa District Plans

The Waikato District Plan was made operative in part on 28 June 2011. On 1 November 2010 the boundaries of the Waikato District were amended to incorporate part of Franklin District; the Franklin District Plan (operative 29 February 2000) applies to that part of former Franklin District. The Waipa District Plan was made operative in 1997 and is currently being reviewed; however a Proposed District Plan has not yet been notified at the time of writing this report.

Territorial authorities are required to have regard to the extent to which the consistency with the Operative and Proposed District Plans of neighbouring territorial authorities is needed under section 74(2)(c) of the Act.

In developing objectives, policies and rules for the Proposed Plan regard has been had to the extent to which they are consistent with relevant provisions of the District Plans’ of neighbouring territorial authorities.

vi. New Zealand Transport Strategy 2008 (NZTS)

The NZTS was released in 2008, replacing the 2002 version.

Under section 74(2)(b)(i) of the Act the Council is required to have regard to any management plans or strategies prepared under other Acts when undertaking changes to a District Plan.

The development of land transport in New Zealand is driven by the Government’s vision, as set out in the NZTS.

The NZTS sets a vision for 2040, which is: ‘People and freight in New Zealand have access to an affordable, integrated, safe, responsive and sustainable transport system.’ The key objectives supporting the vision are:

- Ensuring environmental sustainability.
- Assisting economic development.
- Assisting safety and personal security.
- Improving access and mobility.
- Protecting and promoting public health.

Each of the key objectives have been given transport targets, which have been developed to support the delivery of the objectives, provide a focus for the
strategy and also provide a basis for measuring progress.

The strategy also identifies a number of key components that are important in delivering the visions and objectives. These are:

- Integrated planning.
- Making best use of existing networks and infrastructure.
- Investing in critical infrastructure and the transport sector workforce.
- Increasing the availability and use of public transport, cycling, walking and other shared and active modes.
- Considering options for charging that will generate revenue for investment in transport infrastructure and services.
- Using new technologies and fuels.
- Maintaining and improving international links.

In terms of turning the strategy into action by both central and local government, detailed policies, proposals for action and funding arrangements will be determined based on a number of factors, including an important three-yearly Government Policy Statement.


A GPS is issued by the Minister of Transport every three years. The GPS 2012 will come into effect and replace the current GPS 2009 on 30 June 2012.

A GPS sets out what the Government expects to be achieved from its investment in land transport through the National Land Transport Fund. It states how large the investment will be, broadly how it will be spent and how the revenue for it will be raised and is a key document influencing the planning and funding of land transport in New Zealand.

GPS 2012 builds on and advances the long-term programme of change put in place by GPS 2009. GPS 2012 has three focus areas or priorities, which are to direct land transport investment into activity that:

- Supports economic growth and productivity.
- Improves road safety.
- Achieves strong value-for-money.

In advancing these priorities the Government expects the following impacts to be achieved:

- improvements in the provision of infrastructure and services that enhance transport efficiency and lower the cost of transportation through:
  - Improvements in journey time reliability.
  - Easing of severe congestion.
  - More efficient freight supply chains.
  - Better use of existing transport capacity.

- Better access to markets, employment and areas that contribute to economic
growth.
Reductions in deaths and serious injuries as a result of road crashes.
More transport choices, particularly for those with limited access to a car.
A secure and resilient transport network.
Reductions in adverse environmental effects from land transport.
Contributions to positive health outcomes.

As a delivery statement it does not attempt to change the direction of the NZTS, which is a long term statement. Accordingly, regional and local strategies should remain consistent with the NZTS, acknowledging that delivery for certain elements of the strategy is more complex if central government is not providing funding.

In terms of the District Plan (which focuses on 10-20 year horizons) the GPS, which focuses on a five year horizon, should provide an indication of key areas for the current Government.

viii. National Rail Strategy Strategic Directions to 2015

Released in May 2005 the National Rail Strategy came out of the 2002 National Transport Strategy. The key objectives, priorities and initiatives are identified below.

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Priorities</th>
<th>Key Initiatives</th>
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| To enhance rail’s contribution to sustainable economic development. | • Upgrade the national rail network.  
• Improve rail’s contribution to regional development.  
• Encourage more freight to be carried by rail.  
• Optimise use of rail network within the wider transport network. | • Governments purchase of the rail network.  
Retain existing rail network.  
• Government investment of $200 million to restore and upgrade the rail network. Investigate development of the network.  
• Operation of an efficient and safe ONTRACK.  
• Contribute to integration between rail and other networks.  
• Investigate options for better incorporating costs of transport modes into the pricing of the transport system. |
| To improve rail safety and personal security. | • Continue to improve the safety and personal security levels of the rail system. | • Enhanced rail safety regime (Railways Act 2005).  
• Develop a rail safety strategy.  
• Develop effective and efficient interventions to improve safety.  
• Improve the safety and personal security of rail users. |
| To maintain and develop access to rail passenger services. | • Encourage more use of urban rail passenger services as part of the public transport network | • Funding assistance to develop urban rail passenger services and infrastructure.  
• Investigate options for better incorporating the social costs and benefits of transport modes into the pricing of the transport system. |
ix. Local Government Act (LGA), 2002

The relevant elements of the LGA relate to the freedom of Local Authorities to provide services and sets out consultation requirements, including Long Term Council Community Plans, and Significance Policies. The objective of the LGA is to provide for democratic and effective local government that recognises the diversity of New Zealand communities; and, to that end, the LGA:

“states the purpose of local government; and provides a framework and powers for local authorities to decide which activities they undertake and the manner in which they will undertake them; and promotes the accountability of local authorities to their communities; and provides for local authorities to play a broad role in promoting the social, economic, environmental, and cultural well-being of their communities, taking a sustainable development approach.”

The LGA sets out the requirements for authorities to protect and enhance the fundamental wellbeings of the communities they serve. These wellbeings are:

Social.
Cultural.
Economic.
Environmental.

Under the LGA 2002, each council must prepare a Long Term Community Council Plan. These are a 10-year vision for that council, prepared in consultation with their community, and are used to apportion funding to implement the provisions of the Regional Land Transport Strategy (and as such any Regional Passenger Transport Plan).

x. Land Transport Management Act (LTMA)

The Land Transport Management Act 2003 (LTMA), as amended by the Land
Transport Management Amendment Act 2008, provides the legislative framework for managing and funding land transport activities. The purpose of the LTMA is to:

‘Contribute to the aim of achieving an affordable, integrated, safe, responsive and sustainable land transport system’.

This Act provides the power for regional councils to hold an interest in or own a passenger transport service or any transport infrastructure. HCC is a key stakeholder for the Waikato Regional Council in terms of its ownership of passenger transport in and around Hamilton.

This Act sets the requirements for the National and Regional Land Transport Programmes, Government Policy Statements, National and Regional Land Transport Strategies, Regional Transport Committees and the functions of the New Zealand Transport Agency.

**Note - Relationship between LTMA and RMA**

The LTMA requires the preparation of the Regional Land Transport Strategy. The Regional Land Transport Strategy is consistent with the GPS and New Zealand Transport Strategy. The Regional Policy Statement implements the land use components of the RLTS. A District Plan must give effect to the RPS.


This Act defines powers that the New Zealand Transport Agency and the Minister of Transport have in relation to controlling and managing certain public roads (e.g. State Highways and Motorways), including defining Local Access Roads.

**xii. Regional Land Transport Strategy 2011-2041 (RLTS)**

This strategy focuses national documents into a regional framework for the Waikato.

The vision for the RLTS is “An affordable, integrated, safe, responsive and sustainable land transport system that enhances the environmental, economic, social and cultural wellbeing of the population.”

The Regional Transport Committee has identified a set of outcomes it wishes to achieve in the region.

- An integrated transport system that supports economic activity and provides for the efficient movement of people and goods within and through the region.
- A transport system that provides safety and security across all modes of travel.
- A people focused transport system that provides inclusive, accessible and affordable multi-modal journeys to enable people to live, work, and play.
- A transport system that connects communities, protects active modes and enables positive public health outcomes.
- An environmentally sustainable and energy efficient transport system that is holistic and adaptable, meets regional and local needs, and is resilient to long term global influences.
- An integrated multi-modal transport system supported by land use planning and enabled by collaborative planning and partnerships.

The RLTS prioritises action in three core areas:

Focusing investment in a defined set of strategic corridors that represent the
most significant national and regional routes in the Waikato region.

Targeting road safety investment under a safe systems approach endorsed in the Regional Road Safety Strategy.

Targeting travel demand management and alternative mode interventions based on specific local needs.

The RLTS is based on an integrated planning framework that recognises the strong connections between land use planning, transport planning and investment. The RLTS is guided by the proposed RPS, which has the responsibility of strategic integration of land use and infrastructure (including transport).

The proposed RPS locks in settlement patterns from Future Proof (Hamilton, Waikato, Waipa), Taupo 2050 and Thames-Coromandel Blueprint sub-regional strategies. These growth strategies are a key foundation of the RLTS, and effective delivery of land use outcomes is required in district plans to support the strategic intent of the RLTS.

The RLTS identifies parts of the transport network (rail and road corridors) that are nationally, regionally or sub-regionally significant (see Map 15 below), these are a more recent assessment of corridors than the significant transport corridors identified in the Regional Policy Statement.
xiii. **Public Transport Management Act 2008**

This Act generally provides for Regional Councils to impose greater control over commercial public transport services, as well as empowering Regional Councils to set quality and performance standards, which must be adhered to. The Act also enables integrated, real time information and integrated electronic ticketing, as
well as maintaining transfers and incident management across various operators.

xiv. Regional Passenger Transport Plan 2011-21 (RPTP)

The RPTP is prepared under the provisions of the Public Transport Management Act 2008 (PTMA) and was adopted by the Waikato Regional Council on 23 November 2011.

The purpose of this RPTP is to specify how the Council intends to give effect to the public transport components of the Regional Land Transport Strategy (RLTS) and meet the objectives of the PTMA. The RLTS considers promotion of public transport to be a priority area in enabling the region to meet its transport objectives.

The RPTP vision for public transport in the Waikato region is “an integrated public transport system that provides a reliable and user-friendly alternative to private vehicle use, improves access to essential services, grows patronage, is sustainable, and affordable for users and funders”.

The RPTP aims for passenger transport in Waikato where:

- Buses will be the predominant mode, and routes will involve a ring route and strong sub-regional routes.
- Passenger transport will be a realistic alternative for people in Hamilton (and the Waikato and Waipa sub-regions), and available for all people.
- Land use planning will support passenger transport.
- Increase in on-road infrastructure (bus lanes, signal priority etc).
- Passenger transport will be available from isolated communities.

The RPTP also includes statistics on patronage levels on passenger transport. As at 2006, the Waikato Region has the fourth largest contracted passenger transport service in New Zealand, the majority of which was in Hamilton City. In that year, 2% of all journeys to work were on Passenger Transport. Patronage on Passenger Transport in the Waikato has increased by 45% in recent years, with the average annual passenger level increasing from 155,000 in July 2003, to approximately 190,000 in January 2006 and then substantial growth in 2006/2007 through to approximately 230,000 in January 2007 (with approximately 17,000 passengers per month).

The future role for public transport in the region is articulated through the travel demand management component of the RLTS which recognises the different types of public transport needs and opportunities in the different parts of the region.

A set of objectives have been developed for public transport, to give effect to the strategic direction set out in the RLTS. These are:

- Strengthen integration.
- Ensure reliability and ease of use.
- Provide an attractive alternative to private vehicle travel.
- Improve access to essential services.
- Grow patronage.
- Encourage sustainability.
Ensure ongoing affordability.

The key policy approach for Hamilton is to “grow bus patronage and improve public transport mode share” through a range of interventions and to “increase commuter use of the public transport network”

The following targets have been established for public transport growth in the region.

- Public transport will account for an increasing proportion of journey to work trips within Hamilton by 2041.
- Public transport will achieve a 7 per cent annual average patronage increase on contracted Hamilton services.
- Public transport will achieve a 4 per cent annual average patronage increase on contracted commuter services between satellite towns and Hamilton.

In recognition of the wide range of factors that can potentially impact on the achievement of growth targets, and the present financial constraints, the RLTS sets out the priority intervention approach that will be followed for public transport, which is as follows.

- Good land use planning.
- Marketing and promotion of public transport services.
- Travel Demand Management measures (such as parking policies) that promote transfer to public transport.
- Public transport capital improvements such as real time networks, bus shelters, integrated ticketing that make choosing public transport an easy option.
- Optimisation of the existing public transport services to reflect the appropriate balance between accessibility and commuter services.
- Investment in infrastructure on the local road network to prioritise public transport services, such as infrastructure improvements, bus lanes, traffic light pre-emption and clearways. This enhances public transport travel time compared to private motor vehicles.
- Expanding existing services or introducing new services to cater for anticipated growth.

xv. Regional Walking and Cycling Strategy 2009-2015 (RWCS)

The primary purpose of the RWCS is to support the walking and cycling components of the RLTS and the national transport objectives of the NZTS and GPS.

The RWCS vision is that “Walking and cycling are safe, integrated and accessible activities in the Waikato region."

Other key aims of the strategy are to:

- Provide a detailed policy framework and actions, to guide, support and coordinate walking and cycling initiatives in the region to encourage and promote, through a range of methods, the uptake of walking and cycling in the region.
- Coordinate the development of an integrated, region-wide walking and cycling
network and sub-regional walking and cycling activities where appropriate.

Provide information for funding agencies to take account of when assessing funding applications for walking and cycling projects.

Support and coordinate with other strategies and plans that focus on walking and cycling outcomes.

Provide a monitoring framework which measures progress against identified targets and timeframes.

Inform the review of the RLTS and RLTP.

xvi. Waikato Regional Rail Strategy (Draft)

As a draft discussion document this strategy has no status.

The Waikato Regional Council has developed a draft regional rail discussion document that summarises the key rail issues in the Waikato and proposes options and actions for developing rail in the region.

The key issues identified in the discussion document are:

- Improving network quality and capacity.
- Increasing freight on rail.
- Developing a commuter passenger train to Auckland.
- Funding options.


The NZES provides the Government’s direction for energy and the role energy will play in New Zealand’s economy. This document replaces the 2007 NZES. It fits energy within the Government’s overarching goal, to grow the New Zealand economy to deliver greater prosperity, security and opportunities for all New Zealanders.

The NZES sets out the Government’s priorities that will allow New Zealand to make the most of its energy resources, while being environmentally responsible. It covers the supply, delivery and use of energy. It offers direction for the energy industry; for energy-related aspects of transport, housing, research and development; and infrastructure.

It is not intended to offer detailed lists of actions, but rather to provide strategic direction.

The NZES priorities particularly relevant to transport are:

Priority: Secure and affordable energy

5) Oil security and transport

The NZES identifies that improving transport energy efficiency helps reduce transport costs and exposure to high oil prices. The government will continue its support of public transport, walking and cycling initiatives and will consider cost effective options to reduce the rate of fuel consumption of the New Zealand vehicle fleet.

Priority: Efficient use of energy
9) An energy efficient transport system

The government supports providing for improved modal choice in urban areas so people use public transport, walking and cycling more, thereby reducing their energy use.

The government expects local authorities, through their transport and urban planning roles, to improve the efficiency of transport networks and layouts of urban areas so people and freight can move about more easily and more energy efficiently.

The decisions local authorities make in executing many of their core functions influence energy use in their local communities. Councils are encouraged to identify and manage the effects on energy use of their decisions, particularly those relating to planning, transport and buildings.

Regional Policy Statements and Regional and District Plans, prepared under the Act, will play a critical role in supporting the development of renewable energy resources and regional economic growth.

Integrated transport and urban planning and provisions in Regional and District Plans can help reduce urban energy use over the longer term. These decisions can also improve the choices available to people in moving themselves, goods and services around communities. Transport networks and urban areas that are designed to reduce energy use and travel time can save costs and increase productivity across the economy.

Local Government is expected to assist emissions reductions by providing better choices for public transport, walking and cycling in urban centres.

Local authorities are also encouraged to play a valuable leadership role in the promotion of energy efficiency and conservation and greater uptake of renewable energy and clean heating options.

The New Zealand Energy Efficiency and Conservation Strategy, provides direction more specifically for energy efficiency, renewable energy and energy conservation.

The New Zealand Energy Efficiency and Conservation Strategy (NZEECS) is a companion to the Government’s primary statement of energy policy set out in the New Zealand Energy Strategy and is prepared under the Energy Efficiency and Conservation Act 2000. The NZEECS sets the Government’s policies, objectives, and targets for the next five years (to the end of 2015), and the means by which these will be achieved.

The objective for the transport sector is “A more energy efficient transport system, with a greater diversity of fuels and alternative energy technologies” with targets of “29 petajoules (PJ) of savings and a four percent improvement from 2008 levels in GJ/kilometres travelled on land.” by 2015.

The means by which the Government proposes to achieve the NZEECS objectives and targets for the transport sector include a mix of information, incentives, capability building, and codes and standards.

An integrated mix of policies is required to achieve energy productivity gains in the transport sector. No one policy can make the most of the transport sector’s energy productivity potential.

Quality local roads and public transport services are essential to maximise the efficiency of the transport network. Greater use of public transport reduces road
congestion. Ensuring the integration of modes in urban planning is an important role for local government.

Local authorities, through their transport and urban planning roles, are encouraged to continue to improve the energy efficiency of transport networks and the layout of urban areas so that people and freight can move about easily and more energy efficiently.

The Government considers improving the efficiency and reliability of key freight corridors and the metro passenger networks to be a priority, as well as achieving better integration of regional freight movement across road, rail, sea, and air.

The Government will:

- Continue to support improvements to road and public transport.
- Continue to fund transport infrastructure to support people to make energy efficient transport choices. This includes encouraging the use of different modes of travel, particularly in urban areas, for example walking, cycleways and public transport systems.

xviii. Regional Energy Strategy 2009

The Waikato Regional Council co-ordinates the development of the Regional Energy Strategy as part of its integrative function under the Act. This forms part of its responsibility for the sustainable management of natural resources within the region.

Waikato Regional Energy Forum Trust was set up as an independent body to develop the energy strategy and progress energy related projects in the region. The current strategy was confirmed on 19 August 2009. It builds on two key Government policy documents designed to promote energy efficiency and the use of renewable energy sources – the New Zealand Energy Strategy and the New Zealand Energy and Conservation Strategy (subsequently reviewed and replaced in 2011).

The Waikato Regional Energy Strategy is a non-statutory document intended to inform the review of the Regional Policy Statement, influencing the direction for the management of the region’s natural and physical resources.

The vision for the strategy is "Improving quality of life for people in the Waikato, and in New Zealand, through affordable and energy efficient lifestyles, a reliable and renewable energy supply, efficient infrastructure, informed decision making, and innovative solutions that enhance competitive advantage".

The overall purpose of the Waikato Regional Energy Strategy is to:

- Encourage and enable energy conservation and efficiency.
- Promote the Waikato region’s role in maintaining security of energy supply.
- Facilitate the development and use of renewable energy sources and innovative energy technologies.
- Acknowledge and promote the crucial role of energy in the regional and national economy.

The key recommendation in relation to transport is:

"Promote reduced transport energy consumption and encourage energy and transport efficiency such as for moving of freight and encouraging mode choices..."
including public transport, walking and cycling.“ (Recommendation 27)

The actions identified in relation to this recommendation are:

Promote sustainable energy efficient urban design and development.

Promote the development of electric vehicles such as the Waikato University work on electric car technology.

The focus of these actions should be on:

Promotion of education events and workshops that encourage energy efficient travel

Promotion of sustainable urban design and growth strategies that encourage ‘green’ travel options and reduce the need for travel

xix. **Future Proof Growth Strategy and Implementation Plan 2009**

Future Proof is a joint project between the Waikato Regional Council, Waikato District Council, Waipa District Council and Hamilton City Council to develop a sub-regional growth strategy. The aim is to manage growth in a collaborative manner for the benefit of the Future Proof sub-region from both a community and physical perspective.

The strategy is a broad scale, long-term, integrated land-use and infrastructure strategy prepared under the Local Government Act 2002. It is intended to be used to guide the future development in the sub-region and be implemented through the Regional Policy Statement, Regional Land Transport Strategy, Regional Land Transport Plan, Long-Term Plan, District Plans and the plans and strategies of the Future Proof partners.

The Future Proof Strategy vision is “In 2060 the sub-region:

Has a diverse and vibrant metropolitan centre strongly tied to distinctive, thriving towns and rural communities.

Is the place of choice for those looking for opportunities to live, work, invest and visit.

Is the place where natural environments, landscapes and heritage are protected and a healthy Waikato River is at the heart of the region’s identity.

Has productive partnerships within its communities, including Tāngata Whenua.

Has affordable and sustainable infrastructure.

Has sustainable resource use”.

The scale and nature of growth has a significant impact on the current and future transport network. The settlement pattern envisioned by Future Proof for Hamilton has the following key features.

The Hamilton City Heart as the main commercial, arts, and social heart for the sub-region.

Increased residential population in the city with a broad range of services and facilities.

Strong neighbourhood centres in new suburban areas.
Well connected to public transport routes.

Higher density housing close to neighbourhood centres with larger lots on the edges of neighbourhoods.

Well planned open space with good walking and cycling links.

Intensified residential development focuses around key nodes, including the CityHeart, transport hubs, town/suburban centres and areas of high public amenity such as parks and the river.

Transport routes to support new areas.

Ruakura is a high technology innovation precinct and a more general employment area.

The key reasons for taking a more co-ordinated approach to land-use and transport planning include:

- Optimising the use of networks.
- Extending the life of existing transport projects.
- Achieving a shift from cars to more sustainable modes of travel.
- Managing travel demand.
- Achieving better transport outcomes.
- The increasing cost of transport infrastructure, particularly roading.
- Pressure on the national land transport fund.
- Greater awareness of the costs of growth.
- Move toward long-term planning and strategic thinking.
- Move away from unsustainable land-use patterns.
- An increased focus on urban design.
- Achieving development densities which can support public transport, walking and cycling.

The key approaches identified by Future Proof are:

- A more compact urban form aims to promote reduced dependence on cars with more opportunity to walk, cycle and use public transport. Providing employment, facilities and services close to where people live will also reduce travel demand.
- Ensure that Hamilton City is well connected with comprehensive public transport routes.
- Suburban areas should have well planned transport networks with high connectivity, including comprehensive walking and cycling links.
- Ensure that there is good transport access and services for key rural townships.
- Transport routes support new areas as they grow and new areas are planned to make optimum use of the existing transport network.
- Good passenger connections between Hamilton and Auckland (road and rail).
- Integration with different modes of transport that have good connections.
Ensure that there is efficient access to and from the Hamilton International Airport.

The continued implementation of noise contours, obstacle limitation surfaces and other land-use restrictions including controls on the types of development permitted on land at the ends of the main runway, in order to ensure that development does not adversely impact on the operation of the Airport.

Higher densities will allow the use of more efficient and affordable forms of public transport.

Managing travel demand.

Recognising the link between energy (fuel) and transport. Reduce domestic transport emissions through various initiatives including encouraging lower emission transport and managing travel demand.

Protection of key transport corridors (road and rail).

Innovative transport funding solutions that consider all methods available.

Land-use and transport solutions are consistent with the New Zealand Urban Design Protocol.

Continued development of the strategic transport network as identified in the Regional Land Transport Strategy and Regional Land Transport Programme.

Meeting the targets of the GPS.

Future Proof identifies four transportation growth corridors that assist the development of the sub-region with a focus on completing the Waikato Expressway.

xx. City Strategy – Hamilton Urban Growth Strategy (HUGS), April 2010

The Hamilton Urban Growth Strategy (HUGS) is a long term strategic growth planning tool focused on delivering integrated and sustainable growth in Hamilton City. It was reviewed by Council in 2010 and is consistent with Future Proof.

HUGS encourages Hamilton to be a compact and sustainable city, making the most out of the existing city before extending it. Key nodes including the city centre, transport hubs, suburban centres and areas of high public amenity such as parks and the river are identified for consolidation and regeneration.

HUGS encourages a more compact urban form, aims to promote reduced dependence on cars with more opportunity to walk, cycle and use passenger transport. Providing employment, facilities and services close to where people live will also reduce travel demand.

xxi. City Strategy – Access Hamilton (April 2010) and Action Plans

Access Hamilton was adopted by Council on April 2010. It sets out objectives, policies and action plans for transport and accessibility in Hamilton. It includes areas of consideration for the District Plan as well as other methods of implementation. The main objectives of Access Hamilton contribute to Hamilton’s Strategic Framework and are consistent with transport and resource management legislation and policy document directions. The objectives are to:

- Ensure environmental sustainability.
- Assist economic development.
Assist safety and personal security.

Improve access and mobility.

Protect and promote public health.

Integrate transport and land use planning.

To contribute to Hamilton’s strategic vision, Access Hamilton must address transport challenges over the next 30 years that relate to existing and foreseeable problems, and their exacerbation due to growth, demographic, technological, and economic and employment changes. The significant issues for transport in Hamilton are:

Severe congestion at key network constraints such as crossing points over the Waikato River and railway lines.

The existing east/west distribution between employment and residential activities leading to imbalanced peak flows on river crossings, because the town centre and most employment is on the west of the river.

Congestion at major intersections, such as state highway and local arterials, and at major activity centres such as the City Centre and Te Rapa North (The Base).

Conflict between local traffic movements and access functions and the efficiency objectives for state highway corridors.

Uncertainty in arterial infrastructure planning affecting development in appropriate areas or leading to future transport options being compromised.

Decentralised development resulting from land costs and availability, parking availability, management and standards leading to increased traffic.

The increasing numbers of injury crashes, especially at intersections, and conflicting uses, such as schools on arterial routes.

Balancing the need for and affordability of infrastructure improvements, and the risk of future transport options being compromised by development.

Other issues and contributing factors include:

Low development densities that do not support passenger transport and active travel.

High traffic flows adversely impacting on both local amenity and active modes such as walking, cycling and buses.

The changing needs of an aging population for access and mobility.

Increasing heavy vehicle loadings accelerating deterioration of pavements and increasing maintenance and renewal costs.

Hamilton’s history of integrated transport planning means that it is well-placed for the future. The transport opportunities for Hamilton include:

Building on Hamilton’s location and proximity to the Waikato Expressway, North Island Main Trunk Railway Line and East Coast Main Trunk Railway Line, and the Crawford Street inland port.

Enhancing Hamilton’s extensive on- and off-road cycle and walkway network,
linking to regional and national networks and making the most of the city’s passenger transport network and facilities.

Coordination of Hamilton’s strategic aspirations and the day to day delivery methods such as the District Plan, Road Activity Management Plan and the Infrastructure Technical Specifications (previously known as the Development Manual).

Integration of transport planning relating to land use and development, corridor management and commuting trends for the city, and its connections with infrastructure and services provided by Waipa and Waikato District Councils, Environment Waikato and the NZTA.

A range of transportation interventions is necessary to manage development pressure and protect economic vitality. The main alternative, to do little to provide access and support for consolidation, would be likely to result in a continuation of dispersed development patterns, greater trip distances and higher trip numbers.

Access Hamilton proposes a combination of transport actions that seek to avoid severe congestion by minimising the demand for travel, supporting alternative modes and addressing capacity constraints on key corridors. Where the activities influence or rely on each other, or different transport agencies, they are grouped into packages.

Access Hamilton includes a hierarchy of interventions towards achieving these outcomes (also identified in Future Proof). This hierarchy is:

- **Land use planning to reduce the need to travel.**
  - Sub-regional planning – work with Future Proof partners and stakeholders to ensure integration and coordination of cross-boundary connections and land use.
  - District Plan – Ensuring that the Access Hamilton objectives are reflected in the objectives and methods in the District Plan. This will include the assessment of effects, zoning principles to encourage infill, and rules and standards that protect safety, amenity and transport corridor objectives
  - Structure Plans – Ensuring that the development and implementation of the structure plans for the Rototuna, Rotokauri, Peacocke and Ruakura areas supports integrated transport planning.
  - Infrastructure Technical Specifications – Ensure that its review contributes to Access Hamilton. This will range from appropriate urban and subdivision design principles to details such as kerb crossings that suit mobility scooters and cyclists.

- **Behaviour change to reduce the demand for travel.**
  - Travel demand management and education programmes.
  - Walking school buses.
  - Workplace Travel Plans

- **Alternative transport modes.**
  - Working with Waikato Regional Council to provide infrastructure that
facilitates passenger transport.
- Maintaining and enhancing networks and infrastructure to facilitate walking and cycling.
- Safety improvements to reduce the risk to vulnerable road users.
- Protecting and enhancing connections to the rail network, such as the Crawford Street inland port, Ruakura and possibly at Rotokauri.

- Managing and optimising the existing networks.
  - Signal optimisation and coordination.
  - Minor safety improvements.
  - Road marking and signage improvements.

- Providing infrastructure and services to meet travel demand.
  - Contributing to bus services such as the Orbiter, CBD Shuttle, etc.
  - Four-laning Wairere Drive to relieve severe congestion and provide opportunities for high occupancy lanes.
  - Investigation of Southern Links to allow designation to protect the critical arterial corridors and allow Peacockes to develop in an integrated and coordinated manner.
  - Construction of the Te Rapa Bypass to connect the Waikato Expressway to markets in the west of Hamilton, relieve severe congestion and facilitate industrial development at Rotokauri.
  - Completion of the ring road concept with the Eastern Arterial Extension to Wairere Drive.

Additional detail on implementation is available in the various action plans that accompany Access Hamilton strategy.

  Network Action Plan (March 2010).
  Passenger Transport Action Plan (March 2010).
  Activity Management Plan (March 2010).
  Active Travel Action Plan (March 2010).
  Travel Demand Management Action Plan (March 2010).
  Parking Management Action Plan (March 2010).
  Integrated Transport Plan (March 2010).

A key function of Access Hamilton is to support the land use, sustainability and economic development objectives for a compact city with consolidation and intensification around key nodes and a vibrant city centre. These are set out in the Hamilton Urban Growth, Economic Development and Environmental Sustainability city strategies. It needs to be delivered in a way that assists and is consistent with the other city strategies such as Active Communities and Social Well-Being strategies.

xxii. New Zealand Disability Strategy (2001)
Under the New Zealand Public Health and Disability Act 2000, the Minister for Disability Issues is required to have a New Zealand Disability Strategy. This strategy identifies 15 objectives and detailed actions which would help New Zealand become a fully inclusive society.


The strategy recognises that decisions territorial authorities make have a significant impact on the lives of disabled people. Territorial authorities are expected to support and assist with implementing the New Zealand Disability Strategy. The Governments objectives and examples of key relevant actions are:

**Objective 1:**  Encourage and educate for a non-disabling society

Encourage the emergence of a non-disabling society that respects and highly values the lives of disabled people and supports inclusive communities.

**Objective 2:**  Ensure rights for disabled people

Uphold and promote the rights of disabled people.

**Objective 3:**  Provide the best education for disabled people

Improve education so that all children, youth and adult learners will have equal opportunities to learn and develop in their local, regular educational centres.

**Objective 4:**  Provide opportunities in employment and economic development for disabled people

Enable disabled people to work in the open labour market (in accordance with human rights principles) and maintain an adequate income.

**Objective 5:**  Foster leadership by disabled people

Acknowledge the experience of disability as a form of specialised knowledge and strengthen the leadership of disabled people.

Action 5.6 Make information available to disabled people and their advocacy organisations about how to influence government policy.

**Objective 6:**  Foster an aware and responsive public service

Ensure that Government agencies, publicly funded services and publicly accountable bodies (such as territorial authorities) are aware of and responsive to disabled people.

Action 6.1 Develop mechanisms to ensure that all government policy and legislation is consistent with the objectives of the New Zealand Disability Strategy.

Action 6.6 Ensure the locations and buildings of all government agencies and public services are accessible.

Action 6.7 Work with territorial authorities to develop ways they can support the New Zealand Disability Strategy.

**Objective 7:**  Create long-term support systems centred on the individual

Create a quality assessment and service delivery system that is centred on
disabled people, ensures their participation in assessment and service delivery, has invisible borders and is easy to access.

**Objective 8: Support quality living in the community for disabled people**

Provide opportunities for disabled people to have their own homes and lives in the community.

Action 8.1 Increase opportunities for disabled people to live in the community with choice of affordable, quality housing.

Action 8.4 Ensure disabled people are able to access appropriate health services within their community.

Action 8.5 Require all new scheduled public transport to be accessible in order to phase out inaccessible public transport.

Action 8.6 Encourage the development of accessible routes to connect buildings, public spaces and transport systems.

Action 8.7 Develop nationally consistent access to passenger services where there is no accessible public transport.

**Objective 9: Support lifestyle choices, recreation and culture for disabled people**

Create and support lifestyle choices for disabled people within the community and promote access to recreation and cultural opportunities.

Action 9.2 Provide opportunities for disabled people to create, perform and develop their own arts, and to access arts activities.

**Objective 10: Collect and use relevant information about disabled people and disability issues**

Improve the quality of relevant disability information collected, analysed and used, including regular national surveys of activity limitation.

**Objective 11: Promote participation of disabled Māori**

Promote opportunities for disabled Māori to participate in their communities and access disability services. Disabled Māori should receive an equitable level of resource that is delivered in a culturally appropriate way.

Action 11.1 Build the capacity of disabled Māori through the equitable allocation of resources within the context of Māori development frameworks.

Action 11.7 Ensure Te Puni Kōkiri undertakes a leadership role in promoting the participation of disabled Māori.

**Objective 12: Promote participation of disabled Pacific peoples**

Promote opportunities for disabled Pacific peoples to participate in their communities and access disability services. Disabled Pacific peoples should receive an equitable level of resource that is delivered in a culturally appropriate way.

Action 12.1 Increase access to, and quality of, both Pacific and mainstream service providers that deliver disability services to disabled Pacific peoples, their families and communities.

Action 12.5 Ensure the Ministry of Pacific Island Affairs undertakes a leadership role in promoting the participation of disabled Pacific peoples.
Objective 13: Enable disabled children and youth to lead full and active lives

Disabled children and youth should enjoy full and active lives, in conditions that prepare them for adulthood and which:

- Ensure their dignity.
- Affirm their right to a good future and to participate in education, relationships, leisure, work and political processes.
- recognise their emerging identities as individuals and reinforce their sense of self.
- Promote self-reliance.
- recognise their important links with family, friends and school.
- Facilitate their active participation in the community.

Action 13.1 Ensure all agencies that support children, youth and families work collaboratively to ensure that their services are accessible, appropriate and welcoming to disabled children, youth and their families.

Action 13.4 Establish a process for including advice from disabled people on disability issues for children and youth within relevant Government agencies and Commissioners’ offices.

Action 13.5 Provide access for disabled children, youth and their families to child, youth and family-focused support, education, health care services, rehabilitation services, recreation opportunities and training.

Action 13.7 Introduce ways of involving disabled children and youth in decision-making and giving them greater control over their lives.

Action 13.10 Ensure the Ministry of Youth Affairs and Ministry of Social Policy undertake a leadership role in promoting the participation of disabled children and youth.

Objective 14: Promote participation of disabled women in order to improve their quality of life

Improve opportunities for disabled women to participate in their communities, access appropriate disability services, and improve their quality of life.

Action 14.2 Provide equitable, appropriate and welcoming access to services.

Action 14.3 Support disabled women to live independent and secure lives in the environment and with the people of their choosing.

Action 14.5 Include the perspectives of disabled women in the development of all strategies.

Action 14.6 Ensure the Ministry of Women’s Affairs undertakes a leadership role in promoting the participation of disabled women, to improve their quality of life.

Objective 15: Value families, whänau and people providing ongoing support

Acknowledge and support the roles, responsibilities and issues facing family, whänau and those who support disabled people.

Action 15.4 Ensure that, where appropriate, the family, whänau and those who support disabled people are given an opportunity to have input into decisions.
affecting their disabled family member.

Action 15.6 Work actively to ensure that families, whānau and those who support disabled people can be involved in policy and service development and delivery, and in monitoring and evaluation processes where appropriate.


The 1999 International Year of Older Persons prompted the development of a New Zealand strategy promoting the value of older people. The vision is “a society where people can age positively, where older people are highly valued and where they are recognised as an integral part of families and communities.”

The Strategy’s 10 goals are referred to by various central and local Government agencies to develop actions to improve the wellbeing of older people.


Relevant transport goal and objectives are:

Goal:

Affordable and accessible transport options for older people.

Objectives:

- Review public transport options so that they are accessible and user-friendly in terms of safety, routes, timetables and affordability.
- Promote driver education and safety programmes for older road users.
- Work towards reducing transport related barriers to accessing health and community services.
- Monitor trends, including re-licensing rates, crash statistics and on-road test referrals for older drivers.
Appendix C

Waikato Regional Policy Statement (Operative 2000) relevant Objectives, Policies and Methods

2 Resource Management Processes

2.2 Integrated Management

2.2.2 Achieving Integrated Management

Issue

Ad hoc decision making has the potential to prevent integrated management of natural and physical resources.

Objective

The integrated management of natural and physical resources in the Waikato Region achieved.

Policy One: Natural and Physical Resources

When managing the use, development and protection of natural and physical resources recognise and provide for:

a) The interconnected nature of all elements of the environment.
b) The inter-relationships between natural and physical resources.
c) The potential for adverse environmental effects to occur.
d) The range of social, cultural and economic values within the Region.

Implementation Methods:

1 Ensure that regional plans and consent decisions recognise and provide for the matters listed in Policy One above.
2 Encourage territorial authorities in the Region, when they are preparing District Plans and processing resource consents, to give consideration to the matters listed in Policy One above.
3 Liaise with resource management agencies and major resource users to advocate consideration of the matters listed in Policy One in their resource management decisions.
4 Raise awareness of the matters listed in Policy One through education programmes and the provision of relevant information.

Policy Two: Inter-Agency Integration and Cross Boundary Processes

Ensure inter-agency integration and consideration of cross boundary processes in the management of natural and physical resources.

Implementation Methods:

1 Encourage other resource management agencies to make provision, for the significant resource management issues stated in both this document and in any regional plans.
2 Encourage, when new significant resource management issues arise, consultation amongst affected resource management agencies with the view to developing appropriate joint actions to address these issues.
3 Prepare submissions on documents from other agencies, where there are implications for the resource management responsibilities of the Waikato Regional Council (Environment Waikato) and where there are inconsistencies with the RPS and regional plans.

4 Consult with neighbouring regional councils over the preparation of regional plans, regional rules and other methods to ensure a reasonable consistency in the management of natural and physical resources.

5 Advocate a collaborative approach to managing consent applications, and establish protocols for the effective operation of joint hearings where the request for resource use/development is of significance to both Environment Waikato and a territorial authority(s).

6 Advocate a collaborative approach to managing consent applications where the application for resource use/development crosses regional boundaries and/or has implications for neighbouring authorities.

7 Facilitate forums and other means of communication which allow for the sharing of information between resource management agencies and/or the formulation of co-ordinated policy.

8 Encourage joint resource management projects with territorial authorities, neighbouring Regional Councils, iwi authorities and other resource management agencies where there are clear benefits to all parties.

9 Consider the transfer of powers or the delegations of functions to public authorities where appropriate.

Resource management issues that are likely to invoke Policy Two above and the accompanying methods are as follows:

a) Any matter which may impact on the functions and responsibilities of Environment Waikato.

b) The actual or potential effects of the use, development or protection of land of regional significance. This includes:
   i) land matters that could adversely affect natural and physical resources which are the responsibility of Environment Waikato.
   ii) land matters as outlined in sections 6 and 7 of the Act (Matters of National Importance and Other Matters) where a regional perspective would be beneficial.

c) Consent applications with significant implications for both Environment Waikato and territorial authorities and/or neighbouring regional/territorial authorities, or where resource use, development or protection cannot be considered in isolation to neighbouring regional/territorial authorities.

3 Significant Resource Management Issues, Objectives, Policies and Methods

3.12 Energy

3.12.2 Efficient Energy Use

Issue

Inefficient energy production and use uses natural resources at a greater rate than is needed and results in unnecessary adverse effects on natural and physical resources.

Objective

Efficient use of energy within the Waikato Region.

Policy One: Energy Efficiency and Conservation

To promote efficiency and conservation in the production, transmission and
consumption of energy.

Implementation Methods:

1. Advocate, through community information and education, for the promotion of energy efficiency, conservation and the adoption of appropriate energy forms and technologies.
2. Encourage the use of alternative and renewable energy sources through community education.
3. Encourage inter-agency co-operation in undertaking research into the Region’s available energy sources and appropriate energy technologies, through regional and annual plans and reviewing of research proposals (e.g. public good science funding input).
4. Advocate energy efficiency in the design, location and operation of buildings and other structures, through community information, regional plans and resource consents.
6. Encourage the efficient use of energy in the transport sector through the Regional Land Transport Strategy.

3 Significant Resource Management Issues, Objectives, Policies and Methods

3.13 Structures (Infrastructure)

3.13.2 Infrastructure

Issue

Infrastructure (including network utilities) enables people and communities to meet their social, economic and cultural needs and is therefore important to the Region. Inappropriate subdivision, use and development of land can result in conflicts and incompatibilities between activities which may significantly compromise the operation of regionally significant infrastructure.

Objective

The continued operation of regionally significant infrastructure (including network utilities) maintained or enhanced.

Policy One: Maintenance of Infrastructure

Avoidance of significant adverse effects (including cumulative effects) on the safe and efficient operation of regionally significant infrastructure. Where significant adverse effects on regionally significant infrastructure cannot be avoided they shall be remedied or mitigated.

Implementation Methods

1. Through district or regional plans, resource consents and the Regional Land Transport Strategy, in consultation with territorial authorities, network operators, resource users and other interested parties, identify and enable the maintenance of regionally significant infrastructure.
2. Through the Regional Land Transport Strategy, enable the safe and efficient operation of the land transport system to be maintained.
Appendix D

Proposed Waikato Regional Policy Statement (Decision November 2012) Relevant Objectives, Policies and Methods

Objective 3.11 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 provides for positive environmental, social, cultural and economic outcomes, including by:

a) promoting positive indigenous biodiversity outcomes;
b) 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;
c) recognising and protecting the value and long-term benefits of regionally significant infrastructure;
d) protecting access to identified significant mineral resources;
e) minimising land use conflicts, including minimising potential for reverse sensitivity;
f) anticipating and responding to changing land use pressures outside the Waikato region which may impact on the built environment within the region;
g) providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities including small and community scale generation; and
h) recognising the value and benefits of a viable and vibrant central business district in Hamilton city, with a supporting complementary network of sub-regional and town centres.

4.1.13 Other plans and strategies
Local authorities should, where appropriate, seek consistency with the objectives and policies of the Regional Policy Statement in other plans and strategies, including:

a) asset management plans;
b) long-term plans;
c) regional pest management strategies;
d) regional land transport strategies;
e) navigation safety and other bylaws;
f) Waikato Regional Council zone management plans;
g) civil defence and emergency management group plans;
h) structure plans;
i) growth strategies; and
j) reserve management plans..

4.1.15 Monitoring and information gathering
Waikato Regional Council will:

a) track changes in use of natural and physical resources to ensure early identification of land use and resource use trends that may result in adverse effects on the environment;
b) develop and maintain processes and resources to enable the effects of activities, including cumulative effects, to be monitored;
c) monitor the state of resources and ensure that an appropriate level of understanding is available and maintained to assist policy and management initiatives;
d) identify relevant ecosystem services and assess their role and value to the region;
e) identify and integrate mātauranga Māori indicators and measures as part of the information and monitoring regime;
f) consider opportunities for communities to be involved in local monitoring programmes; and
g) investigate the use of integrated spatial planning tools including to explore alternative long-term development options and associated trade-offs

Policy 6.1 Planned and co-ordinated development
Development of the built environment, including transport, occurs in a planned and co-ordinated manner which:
a) has regard to the principles in section 6A;
b) recognises and addresses potential cumulative effects of development; and
c) is based on sufficient information to allow assessment of the potential long-term effects of development.

6.1.2 Advocacy
Local authorities should advocate for the principles in section 6A with respect to development (including infrastructure development) proposals, private plan change proposals and the development of industry guidelines and manuals.

6.1.3 Development manuals and design codes
Territorial authorities should, as appropriate, ensure development manuals and design codes allow and encourage development which is consistent with the principles in section 6A

6A Development Principles

General development principles
New development should:
a) support existing urban areas in preference to creating new ones;
ab) occur in a manner that provides clear delineation between urban areas and rural areas;
b) make use of opportunities for urban intensification and redevelopment to minimise the need for urban development in greenfield areas;
c) not compromise the safe, efficient and effective operation and use of existing and planned infrastructure, including transport infrastructure, and should allow for future infrastructure needs, including maintenance and upgrading, where these can be anticipated; d) connect well with existing development and infrastructure; e) be directed away from identified significant mineral resources and their access routes, natural hazard areas, energy transmission corridors, locations identified as likely renewable energy generation sites, and high class soils;
f) promote compact urban form, design and location to:
   i) minimise energy and carbon use;
   ii) minimise the need for private motor vehicle use; iii) encourage walking, cycling, use of public transport and multi-modal transport connections; and
iv) maximise opportunities for people to live, work and play within their local area;
g) maintain or enhance landscape values and provide for the protection of historic and cultural heritage;
h) promote positive indigenous biodiversity outcomes and protect significant indigenous vegetation and significant habitats of indigenous fauna. Development which can enhance ecological integrity, such as by improving the maintenance, enhancement or development of ecological corridors, should be encouraged;
i) maintain or enhance public access to and along the coastal marine area, lakes and rivers;
j) avoid as far as practicable adverse effects on natural hydrological characteristics and processes (including aquifer recharge and flooding patterns), soil stability, water quality and aquatic ecosystems including through methods such as low impact urban design and development (LIUDD);
k) adopt sustainable design technologies, such as the incorporation of energy-efficient (including passive solar) design, low-energy street lighting, rain gardens, renewable energy technologies, rainwater harvesting and grey water recycling techniques where appropriate;
l) not result in incompatible adjacent land uses (including those that may result in reverse sensitivity effects), such as industry, rural activities and existing or planned infrastructure;
m) be appropriate with respect to projected effects of climate change and be designed to allow adaptation to these changes; n) where appropriate, promote opportunities to visually recognise tāngata whenua connections within an area by considering the effects on relationships, values, aspirations, roles and responsibilities;
o) support the Vision and Strategy for the Waikato River in the Waikato River catchment;
p) encourage waste minimisation and efficient use of resources (such as through resource-efficient design and construction methods); and
q) avoid adverse effects on ecosystem services.

Policy 6.3 Co-ordinating growth and infrastructure

Management of the built environment ensures:

a) the nature, timing and sequencing of new development is co-ordinated with the development, funding, implementation and operation of transport and other infrastructure, in order to:

   i) optimise the efficient and affordable provision of both the development and the infrastructure;

   ii) maintain or enhance the operational effectiveness, viability and safety of existing and planned infrastructure;

   iii) protect investment in existing infrastructure; and

   iv) ensure new development does not occur until provision for appropriate infrastructure is in place;

b) the spatial pattern of land use development, as it is likely to develop over at least a 30-year period, is understood sufficiently to inform reviews of the Regional Land Transport Strategy. As a minimum, this will require the development and maintenance of
growth strategies where strong population growth is anticipated;
c) the efficient and effective functioning of infrastructure, including transport corridors, is maintained, and the ability to maintain and upgrade that infrastructure is retained; and
d) a co-ordinated and integrated approach across regional and district boundaries and between agencies.

Implementation methods

6.3.1 Plan provisions

Regional and district plans shall include provisions that provide for a long-term strategic approach to the integration of land use and infrastructure and that give effect to Policy 6.3, including by ensuring as appropriate that:
a) roading patterns and design support the use of public transport;
b) walking and cycling facilities are integrated with developments;
c) the different transport modes are well connected;
d) industry is located where there is good access to strategic transport networks and road, rail or freight hubs;
e) development maintains and enhances the safe, efficient and effective use of existing infrastructure and can be integrated with future infrastructure needs where these can be determined;
f) development does not add to existing road safety risks and where possible should reduce such risks;
g) development does not unnecessarily prevent likely future network infrastructure improvements and upgrades;
h) development patterns support the use of rail or sea for freight movement; and
i) provisions support the travel demand management components of the Regional Land Transport Strategy.

6.3.2 Aligning infrastructure and land use planning
Territorial authorities should, in association with Waikato Regional Council, the NZ Transport Agency and other infrastructure providers, ensure infrastructure planning and land use planning initiatives are aligned, and should co-ordinate the provision of appropriate infrastructure and services for new development prior to development occurring.

6.3.3 Financial provision for infrastructure
Local authorities should ensure financial provision is made for infrastructure and services required for each development area or redevelopment area.

6.3.4 Urban growth outside of growth strategy areas
District plans shall ensure that in areas not subject to a growth strategy, urban development is predominantly directed to existing urban areas and is contiguous with, and well connected to them.

6.3.5 Planning for land use and transport
Local authorities should ensure as appropriate, that growth strategies, structure plans, regional land transport strategies and development manuals and design codes are consistent with the directions in Policy 6.3.
6.3.6 Transport planning
Waikato Regional Council will promote the integrated management of land use and transport through involvement with the management of national, regional, sub-regional and district transportation policies, actions and funding.

6.3.7 Future infrastructure changes and upgrades
Waikato Regional Council will work with territorial authorities, the NZ Transport Agency, other infrastructure providers and relevant developers to ensure that development does not unnecessarily prevent likely future infrastructure changes and upgrades.

6.3.8 Working with neighbouring regions
Local authorities should work with other local authorities in neighbouring regions to ensure the management of the built environment is co-ordinated and integrated through development of regional policy statements, regional and district plans, regional land transport strategies, regional land transport programmes and relevant growth strategies.

6.3.9 Integrated Transport Assessments
Territorial authorities should ensure an Integrated Transport Assessment is prepared to support a structure plan, plan change or resource consent application where the development may result in additional major trip-generating activities.

Policy 6.5 Energy demand management
Development should minimise transport, energy demand and waste production, encourage beneficial re-use of waste materials, and promote the efficient use of energy.

Implementation methods

6.5.1 District plan provisions
District plans should:
a) encourage energy-efficient urban development, such as through promotion of energy-efficient urban form and design, energy-efficient buildings, innovative energy technologies and provision for multi-modal transport systems; and
   a) b) encourage the use of on-site and community-based renewable energy technologies.

6.5.2 Advocacy and education
Local authorities should advocate the directions of Policy 6.5 with respect to development proposals.

6.5.3 Development manuals and design codes
Territorial authorities should, as appropriate, ensure development manuals and design codes allow and encourage development which is consistent with Policy 6.5.

6.5.4 Managing travel demand
Waikato Regional Council will investigate a range of methods to reduce the demand for transport through its Regional Land Transport Strategy.

6.5.5 Local transport strategies
Territorial authorities should consider developing local transport strategies for
encouraging walking, cycling, use of public transport in urban areas and other demand management initiatives.

6.5.6 Public transport services
Waikato Regional Council will, through its Regional Public Transport Plan and Regional Land Transport Strategy:
  a) investigate opportunities including through strategic planning for passenger transport corridors, to improve public transport services for established urban and rural-residential centres; and
  b) promote the benefits and uptake of public transport.

Policy 6.6 Significant infrastructure and energy resources
a) Management of the built environment ensures that the effectiveness and efficiency of existing and planned regionally significant infrastructure is protected.
b) Regard is given to the benefits that can be gained from the development and use of regionally significant infrastructure and energy resources, recognising and providing for the particular benefits of renewable electricity generation.

Implementation methods

6.6.1 Plan provisions
6.6.1 Plan provisions
Regional and district plans shall include provisions that give effect to Policy 6.6, and in particular, that management of the built environment:
  a) does not result in adverse effects on significant transport corridors as defined in Maps 6.1 and 6.1A (section 6B) through avoiding ribbon development and avoiding as far as practicable additional access points and exacerbation of community severance
  ba) provides for renewable energy by having particular regard to:
    i) the increasing requirement for electricity generation from renewable sources such as geothermal, fresh water, wind, solar, biomass and marine, and the need to maintain generation from existing renewable electricity generation activities;
    ii) the need for electricity generation to locate where energy sources exist, and transmission infrastructure to connect these generation sites to the national grid or local distribution network;
    iii) the logistical or technical practicalities associated with developing, upgrading, operating or maintaining renewable electricity generation, or electricity transmission activities;
    iv) any residual environmental effects of renewable electricity generation activities which cannot be avoided, remedied or mitigated can be offset or compensated to benefit the affected community or the region; and
    v) the benefits of renewable electricity generation activities including maintaining or increasing security of electricity supply.
  ca) provides for infrastructure in a manner that:
    i) recognises that infrastructure development can adversely affect people and communities; and
    ii) does not result in land uses that adversely affect the effective and efficient operation of existing and planned regionally significant infrastructure

6.6.3 Collaboration
Waikato Regional Council will seek to collaborate with territorial authorities, KiwiRail and the NZ Transport Agency to ensure development protects the function of significant transport corridors as defined in Maps 6.1 and 6.1A in section 6B.
6.6.4 Regional Land Transport Strategy
Waikato Regional Council will ensure the Regional Land Transport Strategy includes provisions to support the protection of the function of significant transport corridors including through the development of a regional transport hierarchy which gives a consistent approach to be used by territorial authorities in their district plans.
Map 6-1A Significant Transport Corridors (Hamilton)
25.15 Urban Design

25.15.1 Introduction

This chapter contains a summary section 32 evaluation of the objectives, policies, rules and methods contained in chapter 25.15 Urban Design.

The overall approach of the plan chapter is to maintain and enhance amenity values, sustainability and safety through quality urban design. Quality urban design assists to enhance environmental, social, cultural and economic wellbeing by establishing urban environments that are:

a) Competitive, thrive economically and facilitate creativity and innovation.

b) Provide a choice of housing, work and lifestyle options.

c) Healthy and assist to sustain people and nature.

d) Inclusive and offer opportunities for all citizens.

e) Distinctive and have a strong identity and sense of place.

f) Well-governed and have a shared vision and sense of direction.

Objectives, policies, rules and assessment matters within this District Plan, along with other methods adopted by the Council, seek to facilitate and encourage subdivision and development design in a manner that will continually enhance the quality of the City’s urban environments. While many urban design matters are responded to directly within the chapters of this District Plan, the City-wide Chapter provides the objectives and policies for those urban design matters that need to be considered throughout Hamilton regardless of the zoning that may apply.

As part of the preparation of the District Plan, a high level ‘audit’ was undertaken of the proposed provisions in relation to urban design. Using the Ministry for Environment’s Urban Design Stocktake of Resource Management Plans and Policies as a guideline, each of the draft chapters was assessed as to its response to a range of urban design oriented criteria. This process assisted to identify urban design ‘gaps’ within the proposed plan and, subsequently, potential urban design matters to be addressed within the City-wide Chapter (along with additional provisions within some other chapters throughout the District Plan).

Supporting documents are listed in the References section of this chapter.

25.15.2 Objectives

<table>
<thead>
<tr>
<th>Objective most appropriate to achieve the purpose of the Act:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>25.15.2.1</strong> Urban environments that promote the retention and enhancement of urban amenity values, i.e. pleasantness, aesthetics, coherence, cultural and recreational values.</td>
</tr>
<tr>
<td>Objective</td>
</tr>
<tr>
<td>-----------</td>
</tr>
<tr>
<td><strong>25.15.2.2</strong></td>
</tr>
<tr>
<td><strong>25.15.2.3</strong></td>
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<tr>
<td><strong>25.15.2.4</strong></td>
</tr>
<tr>
<td><strong>25.15.2.5</strong></td>
</tr>
</tbody>
</table>

**Objectives not the most appropriate to achieve the purpose of the Act:**

<table>
<thead>
<tr>
<th>Objective</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do nothing.</td>
<td>This would not be the appropriate objective because it would not promote sustainable management of natural and physical resources in accordance with</td>
</tr>
</tbody>
</table>
section 5 of the Act. In particular, this approach does not support and has the potential to lead to outcomes that reduce environmental, social, cultural and economic wellbeing.

Objectives which encourage development which is most economically viable to developers regardless of urban design, energy use, and safety considerations.

This objective is not appropriate as it does not encourage sustainable urban design. Rather, it relies on the market as to whether these considerations are incorporated into the design, would not address the foreseeable needs of future generations, and may lead to outcomes that reduce environmental, social, cultural and economic wellbeing.

**Conclusion:** Taking into account the above, Council considers that the objectives in this chapter of the Plan are the most appropriate to achieve the purpose of the Act.

### 25.15.3 Policies

**Policies most appropriate to achieve the objective:**

#### 25.15.2.1
Urban environments that promote the retention and enhancement of urban amenity values, i.e. pleasantness, aesthetics, coherence, cultural and recreational values.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>25.15.2.1a</strong></td>
<td>Streetscape quality, public open spaces and pedestrian amenity are improved through appropriate streetscape and built-form which enhances the appearance, functionality, comfort and safety of the pedestrian environment.</td>
</tr>
<tr>
<td><strong>25.15.2.1b</strong></td>
<td>Built form and public amenity features, including public art, are encouraged to enhance public awareness of historic and contemporary heritage and culture.</td>
</tr>
<tr>
<td><strong>25.15.2.1c</strong></td>
<td>A high standard of internal and external amenity for commercial and community buildings and a high standard of external amenity for residential buildings are provided, including provision</td>
</tr>
</tbody>
</table>

**Benefits**
- The policies provide economic benefits for owners or occupiers of buildings by providing a sustainable and efficient approach to land use development, both at the scale of the neighbourhood through the streetscape policy and the scale of the site through policy 25.15.2.1c. This reduces day to day living costs and has the potential to promote community (including health) wellbeing through the promotion of walkable environments and sustainable buildings.
- The policies have environmental benefits as they promote well connected environments. They also minimise the need for high energy use to ventilate and illuminate buildings, as an example.
- The policies have social and cultural benefits as they enhance the liveability and amenity of areas and promote sustainability through design. This increases the social wellbeing of residents and occupants.

**Costs**
- There are potential financial costs in ensuring that developments and new neighbourhoods comply with these policies.
of natural ventilation, recreation space, daylight and sunlight access, and adequate living space for residential units. | **Efficient and Effective**  
- These policies will be efficient and effective to achieve objective 25.12.2.1 as they provide clear direction about the urban design requirements for developments. The policies are efficient in that their stated benefits outweigh their likely costs.

### Policies most appropriate to achieve the objective:

**25.15.2.2**  
Urban environments that promote a positive sense of place and are reflective of the characteristics of surrounding local environment.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
</table>
| **25.15.2.2a**  
Development within residential, business and City living areas is encouraged to promote a sense of human scale. | **Benefits**  
- The policies have social and cultural benefits to the community as they promote the liveability and amenity of the City. This increases the social wellbeing of residents and occupants.  
**Costs**  
- There are potential financial costs to developers and the Council/community in ensuring that developments and neighbourhoods comply with these policies, particularly 25.15.2.2d which is a requirement rather than an ‘encouragement’ policy.  
**Efficient and Effective**  
- These policies will be efficient and effective to achieve objective 25.12.2.2 as they provide guidance about how to promote a positive sense of place that is reflective of the characteristics of the local environment.  
- The policies are efficient in that their stated benefits outweigh their likely costs. |
| **25.15.2.2b**  
Development will be expected to respond positively to the character of the area, the scale and proportion of buildings and spaces in which it is situated. |  |
| **25.15.2.2c**  
Public and private development is encouraged to provide for attractions or focal points (including ‘gateways’) that assist in enhancing community identity. |  |
| **25.15.2.2d**  
Sympathetic, contemporary design responses to cultural and heritage character within the surrounding local environment is encouraged. |  |
| **25.15.2.2e**  
Distinctive architectural styles within identified character areas are retained. |  |
25.15.2.3 Continued enhancement of public and personal safety throughout the city, by reducing opportunities for crime to occur.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>25.15.2.3a</td>
<td>Benefits</td>
</tr>
<tr>
<td></td>
<td>Costs</td>
</tr>
<tr>
<td>25.15.2.3b</td>
<td>Efficient and Effective</td>
</tr>
</tbody>
</table>

**Policies most appropriate to achieve the objective:**

25.15.2.4 Subdivision and development which is well connected, legible and promotes sustainable energy use.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>25.15.2.4a</td>
<td>Benefits</td>
</tr>
<tr>
<td></td>
<td>Costs</td>
</tr>
<tr>
<td>25.15.3.4b</td>
<td>Efficient and Effective</td>
</tr>
</tbody>
</table>
ensuring subdivision and development meets these policies.

**Efficient and Effective**

- These policies will be efficient and effective to achieve objective 25.12.2.4 by promoting walking and cycling through the design of developments, which is an efficient use of land resource and promotes sustainability. The policies are efficient in that their stated benefits outweigh their likely costs.

**Policies most appropriate to achieve the objective:**

25.15.3.5
Urban environments that integrate land use with transport planning to provide permeable, highly connected and sustainable transport networks.

<table>
<thead>
<tr>
<th>Policies</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>25.15.2.5a</td>
<td>Activities that are well located in respect of travel demand promote an efficient transport hierarchy and compact City around key nodes and circulation networks.</td>
</tr>
<tr>
<td>25.15.2.5b</td>
<td>Development promotes connectivity and accessibility with pedestrian routes, cycle ways, public reserves and green corridors.</td>
</tr>
</tbody>
</table>

**Benefits**

- The policies provide economic benefits for individuals and the wider community by providing a sustainable and efficient approach to land use development. This reduces day to day living costs through the promotion of walking and cycling environments.
- The policies have environmental benefits as they promote well connected environments that minimise the need to use vehicles, and encourage the use of sustainable energy sources within subdivision and development. The policies also have benefits for the social wellbeing of residents and occupants.

**Costs**

- There are potential financial costs associated with ensuring subdivision and development meets these policies.

**Efficient and Effective**

- These policies will be efficient and effective to achieve objective 25.12.2.5 by promoting land use activities close to key nodes and networks. They promote connectivity for walking and cycling through the design of developments, which is an efficient use of land resource and promotes sustainability.

The policies are efficient in that their stated benefits outweigh their likely costs.
### Policies not most appropriate to achieve the objectives:

<table>
<thead>
<tr>
<th>Policy</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Do nothing.</td>
<td>This approach would not be appropriate as it would not promote the sustainable use of resources. It would allow development and the use of resources to occur without looking at the needs of future generations. This approach does not support and has the potential to lead to outcomes that reduce environmental, social, cultural and economic wellbeing.</td>
</tr>
</tbody>
</table>

### Risks

Risks of acting or not acting.

The risks of not acting are that developments are undertaken in a manner that uses land inefficiently and does not promote sustainable, safe and liveable environments. In relation to existing development, there is a risk that they may continue to operate inefficiently in the future.

**Conclusion:** Taking into account the above, Council considers that the policies in this chapter are most appropriate to achieve the relevant objectives.

#### 25.15.4 Rules

There are no specific rules or assessment matters within the City-wide Chapter relating to urban design. Rather the relevant rules and assessment matters are contained within the zone chapters throughout the District Plan.

#### 25.15.5 Methods Other Than Rules

<table>
<thead>
<tr>
<th>Method most appropriate to achieve the objectives:</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regulatory methods: Hamiton City Strategies (e.g. Access Hamilton and any associated action plans, Hamilton Urban Growth Strategy) and Plans.</td>
<td>Benefits</td>
</tr>
<tr>
<td></td>
<td>- These strategies provide City-wide direction which provides for a comprehensive vision for the City (including in relation to urban design) and will assist to result in consistent outcomes across the organisation and the city. These documents have informed the approach in the District Plan.</td>
</tr>
<tr>
<td></td>
<td>Costs</td>
</tr>
<tr>
<td></td>
<td>- There would have been financial costs in the development of these strategies, and there will be ongoing costs in maintaining/implementing these strategies.</td>
</tr>
<tr>
<td></td>
<td>Efficient and Effective</td>
</tr>
</tbody>
</table>
| | - These methods are an efficient and effective tool to guide the direction in the objectives and
<table>
<thead>
<tr>
<th>Council works and services:</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council shows leadership in urban design, accessibility, innovation, sustainability and optimisation.</td>
<td>• Council is responsible for numerous public works and services which affect the streetscape and buildings within the City. The Council can show leadership and lead by example (particularly in relation to ‘quality’ of outcomes sought) through these works and services which will in turn have environmental and social benefits for the wider community.</td>
</tr>
<tr>
<td></td>
<td><strong>Costs</strong></td>
</tr>
<tr>
<td></td>
<td>• There are financial costs in relation to planning and implementation associated with undertaking these methods.</td>
</tr>
<tr>
<td></td>
<td><strong>Efficient and Effective</strong></td>
</tr>
<tr>
<td></td>
<td>• These methods will be efficient and effective to achieve the objectives by providing public spaces and buildings which meet the objectives and requirements for safety, urban design and sustainability.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Information, education and advocacy:</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide guides and technical advice on Good quality urban design (e.g. Vista – highlights key urban design principles). Advocate for Good quality urban design and the incorporation of public art into the City.</td>
<td>• There are social, cultural, environmental, and potentially economic benefits for those undertaking developments in order to understand the outcomes the Council is seeking for the City and to better incorporate them into developments.</td>
</tr>
<tr>
<td></td>
<td><strong>Costs</strong></td>
</tr>
<tr>
<td></td>
<td>• There will be financial costs associated with providing the resources to undertake these methods.</td>
</tr>
<tr>
<td></td>
<td><strong>Efficient and Effective</strong></td>
</tr>
<tr>
<td></td>
<td>• These methods will be efficient and effective to achieve the objectives by providing advice to individuals about how to achieve the outcomes that the District Plan seeks to achieve.</td>
</tr>
</tbody>
</table>
Risks

Risks of acting or not acting.

- The risks of not acting are that individuals will be left to interpret requirements for urban design without the support of information from Council, or physical examples that Council has undertaken. This will result in risks that development will result in poor safety and urban amenity.

**Conclusion:** Taking into account the above, Council considers that the methods in this chapter are most appropriate to achieve the objectives.

25.15.6 References

- Access Hamilton Strategy (Hamilton)
- City Scope Strategy (Hamilton) Environmental Sustainability Strategy (Hamilton)
- People, Places and Spaces: A Design Guide for Urban New Zealand
- The Value of Urban Design: The Economic, Environmental and Social Benefits of Urban Design. MFE, 2005
- Section 42A Hearing Report: 17 September 2013: Report on submissions and further submissions: Chapter 25.15 Urban Design

25.15.7 Glossary

- **CPTED** Crime Prevention Through Environmental Design
26 Other

26.1 Notification Rule for Chapters 4-12, 14-20, and 22-26

**Rules most appropriate to achieve the objectives:**

<table>
<thead>
<tr>
<th>Method</th>
<th>Effectiveness, efficiency, costs and benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notification Rule</td>
<td>Benefits</td>
</tr>
<tr>
<td></td>
<td>• This approach takes away the restrictions of a</td>
</tr>
<tr>
<td></td>
<td>blanket approach for requiring all restricted</td>
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<td>discretionary activities to be notified. A blank</td>
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<td>et approach increases costs and uncertainties for</td>
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<td>applicants because the notification process can</td>
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<td>be lengthy with uncertain outcomes because of</td>
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<td>submissions. The restricted discretionary activity</td>
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<td>assessment criteria are robust enough to allow</td>
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<td>sufficient assessment by the Council without the</td>
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<td>need for public submissions. The community will</td>
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<td>be satisfied that the outcomes of the Plan will be</td>
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<td>delivered because of a robust assessment process.</td>
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**Costs**

• The community will lose the ability to submit on applications and have input into the planning process

**Efficient and effective**

• This rule is efficient and effective to achieve the objectives in the Proposed District Plan because the benefits outweigh the costs. The rule leads to reduced costs and a streamlined consent process, which will still result in good outcomes for City.
### APPENDIX 1

**SECTION 32 EVALUATION REPORT: PLAN CHANGE NO.1 - RUAKURA**

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PART A CONTEXT

1 INTRODUCTION
This report has been prepared to meet the requirements of section 32 (S32) of the Resource Management Act 1991 (RMA).

1.1 Statutory Framework
There have already been a series of s32 reports prepared that are a precursor or contributor to this s32 evaluation report because they relate in part to the purpose of this plan change. This is due to a unique set of circumstances that have contributed to the need to prepare this plan change to the Hamilton City Partly Operative District Plan (PODP) which is now the fully Operative District Plan.

A Board of Inquiry (BOI) was set up to consider a private plan change request for part of Ruakura as a matter of national significance by the Minister for the Environment during 2013. At this time Hamilton City Council also notified the Proposed District Plan (PDP) and subsequently, to avoid unnecessary duplication with running parallel processes at similar times, resolved to suspend all hearings and decisions on matters relating to Ruakura until such time as the Board had made its final decision on the plan change.

As a consequence there are various section 32 reports publicly available; namely:

- The BOI decision released on 9 September 2014 which included a section 32AA report that was issued for a substantial portion of the land covered by this plan change; and
- Council decisions on the PDP released during July 2014 that was accompanied by a section 32 report that considered many Zone and city wide provisions except for those planning provisions for the Ruakura (and R1) land that were deferred for determination and selected adjacent areas of land that also are now covered by this plan change.

The specific Section 32 reports prepared as part of these separate but related statutory planning processes are:

1. A series of reports prepared during the BOI to consider the Private Plan Change request for the Ruakura Development Plan dated 31 October 2013 (with reference to the notified version of the Plan Change), and 9 June 2014 (with reference to the amended Plan Change version dated 26 May 2014). These assisted with the Board’s own s32AA considerations that formed part of their final decision on the Plan Change confirmed in September 2014; and

2. A report prepared by the Hamilton City Council referenced as the ‘Section 32 Analysis’ in support of the PDP as a whole including those sections that Council deferred from consideration due to the BOI process and the s32AA report released as part of the decisions version of the PDP in July 2014.

The Council acknowledge this extensive set of technical assessments and have taken account of these s32 analyses where they are relevant to support this current s32 assessment. To do this, there is reliance on, and extensive use made of cross referencing to these previous s32 evaluation reports and the Board’s s32AA report. Section 4: The Section 32 Evaluation Framework discusses this matter further. Those s32 reports are accessible at www.hamilton.govt.nz/ruakura as documents which were available as part of the statutory planning process for this plan change.
1.2 Consultation
The plan change was prepared by Council, but with input from discussions with key stakeholders and landowners. This input has been based around the distribution of working draft versions of the plan change, the exchange of emails, phone discussions and meetings during 2015 as the plan change has been prepared. A summary of all engagement with the community is outlined below;

- All landowners, submitters to the PDP regarding Ruakura and submitters to the Board of Inquiry process have been included in all emails and letters sent regarding the draft Ruakura Plan change provisions.
- No change to the SH26 Large Lot Residential Zone is proposed and therefore no direct meetings with these landowners has occurred; they have all received communication of the draft provisions and were included in the public notification process.
- The Ruakura Residents Group consists of all properties within Ryburn and Percival Roads and is represented by Mr Cowie as the key contact. The only specific meeting outside of this group for this area was with Waikato Krishna who have submitted individually previously.
- Letters and emails were sent to approximately 170 landowners, previous submitters or key stakeholders to advise of the draft plan change provisions being available for feedback.
- In total 27 pieces of feedback were received from individuals, groups or key stakeholders.

Key Stakeholders engaged with during the preparation of this plan change include: Waikato Regional Council, Waikato-Tainui, Waikato District Council, New Zealand Transport Agency, FutureProof, Tainui Group Holdings, Chedworth Properties Limited, University of Waikato, AgResearch, Waikato Innovation Park, Transpower and Kiwirail.

Key groups engaged with during the preparation of this plan change include: Ruakura Residents Group, Fairview Downs Residents Association, Silverdale Residents Group and Newstead Residents Group.

A number of individual landowners were also engaged with during the preparation of the plan change.

A full draft set of plan change provisions was distributed in July 2015 to all landowners, previous submitters to the BOI process or PDP process for Ruakura and key stakeholders.

1.3 Hearing Process
Council appointed two independent commissiones to hear submissions on Plan change 1 - Ruakura. Council also appointed an independent hearing administrator to administer the hearing and scheduling of submitters who wished to appear.

Submissions to Plan change 1 - Ruakura were heard at the Hamilton Gardens. The Section 42A Report for each topic was made available on the Council website to the public 5 working days before the hearing.

1.4 Amendments as a consequence of Commissioners’ decisions
This Section 32 report has been updated to reflect additional reporting and analysis undertaken as part of preparing the s42 hearing reports, evidence received and the notified decisions on submissions and further submissions to Plan change 1 - Ruakura. It also reflects the decisions from appeals being finalised through consent orders granted by the Environment Court.
2 PURPOSE OF THE PLAN CHANGE
This plan change incorporates in the PODP all 822 hectares that comprises the ‘R1’ land formerly part of Waikato District that became part of Hamilton City as a result of local government reorganisation in 2011. This includes the land considered by the BOI being approximately 389 hectares managed by the Tainui Group Holdings (TGH) and Chedworth Properties Limited (CPL) for which planning provisions have now been confirmed by the Board, the balance of the R1 land and specific areas in Hamilton City for which decisions on their appropriate planning provisions were deferred from the hearings process of the PDP in 2013. Notably, these areas include AgResearch, Waikato Innovation Park, the University of Waikato and the Mangaonua Gully system for example.

Appendix 1 illustrates the geographical area that comprises the land considered by the plan change.

2.1 Key Resource Management Issues Addressed
The key resource management issue addressed by this plan change to the DP is the integration of the BOI’s decision on ‘Ruakura’ and the framework for the urbanisation of this land. This is for the regionally strategic purpose of providing for a multi-modal transport hub - an inland port at Ruakura along with support facilities and services and including key research facilities.

This is also to be achieved through the refinement of selected planning provisions in the DP relating to future development in adjacent areas in eastern Hamilton.

Overall, these new and amended planning provisions incorporated into the plan change include:

- the confirmation of a Structure Plan for Ruakura and the R1 Area (Chapter 3.7 and Appendix 2);
- the refinement of zone provisions to strengthen support for the long term operation of an inland port and associated activities and innovation and research capability (Chapters 8, 10 and 11);
- the adoption of two important sets of related planning provisions to manage the process of urbanisation. These relate to a Land Development Consent mechanism (Chapter 3.7.4.2 and Appendix 1.2.2.25) and Staging and Traffic management rules (3.7.4.3 and Appendix 1.2.2.26) as a prerequisite to establishing infrastructure and building development in any greenfield area in the R1 area;
- the adoption of customised matters of control for controlled activities and matters of discretion for the consideration of restricted discretionary activities in the development zones (Appendix 1.3.2 F Ruakura and 1.3.3 N Ruakura);
- the recognition of the sensitivity of the nature, scale and twenty four hour operation of the inland port itself, and its proximity to a rural-residential living area has resulted in specific provisions to address environmental and visual amenity matters (Chapters 10.5.2 – 10.5.4 and 11.5.3);
- the obligation to establish an Inland Port Community Liaison Committee that involves the adjoining residential land owners to consider the impact of port operations on the surrounding communities and the effectiveness of the mitigation measures (Chapter 10.5.1);
- customised performance standards to address unique environmental amenity concerns such as noise associated with the operation of the inland port (Chapter 25.8.3.11-13);
• extension of the Medium Density Residential Zone to include 22 hectares of General Residential land (Planning Maps 20A, 29A and 30A)
• performance controls that provide for a medium density residential area capable of supporting single dwellings, duplex and apartment housing (Chapter 4); and
• a Knowledge Zone that comprises four precincts with customised provisions for AgResearch, Waikato Innovation Park, University of Waikato and for a new Ruakura Retail Centre to create a high amenity node on the eastern side of Hamilton focused on the delivery of education, research and business functions (Chapter 8).

2.2 Integration of Provisions from Operative & Proposed District Plans
The decision of the BOI was made in part, recognising that whilst its provisions were to be incorporated as part of the Hamilton City Operative District Plan - Waikato Section (2012), there was an additional step required to incorporate these provisions as part of the more recent Hamilton City PDP (Appeals version) 2015, which when the change was notified was the PODP 2016, but now it is fully operative.

Three ‘high-level’ options are available to Council on how to incorporate the Board’s Development Plan Change provisions into the DP:

1. Prepare a standalone and self contained section to the District Plan;
2. Integrate the Board’s decision into the existing framework of the District Plan; or
3. Prepare a hybrid approach that incorporates elements of the above two approaches.

The merits of each approach is summarised in the table below to determine the preferred approach to adopt for structuring this plan change and the drafting exercise that followed.

<table>
<thead>
<tr>
<th>Generic Option</th>
<th>Description of Key Elements</th>
<th>Advantages</th>
<th>Disadvantages</th>
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</table>
| Hybrid approach        | Delete ‘core’ chapters (8, 10, and 11) and substitute new Chapters as provided for under 25H.5, 25H.6 and 25H.7. Incorporate Ruakura specific provisions from BOI. | “Core” Zone elements and land development and infrastructure staging and traffic management provisions from BOI are cross-referenced to ensure plan users are guided to the relevant provisions. Overall, this ‘mix and
Section 32 Evaluation Report: Plan Change No.1 Ruakura - Operative District Plan

<table>
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<th>Generic Option</th>
<th>Description of Key Elements</th>
<th>Advantages</th>
<th>Disadvantages</th>
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<td>provisions concerning Land Development (25H.11), Staging and Traffic Requirements (25H.12) as single new chapter or as part of Chapter 3: Structure Plans. Incorporate other provisions into existing City wide performance standards. Use sub headings/sub-sections to deal with Ruakura specific provisions.</td>
<td>retained and transposed. Other provisions are included in Chapters 1-4 of the existing DP as are City wide performance provisions aided by use of ‘Ruakura’ sub headings to assist with administration/readability. Mapping exercise-neutral.</td>
<td>match’ is the preferred approach as it retains the integrity of the BOI decision and can align with the present structure of the DP.</td>
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Of the three generic options the option with the least favourable attributes is the option to adopt a “stand alone” chapter that is “bolted on” to the DP followed by the approach to “pepper pot” the new provisions throughout the DP as presently formatted.

The “hybrid” approach has merit as it builds upon the format of the DP where this is appropriate, while incorporating directly in to the DP those “core” provisions for the Knowledge, Ruakura Logistics and Ruakura Industrial Park Zones in substitute of the existing provisions (Chapters 8, 10 and 11 respectively) which were deferred for determination during the Council hearings. It also is crucial to retain the coherence and integrated approach to the land urbanisation provisions (25H.11 and 25H.12 of the BOI decision) and this can be achieved by incorporating these provisions into a substantially redrafted Chapter 3.7 Ruakura.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

The hybrid approach was adopted as the preferred method as it achieves the integration of the BOI’s provisions in to the DP in a coherent manner.

This approach to Plan administration will support the sustainable management purpose of the Act.

The summary table below traces how the provisions from the BOI decision referenced as Schedule 25H have been incorporated generally in to the DP by way of insertion to and/or amendment of the DP.

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<th>DP Comparable Topic</th>
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<td>.4</td>
<td>Objectives and Polices</td>
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<td>Objectives and Policies, Rules</td>
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<td>.7</td>
<td>Knowledge Area</td>
<td>Chapter 8</td>
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<td>.8</td>
<td>General Residential Area</td>
<td>Chapter 4.3</td>
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<td>Noise and Vibration</td>
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2.3 Section 32 Duty

In achieving the purpose of the RMA Council must carry out and report on an evaluation of the Plan’s provisions under section 32 (s32). This duty is stated as follows:

32 Requirements for preparing and publishing evaluation reports

(1) An evaluation report required under this Act must—

(a) examine 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) examine 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; and

(c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

(2) An assessment under subsection (1)(b)(ii) must—

(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.

(3) If the proposal (an amending proposal) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (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.

(4) If the proposal will impose a greater prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.
(5) The person who must have particular regard to the evaluation report must make the report available for public inspection—
   (a) as soon as practicable after the proposal is made (in the case of a standard or regulation); or
   (b) at the same time as the proposal is publicly notified.

(6) In this section,—
   objectives means,—
      (a) for a proposal that contains or states objectives, those objectives:
      (b) for all other proposals, the purpose of the proposal

proposals means a proposed standard, statement, regulation, plan, or change for which an evaluation report must be prepared under this Act

provisions means,—
      (a) for a proposed plan or change, the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change:
      (b) for all other proposals, the policies or provisions of the proposal that implement, or give effect to, the objectives of the proposal.

The Section 32AA framework also warrants reference as this sub-clause also is referred to as part of this evaluation. The Section 32AA Requirements for undertaking and publishing further evaluations says:

(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......, or decisions on the proposal, is publicly 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.

The Council approach and application of this s32 duty is explained further in Section 3: Preparation of the Plan change and Section 4: The Section 32 Evaluation Framework and the evaluation of the provisions of the plan change is presented in Section 5: Structure Plan – Ruakura, Section 6: Zone Provisions, Section 7: Other General Rules for All Zones, Section 8: City Wide Provisions, Section 9: Definitions, Section 10: Information Requirements, Section 11: Assessment Criteria.
PART B EVALUATION

3 PREPARATION OF THE PLAN CHANGE

Preparation of this plan change has not followed the standard approach for those reasons explained in section 1 above. Understanding this unique approach will assist parties with the review of the provisions themselves.

The following principles underpinned the drafting exercise:

1. The provisions confirmed by the BOI were adopted wherever possible, and conversely, where amendments to the BOI provisions have been made these are explained where they are significant to a policy position or rule statement, as part of the section 32 assessment;
2. The provisions of the DP were adopted unless there was a justifiable resource management reason to amend them, and these amendments have been explained in relation to any significant policy shift or rule revision as part of the section 32 assessment. The clearest example relates to the City wide provisions of the DP (Chapter 25) where many of the provisions adopted in the plan change have been through full notification, hearing and decision making steps including mediation and consent orders, and in circumstances where there is no significant loss of intent, it is appropriate to adopt these confirmed DP provisions;
3. Where the BOI decision is ‘overlaid’ on the same area of the City that is also managed under the DP then it is appropriate to rely on the section 32 assessment completed during the BOI process accompanied by any additional information to support the ‘adopted’ planning provisions in the plan change. Examples are Chapters 8, 10 and 11.
4. Where the Board’s provisions now are proposed to apply to an area outside that area for which the Board had jurisdiction and now is part of the subject area of the plan change (the wider R1 Area) then a s32 evaluation was completed to support the inclusion of the planning provisions in the plan change.
5. In all cases the s32 assessment carried out considered the consistency of these provisions with the city wide planning framework and the general administration of the Plan. The section 32 assessment therefore has provided the means to reconcile some apparently ‘competing’ provisions between the Board decision and the provisions of the DP.

Appendix 1 is the final version of the plan change and is incorporated into the Operative District Plan October 2017.

6. In summary, the plan change (“Plan Change No.1: Ruakura”) comprises the proposed changes to the following sections of the DP:
   - Chapter 1 Plan Overview
   - Chapter 2.2.4 Strategic Framework – Objectives and Policies
   - Chapter 3.7 Structure Plans – Ruakura
   - Chapter 8: Knowledge Zone
   - Chapter 10: Ruakura Logistics Zone
   - Chapter 11: Ruakura Industrial Park
   - Chapter 15: Open Space Zones
   - Chapter 23: Subdivision
- Appendix 1.1.2 Definitions used in the Plan
- Appendix 1.2.2.20 – 1.2.2.27 Information Requirements
- Appendix 1.3.2 Controlled Activities – Matters of Control – F Ruakura
- Appendix 1.3.3 Restricted Discretionary, Discretionary and Non Complying Assessment Criteria – N Ruakura
- Appendix 2 Structure Plans – Figures 2-14 – 2-18
- Appendix 17 Planning Maps
4 THE SECTION 32 EVALUATION FRAMEWORK

Sections 5 – 11 provide the s32 evaluation to meet the Council's duty set out in section 2 of this report.

Overall Evaluation Framework

The Appropriate Level of Detail (section 32(1)(c))

This proposal was determined by the Minister for the Environment to be a matter of national significance. The final decision of the BOI set up under s149P of the Act confirms a new schedule (Schedule 25H Ruakura) that enables a number of new areas (zones in the PDP) to be established which includes a logistics area that provides for an inland port and its operation, and two related industrial park zones.

The final decision of the Board is succinct in this regard:

A We approve the plan change subject to the amendments we outlined in our draft decision, and in our decision on the comments we received to it. The amendments have been incorporated into Volume 2.

B The Hamilton District Plan: Waikato Section 2012 is amended as follows:

(a) Schedule 25H Ruakura is added to Chapter 25 (text and maps);

(b) Rule 25.5 Prohibited Activities is amended;

(c) Chapter 6 Built Environment is amended;

(d) Planning Maps 14 and 20 are amended.

This plan change provides the method for integration of the BOI’s decision that confirmed amendments to the Operative District Plan with those DP provisions that were deferred from the hearings process in 2013. The rationale for this has been considered in Section 2.2: Integration of Provisions from Operative and Proposed District Plans, above.

The issue is not whether there is merit in adopting planning provisions confirmed by the Board decision in the DP, but how that integration should occur.

An evaluation report must contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the proposal (under Section 32(1)(c)). Plan Change No.1 (Ruakura) to the Hamilton DP is considered to be of medium to high scale and significance for the following reasons (as identified in BOI evidence):

- the Minister for the Environment determined the Plan Change to the Operative District Plan to be a matter of national significance;
- the plan change area includes approximately 822ha of land for urban development;
- the Ruakura growth cell centred on the Inland Port is anticipated to enable economic growth equivalent to $4.4 billion dollars;
- the Ruakura growth cell is expected to create 11,000 jobs by 2061, of which 8000 are new jobs, not all would be located within Ruakura;
• the Ruakura growth cell will attract approximately $3 billion of direct investment;
• there is provision for approximately 1800 new dwellings; and
• many of the potential environmental, social and cultural effects anticipated by this proposal
  are to be localised and contained within the plan change area, or its surrounds.

Overall, the approach is considered consistent with section 32(1)(c) which requires an evaluation
report under this Act must –

“Contain a level of detail that corresponds to the scale and significance of the environmental,
economic, social, and cultural effects that are anticipated from the implementation of the proposal.”

The Evaluation Exercise

In this plan change, for each chapter and or topic where amendment to the DP is proposed, a table
provides the starting or ‘baseline’ assessments for the consideration of the provisions adopted in
this plan change. This table summarises at a high level the separate but often overlapping BOI
section 32AA and Hamilton City Council s32 and s32AA assessments completed that are relevant to
the Council’s current s32 assessment for this plan change. This assessment is done on a chapter or
topic/rule basis depending on the nature, scale and or extent of the change sought to be introduced
through the plan change.

For each chapter, topic or rule change proposed, the table is divided into two columns to record in
the first (or left) column those relevant provision references relating to the BOI decision and in the
second (or right hand) column those comparable District Plan provisions.

The table then is broken down into a series of rows (or sub headings) referenced “A” to “E”, as
follows:

• Sub headings A and B provide summary commentaries that cross reference to the relevant
  existing s32 or s32AA assessments;
• Sub heading C relates solely to the Applicant’s two s32 assessments (dated 31 October 2014
  and 9 June 2014) that supported the private plan change request to the Board;
• Sub heading D provides an overall summary in relation to the s32AA assessment by the
  Board and the Hamilton City Council s32 assessment in relation to the PDP as notified
  (November 2012) or at the time decisions were released (September 2014); and
• Sub heading E notes where new provisions are included in the plan change derived from the
  Board decision, and this provision(s) is an objective, policy, or rule that warrants a further
  s32 assessment, or is a new provision(s) as an objective, policy or rule in the plan change
  which departs from provisions in the DP and also warrant a further s32 assessment.
• See example below

<table>
<thead>
<tr>
<th>A Board of Inquiry (BOI) decision – September 2014</th>
<th>A Partly Operative District Plan Version – October 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>...E Additional Assessments to meet s32 duty</td>
<td>...E Additional Assessments to meet s32 duty</td>
</tr>
<tr>
<td>Topics/changes required to be discussed further to</td>
<td>Topics/changes required to be discussed further to address</td>
</tr>
<tr>
<td>address S32 from the BOI decision.</td>
<td>S32 from the PDP.</td>
</tr>
</tbody>
</table>

Specific S32 Assessment Criteria
Not all text in the plan change that is notated for amendment in Appendix 1 has been evaluated for inclusion in this s32 assessment. The following evaluation has been targeted to those provisions where there is a significant shift in the provisions compared to the existing approach from either the BOI decision or the DP or changes that occurred as a result of the submission and hearing process of the plan change. The significant shift may be with the objective and or the management regime to promote enhanced environmental outcomes.

**Reasonably practicable options**

An assessment of Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2)) is outlined.

**Costs and Benefits**

The commentary regarding costs and benefits in the evaluation (Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))) is in relation to whether the change or shift is to constrain or enable/liberalise the status quo position presented in the BOI decision or the DP. This approach is considered to be in line with the approach under section 32(2)(a) where benefits and costs are to be identified and assessed.

With respect to section 32(2)(b) in many cases it is not practicable to quantify the benefits and costs of the options assessed (Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2)) and described in this evaluation.

In this regard, the BOI decision is also relied on to confirm that the economic basis upon which the Plan Change is predicated is sound; so the same economic case that supported the concept for an inland port is also adopted and relied upon to support the economic case in this plan change.
STRUCTURE PLAN: RUAKURA PROVISIONS

5.1 Introduction
This section covers the provisions (the objectives, policies and rules) promoted in this plan change for amendment of the following DP chapters:

2. Chapter 1 – Plan Overview;
3. Chapter 2 – Strategic Framework;
4. Chapter 3.7 – Structure Plans, Ruakura;
5. Appendix 2-14 – 18 Structure Plan Figures; and

5.2 Chapter 1 Plan Overview
There is a need to insert a new section that updates the DP to refer to the Ruakura Development Plan: Board of Inquiry Decision and provide context to this. Other minor editorial amendments are necessary to recognise the BOI process and to ensure the notification or non notification processes are provided for.

The notification provisions are covered in different places in the plan change document. Chapter 1 Plan Overview addresses the wider notification provisions, Chapter 3.7 Ruakura specifies the notification provisions for Land Development Consents in Rule 3.7.4.2 (see Section 5.4.5.2) and within zone specific chapters (See Sections 6.2, 6.3.4 and 6.4.5) additional notification provisions are included.

<table>
<thead>
<tr>
<th>Proposal</th>
<th>Costs</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option A: Incorporate editorial amendments and integrate the BOI decision for notification provisions within the DP framework in Chapter 3.7 Ruakura.</td>
<td>Amendment to the approach presented in the BOI decision.</td>
<td>Allows for one method and location for addressing notification in relation to Ruakura within the DP.</td>
</tr>
<tr>
<td>Option B: Provide for the BOI decision notification provisions separately within each relevant chapter.</td>
<td>Unnecessary duplication and creates misalignment with the wider DP approach.</td>
<td>Gives effect to the BOI decision and structure of the document.</td>
</tr>
<tr>
<td>Option C: Integrate the BOI decision for notification provisions within each relevant chapter and incorporate the amendments from this plan change hearing process.</td>
<td></td>
<td>Gives effect to the BOI and plan change decisions and reflects the approach to notification taken in the rest of the DP.</td>
</tr>
</tbody>
</table>

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))
The integration of the BOI and plan change decision into the DP framework whilst still providing for the outcomes of the BOI decision is the most effective and efficient option. This will ensure the notification provisions are clear in each chapter and consistent with the DP.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

Option C will allow for the efficient and effective integration of the BOI and plan change decision for notification into the DP framework.

### 5.3 Chapter 2: Strategic Framework and Chapter 3.7: Ruakura

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Chapter 18 Section 32 Summary:</td>
<td>PDP Chapter 3.7 Ruakura Structure Plan:</td>
</tr>
<tr>
<td>Paragraphs 1093-1100 cover the overall s32 and section 32AA processes followed.</td>
<td>Relevant s32 Analysis report is dated November 2012.</td>
</tr>
<tr>
<td>Paragraphs 1101-1103 cover the Plan Change Objectives as they have been revised.</td>
<td>Refer to Chapter 3.10 (page 3-38)-3.12 (page 3-63).</td>
</tr>
<tr>
<td>Paragraphs 1104-1110 covers the Plan Change policies, rules and other methods.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B BOI s32AA commentary in relation to plan change</th>
<th>B s32 Commentary relevant to plan change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter 19 Conclusion:</td>
<td>Objectives support the creation of a regionally significant transport hub underpinned by its locational advantages, economic drivers and freight demand forecasts. Supporting objectives promote research, education and technology services, the provision for an industrial park having distinctive amenity, locally focused retail facilities to serve a residential and working area. The objectives are considered the most appropriate to achieve the purpose of the Act. The supporting policies are considered the most appropriate for achieving the objectives in terms of effectiveness, efficiency and costs and benefits. The rules relating to management of the Structure Plan area, integrated catchment management, infrastructure, staging (for the residential area, Knowledge Zone, Logistics Zone, Industrial Park Zone) are considered essential and the most appropriate to achieve the objectives.</td>
</tr>
<tr>
<td>Paragraph 1112 confirms that the provisions now included in the Plan Change promote the sustainable management of natural and physical resources within the definition of the Act. Paragraph 1112(o) concludes that with the land within the Plan Change area predominantly owned by two parties development can be comprehensively designed in an integrated manner addressing urban design and infrastructure service provision. The proposal is of a scale and nature that is unique.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>C Applicant’s Section 32 Assessments</th>
</tr>
</thead>
<tbody>
<tr>
<td>31 October 2013 (relating to notified Change): Summary canvasses the reasons for the adoption of the legacy plan (Hamilton City Operative District Plan: Waikato Section) as the basis to incorporate Schedule 25H. Section 2.1 – 2.8 sets out the strategic and structure planning rationale.</td>
</tr>
<tr>
<td>9 June 2014 (relating to amended Change as at 26 May): Chapter 1.0: Strategic Framework Provisions. New objectives and policies were included to form the Strategic Framework (SF) provisions. These direct and focus development in the Structure Plan area in accordance with FutureProof, the Regional Policy Statement and Hamilton Urban Growth Strategy and therefore apply an over arching strategic framework. Objectives 25H.4.SF.1 to .9 refer. These provisions replicate PDP Strategic Framework Objectives 2.2.1-2.2.6, 2.2.8, 2.2.11, and 2.2.13. 25H.4.SF.10 is a new strategic framework objective and can be incorporated into the plan change specifically under Ruakura Objectives and Policies. Collectively, the provisions are the most appropriate way to achieve the integrated growth of the area in terms of infrastructure and land use development, the preservation and enhancement of Hamilton’s natural environment and will encourage a sustainable urban form while promoting</td>
</tr>
</tbody>
</table>
Section 32 Evaluation Report: Plan Change No.1 Ruakura - Operative District Plan

the economic, social and environmental needs of the
community.

<table>
<thead>
<tr>
<th>D BOI Overall section 32AA Conclusion</th>
<th>D Overall section 32 Conclusion</th>
</tr>
</thead>
</table>
| S32 assessments determine that the various tests re
effectiveness and efficiency, and costs and benefits, and
appropriateness in achieving the purpose of the Act can be
satisfied by the Plan Change request.
Paragraph 1112 itemises the elements (listed in clauses (a)-(o)) of the Plan Change that overall promote the sustainable
management of natural and physical resources.
Paragraph 1112 confirms that through evaluation the
provisions now finalised will be sufficient to mitigate
potentially adverse effects.

<table>
<thead>
<tr>
<th>F Additional Assessments to meet s32 duty</th>
<th>F Additional Assessments to meet s32 duty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter 2 Strategic Framework 2.2.4a Ruakura Retail Centre.</td>
<td>Editorial review 3.7.1 Structure Plan Components</td>
</tr>
<tr>
<td>A new structure plan objective can be incorporated into the plan change.</td>
<td>Editorial review of objective 3.7.3.2</td>
</tr>
<tr>
<td>2SH.4.SF.10 Objective: Development and land use activities in the Ruakura Structure Plan Area are designed, developed and implemented in a manner which protects the amenity values of the surrounding communities and facilities, while providing for urbanisation.</td>
<td>Wider assessment strategic infrastructure provisions.</td>
</tr>
<tr>
<td>Rules:</td>
<td>Rules:</td>
</tr>
<tr>
<td>Adopt Land Development 2SH.11</td>
<td>Delete Rule 3.7.3 Rules – Ruakura Structure Plan Area Planning Maps:</td>
</tr>
<tr>
<td>Adopt Staging and Traffic Requirements 2SH.12</td>
<td>Replace supporting planning maps: Volume 2 – Appendix 2: Structure Plans (Figures 2-14 – 2-18) and Volume 2- Appendix 17 Planning Maps (Maps 48A etc)</td>
</tr>
</tbody>
</table>

5.3 Chapter 2 Strategic Framework

New policy Ruakura Retail Centre 2.2.4a iv.

*Ruakura Retail Centre, to serve the Ruakura Structure Plan area and adjacent catchment.*

The above amendment to the Strategic Framework chapter is appropriate to give effect to the Ruakura Retail Centre confirmed as part of the BOI decision. Whilst the Ruakura Retail Centre forms part of the Business Hierarchy, the relevant objectives, policies and rules for the centre sit within Chapter 8 Knowledge Zone to allow for easier interpretation within the structure plan.

Please refer to section 6.4.4 for related discussion.

5.4 Chapter 3 Structure Plans

Section 3.7 Ruakura has been through significant amendment as part of integrating the BOI decision into the DP framework. The incorporation of the BOI decision has also contributed to new text insertions and deletions from the DP approach. All substantive amendments or changes are discussed in detail below:

- 5.4.1 Key Objectives and Policies (3.7.3.2 and 3.7)
- 5.4.2 Ruakura Strategic Infrastructure (3.7.2)
- 5.4.3 Giving Effect to the RPS - The Rationale for Safeguarding 405 hectares (3.7h)iii.)
- 5.4.4 New Policies 3.7.3.4b and 3.7.3.4f
- 5.4.5 New Term - Ruakura Strategic Infrastructure
  1. New Rules governing the process of urbanisation (3.7.4.1)
  2. Land Development Rule (3.7.4.2)
3. Staging and Traffic Rule (3.7.4.3)
4. Traffic Generation Rule (3.7.4.3.7)

- 5.4.6 Ruakura Structure Plan Figures 2-14 – 2-18
- 5.4.7 Appendix 17 - Planning Maps

5.4.1 Key Objective and Policies (3.7.3.2)

The objective states:

‘Development and land use activities provide for urbanisation in the Ruakura Structure Plan area are designed, developed and implemented in a manner which protects the amenity values of surrounding communities and facilities’. The policy states:

Development and land use will:

i. For existing and future residential activities ensure an appropriate level of amenity; and

ii. Ensure an appropriate level of amenity in relation to existing and future facilities including the University of Waikato, Waikato Innovation Park and AgResearch.

This will be achieved by:

i. Mitigating the adverse effects of noise, vibration, lighting, glare, odour, dust, and air emissions; and

ii. Ensuring attractively designed buildings and landscaped frontages to key public frontages; and

iii. Screening and landscaping adjoining sensitive activities.

The above structure plan objective is in addition to those confirmed provisions presented under Chapter 2.2 Strategic Framework in the DP already (25H.4.SF1-9).

The vision statement for Ruakura 3.7 (25H.3.1) promotes creation of a significant employment area based around the development of a regional logistics hub which over time will form a catalyst for further development in Ruakura. The consequence of the urbanisation needed to achieve this vision is land use change and this inevitably brings a change in the nature and scale of the effects being received by existing land uses in the area such as the local communities and existing businesses and major public facilities. This change in amenity effects is recognised. Such amenity values cannot be maintained during the process of urbanisation and the new zonings that will be put in place by the plan change. The word “protecting” rather than ‘maintaining’ reflects this understanding. The phrase “....provide for urbanisation” acknowledges that change is going to occur resulting from this gradual process of new urban development over the planning period of this District Plan and longer.

The elements contributing to amenity values are focused on in the policy and these relate to residential amenity and the amenity of the established public facilities in the area by managing specific potential adverse effects such as noise and vibration for example, promoting attractively designed and oriented buildings on public frontages and by achieving screening and landscaping adjoining sensitive residential areas and facilities.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))
### Proposal

<table>
<thead>
<tr>
<th>Option A:</th>
<th>Costs</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adopt the above objective and supporting policy in 3.7.3.2, as amended by the plan change process and incorporate the BOI decision for policies within 3.7.3.2b – f (2SH.4.1). Include a reference to Waikato Innovation Park</td>
<td>Goes beyond the BOI decision.</td>
<td>Recognises the existing environment at Ruakura as the appropriate basis for which to manage the social, economic and environmental values associated with achieving urbanisation at Ruakura and the potential impacts of this on communities and facilities</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Option B:</th>
<th>Costs</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adopt the above objective 3.7.3.2 and policy 3.7.3.2a without an amendment to include Waikato Innovation Park</td>
<td>Does not recognise the existing environment at Ruakura</td>
<td>Does recognise the existing environment at Ruakura as determined in the Plan Change confirmed by the BOI</td>
</tr>
</tbody>
</table>

### Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

This new objective as amended in Option A is the most appropriate way to achieve the purpose of the Act because it recognises the value of new business and employment activities which will enable people and communities to provide for their social, economic and cultural well-being and for their health and safety while sustaining natural and physical resources at Ruakura.

This objective is considered to be the most efficient to achieve the overall purpose and development of Ruakura.

### Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

The provisions are consistent with and will give effect to the vision statement for Ruakura while acknowledging that land use change envisaged for the Ruakura Area inevitably brings change to land use patterns and amenity effects.

### 5.4.2 Ruakura Strategic Infrastructure 3.7.2

During preparation and hearing of the variation (now plan change) it became evident that additional clarification could be provided within the Ruakura Strategic Infrastructure section to improve interpretation by Plan users. Amendments have been made to 3.7.2.1 Transportation Network, 3.7.2.2 Open Space Network, 3.7.2.3 Stormwater, 3.7.2.4 Water and Wastewater and new subheadings for 3.7.2.5 Indicative Infrastructure Development Programme and 3.7.2.6 Connections to Ruakura Strategic Infrastructure.

The amendments and insertions covered in the structure plan components provide the additional clarity and foundation for the provisions in section 3.7 and are the most efficient and effective method for giving effect to the overall purpose and development of Ruakura.
5.4.3 Giving Effect to the RPS - The Rationale for Safeguarding 405 hectares (3.7h) iii.)
Feedback provided in response to the consideration of the draft plan change questioned the rationale for and therefore the need to provide for an industrial node anchored around Ruakura of up to 405 hectares as determined under the Waikato Regional Policy Statement (RPS).

The resource management issue is whether the Ruakura Structure Plan (Figure 2-14) map should show the area described as the “Ryburn/Percival Road enclave” as “Ruakura Logistics” to be consistent with the RPS when its current zoning as “Large Lot Residential” is anticipated to remain beyond the life of the Plan.

The statutory planning framework is clear; section 75(3) RMA 1991 requires that a district plan must give effect to any national policy statement, including New Zealand Coastal Policy Statement and any regional policy statement. The critical words are ‘..must give effect to..’

A regional policy statement therefore can direct the practical implementation of strategic planning through a district plan. The resource consenting process incorporated in district plan provisions must therefore give effect to any strategic directives and must also be justified under section 32 in terms of efficiency and effectiveness.

The BOI decision endorsed this regional land allocation framework at paragraphs 39-45 and 84-87.

The second resource management issue is how does the District Plan and this plan change ‘give effect to’ the RPS? That assessment follows.

The RPS land allocation framework is anchored in the Future Proof Land Use Pattern 2006-2061 confirmed by consent order in July 2014 as being consistent with achieving the purpose of the RMA. Policy 6.13 Adopting Future Proof Land Use Pattern is region-wide, strategic and specific in the development framework to be implemented through district plans.

In summary, the regional framework considers and directs to locations:

- New urban development;
- New residential development;
- New industrial development relying predominantly of agglomeration to strategic industrial nodes; and
- Enables other industrial development not undermining the identified strategic industrial nodes and satisfying criteria to enable alternate land release.

In this context the Ruakura industrial node is identified as “part of an 820 ha parcel of land that has been identified by the Hamilton City Council for future urban growth known as the R1 growth cell’. The 405 hectares identified in Table 6-2 of the RPS ‘comprises the Ruakura inland port and logistics zone (approximately 195 ha) and the general industrial land (approximately 210 ha) to be advanced through a district plan structure planning process and subsequent Resource Management Act First Schedule process.’

The location and scale of future industrial land is settled insofar as the RPS is concerned. Therefore the Ruakura Structure Plan map prepared as part of the plan change must ‘give effect to’ this
directive. The view therefore is that the mapping should show this and or any written explanation
should support this so as to inform Plan users.

There is no published evidence to suggest there is scope to promote alternative locations for the
delivery long term of the 405 hectare allocation except by satisfying the regional criteria set out in
policy 6.13.3. To date, neither the Council nor any other party has determined that alternative land
release (area, location) is appropriate and able to satisfy those criteria.

In summary, the preference is that:

1. The land described as “Ryburn/Percival Road enclave” should be identified as ‘Future
Ruakura Logistics Area’ on the Structure Plan map; and

2. Long term, the change of zoning be implemented through the established First Schedule
processes under the RMA.

<table>
<thead>
<tr>
<th>Proposal</th>
<th>Costs</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Option A:</strong> Align the Ruakura Structure Plan map with RPS regional land allocation tables to provide for 405 hectares for industrial activities in Ruakura.</td>
<td>Uncertainty to landowners and the market resulting from the ‘shadow’ of a Logistics zoning applying long term. Raises the concern whether this approach provides for the reasonable use of land under s85 RMA.</td>
<td>Consistency with the RPS satisfies the Council’s statutory duty to ‘give effect to’ regional policy.</td>
</tr>
<tr>
<td><strong>Option B:</strong> Not align the Ruakura Structure Plan map with RPS regional land allocation tables by excluding 35 hectares for the Ryburn/Percival Road enclave from this table for Ruakura.</td>
<td>Undermines the operative land allocation provisions of the RPS. Will not satisfy the Council’s statutory duty to ‘give effect to’ regional policy. Will undermine the agglomeration benefits considered important in the Board decision.</td>
<td>Provides more certainty to landowners regarding the future use of their land and saleability/market support.</td>
</tr>
</tbody>
</table>

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32 (1)(b)(ii))

The provisions under Option A reflect the BOI’s decision. Over time this approach will be
accommodated through regulatory methods in a future district plan. This approach is considered an
efficient and effective mechanism to implement strategic planning policy in the District Plan. By
safeguarding this strategic land use scenario this is determined to promote the sustainability
purpose of the Act.

The alternative option (Option B) of not-signalling the long term expectation for a logistics zoning to
apply to this “Ryburn/Percival Road enclave” will undermine the agglomeration benefits associated
with this site that was recognised through the BOI decision and potentially also undermine the long
term regional strategy insofar as where the ‘lost’ 35 hectare land parcel could be reallocated within
the current urban framework of the region.
Option A is therefore assessed to be a regionally compliant strategy and the preferred option with respect to section 32 considerations of efficiency and effectiveness. Alternatively, Option B cannot be considered to ‘give effect to’ the regional policy directive of Policy 6.13 Adopting Future Proof land use pattern. The risk of not acting to achieve consistency with regional policy would present a fundamental challenge to the RPS.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

This two-step (short term, long term) approach addresses this sensitive issue in an integrated and consistent manner with operative regional policy and will be the most appropriate method and should be adopted in the plan change.

5.4.4 New Policies 3.7.3.4b and 3.7.3.4f

Feedback received on the draft plan change provisions emphasised the role of the transport network in supporting efficient passenger transport and walking and cycling. Recognition that additional policies under Objective 3.7.3.4 ‘An integrated and efficient pattern of land use and transportation’ have been put in place. The two new policies relate to supporting an efficient network for passenger transport and cycling and walking, and improving safety, accessibility and connectivity within the transportation network.

<table>
<thead>
<tr>
<th>Proposal</th>
<th>Costs</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option A: Include two new policies under Objective 3.7.3.4 that address efficiency in passenger transport, walking and cycling and improving safety, accessibility and connectivity within the transportation network.</td>
<td>Additional consideration during Land Development Consent application stage.</td>
<td>Provides more certainty to landowners and the wider community to enable greater efficiency in passenger transport, walking and cycling and improving safety, accessibility and connectivity within the transportation network.</td>
</tr>
<tr>
<td>Option B: Retain the Objective 3.7.3.4 as currently drafted.</td>
<td>Provides no certainty to landowners and the wider community and would not provide for improved efficiency in passenger transport, walking and cycling and improving safety, accessibility and connectivity within the transportation network.</td>
<td>No change required.</td>
</tr>
</tbody>
</table>

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32 (1)(b)(ii))

For the reasons outlined above Option A is the most efficient and effective means of achieving an integrated and efficient pattern of development.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))
The inclusion of two policies for Objective 3.7.3.4 will provide certainty to the wider community of the outcomes sought in passenger transport, walking and cycling and wider connectivity of the network.

5.4.5 New Term - Ruakura Strategic Infrastructure (3.7f)
Crucial to the urbanisation of the Ruakura Area (R1) is the Council’s ongoing need to provide urban level infrastructure to the area that is managed in a co-ordinated and sustainable manner. Council has now identified those strategic public infrastructure services (wastewater, stormwater, water, open space and transport) that need management in their delivery and in their future connections to existing City wide services. The new term adopted in the plan change is - Ruakura Strategic Infrastructure. These services are described and explained in Chapter 3.7 Ruakura and illustrated in Figures 2-15A and 2-15B.

The provisions confirmed by the Board of Inquiry have therefore been refined to take account of further technical work and an improved understanding of the Council’s role for the management of the City wide network for infrastructure and the capacity of those services to meet future demand. The plan change now provides a description of these key elements: the general form and function of the transport network and the Spine Road in particular, the open space network and its multi-functional requirements, and the need to achieve the integrated management for water, stormwater and wastewater.

The Land Development Plan mechanism remains the resource consenting method to implement the Ruakura Strategic Infrastructure.

The objectives and policies have therefore been strengthened to refer to the Ruakura Strategic Infrastructure (Objectives 3.7.3.3 and policies; and objective 3.7.3.4) and assessment criteria require explicit consideration of these linkages/relationships with and between the Ruakura Strategic Infrastructure when assessing Land Development Plans.

The amended and new rules include Rules 3.7.4.1 (Ruakura Structure Plan Area), 3.7.4.3 (Staging and Traffic Rules) and 3.7.4.4 (Ruakura Strategic Infrastructure Rules). Overall, these amendments strengthen the Council’s ability to manage the overall staging of infrastructure for the urbanisation of the area.

Reasonably Practicable Options for Achieving the Objectives (Section 32 (1)(b)(i) and Section 32(2))

<table>
<thead>
<tr>
<th>Proposal</th>
<th>Costs</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option A: Adopt the Board of Inquiry decision and approach to confirm the provision of infrastructure services throughout the R1 Area</td>
<td>Now not viewed as providing the best practicable approach because there now is a greater technical understanding available of the performance of the infrastructure services across the City in catering for urban growth and development</td>
<td>Provisions specifically developed during Board process.</td>
</tr>
<tr>
<td>Option B: Amend, based on Council refinement of the need for and provision of strategic</td>
<td>An applicant will be required to provide more high level information, modelling and assessment to ensure</td>
<td>Further Council expert advice has determined that Ruakura key infrastructure can be managed better under a</td>
</tr>
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</table>
infrastructure services (Ruakura Strategic Infrastructure) | infrastructure services are provided or are able to be provided in the future that will be consistent with the Ruakura Strategic Infrastructure. | strengthened policy and rule regime to achieve sustainable urban management. The adoption of this Ruakura Strategic Infrastructure framework will assist the Council, an applicant, and the community to achieve the sustainable provision of infrastructure services in the long term for this area.

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32 32(1)(b)(ii).

Option A reflects the Board decision but expert advice now suggests an alternative approach will better achieve the sustainability purpose of the Act. Option B has been assessed to provide a more acceptable basis for the management of key infrastructure in Ruakura on a citywide basis.

Option B is an efficient and effective method for the management of Ruakura key infrastructure while not compromising the sustainable provision of city wide infrastructure

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii)

This management method (explanatory text, objectives, policies, rules and assessment criteria) is the most appropriate way to achieve the objectives of the plan change and for the provision of urban level infrastructure services on an integrated and sustainable manner and therefore should be adopted in the plan change.

5.4.5.1 New Rules governing the process of urbanisation

The Board’s consideration of the two key rules is set out in Chapter 13 Transport of its final report. Land Development (25H.11) and Staging and Traffic Requirements (25H.12 and including 25H.12.7) provide the strategic and integrated rule framework for the management of the urbanisation of greenfield land in eastern Hamilton that comprises the Ruakura R1 Area. A detailed discussion of the relevance of these provisions to the plan change is provided below.

5.4.5.2 Land Development Rule 3.7.4.2 (25H.11)

When considered together the preceding s32 and section 32AA Assessments have confirmed that:

- The Objectives for the Ruakura Structure Plan Area are the most appropriate to achieve the purpose of the Act; and
- The Policies for the Ruakura Structure Plan Area are the most appropriate to achieve the objective(s); and
- The Rules for the Ruakura Structure Plan Area are the most appropriate method to achieve the objective(s).
The BOI decision confirmed the adoption of one new rule mechanism to manage the urban development or urbanisation process in greenfield sites within the Schedule Area. In Section 2 of the Applicant’s section 32 Assessment (9 June 2014) the Land Development rule is confirmed as the most appropriate way to achieve the Objectives as it provides for or enables a comprehensive and integrated approach to development overall in the Ruakura R1 Area.

The s32 evaluation exercise below is to confirm that this approach is appropriate to achieve integrated management of natural and physical resources throughout the whole of the Ruakura R1 Area and not just half the area considered during the Board’s process.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

<table>
<thead>
<tr>
<th>Proposal</th>
<th>Costs</th>
<th>Benefits</th>
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<tbody>
<tr>
<td>Option A: The Land Development rule adopted for balance of R1 Area in the Ruakura Structure Plan (with the exception for Precincts A, B and D in the Knowledge Zone and the Percival/Ryburn Large Lot Residential Zone)</td>
<td>Substantial technical analysis and reporting including infrastructure funding agreements are required for the preparation and lodgement of a Land Development Plan by the applicant. Substantial technical input is required from Council in processing Plans of this scale and complexity.</td>
<td>The R1 Area administered by a single set of rules to provide for urbanisation. Assists the two major land owners to comprehensively plan and manage the development process. Assists the Council to adopt a standard approach to meet its regulatory functions. Provides an effective and efficient method as is a practical approach agreed to by parties during the Board process.</td>
</tr>
<tr>
<td>Option B: The Land Development rule not extended to include the balance of the R1 Area in the Ruakura Structure Plan, and the existing staging rule under DP Rules 3.7.4.3, 3.7.4.3.1 to 3.7.4.3.6, and 3.7.4.4. apply</td>
<td>The R1 Area administered by two sets of rules to provide for urbanisation. Does not assist the two major land owners to comprehensively plan and manage the development process. Does not assist Council with administration of its consenting process dealing with two approaches to meet its regulatory functions. May not provide for the integrated management of natural and physical resources due to different information and consenting requirements.</td>
<td>May provide an easier and cheaper approach to urbanisation on a site by site rather than on an integrated and comprehensive basis.</td>
</tr>
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</table>

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

Considered with the accompanying staging and traffic rules, the management of the urbanisation process will occur in an integrated manner and provide for the efficient and effective management of greenfield conversion to urban development in the future.
Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

The Land Development Rule sets out the detailed information requirements and matters for assessment to achieve a range of objectives that support the process of urbanisation of greenfield areas. The objectives concern services capacity, integration with infrastructure, the management of effects and the provision of open space. The ‘macro’ level assessment of land development on three waters infrastructure and the road network required for these large greenfield areas offers benefits to the developer and the Council through this comprehensive and integrated approach to urban development in the Ruakura R1 Area. The rules are most appropriate to achieve the vision and the objectives for the Ruakura Structure Plan Area (R1) and therefore should be adopted in the plan change.

Please refer to section 5.4.5 Figure 2-16 Land Development Plan Areas for related discussion.

5.4.5.3 Staging and Traffic Rules 3.7.4.3 (25H.12)

The second new rule confirmed in the BOI decision concerns the Staging and Traffic Rule.

When considered together the preceding s32 and section 32AA Assessments have confirmed that:

- The Objectives for the Ruakura Structure Plan Area are the most appropriate to achieve the purpose of the Act; and
- The Policies for the Ruakura Structure Plan Area are the most appropriate to achieve the objective(s); and
- The Rules for the Ruakura Structure Plan Area are the most appropriate method to achieve the Objective(s).

The BOI decision confirmed the adoption of a revised staging rule mechanism to manage the urban development or urbanisation process in greenfield sites within the Schedule Area. These staging rules are an integral part of the information and modelling to be satisfied in the Land Development consenting process. In Section 4 of the Applicant’s section 32 Assessment (9 June 2014) the new staging “pre-condition” rules are considered in relation to the development of the inland port and the neighbouring logistics and industrial park areas. This rule supersedes the 1:4 ratio (Rule 3.7.3.4(a)(iii) in the Proposed District Plan). The new rule is unambiguous, certain to administer and a more appropriate way to achieve the objectives for urbanisation of the R1 Area.

This approach still recognises the potential agglomeration and co-location benefits for industry locating close to the staged development of the inland port through the Industrial Land Staging Rule (25H.12.1 and 25H.12.2) and is consistent with the RPS strategic allocation up to 2041, the management of traffic generated effects from the establishment of the Ruakura Retail Centre in Rule 3.7.4.3.5 (25H.12.3). The information requirements and staging activity status rules are part of Rule 3.7.4.3.6 (25H.12.6) and Information Requirements 1.2.2.25 (25H.12.7) and guide Council administration processes for these consents.

This rule (which comprises a series of staging rules) is expected to manage large increases in traffic that will require connections from greenfield areas to the existing City roading network. The Plan Change now provides for the effects on the transport network to be considered at the time approval is sought for a Land Development Plan. Rules relating to staging and triggers relating to increased
traffic volumes will require certain actions to be taken as pre-conditions to further development of greenfield sites. The triggers themselves are derived from extensive modelling as part of the Waikato Regional Transportation Model overseen by FutureProof partners (Hamilton City Council, Waikato District Council, Waikato Regional Council, New Zealand Transport Agency) and as noted by the Board “it does not represent the interests of any one entity”.

Effects on existing roads, the timing of new roads and the transport effects arising from the Ruakura Retail Centre are considered and provide the basis for the triggers and the requirements for Integrated Transport Assessments.

Feedback received on the draft plan change provisions sought staging triggers for the construction of the Spine Road. A new insertion to 3.7.4.3.1 Spine Road Construction Trigger has been included which clarifies the appropriate LDP Areas and Spine Road construction requirements. This provides certainty to Council, the developer and the wider Ruakura community and is the most efficient method for addressing Spine Road construction.

The s32 evaluation exercise below is to confirm that this approach is appropriate to achieve integrated management of natural and physical resources throughout the whole of the Ruakura R1 Area and not just half the area considered during the Board’s process.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

<table>
<thead>
<tr>
<th>Proposal</th>
<th>Costs</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option A: Adopt the traffic and staging rules as determined by the BOI for the R1 Area with the deletion of the Residential staging which is no longer relevant.</td>
<td>Costs limited given the assessments are with respect to the Regional Transport Model that is supported by all FutureProof partners.</td>
<td>More efficient and effective in addressing potential traffic effects in an integrated and comprehensive manner.</td>
</tr>
<tr>
<td>Option B: Adopt the staging and traffic rules as presented in the notified version of the Hamilton City Proposed District Plan for the R1 Area</td>
<td>Provisions are out of step with Board’s determination and assessment by expert witnesses. Technically a more complex and costly exercise and unlikely to meet the strategic objectives and policies. Unlikely to provide for integrated transport assessments.</td>
<td>Not supported during BOI process.</td>
</tr>
</tbody>
</table>

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(iii))

These provisions were confirmed during the Board process through technical and planning peer review as offering the more efficient and effective means to manage and monitor traffic effects on the City network over the planning period.
Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

The staging rules provide clear triggers about the management of potential adverse traffic effects and to link the land development stages with network capacity and levels of infrastructure services. The rules provide benefits that outweigh the costs associated with alternative approaches that provide for ad hoc and incremental urbanisation of large greenfield areas. These rules are efficient and effective because they link development with infrastructure capacity requirements. The Option A rules are most appropriate to achieve the vision and the objectives for the Ruakura Structure Plan Area (R1) and therefore should be adopted in the plan change.

5.4.5.4 Traffic Generation Rule (3.7.4.3.7)

The Board’s consideration of this matter is at paragraph 948. An area wide trigger was agreed between the Transportation expert witnesses. This rule has been incorporated into the Plan Change, and is to apply for any activities establishing in the Logistics Zone and the Industrial Park Zone, but not the Knowledge Zone and Medium-Density Residential Zone. Where applicable, this is to ensure that any new activity will trigger an assessment of potential traffic impacts if the activity generates 1,500 or more vehicle movements per day. The threshold is derived from the modelling.

The Board’s section 32AA evaluation concerning the traffic generation trigger is presented at paragraph 949 and is developed further below to assess the efficacy of the trigger applying to the balance of the R1 Area that comprises the Ruakura Structure Plan Area.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

<table>
<thead>
<tr>
<th>Proposal</th>
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<tbody>
<tr>
<td>Option A: Adopt the rule – Any activity generating 1,500 or more vehicles per day (vdp) requires resource consent as a restricted discretionary activity in the balance of the Ruakura R1 area.</td>
<td>Requirement of expert modelling and integrated transport assessments to be prepared which are demanding on staff and consultancy time and costs. Potential processing time and cost for Council to assess the potential adverse traffic effects on City network performance and its management.</td>
<td>More efficient and effective approach to address and potentially pre-empt adverse traffic effects on the City network. Less risk of development occurring without an appropriate assessment of effects through provision of the Integrated Transport Assessment.</td>
</tr>
<tr>
<td>Option B: Not adopt this rule in the balance of the Ruakura R1 area.</td>
<td>Traffic engineering advice is that to extent the development area subject to this rule is a blunt approach and that matter can be addressed through the ITA approach. Would place direct and unnecessary additional cost burden on applicants.</td>
<td>Risk associated with potential traffic effects causing un-anticipated adverse effects on the City road network. Risk is assessed as low given approach to require an ITA for all greenfield development.</td>
</tr>
</tbody>
</table>

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(iii))
The traffic engineering advice to Council is not to adopt the specific traffic generation rule from the Board decision to the balance of the plan change area. This is because the City Wide trigger for a broad ITA is an adequate planning framework to consider such matters under the DP. The administration costs to Council and applicants outweigh any benefits that may accrue to the wider community from the imposition of this rule.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

In this case, the rule is not the most appropriate to achieve the vision and the objectives for the Ruakura Structure Plan Area (R1) and therefore should not be adopted in the balance of the plan change.

5.4.6 Figures 2-14 – 2-18

Figure 2-14 Ruakura Structure Plan Area

The BOI decision assessed the inland port concept as a whole, but that was to be provided for in part only (approximately 50%) within the Ruakura ‘Schedule’ Area. The ECMT railway provided the northern boundary to the ‘Ruakura Schedule Area’ and land further to the north (in the balance of the R1 Area) is also required to sustain a viable port operation in the long term based on the evidence presented to the Board. This ‘northern’ area sits within the wider Ruakura Structure Plan Area. It is this ‘balance area’ of R1 and the Ruakura Schedule Area that is the focus of the current plan change.

The urban growth strategy in the Waikato RPS is in the form of ‘Future Proof’ which ‘directs’ 405 hectares of industrial land to be provided in this R1 Area that was transferred to Hamilton City in 2011. On this basis, in time, all land in the Ruakura Schedule Area considered by the BOI and land outside this area now included in the wider Ruakura Structure Plan Area (and being R1) to the north of the ECMT Railway should be ‘zoned for industrial purposes’ (primarily Logistics and Industrial Park). This approach aligns with the zoning approach presented in the Structure Plan Maps – Appendix 2 Figure 2-14 to the notified District Plan.

The one amendment to the Notified PDP Figure 2-14 is the land immediately north of Percival Road which has been amended from Ruakura Logistics Zone to Ruakura Industrial Park Zone. This is to appropriately align the boundaries of the two zones and allow for better integration of the Industrial Park Zone into the Logistics Zone. The land owners made Council aware that an Industrial Park Zone for this land would not compromise the intent of the Logistics Zone but would reflect the likely level of demand around the supporting Industrial Park Zone which has strong agglomeration benefits with the Logistics Zone.

A second amendment to reflect feedback received on the draft provisions has also been made. This relates to the zoning of general residential land at the north end of the structure plan. Chedworth Properties Limited owns the land and has sought a Medium Density Residential Zoning and provided technical assessments to support the zoning change. A further 1ha which is the remainder of the CPL owned land has been zoned Medium Density Residential from General Residential.

Please refer to section 6.5.4 for related discussion.

Figures 2-15A and B Ruakura Strategic Infrastructure
Please refer to section 5.4.5 for related discussion.

**Figure 2-16 Ruakura Land Development Plan Area**

Figure 2-16 gives effect to the Board Decision which utilised 25H(3) to identify the LDP areas. The plan change has continued with this approach and extended the LDP mechanism north of the railway line to include land outside of the BOI decision. The additional LDP areas are based on land ownership and underlying zoning. The LDP mechanism is the key tool for adequately dealing with the below ground infrastructure and servicing prior to above ground development. The only other options is to not identity the LDP areas within the additional land north of the railway and rely on a LDP application to determine the relevant scale and size of an application. This could open up the growth to be more piecemeal and not provide Council with the certainty around how infrastructure and servicing needs are being met.

Feedback received throughout the process sought retention, refinement and/or removal of Figure 2-16 Land Development Plan Areas. Figure 2-16 includes refined (less) LDP Areas and gives effect to consented or lodged LDP applications.

Figure 2-16 provides a clear cross reference to Rule 3.7.4.2. Council considers this would avoid ad hoc or piecemeal development that would limit the provision of strategic infrastructure and may note lead to a cohesive pattern of development within the structure plan.

During the process further refinement of the LDP areas occurred to give effect to the 1ha of land rezoned to Medium Density Residential (areas Q and O), alteration to areas B and D, addition of areas U and V which relate to the General Residential zoned land North and South of Fairview Downs.

Please refer to section 5.4.5.2 for related discussion.

**Figure 2-17 Inland Port Building Setbacks and Landscape Controls**

Figure 2-17 is the same as Figure 25H(4) in the Board’s decision, which is traversed in detail from paragraph 502 onward of the Board’s decision and concluded that there will be adverse visual effects at all stages that require mitigation through planting of a dense vegetative screen. The outcome of the Board’s decision was supported and is included in the plan change. Through the hearing and appeal process it was identified that three diagrams showing the three stages of development of the Inland Port in accordance with LDP’s already consented be put in place.

**Figure 2-18 Cyclist and Pedestrian Network Plan**

Figure 2-18 is similar to Figure 25H(S) in the Board’s decision. An amendment has been made to include the existing Wairere Drive off road cycleway and connection through to Naylor Street. In response to feedback received on the draft provisions Figure 2-18 has further been amended to include the pedestrian and cycle connections confirmed in the Waikato Expressway designation process.

### 5.4.7 Appendix 17 Planning Maps

The detailed Zone provisions are considered in Section 6 Individual Zone Provisions. In response to feedback received on the draft provisions one amendment has been made to the Electricity Transmission Corridor over two properties at 316 and 318 Ruakura Road. Features Planning Map 40B
identified the two properties within the urban areas in the Notified Proposed District Plan, but it is more appropriate given the rural context of the structure plan for the greenfield areas to be used. This aligns with the approach confirmed in the BOI decision.

During the hearing process Maps 20A and 29A were amended to rezone a further 1ha of General Residential land to Medium Density Residential and to remove the Ruakura Open Space Zoning from the CPL land.

Consequential amendments were made as a result of agreement through the appeals process. This included among other matters the following:

- Amendment to Figure 2-14 Appendix 2 to change the open space zone to reflect LDP’s granted and to remove the open space adjacent to the ECMT
- Reduce the buffer from 20m to 15m around Percival Road on Figure 2-14 Appendix 2 and Maps 39A and 40A

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

The integration of the Figures and planning maps is an efficient and effective method to achieve the administration of the planning provisions for the Ruakura R1 Area as part of the Proposed District Plan.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

In this case, the amended Figures and planning maps are the most appropriate method to achieve the vision and the objectives for the Ruakura Structure Plan Area (R1) and therefore should be adopted in the plan change.

Concluding Overall Assessment

The suite of rules, with the inclusion of the Ruakura Strategic Infrastructure provisions, are confirmed as being the most appropriate method to achieve the objective, and are unambiguous, technically robust in their formulation, and able to be implemented by Plan users and administrators.

A consequential amendment to the adoption of these new rules is the addition to the provisions of the DP under Rule 3.7.4 Rules – Ruakura Structure Plan Area to include the Land Development process, Staging and Traffic Rules and Ruakura Strategic Infrastructure Rules and updated and refined Ruakura Structure Plan Maps.
6 INDIVIDUAL ZONE PROVISIONS

6.1 Introduction

This section considers the amendments in the plan change to the following Zone provisions and deals with the core plan change provisions in Chapters 10, 11 and 8 followed by the wider provisions (objectives, policies, rules, assessment criteria and planning maps) in the DP:

2. Chapter 10: Ruakura Logistics Zone (new chapter to replace former PDP chapter 10);
3. Chapter 11: Ruakura Industrial Park Zone (new chapter to replace former PDP chapter 11);
4. Chapter 8: Knowledge Zone (new chapter to replace former PDP chapter 8);
5. Chapter 4: Residential Zone
   - General Residential Zone;
   - Medium Density Residential Zone;
   - Large Lot Residential Zone; and
6. Chapter 15: Open Space Zones

The Ruakura Logistics Area and Ruakura Industrial Park Area provisions confirmed in the BOI decision are adopted with amendments to apply to the balance of the R1 Area as Zone provisions in Chapters 10 and 11 respectively. This is discussed in sections 6.2 and 6.3 below.

The Ruakura Knowledge Area provisions confirmed in the BOI decision are adopted and integrated with provisions for the University of Waikato, AgResearch and Waikato Innovation Park. This is discussed in section 6.4 below.

The Medium Density Residential Area provisions confirmed in the BOI decision are adopted within the existing Chapter 4 Residential Zone provisions in the DP as Ruakura Medium Density Residential Zone. This is discussed in section 6.5 below.

The General Residential Zone provisions within the DP are confirmed in 6.5 below for the General Residential Area that was included in the Plan Change to the ODP 2012 and the area outside of the BOI decision, to the east of the Spine Road.

The Large Lot Residential Zone provisions in 6.5 below in the DP have been amended to more specifically provide for the Percival / Ryburn Road area.

The customised set of provisions confirmed by the BOI decision for Ruakura Open Space is integrated into the existing provisions of Chapter 15 Open Space Zones in the DP. This is discussed in section 6.6 below.

6.2 Chapter 10: Ruakura Logistics Zone

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<tbody>
<tr>
<td>Section 6: The Ruakura Logistics Area</td>
<td>PDP Chapter 10: Ruakura Logistics Zone</td>
</tr>
<tr>
<td>Section 7: The effects of the proposed inland port and other planning matters</td>
<td>[DEFERRED]</td>
</tr>
<tr>
<td>RE32 AA commentary in relation to plan change</td>
<td>Relevant s32 Analysis report is dated November 2012.</td>
</tr>
<tr>
<td>Rationale for Logistics Zone underpinned by area’s location, economics and demand factors: BOI paragraphs 319-323. Reliance on determinations under following headings to confirm national importance of the suite of new provisions:</td>
<td>10.1 Introduction: Commentary still relevant. Retain Purpose text with minor amendments to align with BOI provisions and provide additional clarity around Sub Area’s A and B.</td>
</tr>
<tr>
<td>Section 3: Context to plan change</td>
<td>10.2 Objectives: Retain objectives with minor amendments</td>
</tr>
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</table>
Section 5: Consultation
Staging provisions applying throughout the Area are crucial to achieve integrated management and summarised in BOI decision paragraphs 132 and 133, and paragraphs 281-291 concerning the inland port.
Land Development Plan (LDP) provisions and further amendments assessed at BOI decision paragraphs 628-639 Community Liaison Committee role and composition confirmed with reasons at BOI decision paragraphs 640-642 to align with BOI provisions with the exception of objective 10.2.1 which has been amended.
10.3 Policies: Retain policies with minor amendments to align with BOI provisions except for supporting policy 10.2.1a that concerns staging sequence. The relevant objective and policy are now provided for in Chapter 3.7 under the LDP mechanism and Staging and Traffic Requirements.
The addition of explanatory text below the objectives and policies is to align with the PDP approach which informs the user of the purpose of the objectives and policies.
10.4 Rules: Amend to provide for Sub Area A (Inland Port) and Sub Area B (Logistics), and amended Activity Status Table to reflect BOI decision.

C Applicant’s Section 32 Assessments
31 October 2013 (relating to notified Change):
Section 2.3: Strategic Planning
Section 2.4: Structure Plans
Section 4.1: Overall Proposed Land Use Mix of Activities

9 June 2014 (relating to amended Change as at 26 May):
Section 1: Strategic Framework Provisions
Section 4: Inland Port and Staging
Provides high level assessment of structure planning framework drawn from PDP and ‘fit’ within the legacy plan being the ODP 2012.
Viewed as interim solution aimed at not compromising detailed Structure Plan provisions Chapter 3.7 of PDP.

D BOI Overall section 32AA Conclusion
Affirms economic anchor and employment generator for eastern side of Hamilton City based around inland port with freight and logistics capability of regional and national significance.
BOI decision presents the strategic level alignment of issues and planning provisions to achieve integrated management of land use, transport and related infrastructure services.

D Overall section 32 Conclusion
Can rely in part on existing s32 given its generally generic assessment.
Complete additional assessment to meet s32AA in respect of matter outlined below.

E Additional Assessments to meet s32 duty
25H.11 Land Development Plan – see section 5.4.5.2
25H.12 Staging and Traffic Requirements – see section 5.4.5.3
25H.5.3 Sub Area A (Inland Port):
b) Freight handling activities Restricted Discretionary;
k) Activities generating 1500 or more vehicle movements per day RD;
l) Products transported in bulk Non Complying.
25H.5.4 – General Rules:
Provisions transferred to Chapter 25 of DP
25H.5.5 – Assessment Criteria:
Provisions including customised Information Requirements transferred to Appendix 1 of DP
25H.5.7.1 Inland Port Community Liaison Committee – see section 6.2.5
Change Activity status Rules to align with BOI decision.

E Additional Assessments to meet s32 duty
25H.11 Land Development Plan – see section 5.4.5.2
25H.12 Staging and Traffic Requirements – see section 5.4.5.3
25H.5.3 Sub Area A (Inland Port):
b) Freight handling activities Restricted Discretionary;
k) Activities generating 1500 or more vehicle movements per day RD;
l) Products transported in bulk Non Complying.
25H.5.4 – General Rules:
Provisions transferred to Chapter 25 of DP
25H.5.5 – Assessment Criteria:
Provisions including customised Information Requirements transferred to Appendix 1 of DP
25H.5.7.1 Inland Port Community Liaison Committee – see section 6.2.5
Change Activity status Rules to align with BOI decision.

6.2.1 Assessments to meet s32 duty to incorporate provisions into the plan change
Following on from the table above the key s32 assessments are covered in detail below:

2. Addition of explanations within the Objectives and Policies
3. Freight handling activities
4. Products transported in bulk
5. Extension of Inland Port Community Liaison Committee
6. Logistics and freight-handling infrastructure
7. Activity Status Rules for the Ruakura Logistics Zone
8. Landscape Screening

6.2.2 Objectives and Policies Ruakura Logistics Zone – 10.2
The BOI decision included specific objectives and policies but did not provide any explanation. The DP includes explanations for all objectives and policies. It is important to be consistent with the DP document so explanations have been included which clarify the objective and policies. This is the most efficient and effective method and integrates the two planning documents into one consistent format.

6.2.3 Freight handling activities – 10.3b)
Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

<table>
<thead>
<tr>
<th>Proposal</th>
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<tbody>
<tr>
<td>Option A: Activity status changed in BOI decision to Restricted Discretionary Activity. Requires an assessment of noise effects and a Noise and Vibration Management Plan.</td>
<td>Potential for increased resource consent costs and time associated with additional information and specialist advice. May introduce processing time delays for proposals.</td>
<td>Greater certainty that activity effects can be managed through providing a robust assessment of effects along with the Council’s ability to impose conditions to manage amenity values.</td>
</tr>
<tr>
<td>Option B: Retain Permitted Activity status as in notified Private Plan Change.</td>
<td>Risk of not meeting relevant Zone objectives: specifically objective 10.2.3. Risk of adverse effects on amenity of neighbouring residential areas being more than minor.</td>
<td>Greater flexibility for consent holder to develop the zone.</td>
</tr>
</tbody>
</table>

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(iii))

The amendment noted in Option A reflects the BOI decision and provision 10.3b) in the plan change, and provides for freight handling activities to be a restricted discretionary activity rather than a permitted activity.

As a rule this is an efficient and effective method to achieve the relevant objectives and policies for this customised area in the zone which is to achieve the efficient and effective operation of the logistics, freight handling services and support facilities in the Logistics Zone.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

This method is the most appropriate way to achieve the strategic framework objectives for the Zone and therefore should be adopted in the plan change.

6.2.4 Products transported in bulk – 10.3l)
Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))
Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

The amendment noted in Option A reflects the BOI decision to establish a new class of activity not provided for in the notified private plan change or in the notified PDP, and is recorded as provision 10.3.l) in the plan change. The new activity class is “products transported in bulk” with the status of a non-complying activity.

A definition is included and discussed in Section 9.1 of this S32 Report.

As a new rule this is an efficient and effective method to achieve the relevant objective which is to promote an efficient and effective operation of the inland port. To do this will rely on the clustering of freight handling infrastructure to achieve the benefits of agglomeration. This objective could be undermined by other activities establishing that are less dependent on the specific freight handling services and facilities necessary to support the inland port’s operations.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

This method is the most appropriate way to achieve the objectives for the Zone and therefore should be adopted in the plan change.

6.2.5 Extension of Inland Port Community Liaison Committee – 10.5.1 (25H.5.7.1)

The BOI decision included a new provision for an Inland Port Community Liaison Committee to be established prior to the development and ongoing operation of the Inland Port. A key consideration for the plan change is whether to extend the principle function of the committee to cover an area north of the railway line where Sub Area B (Logistics) zoned land adjoins the existing residential enclave of Ryburn and Percival Roads.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

<table>
<thead>
<tr>
<th>Proposal</th>
<th>Costs</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option A: Establish an Inland Port Community Liaison Committee and prescribe its role and membership for the Inland Port area and Sub Area B north of</td>
<td>Costs in time and staff for the consent holder to set up and service the Committee, and costs to Council and community representatives in membership of the Committee and fulfilling</td>
<td>Provides certainty on the establishment, make up and operation of a Committee that includes Council and community representatives to consider the operations of the</td>
</tr>
<tr>
<td>Option A:</td>
<td>the railway line.</td>
<td>the stated obligations over time.</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Option B:</strong> Not provide for an Inland Port Community Liaison Committee.</td>
<td>Risk of not meeting strategic objectives that focus on 10.2.3. Risk of adverse effects on amenity of neighbouring residential areas being inadequately responded to in a timely manner. Not giving effect to the Board’s decision.</td>
<td>Greater flexibility to self manage the operations of the inland port by the port operator and/or owner.</td>
</tr>
<tr>
<td><strong>Option C:</strong> Integrate an Inland Port Community Liaison Committee for the Inland Port, but not extended to include Sub Area B north of the railway.</td>
<td>Does not provide the adjoining Large Lot Residential Zone community with confidence about timing, staging and input into wider considerations that would be available through a Committee.</td>
<td>Gives effect to the Board’s decision.</td>
</tr>
</tbody>
</table>

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

The amendment noted in Option A reflects the BOI decision but extends its ‘mandated area of interest’ to include land to the north of the ECMT railway. As a consequence, land zoned Ruakura Logistics Zone Sub Area B adjacent to the existing residential enclave will come within the ambit of this new provision that establishes a forum for ongoing consultation between the inland port operator and owners and occupiers of this large lot residential enclave anchored around Percival and Ryburn Roads. This is Rule 10.5.1 in the plan change. The rule was not provided for in the notified PDP.

This rule provides for the neighbouring most affected residential community to participate in mandated consultation over the period of the development of the inland port and Sub Area B north of the railway. The Committee makeup and its functions are prescribed and will make for an efficient and effective method to monitor community health, wellbeing and amenity values.

A new sub Policy under 10.2.3a)vi is included which recognises the Inland Port Community Liaison Committee and the importance of addressing concerns raised by neighbouring residents.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

This rule achieves the objective of the zone to avoid or mitigate the adverse effects of logistics and freight handling activities and also achieves the purpose of the Act. This rule method therefore should be adopted in the plan change.
6.2.6 Logistics and freight-handling infrastructure – 10.3p) / Rail Sidings in Sub Area B (Logistics)

The draft plan change provisions provided for rail sidings as a permitted activity within Sub Area B (Logistics), excluding LDP Area P which was Non-Complying. In response to feedback received on the draft plan change, a new provision 10.3q) now treats rail sidings consistently within Sub Area B (Logistics) as a Restricted Discretionary activity. This recognises the strategic location and proximity of the Ruakura Logistics Zone Sub Area B (Logistics) to the Inland Port, and the adjoining existing large lot residential enclave.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

<table>
<thead>
<tr>
<th>Proposal</th>
<th>Costs</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option A: Change the wording of 10.3p) to exclude rail sidings within Sub Area B (Logistics) as a Permitted Activity and add a new provision q) to provide for rail sidings as a Restricted Discretionary activity.</td>
<td>Less flexibility than provided by the BOI decision.</td>
<td>Provides certainty for adjoining land that within Sub Area B (Logistics) rail sidings are not permitted without the need for consent.</td>
</tr>
<tr>
<td>Option B: Retain the Activity Status Rule as determined by the Board and provide the opportunity for rail sidings to occur as a Permitted activity within Sub Area B of the Logistics Zone.</td>
<td>Provides no certainty or protection to landowners of possible rail sidings within Sub Area B (Logistics).</td>
<td>Maintains consistency with the BOI decision, but not the intent.</td>
</tr>
</tbody>
</table>

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(iii))

Option A reflects the amended BOI decision and provision 10.3p) and q) in the plan change. This amended rule approach restricts the opportunity for rail sidings being provided as a Permitted activity within Sub- Area B Ruakura Logistics Zone. The benefits of providing certainty to the community outweigh the costs or implications for the applicant.

This amended rule is an efficient and effective method to achieve the relevant objective and policy and the most appropriate way to achieve the objectives for the Zone.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

Stricter control on the location of rail sidings is critical to provide certainty to the existing community within the residential enclave and the wider structure plan.

6.2.7 Activity Status Rules for the Ruakura Logistics Zone – 10.3

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

<table>
<thead>
<tr>
<th>Proposal</th>
<th>Costs</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option A: Change the status of activities</td>
<td>Risk of greater cost in time and expert advice to prepare</td>
<td>Provides a framework for applicants to assess and</td>
</tr>
</tbody>
</table>
to align with BOI decision that provides for more robust information requirements, improved performance standards, greater use of controlled activities and a broader set of matters of control for the Council, and for permitted activities.

| Option B: Retain the Activity Status Rules for the Logistics Zone in the notified Proposed District Plan that commonly provided for activities as restricted discretionary activities. | Out-of-step with the overall framework of the plan change to require a robust set of information to be lodged with proposals and strengthened assessment criteria for the Council to determine consent conditions as a controlled activity. | Council has a stronger regulatory role that may require affected persons input to aspects of the operation of the inland port. May hinder efficient development in the zone. |

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

The amendment noted in Option A reflects the BOI decision and provisions 10.3 in the plan change.

This amended rule approach provides for a balance between requiring an applicant to provide more and better information in support of development activities to be assessed against a set of matters of control exercised by the Council in its decision making. The benefits are suggested to outweigh the costs for an applicant and the Council as Plan administrator. This amended rule is an efficient and effective method to achieve the relevant objective and policy and the most appropriate way to achieve the objectives for the Zone.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

An improved level of information and clearer guidance on the Council’s discretion affirms that this amended rule therefore should be adopted in the plan change.

6.2.8 Landscape Screening – 10.5.4

The BOI decision included substantial landscape screening, that was not identified in the notified PDP, to mitigate the effects associated with the 24/7 operation of an inland port. The landscape screening provisions originally covered two stages, west of Percival Road and following the closure of Ruakura Road and Percival Road. The plan change area north of the railway is important to consider around landscape mitigation, particularly as it relates to the adjoining Ruakura Logistics and Ruakura Industrial Park Zones. Council commissioned an independent landscape report to advise on the best options for providing screening and visual mitigation to the Percival and Ryburn Road residential enclave. The report is appended to the S32 document.

The BOI confirmed mechanism is termed the “Interface Design Control Area” and this area is provided by notation on the perimeter of the Ruakura Logistics and Industrial Park zoned areas to control building design and appearance.
The following conclusions are drawn from the Isthmus Report 2015 when comparison is made between the PDP provisions and the Board’s decision:

- A maximum building height of 20 metres is common to all zones;
- Container stacking is permitted to 6 metres in the Industrial Park Area/Zone and 12 metres in the Logistics Area/Zone while these controls are not applicable for the Industrial Zone provisions in the PDP;
- Height in relation to boundary rules are similar for the Industrial (PDP) and Industrial Park (Board) decisions; and critically
- All buildings in the Industrial Zone fronting an arterial corridor are a controlled activity under the PDP, while control is reserved in the Logistics and Industrial Park Area provisions only for buildings in the Interface Design Control Area in the BOI decision.

The interface area under consideration as part of this plan change is greenfield (rather than ‘brownfield in the urban area of Hamilton), rural in outlook and with a row of established planting on/along the Percival Road reserve. The area provides no similar constraints as faced by the Board that limit the opportunity to promote a comprehensive approach to safeguard residential amenity.

It is therefore appropriate to promote planning controls that:

- Promote the conservation of the existing plane trees as a foreground visual feature along with their replacement over time;
- The adoption of a 12m high densely planted screen;
- The adoption of a 20m vegetation buffer; and
- A building setback that further aids in partially screening any built development within a 20m height envelope.

Overall, this provides for approximately a 60m separation between the facades of residential and industrial buildings.

As part of the appeal process it was agreed to amend Figure 2-17 Appendix 2 and show this as three stages as already agreed as part of the LDP consents. Therefore Figure 2-17/1 to Figure 2-17/3 is included in Appendix 2 with amendments made to 10.5.4 for alignment.

This approach can be supported in terms of efficiency and effectiveness as part of a section 32 assessment.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

<table>
<thead>
<tr>
<th>Proposal</th>
<th>Costs</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option A: Retain the landscape screening provisions confirmed by the BOI decision and extend the landscape screening to include the Percival Road interface with the residential enclave.</td>
<td>Risk of greater cost in time and expert advice and establishing the landscape screening.</td>
<td>Provides certainty to the residential enclave of the landscape screening to be provided to protect the amenity from the adjacent logistics and industrial park zones.</td>
</tr>
<tr>
<td>Option B: Retain the Plan Change and</td>
<td>Significant uncertainty for the residential enclave, and</td>
<td>Allows full development potential with no consideration</td>
</tr>
</tbody>
</table>
PDP as notified and not provide for any specific landscape screening around the Inland Port or residential enclave. | undermines the position determined in the BOI process. | for landscape screening to protect existing residential enclave amenity.

Option C: Retain the landscape screening provisions confirmed by the BOI decision but not provide for the extension of landscape screening on Percival Road. | Does not provide certainty to residential enclave of the amenity from the adjoining logistics and industrial park zones north of the railway. | Allows for development to continue without extending the landscape screening, which is efficient from an inland port operator perspective.

Option D: Retain the BOI decision and extend to include Percival Road interface. Amend to require planting to be established by 2020 and prior to development occurring in LDP area P. | Risk of greater cost in time and expert advice and establishing the landscape screening. | Provides further certainty to the residential enclave of the landscape screening to be provided and the timing of planting to protect the amenity from the adjacent logistics and industrial park zones.

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(iii))

The amendment noted in Option D reflects the BOI decision and an extension to include the Ruakura Logistics and Industrial Park Zones north of the railway line and is covered by provisions 10.5.4.3 and 11.5.3 in the plan change. This option also recognises the amendments that have occurred during the hearing and appeal process for the plan change.

The continuation of this approach with the addition of timeframes for established planting provides for the protection of existing amenity to the residential enclave, while extending the landscape screening to include the area not considered by the BOI decision, but still critical to protect the amenity of the existing residential enclave. The benefits are suggested to outweigh the costs to the inland port operator or land owner. This amended rule is an efficient and effective method to achieve the relevant objective and policy and the most appropriate way to achieve the objectives for the Zone.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

The retention of the BOI landscape screening provision and extending this to the area outside of the plan change highlights the importance of protecting the existing residential enclave while the inland port and surrounding activities grow.

6.3 Chapter 11: Ruakura Industrial Park Zone

<table>
<thead>
<tr>
<th>A BOI decision – September 2014</th>
<th>A Partly Operative District Plan – October 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 7: The effects of the proposed inland port and other planning matters</td>
<td>Chapter 11: Ruakura Industrial Park Zone [DEFERRED]</td>
</tr>
<tr>
<td>Section 8: Industrial Park areas</td>
<td>Relevant s32 report is dated November 2012.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B S32AA Commentary in relation to plan change</th>
<th>B S32 Commentary in relation to plan change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 8: section 32 evaluation records further amendments to ensure new industrial activities occur while environmental effects associated with those activities are adequately mitigated (paragraph 643), critiques industrial land allocation as part of the FutureProof Area, policy, 11.1: Purpose amended to provide additional clarity and context to the plan user. 11.2: Objectives - Retain objectives with minor amendments to align with BOI provisions 11.3: Policies – Retain policies with minor amendments to</td>
<td></td>
</tr>
</tbody>
</table>
Section 32 Evaluation Report: Plan Change No.1 Ruakura - Operative District Plan

urban design assessment, and overall consistency with PDP, and amenity management; BOI paragraphs 643-701. Staging provisions applying throughout the Area are crucial to achieve integrated management and summarised in BOI decision paragraphs 132 and 133.

align with BOI provisions. Exception is 11.2.1a concerning staging. Revision necessary to align with BOI decision on these provisions. Amendment is same approach that is to apply for the Logistics Zone. Matter dealt with in Section 3.7 Ruakura Structure Plan. The addition of explanatory text below the objectives and policies is to align with the PDP approach which informs the user of the purpose of the objectives and policies.

11.4: Rules –Activity Status Table amended to reflect BOI decision.

C Applicant’s Section 32 Assessments

31 October 2013 (relating to notified Change): strategic level assessment to align Change provisions with legacy plan provisions of ODP 2012.
Section 6 Detailed Components of the Plan Change/Planning Techniques Employed records key elements of Schedule and identifies Ruakura Industrial Park area (107 hectares).
Section 6.3 records Relationship of Plan Change with PDP and records issues that have been addressed.
Section 7 Analysis of Proposed Objectives and Policies records under (then referenced) 25H.4.11 the single objective: The creation of a high quality Industrial Park at Ruakura and mirrors PDP provisions.

9 June 2014 (relating to amended Change as at 26 May 2014):
Section 2.0: Land Development Consents
Section 3.0: Managing Effects on Amenity
Section 4.0: Inland Port and Industrial Staging which ties the rate of general industrial development to the release of land for the operation of the inland port.

D BOI Overall Conclusion and section 32 duty

Provisions for the Industrial Park are sufficiently robust to enable the integrated management and control of effects of the use, development or protection of land and resources required under s31 RMA.
Objectives, policies, rules and methods are the most appropriate way to achieve the Act’s purpose; Paragraph 696.

District Plan Policies still underpin the Zone’s relationship to inland port, city centre and desire to establish a high amenity working environment. Activity Status Table and development controls (rules and performance standards) are the most appropriate to achieve the objectives except for task noted in E below.

E Additional Assessments to meet s32 duty

25H.11 Land Development Plan: See 3.7.4.2
25H.12 Staging and Traffic Requirements: See 3.7.4.3
25H.6.3 Activity Status Table:
   b) new buildings & development (to P, rather than RD);
   c) new buildings & associated development (to C rather than RD);
   f) logistics & freight handling activities (P rather than RD);
   o) –r) and v): be considered without notification or need to obtain approval from affected persons
   hh): Activities generating 1500 or more vehicle movements per day Restricted Discretionary Activity

Change Activity Status Table Rules to align with BOI decision.

6.3.1 Assessments to meet s32 duty to incorporate provisions into the plan change

Following on from the table above the key s32 assessments are covered in detail below:

2. Purpose (11.1)
3. Objectives and Policies (11.2)
4. Notification provisions (11.3a), (c), (m), (n), o), p), t), v), aa), cc), and ff))
5. Activity Status (11.3)
6. Landscape Screening (11.5.3)

6.3.2 Purpose – 11.1

An amendment to the Purpose has been made to clarify the three Industrial Park areas. This is important for understanding particular provisions within the chapter and for easy reference for Plan users.

6.3.3 Objectives and Policies – 11.2

The BOI decision included specific objectives and policies but did not provide any explanation. The DP includes explanations for all objectives and policies. It is important to be consistent with the DP document so explanations have been included which clarify the objective and policies. This is the most efficient and effective method and integrates the two planning documents into one consistent format.

6.3.4 Notification provisions – 11.3

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

<table>
<thead>
<tr>
<th>Proposal</th>
<th>Costs</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option A: Adopt Activity status of restricted discretionary* - no need for limited notification or require affected persons approvals with exceptions determined during the plan change hearing process.</td>
<td>Council’s discretions are limited to expressly exclude any determination of affected persons and to require limited notification to those persons.</td>
<td>Matters for discretion have been broadened to provide for a more comprehensive consideration of matters for specific activities and condition setting in Rule 11.3. The exclusions provide consistency with DP.</td>
</tr>
<tr>
<td>Option B: Maintain DP provision to not limit discretion for Council to determine notification or determine affected person approvals as part of a consent process.</td>
<td>Risk of greater cost in time and expert advice to prepare applications, and for the Council to process applications. Uncertainty for the applicant whether effects assessments will trigger limited notification.</td>
<td>Council retains discretion to determine affected persons and limited notification on a case by case basis.</td>
</tr>
</tbody>
</table>

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(iii))

The amendment noted in Option A reflects the BOI decision and provision 11.3 in the plan change. This amended rule approach provides for the Council to assess an application without notification and the need for third party approvals in most instances because of the requirement for an applicant to provide more and better information in support of development activities and for the assessment to be made against a broader set of matters of control by the Council in its decision making. The benefits of promoting an efficient and effective consenting process are suggested to outweigh the
costs for an applicant and the Council as Plan administrator. The exceptions to the non-notification relate to matters that are considered to have a greater community interest.

The provision is an efficient and effective way to achieve the relevant objective and policy and the most appropriate way to achieve the objectives for the Zone.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii)

This amended rule method is the most appropriate to achieve the purpose of the Zone and therefore should be adopted in the plan change.

6.3.5 Activity Status – 11.3

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

<table>
<thead>
<tr>
<th>Proposal</th>
<th>Costs</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option A: Change the status of selected activities referenced as b)-new buildings and associated development, c)-new buildings and development within Interface Design Area Control Area, and f)-Logistics and freight-handling activities, to align with BOI decision that provides for more robust information requirements, improved performance standards, greater use of controlled activities with a broader set of matters of control, and for permitted activities.</td>
<td>Risk of greater cost in time and expert advice to prepare applications, and for the Council to process applications. Council is not able to decline proposals where consent is required as a controlled activity.</td>
<td>Provides a framework for applicants to assess and manage environmental effects of activities and work with Council to ensure urban design and amenity outcomes can be achieved in respect of controlled activities.</td>
</tr>
<tr>
<td>Option B: Retain the Activity status Rules for the Ruakura Industrial Park Zone in the notified Proposed District Plan</td>
<td>Out-of-step with the overall framework of the plan change to require a robust set of information to be lodged with proposals and strengthened assessment criteria for the Council to determine consent conditions.</td>
<td>Council has a stronger regulatory role that may require affected persons input to aspects of the operation of the inland port.</td>
</tr>
</tbody>
</table>

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(iii))

The amendment noted in Option A reflects the BOI decision and provision 11.3b), c) and f) in the plan change. These provisions are an efficient and effective way to achieve the relevant objective and policy and the most appropriate way to achieve the objectives for the Zone.
This amended rule approach provides for a balance between requiring an applicant to provide more and better information in support of development activities to be assessed against a set of matters of control by the Council in its decision making. The benefits are suggested to outweigh the costs for an applicant and the Council as Plan administrator. This amended rule is an efficient and effective method to achieve the relevant objective and policy and the most appropriate way to achieve the objectives for the Zone.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

This amended rule method is the most appropriate to achieve the purpose of the Zone and therefore should be adopted in the plan change.

6.3.6 Landscape Screening – 11.5.3

Please refer to section 6.2.8 for related discussion.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

<table>
<thead>
<tr>
<th>Proposal</th>
<th>Costs</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option A: Extend the landscape screening provisions confirmed by the BOI decision for the Inland Port north of the railway line to include the Industrial Park Zone Percival Road interface with the residential enclave.</td>
<td>Risk of greater cost in time and expert advice and establishing the landscape screening.</td>
<td>Provides certainty to the residential enclave of the landscape screening to be provided to protect the amenity from the adjacent logistics and industrial park zones.</td>
</tr>
<tr>
<td>Option B: Retain the Plan Change and DP and not provide for any specific landscape screening around the Inland Port or residential enclave.</td>
<td>Significant uncertainty for the residential enclave, and undermines the position determined in the BOI process.</td>
<td>Allows full development potential with no consideration for landscape screening to protect existing residential enclave amenity.</td>
</tr>
<tr>
<td>Option C: Retain the landscape screening provisions confirmed by the BOI decision but not provide for the extension of landscape screening at the interface with Percival Road.</td>
<td>Does not provide certainty to residential enclave of the amenity from the adjoining logistics and industrial park zones north of the railway.</td>
<td>Allows for development to continue without extending the landscape screening, which is efficient from an inland port operator perspective.</td>
</tr>
<tr>
<td>Option D: Retain the BOI decision and extend to include Percival Road interface. Amend to require planting to be established by 2020 and prior to development occurring in LDP area P.</td>
<td>Risk of greater cost in time and expert advice and establishing the landscape screening.</td>
<td>Provides further certainty to the residential enclave of the landscape screening to be provided and the timing of planting to protect the amenity from the adjacent logistics and industrial park zones.</td>
</tr>
</tbody>
</table>

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(iii))
The amendment noted in Option D reflects the BOI decision and an extension to include the Ruakura Logistics and Industrial Park zones north of the railway line and is covered by provision 10.5.4.3 and 11.5.3 in the plan change. This option also recognises the amendments that have occurred during the hearing and appeal process for the plan change.

The continuation of this approach with the addition of timeframes provides for the protection of existing amenity to the residential enclave, while extending the landscape screening to include the area not considered by the BOI decision, but still critical to protect the existing amenity of the residential enclave. The benefits are suggested to outweigh the costs to the inland port operator or land owner. This amended rule is an efficient and effective method to achieve the relevant objective and policy and the most appropriate way to achieve the objectives for the Zone.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

The retention of the BOI landscape screening provision and extending to the area outside of the plan change highlights the importance of protecting the existing residential enclave while the inland port and surrounding activities grow.

6.4 Chapter 8: Knowledge Zone

<table>
<thead>
<tr>
<th>A BOI decision – September 2014</th>
<th>A Partly Operative District Plan – October 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 7: The effects of the proposed inland port and other planning matters. Section 9: Knowledge Area</td>
<td>Chapter 8: Knowledge Zone [DEFERRED] Relevant s32 report is dated November 2012.</td>
</tr>
<tr>
<td>B S32AA Commentary in relation to plan change</td>
<td>B S32 Commentary in relation to plan change</td>
</tr>
<tr>
<td>BOI decision at paragraphs 709-718 and 730-732 consider the approach for the Ruakura Retail Centre. Paragraphs 733-737 consider the wider s32 matters and confirm that Board’s amended approach to strengthen the urban design-led approach does satisfy s32 duty. The BOI decision regarding question of notification is recorded in paragraphs 726-729. This confirms that Council should retain discretion to assess notification of an application and to whom in relation to proposed activities on a case by case basis.</td>
<td>8.1: Introduction – Zone covers existing land uses based around UOW, AgResearch and Waikato Innovation Park. New neighbourhood Centre is based around a ‘main street’ precinct and large public plaza. Passenger transport hub identified with location linked to ECMT railway. Development of precinct C including the retail centre will be subject to 3.7.4.3.5. Purpose statement retained. 8.2: Objectives, 8.3: Policies, 8.4: Rules are assessed as being the most appropriate to achieve the strategic role of the Zone. PDP Objective 8.2.4 and policies concerning the management of potential adverse effects of activities within the zone be retained in variation. The addition of explanatory text below the objectives and policies is to align with the PDP approach which informs the user of the purpose of the objectives and policies.</td>
</tr>
</tbody>
</table>

C Applicant’s Section 32 Assessments

31 October 2013 (relating to notified Change): Strategic level assessment to align Change provisions with legacy plan provisions of ODP 2012. Section 6. Detailed Components of the Plan Change/Planning Techniques Employed records key elements of Schedule and identifies a Knowledge area of 13 hectares incorporating land for a ‘Suburban Centre’. 9 June 2014 (relating to amended Change as at 26 May 2014): Section 5.0 Ruakura Retail Provisions traces the revised set of provisions (objective and policy) for the Ruakura Retail Centre and affirms that the objectives and policies support a number of strategic objectives. The centre is to sit between the categories of Suburban Centre and...
Neighbourhood Centre in the City business hierarchy. The tailor made provisions enable the establishment of a centre up to 15,000m² gfa coupled with controls on building design, layout, tenancy sizes and activity mix, and assessment criteria and are determined to achieve the relevant objectives and policies.

<table>
<thead>
<tr>
<th>D BOI Overall section 32 Conclusion</th>
<th>D Overall section 32 Conclusion</th>
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<tbody>
<tr>
<td>Assessment is for only part of the Knowledge Zone as provided for under the notified Structure Plan; excludes AgResearch, Waikato Innovation Park and UOW. Detailed consideration of and support for the new Ruakura Retail Centre and its staged development and in terms of permissible activity mix. Specific Notification (s95) provisions are to apply. Paragraph 737: Specific objectives, policies, rules and other methods are efficient and effective.</td>
<td>PDP zoning recognises strategic location adjacent to inland port and the established research, education and technology activities. Special role of the UOW is acknowledged. Location also presents a gateway to City. This requires a high standard of design for all buildings and landscaping, and setbacks from sensitive land uses and arterials. PDP Objectives still underpin Zone purpose. PDP Policies still underpin the Zone's relationship to inland port, city centre and desire to establish a high amenity working environment. Activity Status Table and development controls (rules and performance standards) are the most appropriate to achieve the objectives. Provisions apply to UOW, AgResearch, Waikato Innovation Park. Include provisions for University of Waikato, AgResearch and Innovation Park into the proposed variation and complete s32AA analysis.</td>
</tr>
</tbody>
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<thead>
<tr>
<th>E Additional Assessments to meet s32 duty</th>
<th>E Additional Assessments to meet s32 duty</th>
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<tbody>
<tr>
<td>Incorporate Ruakura Retail Centre provisions (objectives, policies, rules and assessment criteria) into the plan change. Confirm zone specific Notification (s95) provisions. Re-assess Activity status rules (25H.7.3) as zone wide provisions.</td>
<td>Incorporate provisions for University of Waikato (currently deferred), AgResearch and Waikato Innovation Park (currently provisions in the Hamilton City Operative District Plan: Waikato Section) into the plan change. Incorporate objectives and policies for the AgResearch and WIP into the Knowledge Zone provisions. Incorporate Concept Plan mechanism to apply to the above three entities. Consider activity status rules for each or adopt zone wide provisions. Add provisions from PDP 8.2.4 concerning management of potential adverse effects of activities within the Zone.</td>
</tr>
</tbody>
</table>

6.4.1 Assessments required to meet s32 duty to incorporate provisions into the plan change

Following on from the table above the key s32 assessments are covered in detail below:

2. Purpose (8.1)
3. New Objectives and Policies (8.2)
4. Ruakura Retail Centre provisions (8.3.3)
5. Notification (8.10)
6. Integration of University of Waikato, Waikato Innovation Park and AgResearch Notified PDP Provisions (8.2, 8.4.1, 8.5, and 8.6)
7. Activity Specific Amendments (8.3.1)

6.4.2 Purpose

The BOI decision only related to the greenfield site that includes a proposed Ruakura Retail Centre and wider Knowledge Area. The plan change is utilising the BOI decision as the base document and including the DP Chapter 8 matters for the University of Waikato, Waikato Innovation Park and
AgResearch within the Knowledge Zone chapter. New text has been inserted in 8.1b), c) and d) to clarify the functions of each precinct within the Knowledge Zone.

Feedback received on the draft provisions also identified Figure 8.1 Knowledge Zone Precincts needed updating to reflect the actual area of Precinct B, and amendment to Precinct D to include an additional building off Hillcrest Road owned by the University of Waikato.

6.4.3 **New Objectives and Policies**

New Policies 8.2.1f and 8.2.1g have been included that clarifies the relevant Precincts and whether development occurs in relation to a Concept Plan Consent or Land Development Consent.

The BOI decision included specific objectives and policies but did not provide any explanation. The DP includes explanations for all objectives and policies. It is important to be consistent with the DP document so explanations have been included which clarify the objective and policies. This is the most efficient and effective method and integrates the two planning documents into one consistent format.

Inclusion of Objective 8.2.4 and associated Policies 8.2.4a-c concerning management of potential adverse effects of activities within the Zone.

The inclusion of this objective is discussed below.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

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<thead>
<tr>
<th>Proposal</th>
<th>Costs</th>
<th>Benefits</th>
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<tbody>
<tr>
<td>Option A: Adopt objective 8.2.4 and three supporting policies a-c, and explanation as a basis to manage potential adverse effects of activities within the Knowledge Zone.</td>
<td>Cost associated with creating and retaining/maintaining a high quality and high amenity urban environment between activities in the zone.</td>
<td>Assurance that there is a design-led approach to create and maintain a business park type environment of high quality and to avoid reverse sensitivity issues.</td>
</tr>
<tr>
<td>Option B: Not adopt these provisions as rules already address the management of potential adverse effects of activities within the Knowledge Zone.</td>
<td>The layout of buildings in relation to one another may not achieve an integrated and high quality business park environment reliant on traditional bulk and location rules for an area of land predominantly in single ownership.</td>
<td>Potential to simplify the process of consenting new development in a greenfield environment.</td>
</tr>
</tbody>
</table>

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(iii))

The above assessment mirrors the assessment presented in the s32 Analysis to support this objective in notified provisions of the PDP.
The policies are the most appropriate to achieve the objective which overall is to provide for a high quality and high amenity business park environment developed under a single ownership. This objective therefore should be adopted in the plan change.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

The provisions are comprehensive, unambiguous and a more efficient and effective method to achieve the objective of the plan change. This amended method therefore should be adopted in the plan change.

Inclusion of Objective 8.2.7 and associated Policy 8.2.7a which relates to development within Waikato Innovation Park and AgResearch Precincts being integrated and contributing positively to the wider Ruakura area.

The inclusion of this objective is discussed below. Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

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<tr>
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</thead>
<tbody>
<tr>
<td>Option A: Include a new objective and policy for the Waikato Innovation Park and AgResearch Precincts.</td>
<td>Adds another objective and policy to the front end of the Knowledge Zone chapter.</td>
<td>Provides additional clarity to the role and function of Waikato Innovation Park and AgResearch that has not been provided in the District Plan previously.</td>
</tr>
<tr>
<td>Option B: Rely on existing objectives and policies which do not specifically relate to Waikato Innovation Park or AgResearch Precincts.</td>
<td>Fails to consider the Waikato Innovation Park and AgResearch sites with a specific objective or policy.</td>
<td>Does not provide for a full appreciation of the different precincts, including Waikato Innovation Park and AgResearch.</td>
</tr>
</tbody>
</table>

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(iii))

The inclusion of an objective and policy specific to Waikato Innovation Park and AgResearch is the most appropriate to achieve the strategic objectives of the zone which overall is to provide for a high quality and high amenity business park environment developed under a single ownership. This objective therefore should be adopted in the plan change.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

The provisions are comprehensive, unambiguous and a more efficient and effective method to achieve the objective of the plan change. This amended method therefore should be adopted in the plan change.

6.4.4 Ruakura Retail Centre – 8.3.3

The Board’s decision included providing for a Ruakura Retail Centre within the Knowledge Zone, now referenced as Precinct C in the plan change.
Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

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<tr>
<th>Proposal</th>
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<tbody>
<tr>
<td>Option A: Adopt Objective 25H.7.2.4 (&amp; policies, rules and assessment criteria); The Ruakura Retail Centre serves other activities within and adjoining the Ruakura Schedule Area, while not undermining the primacy, function, vitality and amenity of the Central City and the function of other centres.</td>
<td>An urban design-led development approach is likely to bring high costs associated with application preparation, lodgement and processing, which may trigger public/limited notification to parties (see below). Potential consenting risk if scale of development above the stated thresholds established through Board decision.</td>
<td>Urban-design led approach is consistent with citywide emphasis. Proposal sits within City business hierarchy as a unique commercial entity. As a recognised centre, this will enable people and communities to provide for their economic and social wellbeing in a timely manner and serve the needs of a growing local workforce and community.</td>
</tr>
<tr>
<td>Option B: Retain DP provisions under objective 8.2.1 and policy 8.2.1f – Establishing activities in the zone that would compromise the viability, vitality and vibrancy of the Central City should be avoided and enable this development post -2041 as set out in the Zone Purpose.</td>
<td>Approach constrains likely timing for retail centre and with reduced flexibility may not achieve the new objective and therefore promote the Act’s sustainable management purpose.</td>
<td>Approach expected to avoid any perception of challenge to the viability, vitality and vibrancy of the Central City in the absence of enabling activity rules if 2041 timeframe retained.</td>
</tr>
</tbody>
</table>

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(iii))

The specific objective and supporting policies, rules and assessment criteria introduced are an efficient and effective set of provisions to promote the purpose of the Act. This is because the provisions will better manage the conversion of a greenfield environment in a timely manner for commercial activities. The urban design led approach aims to achieve a quality built environment to serve local business and residents. Customised performance standards and assessment criteria will assist in the determination of a consented proposal to ensure a proposal is consistent with the centre’s position in a commercial hierarchy in the City and the strategic commercial objectives for the City. The indicative location provides flexibility on the exact layout and configuration of the Retail Centre while still ensuring that it will be consistent with the City’s commercial hierarchy.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

The provisions are comprehensive, unambiguous and a more efficient and effective method to achieve the strategic objective of the plan change. This amended method (the integrated suite of new objective, polices and rules) is therefore adopted in the plan change.

6.4.5 Notification – 8.10

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))
### Proposal

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<tr>
<td><strong>Option A:</strong> Adopt the notification provisions determined by the Board; essentially 25H.7.3.1(ll) and (mm) are subject to the full assessment process under sections 95A-G and Council discretion to determine non-notification, limited notification or full notification in any particular case.</td>
<td>Provides for a more time consuming consent processing phase. Greater risk of development proposal being held up through public interest issues arising.</td>
<td>Public interest issues best served by enabling Council to provide for other parties to participate in decision making. Provides for a more robust and informed decision making framework under these circumstances.</td>
</tr>
<tr>
<td><strong>Option B:</strong> Adopt s95A-G provisions that remove the discretion of Council to notify such resource consent applications.</td>
<td>Risk is in the circumstances where the rejuvenation of the Central City is not able to be recognised notwithstanding the policy focus. Likelihood that there is no agreement from the expert commercial retail analyses and that the effects are beyond the permitted threshold and likely to be more than minor.</td>
<td>Enables a more streamlined consent processing path without the risk of wider (limited/public) notification, and delays with a hearing to determine the merits of a case and associated rights of appeal.</td>
</tr>
<tr>
<td><strong>Option C:</strong> Adopt s95A-G provisions that remove the discretion of Council to notify such resource consent applications with exceptions in relation to LDP, Vehicle Movements.</td>
<td></td>
<td>Consistent with DP</td>
</tr>
</tbody>
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**Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))**

Retaining the discretion with specific exclusions that require notification and effected party approval in relation to LDP and vehicle movements on notification for selected activities most appropriately achieves the objective concerning the Ruakura Retail Centre. The objectives are reflective of a wide range of public interests and it will be efficient and effective to enable other parties to participate in those decision making processes where Council determines that this is necessary. This is a reasonably practical and responsive approach to sustain the long term development of the retail centre which is intended to have a catchment beyond the immediate residential area in Ruakura.

**Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))**

The provisions are comprehensive, unambiguous and a more efficient and effective method to achieve the objective of the plan change. This amended method is therefore adopted in the plan change.
6.4.6 Integration of University of Waikato, Waikato Innovation Park and AgResearch DP Provisions

The DP includes specific provisions for the University of Waikato, Waikato Innovation Park and AgResearch. The plan change approach continued with this, but included a concept plan consent mechanism for dealing with the respective sites. Further refinement of activity specific provisions is discussed below.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

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<tr>
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<tr>
<td>Option A: Incorporate a fuller set of provisions for the Knowledge Zone (zone purpose, objectives and policies and customised rules providing for concept plans for the integrated development of each precinct) thereby recognising the commercial focus of each of the three interrelated facilities – University of Waikato, AgResearch and Waikato Innovation Park</td>
<td>Status quo provisions from the DP and the Waikato section of the Operative District Plan (AgResearch, Waikato Innovation Park) are not ‘rolled over’</td>
<td>Comprehensive and integrated framework for the continued development of each of the major facilities derived from the review of Operative provisions of the District Plan and the Board decision to provide a contemporary resource management framework.</td>
</tr>
<tr>
<td>Option B: Maintain the Knowledge Zone provisions as in the DP</td>
<td>Don’t reflect the amended set of planning provisions confirmed in the Board decision which provides for an improved set of planning and urban design controls</td>
<td>Roll over of existing PDP deferred provisions.</td>
</tr>
<tr>
<td>Option C: Incorporate BOI, PODP and amend Concept Plan Consents for Precincts A, B and D.</td>
<td>Status quo provisions from the DP and the Waikato section of the Operative District Plan (AgResearch, Waikato Innovation Park) are not ‘rolled over’</td>
<td>Comprehensive and integrated framework for the continued development of each of the major facilities derived from the review of Operative provisions of the District Plan and the Board decision to provide a contemporary resource management framework. Gives effect to matters raised in submissions on the Plan Change.</td>
</tr>
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</table>

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(iii))

These provisions integrate two sets of planning provisions; one from the Operative Waikato section of the Hamilton City District Plan and the other from the Board decision and amendments as a result of the plan change hearing process. Their integration is achieved through the plan change.
These provisions include the adoption of precincts for each facility and the use of concept plans to manage development of each facility is an efficient and effective way to achieve the relevant objective and policy and the most appropriate way to achieve the objectives for the Zone. The Concept Plan as a method to implement and manage large scale and staged development of major facilities also is an efficient and effective way to achieve the relevant objective and policy for each facility and the most appropriate way to achieve the objectives for the Zone.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii)

The provisions are comprehensive, unambiguous and a more efficient and effective method to achieve the objective of the plan change. This amended method is therefore adopted in the plan change.

6.4.7 Activity Specific Amendments – 8.3.1

The draft plan change included the BOI decision for greenfield area Precinct C and existing established sites at Precincts A, B and D. The BOI decision has been continued within the Knowledge Zone provisions in 8.3.2 and 8.3.3. The Notified PDP University of Waikato provisions are also largely unchanged.

Feedback received on the draft plan change provisions for Waikato Innovation Park and AgResearch has contributed to amendments to activities in 8.3.1. This includes the addition of new activities 8.3.1x) Maintenance or repair of buildings and 8.3.1y) Field days and open days relating to research and innovation activities both as permitted. The activity of Parking Lots and Parking Buildings has been split from the draft plan change, where Parking Lots are provided as a Permitted activity, but Parking Buildings continue to be a Restricted Discretionary activity regarding design and layout, character and amenity and transportation.

Further amendments to activities occurred through the hearing process to ensure the plan change was consistent with the Environment Court on concept plans. The following activities 8.3.1 were amended to reflect the change in activity status where a concept plan was required versus no concept plan and the different activity status (b – deleted, d – amended, f) – deleted, e – amended, h – amended).

Commercialisation of activity ancillary to research, innovation, food production, education and laboratory activities has also been provided for a Permitted activity. The draft plan change provided for this a Restricted Discretionary activity, but recognition of the role of the Knowledge Zone and the specific nature of the commercial activity highlights the appropriateness to provide for this as a Permitted activity.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(ii) and Section 32(2))

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<tr>
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<tbody>
<tr>
<td>Option A: Retain the BOI decision for the Knowledge Area and include the DP provisions for the wider Knowledge Zone, including the University of Waikato</td>
<td>Creation of four different precincts within the Knowledge Zone would not reflect the Plan Change process and changes that have occurred due to submissions and hearings</td>
<td>Clarifies the different precincts within the Knowledge Zone and the activities that are provided. Recognises the unique context of each precinct and provides for the necessary growth and</td>
</tr>
<tr>
<td>Option B: Retain the BOI decision for the Knowledge Area and roll out into the wider Knowledge Zone, including the University of Waikato, AgResearch and Waikato Innovation Park.</td>
<td>Fails to consider the existing environment by not providing for specific precincts for the University of Waikato, AgResearch or Waikato Innovation Park within the Knowledge Zone.</td>
<td>No benefit.</td>
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<tr>
<td>Option B: Retain the DP provisions for the Knowledge Zone and not integrate the BOI decision into the Knowledge Zone.</td>
<td>This would lack important clarity and refinement that occurred during the BOI decision process. This would not give effect to the BOI decision.</td>
<td>No benefit and could result in legal challenge.</td>
</tr>
<tr>
<td>Option D: Retain BOI with DP provisions with amendments relating to removal of different activity statuses between activities with or without concept plan</td>
<td>Creation of four different precincts within the Knowledge Zone.</td>
<td>Clarifies the different precincts within the Knowledge Zone and the activities that are provided. Recognises the unique context of each precinct and provides for the necessary growth and planning mechanism to achieve this. Reflects changes that have occurred through the submission and hearing process.</td>
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</table>

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

The Knowledge Zone is made up of three existing sites being the University of Waikato, AgResearch and Waikato Innovation Park and one additional greenfield site that includes two functions being the Ruakura Retail Centre and Knowledge Area as determined in the BOI decision. The most efficient and effective method for giving effect to the different sites and functions is to create four separate precincts within the Knowledge Zone, each with a focus on the activities that are existing or expected for that site.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

The creation of four precincts for the Knowledge Zone will allow for site specific development and activities to continue under the broader objective and policy framework of the Knowledge Zone. Option D will achieve this.
6.5 Chapter 4: Residential Zone

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<tbody>
<tr>
<td>Section 10 Medium Density Residential Area</td>
<td>S32 Residential Zone Partly Operative October 2016</td>
</tr>
</tbody>
</table>

B BOI s32AA commentary in relation to plan change

BOI paragraphs 738 – 776 detail the rationale for the Medium Density Residential Area at Ruakura. The key advantages of medium density residential within the area include the predominantly flat land, directly adjacent to existing residential development at Fairview Downs, proximity to the CBD, excellent access to key roading infrastructure and the ability to comprehensively develop due to the single land ownership.

- 25H.9.1 Purpose
- 25H.9.2 Objectives and Policies
- 25H.9.3 Rules
- 25H.9.4 General Rules
- 25H.9.5 Assessment Criteria
- 25H.9.6 General Standards
- 25H.9.7 Specific Standards

C Applicant’s Section 32 Assessments

31 October 2013 (relating to notified change):
Page 53 of Ruakura Private Plan Change Section 32 Report refers to Medium Density Residential area.
Comprehensive Development Plans, residential buildings, residential activities, other residential facilities and commercial activities and structures being provided for in the medium density area. Page 62 of s32 report.

9 June 2014 (relating to amended Change as at 26 May 2014):
Page 25 - 6.2 Objectives Most Appropriate to Achieve the Purpose of the Act.
25H.9.2.5c Section 7.2.2 October 2013 S32

D BOI Overall section 32AA Conclusion

Affirms significance of Medium Density Residential Area at Ruakura.

E Additional Assessments to meet s32 duty

Incorporate Land Development Plan process
One Integrated Retail Development
Ruakura specific general standards
Controlled Activities – Matters of Control
Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

6.5.1 Assessments required to meet s32 duty to incorporate provisions into the plan change

Following on from the table above the key s32 assessments are covered in detail below:

1. General Residential Zone
2. Insertion of Ruakura Medium Density Residential Zone (4.5.4) with amendments
3. Ruakura Medium Density Residential Zone – Extension
4. One Integrated Retail Development (4.8.1)
5. Large Lot Residential Zone
   - Purpose
6.5.2 General Residential Zone

The development of the general residential areas is not proposed to be staged. It is expected that the general residential areas will be developed from extensions to existing and new roads and infrastructure.

25H.8.1 General Residential Area.

The relevant DP General Residential Zone provisions are appropriate to apply to the general residential areas identified in the BOI decision. This will provide for one set of general residential provisions for the city and will recognise the importance of the PDP process regarding the residential zone provisions.

Chapter 4 Residential Zones

The BOI decision included the general residential provisions as provided in the Hamilton Operative District Plan 2012. As the plan change is to the Hamilton District Plan it is important to consider the rationale for adopting the general residential provisions within it.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

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<tbody>
<tr>
<td>Option A: Adopt the DP general residential zone provisions for the Ruakura area.</td>
<td>Any differences between the ODP 2012 and DP general residential provisions will be relevant to consider. Does not give effect to BOI decision which relied on ODP 2012 provisions.</td>
<td>Provides for strong alignment with the DP general residential provisions and provides continuity for the entire city approach to general residential provisions.</td>
</tr>
<tr>
<td>Option B: Rely on BOI decision which refers to Operative District Plan general residential provisions.</td>
<td>The administration and confusion created by having two separate general residential zone provisions within the City.</td>
<td>Directly aligns with the BOI decision.</td>
</tr>
</tbody>
</table>
Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

Option A is the most effective and efficient way to provide for general residential zones within the Ruakura area. This does not directly give effect to the BOI decision, but importantly aligns with the DP which has been through a full public and robust planning process.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

This approach will allow for easy integration within the DP general residential provisions and provides continuity for the entire city approach. This importantly recognises the formal process the general residential provisions have been through in relation to the DP.

6.5.3 Insertion of Ruakura Medium Density Residential Zone

A new section within Chapter 4 Residential Zones is provided for to give effect to the Board’s decision. The Board identified in its decision ‘The rationale for the Medium Density Residential Area [now Ruakura Medium Density Residential Zone] is in accordance with the relevant strategic statutory documents and that the provisions in the plan change will enable development to occur in a timely manner and will achieve an appropriate level of amenity.’ The options for Council to consider in this plan change are as follow:

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

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<tr>
<td>Option A: Incorporate the BOI decision provisions into the DP residential framework. This includes integrating the LDC mechanism, a separate activity status table and relevant general and specific standards. Include amendments to the Activity Status Table to reflect changes as an outcome of the submission and hearing process.</td>
<td>Separate set of planning provisions and process for the Ruakura Medium Density Residential Zone to the city wide Medium Density Residential provisions.</td>
<td>Recognises the unique context of Ruakura and the robust and technical process considered during the Board process.</td>
</tr>
<tr>
<td>Option B: Rely on the existing medium density provisions within the DP.</td>
<td>Does not give effect to the BOI decision and fails to recognise the substantive work that went into the BOI process for Medium Density.</td>
<td>One method for medium density residential growth within the City.</td>
</tr>
</tbody>
</table>

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(iii))

Option A is the most effective and efficient way to give effect to the BOI decision and process. This will integrate the LDP mechanism into the Medium Density Residential Zone for Ruakura and provide a unique set of Medium Density provisions. Amendments to the BOI decision aligns the terminology and activity status of Papakainga with the existing DP.
Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

This will integrate the full set of medium density provisions developed through the BOI decision process and utilise the appropriate mechanism determined as the LDP application process.

6.5.4 Medium Density Residential Zone – Extension

The BOI decision confirmed 43 hectares of medium density residential development as part of the Plan Change at the north end of the Ruakura area. The 43 hectares is held in single ownership by Chedworth Properties Limited (CPL). Density targets for residential growth were developed through Future Proof and incorporated into the Waikato Regional Policy Statement (WRPS) within Policy 6-14. The WRPS confirms density yields for the Central City (50 dwellings per hectare), intensification areas (30 dwellings per hectare) and within Greenfield areas (16 dwellings per hectare). Ruakura fits within the Greenfield context and the relevant objective with 16 dwellings per hectare for residentially zoned land. Land Development Plan Area J which has already been consented by Council totals 150 lots on 7.2 hectares and has a total yield of approximately 21 dwellings per hectare.

Feedback on the draft Ruakura Plan change provisions from CPL sought a zoning change of their general residential land totalling approximately 22 hectares at the northern end of the structure plan, to the east of the Spine Road, to a medium density residential zoning. The following options have been considered by Council:

- Retain the current general residential zoning;
- Rezone the 22 hectares of land owned by CPL from General Residential to Ruakura Medium Density Residential Zone;
- Rezone the 22 hectares of land owned by CPL from General Residential to Ruakura Medium Density Residential Zone – excluding the 1.3 hectare site located north of Greenhill Link Road and east of the Spine Road North; and
- Rezone the entire 60 hectares of general residential land east of the Spine Road at the northern end of the structure plan to Ruakura Medium Density Residential Zone.

The rezoning of the 60 hectares to Ruakura MDRZ was not explored in more detail as feedback was not received from the adjoining land owner on this proposal and how that property could be impacted.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

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<tbody>
<tr>
<td>Option A: Rezone the 22 hectares of land owned by CPL from General Residential to Ruakura Medium Density Residential Zone</td>
<td>Includes a separate 1.3 hectare parcel of land to the north that will be severed from the balance area by Pardoa Boulevard.</td>
<td>Higher yield, providing a mix of housing typologies in Hamilton and adding to the housing stock of a growing City. Provides integration with wider infrastructure investment in roading and three waters. Supports the existing and proposed neighbourhood centres which are within a walking catchment of the 22</td>
</tr>
</tbody>
</table>
## Section 32 Evaluation Report: Plan Change No.1 Ruakura - Operative District Plan

| Option B: Rezone the 22 hectares of land owned by CPL from General Residential to Ruakura Medium Density Residential Zone – excluding the small 1.3 hectare site located north of Pardoa Boulevard and east of the Spine Road North. | Excluding the 1.3ha which is the only remaining CPL land not zoned medium density will result in a disjoint between the already medium density zoned land in the same ownership. | Higher yield, providing a mix of housing typologies in Hamilton and adding to the housing stock of a growing City. Provides integration with wider infrastructure investment in roading and three waters. Supports the existing and proposed neighbourhood centres which are within a walking catchment of the 22ha. |

| Option C: Retain the current general residential zoning | This does not recognise the different typologies of housing that can be achieved through medium density residential land, that the single ownership of the 22 hectares enables a comprehensive approach to medium density residential development or recognise the locational benefit of the land in proximity to an established neighbourhood centre and a proposed neighbourhood centre within a walking catchment and employment opportunities on the east side of the City. | Maintains the opportunity for traditional residential development to occur over the planning period. |

### Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

Option A is the most appropriate as it efficiently provides for residential growth at a scale that is comparable to the locational context of the site and provides for a mechanism to deliver a higher yield which best utilises land zoned for residential in the city and provides a mix of typologies in Hamilton. The area has locational advantages favourable to its intensification for residential development including good access to Wairere Drive and the Waikato Expressway and the area can be serviced. The area is close to employment on the eastside that is predicted to grow over the planning period. This option will also support the adjacent medium density area on the western side of the Spine Road as a medium density residential node.

### Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))
This option is supported for the reasons outlined above and the confirmation that different densities are being achieved throughout the City and for Greenfield development medium density is a viable and efficient use of land.

This aligns with the BOI decision were in paragraph 747 it confirmed the following key advantages ‘the land is predominately flat, directly adjacent to existing residential development at Fairview Downs, it is 2.7km from the CBD, has excellent access to Wairere Drive arterial and proposed Wairere Drive interchange with the WEX and it has a large landholding that can be comprehensively developed compromising approximately 1,800 households’ when referring to land west of the Spine Road. The same synergies apply to the land east of the Spine Road.

The BOI traffic modelling was based on assumptions of 16 households/ha (net) for general residential areas and 28 households/ha (net) for higher density areas. Under a general residential zoning (average section size 625m²) 208 households could be achieve, whereas under a medium density zoning (average section size 360m²) a total of 364 households could be achieved. The scale of the zoning change could theoretically net an additional 156 dwellings and achieve a density of 28 dwellings per hectare which is not considered to have an adverse impact on the infrastructure capacity or traffic generation at Ruakura from the assessments carried out by Council.

Further evidence was provided during the plan change hearing regarding the traffic effects of an additional 1ha of Medium Density Residential zoned land and it was considered that traffic effects would not have a significant effect.

For the above reasons, it is appropriate to extend the Ruakura MDRZ east of the Spine Road for land owned by CPL.

6.5.5 One Integrated Retail Development

The BOI decision describes in paragraphs 766-768 the purpose of the intended neighbourhood centre in the Ruakura Medium Density Residential Zone. This is described as an “integrated retail centre” in the supporting assessments presented to the Board. The centre was to be established “within the general location shown on Figure 25H(3) with its size limited to 3,500m² gfa.” The Retail Joint Witness Statement 10 April 2014 confirmed the appropriateness of the planning provisions including its locational flexibility to be included in the provisions for the Ruakura Medium Density Residential Zone.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

<table>
<thead>
<tr>
<th>Proposal</th>
<th>Costs</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option A: Incorporate the BOI decision relating to the establishment of an integrated retail centre in a location generally identified in the Ruakura Structure Plan as part of the Medium-density Residential Zone.</td>
<td>Approach is not replicated in a similar manner elsewhere in the city.</td>
<td>The approach recognises the unique context of the Ruakura Medium Density Residential area and its supporting objective and policy mix. The Retail Joint Witness Statement 10 April 2014 confirmed the appropriateness of the planning provisions to achieve its integrated development while...</td>
</tr>
</tbody>
</table>

60
Option B: Not provide for an integrated retail centre as part of the Medium Density Residential Zone provisions or notate this opportunity on the Ruakura Structure Plan.

Does not give effect to the BOI decision or support expert witness opinion that the approach is appropriate to and consistent with the City’s business hierarchy. Approach does not recognise the differences between the Ruakura Medium Density Residential Zone and similar zones elsewhere in the City.

One method for medium density residential growth.

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

Option A is the most effective and efficient way to give effect to the BOI decision and process. This approach is supported by the retail expert witnesses and in particular the approach recognised that it was best to leave its final location flexible and distant from the consented ‘Portland’ development.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

This will integrate the full set of medium density provisions including a neighbourhood retail centre developed through the BOI decision process.

6.5.6 Large Lot Residential Zone

This s32 discussion relates to the Percival and Ryburn Road Large Lot Residential Zone which was deferred as part of the PDP hearing process. The Large Lot Residential Zone for SH26 was determined in the PDP hearing process and is not subject to this assessment.

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Outside the Plan Change area.</td>
<td>S32 Residential Zone Partly Operative October 2016</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B BOI s32AA commentary in relation to plan change</th>
<th>B S32 Commentary relevant to plan change</th>
</tr>
</thead>
<tbody>
<tr>
<td>The PDP zones the Percival Road/Ryburn Road area Large Lot Residential (although the Structure Plan proposes RLZ). The owners of these properties have submitted in support of the PDP zoning, whereas other parties such as FutureProof Implementation Committee, NZTA and TGHL have submitted to request it be zoned RLZ. This area has been omitted from the requested Plan Change, leaving that issue to be determined in the PDP hearings.</td>
<td>Within the Ruakura Structure Plan there are two areas of Large Lot Residential Zoning. These areas are not currently serviced by full Three Waters infrastructure and the future lot sizes are such to retain this situation in the future. One of these areas is the area bounded by Percival and Ryburn Roads and bounded by the Waikato Expressway. Whilst this area has a Large Lot Residential Zoning, the Ruakura Structure Plan identifies this for Logistics in the longer term.</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>C Applicant’s Section 32 Assessments</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Outside the Plan Change area.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>D BOI Overall section 32AA Conclusion</th>
<th>D Overall section 32 Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>BOI decision does not consider the zoning of the Residential Enclave to the north of the railway line.</td>
<td>The PDP as notified identified the residential enclave with a Large Lot Residential Zoning, with the structure plan identifying long term as logistics. The same approach has been taken for the variation.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>E Additional Assessments to meet s32 duty</th>
<th>E Additional Assessments to meet s32 duty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purpose 4.1.4 Large Lot Residential Zone updated to reflect residential enclave New Objectives 4.2.10 and 4.2.11 and Policies 4.2.10a-d and</td>
<td></td>
</tr>
</tbody>
</table>
6.5.6.1 Assessments required to meet s32 duty to incorporate provisions into the plan change

Following on from the table above the key s32 assessments are covered in detail below:

1. Management Options for the Ryburn / Percival Road Area
2. National and regional policy
3. Zoning
4. Subdivision
5. Private Property Rights and Reasonable Use
6. Interface controls
7. Reverse sensitivity
8. New objectives and policies (4.2.10, 4.2.11 and 4.2.12)

6.5.6.2 Management Options for the Ryburn/Percival Road Area

One of the most challenging issues considered in the preparation of the plan change is how to provide for the established rural residential enclave - the Ryburn/Percival Road residential enclave (the enclave). The enclave is the closest residential area to the proposed inland port and is part of a substantial land bank area earmarked for expansion of the port over the long term. However, the timing of that development is unclear.

There are four matters to consider when addressing the area’s future land use status:

1. National and regional policy;
2. Zoning;
3. Subdivision; and
4. Amenity and reverse sensitivity

6.5.6.3 National and Regional Policy

In considering the establishment of an inland port, the Board noted (and the position is supported by the Council):

- The inland port proposal is consistent with the strategic planning framework and notably the RPS with the inland port recognised as being part of the industrial land allocation for a ‘Ruakura’ area [paragraphs 106-109];
- The site’s location adjacent to the ECMT railway and proposed WEX is important to ensure it viability long term [paragraph 112-114, 205-236 and 238-244]; and
- The development of the inland port is guided by a vision. This is underpinned by a set of strategic framework and area–specific objectives and policies that acknowledge the staged release of land supported by infrastructure services and roading to manage the potential effects at the interface between new and established activities in the area [paragraphs 191-204].

The Board decision amended the Waikato section of the Hamilton Operative District Plan by introducing the extensive Schedule 25H Ruakura provisions for a part of the R1 Area. This effectively substituted, with respect to the Hamilton City Proposed District Plan a logistics area (or zone) and
two Industrial Park zones [paragraph 2] and left the balance area of R1 to be ‘reconsidered’ as part of this plan change and to integrate into the Proposed District Plan (now Operative). The zoning status for the enclave comes into this latter category and must be determined through the plan change to the District Plan.

The RPS confirmed a staged future allocation for industrial land in the Region and this includes an allocation for land within Hamilton City. This allocation is anchored in three strategic industrial nodes in Hamilton (Rotokauri, Ruakura and Te Rapa North). Ruakura has the largest land area allocation over the period 2010-2061 totalling 405 hectares. This is summarised in Table 25H(1): Industrial Land Allocation in the Future Proof Area [Board decision Plan Change 2, page 13].

At the policy level there is consistency between the Board decision and the RPS. The District Plan is required to give effect to this confirmed regional industrial land allocation strategy.

The key resource management issue is: What is the most effective and efficient means (the s32 test) to manage the transition from the existing legitimately established pattern of land use and most notably, the Ryburn-Percival Road residential enclave so as to enable the strategic land use pattern to establish over time consistent with the Waikato RPS and the Board of Inquiry decision?

In summary, it has been assessed that to give effect to the RPS then:

- A Future Ruakura Logistics Area shall apply over the residential enclave on the Ruakura Structure Plan Figure 2-14 over the long term; and
- The Large Lot Residential zoning apply on the zoning maps for the current planning period.

The following discussion sets out those reasons.

### 6.5.6.4 Zoning

The enclave currently is zoned Countryside Living under the Operative, Waikato section of the Hamilton City District Plan. The ‘zoning’ options promoted for the enclave were subject to two planning regimes under the Proposed District Plan, for which decisions were deferred during the Plan hearings in 2013 and 2014:

1. A Ruakura Logistics notation on the Ruakura Structure Plan Figure 2-14 to support the operation of an inland port - this illustrates where future land use is required to be in ‘general accordance with’ Figure 2-14 and Section 3.7 and specifically 3.7.1.6b) and 3.7.4.1; and
2. A Large Lot Residential zoning on Planning Map 40A, and explanatory text under 4.1.4ii) that describes the area ‘transitioning to a Logistics Zone in future district plans’.

The following submissions were lodged to the Proposed District Plan that specifically focused on the future zoning of the enclave:

- NZTA (#924);
- TGH (#913);
- FutureProof (#608);
- Peter and Barbara Ryan (#1006);
• Derrick and Robyn Masters (#835);
• ANG and SL Clarke (#951); and
• WR Cowie on behalf of Ruakura Residents Group (RRG) (#1275).

There are two diametrically opposed groups of submissions concerning the desired future zoning/resource management framework that should apply and therefore must be addressed (and resolved) in the plan change. These are:

1. Rezone to Ruakura Logistics Zone now to provide for the long term efficient urbanisation of the strategic growth node.
   This will avoid land use incompatibility and reverse sensitivity issues in the future; or
2. Retain the large lot residential zoning.

The following feedback was received on the draft plan change:

Waikato Regional Council support the general approach outlined above;

New Zealand Transport Agency supports the general approach in the draft plan change;

TGH support the logistics zoning over the Percival/Ryburn Road enclave on the Structure Plan map;

Ruakura Residents Group reserves the right to form a view after seeing the s32 discussion document at notification.

Council’s position remains as set out in the notified Plan; that is, the District Plan provides for a Large Lot Residential zoning for the Percival/Ryburn Road enclave while the Structure Plan map shows a Future Logistics Area in the long term. The position is summarised in Chapter 4.1.4 Large Lot Residential Zone in the plan change.

* A detailed discussion on the 405 RPS requirement is outlined in section 8.4.*

### 6.5.6.5 Subdivision

Given the above unique planning circumstances what approach to subdivision would be consistent with the sustainable management purpose of the Act?

The current subdivision provisions under the Waikato section of the Operative Plan provides for subdivision to 5,000m². The Proposed District Plan set out a minimum subdivision threshold of 2 hectares (Rule 4.4.1i)) for future subdivision in the enclave. This compared with the 2,500m² threshold for nearby Large Lot Residential area adjacent to SH26.

A desktop assessment of the additional lots able to be created is summarised, with the qualification noted below:

### Residential Enclave Subdivision Comparison – June 2015

<table>
<thead>
<tr>
<th>Minimum net site area</th>
<th>Sites with the enclave</th>
<th>Additional sites*</th>
<th>Total Sites</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning – Country Living (Waikato section): 5,000m²</td>
<td>33</td>
<td>25</td>
<td>58</td>
</tr>
</tbody>
</table>
The creation of additional lots is not going to be on the basis of providing new or further infrastructure to service the area as this area is not identified for servicing during the planning period. While general intensification of activity could be expected this cannot be based on having a higher amount of serviced land for urban (residential) purposes. This is reinforced by the enclave’s location - not being adjacent to or contiguous with existing urban development now or in the foreseeable future.

The above analysis of the unimplemented subdivision potential that theoretically is possible shows that if the subdivision net site area is between 2,500-5,000m² and additional 25-92 sites could be created. This could result in the doubling or tripling in the number of residential sites created conditional upon each site being self contained with respect to servicing.

What effect might this reduction in net site area permissible for subdivision have if the threshold were reduced to 5,000m² or even 2,500m² rather than adopting the 2 hectare minimum?

As part of preparation for the plan change Council commissioned a feasibility assessment to understand the likely impacts on property value associated with a transition from Country Living / Large Lot Residential zoned land to a logistics use and zoning in the future. The Telfer Young Report clarifies two key points worth highlighting:

The report states that the market activity can be described in two ways; ‘the effect on property value from intensification of land use through change of zoning’ and ‘the effect on property value specific to a locality as a result of a change of land use in that locality seen as ‘unpopular’’. Both of these effects are important contributors to the current land value in this locality. The perception of an unpopular trigger can generate a market reaction that results in a ‘trough shaped value curve’ where its depth and length are dependent on the level of perceived effects.

The report goes on to state; ‘the value will predominate be determined by supply and demand which is underpinned by physical characteristics and regulatory conditions such as zoning’. The quantifiable extent of supply and demand is not covered in the feasibility report, but instead concluding observations are made around this key issue for the Ryburn / Percival Road context:

- **Initial values may be impacted by market perception of industrial activity being developed in the inland port area immediately to the south until such time as the activity and its effects can be measured**
- **The retention of the rural residential zoning amongst the surrounding Logistics Zone may alter the natural dynamic and demand toward highest and best use. Potentially this could slow a typical market transition as the intensification of use will require the rezoning of the area.**
The retention of the rural residential zoning maintains a market perception of a residential area next to industrial development.

6.5.6.6 Private property rights and Reasonable use

Section 85 RMA 1991 provides for a landowner to challenge a proposed plan’s provisions when the provision(s) would render the land incapable of reasonable use. The term is defined under subsection (6) in relation to any land, to be “...the use or potential use of the land for any activity whose actual or potential effects on any aspect of the environment or on any person other than the applicant would not be significant.” Case law suggests there is a ‘public interest’ component to the consideration of whether the statutory purpose of promoting sustainable management is served in this context.

From the above assessment Council has determined that a landowner’s expectation of ‘reasonable use’ can be met while promoting the sustainable management purpose of the Act by maintaining the existing subdivision controls. This is on the basis that there is a highly uncertain timeframe for the expansion of the inland port’s operations being at least beyond the life of the current Plan. Therefore the conversion of the land for port purposes that presently supporting residential activities is not part of the immediately foreseeable needs of the planning period.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

<table>
<thead>
<tr>
<th>Proposal</th>
<th>Costs</th>
<th>Benefits</th>
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</thead>
<tbody>
<tr>
<td><strong>Option A:</strong> Retain current subdivision entitlement - minimum net site area 5,000m².</td>
<td>Uncertainty to landowners and the market resulting from the ‘shadow’ of a Logistics zoning applying long term. May alter the natural dynamic of supply and demand toward highest and best use, as a Logistics use would require a zoning change. This could slow a typical market transition as the intensification of land use to logistics will require rezoning to occur beforehand.</td>
<td>Maintains subdivision entitlement and thereby preserves the opportunity to landowners for the subdivision of their land over the planning period. Provides for best use of the land in the interim, with recognition that if the Inland Port is successful the land will be of higher value given its locational advantages. Future purchasers of land within this area will understand the long term intended use of the land.</td>
</tr>
<tr>
<td><strong>Option B:</strong> Adopt subdivision entitlement - minimum site area 2,500m².</td>
<td>Considered to undermine the operative land allocation provisions of the RPS. Will not satisfy the Council’s statutory duty to ‘give effect to’ regional policy. Possibly undermine the agglomeration benefits of this area as part of a large land bank to meet the long term development of the port. Agglomeration was an important aspect that</td>
<td>Provides greatest opportunity to landowners for the subdivision of their land.</td>
</tr>
</tbody>
</table>
Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32 (1)(b)(ii))

Option A reflects the current subdivision provisions. This approach is considered an efficient and effective mechanism that with a limited uptake of new titles, is unlikely to be viewed as being contrary to strategic planning policy while still promoting the sustainability purpose of the Act.

The alternative options either directly challenge the regional policy (Option B) by not recognising and signalling the long term expectation for a logistics zoning to apply to the enclave and undermining the agglomeration benefits associated with this site (35 hectares) that was recognised through the BOI decision, or substantially reduce the current subdivision entitlement (Option C) so that the land is unlikely to be subdivided for residential purposes in the short term while the long term development programme for the inland port remains so uncertain. Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

This approach to retain the status quo with respect to the subdivision entitlement during the course of the current planning period acknowledges the overall uncertainty over the rate of expansion of the inland port and on this basis will be the most appropriate method to be adopted in the plan change. However as a result of appeals lodged on this matter all the parties agreed to a hybrid approach to require a minimum subdivision of 2ha except for Lot 8 DP 9210 which has a minimum of 5000 m2.

Interface Controls

Regardless of which zoning or subdivision planning framework is adopted, there is a need to provide controls in the plan change to manage those foreseeable environmental ‘sensitivities’ from the port’s operations on the established neighbouring rural residential enclave.

The BOI decision provides a robustly developed evidential base to support rules and performance measures for the continuation of a managed buffer between the residential properties, the road reserve and the neighbouring land that in time, will be used for facilities to support the 24/7 operation of the inland port.

Advice was received from Isthmus Group when considering possible approaches to screen activities associated with the inland port operations from direct view of residences as one measure to maintain residential amenity. Isthmus have confirmed (in summary):
• A landscape buffer should apply adjacent to the Percival Road road reserve;
• The planted buffer be 20 metres wide, with a further 10 metre setback for buildings on the neighbouring site; and
• The 20 metre depth is adequate distance to provide for planting that accommodates the existing plane trees, understory planting and an evergreen hedge to 12 metres.

Feedback on the draft plan change from TGH sought to reduce the buffer area from 30 metres to 10 metres for the landscape planting strip (as opposed to the 20 metres strip plus a 10 metre building setback) because an extensive area of land would be taken ‘out’ to achieve the screen planting. 3.5 hectares was suggested as being the land area lost for either logistics or industrial purposes.

The following comparison can be made with the now operative Industrial Amenity Protection Area (APA) provisions for those locations where industrial zoned land is adjacent to residential zoned land. Some examples are the industrial zoned enclaves anchored around Riverlea Road, Ruakura Road and Kaihikatea Drive.

The planning control is described under the ‘Explanation’ to Objective 9.2.3 as: “to protect residential sites where they are adjacent to land within the Industrial Zone. Industrial properties covered by the Amenity Protection Area are subject to additional standards. …” The objective itself sets clear expectations:

The adverse amenity impacts of industrial activities on residential and open space areas are to be avoided.

The relevant rules under 9.4 (summarised) directed to achieve this objective are:

• Building setbacks from residential boundaries 8 metres
• Maximum building height 20 metres except 10 metres for part of a building in APA
• Site coverage No maximum except within APA where 75% maximum

In summary, these performance standards limit the location, bulk and intensity of industrial development on sites to promote minimal if any adverse amenity impacts on neighbouring residential activities. No provision is made for a planted buffer.

These provisions apply where there are residential and industrial activities ‘co-locating’. The interface area under consideration as part of this plan change is greenfield (rather than ‘brownfield’ in the urban area of Hamilton), rural in outlook and with a row of established planting on/along the Percival Road reserve. The plan change affords the opportunity to promote a comprehensive approach to ‘protect’ residential amenity in the context of objective 4.2.10 noted above that is not possible under the APA provisions.

Council’s assessment is that from the guidance provided from the Board decision including the objective and policy framework now incorporated into the plan change (and specifically objective 4.2.10 ‘Protect the amenity values of the Percival Road-Ryburn Road Large Lot Residential enclave, while providing for urbanisation of the balance area consistent with the visions for the Ruakura
Structure Plan area.’) then the nature and extent of the planting and screening proposed is necessary to promote the sustainable management purpose of the Act.

Through the hearing and appeals process all the parties agreed to a 15m wide buffer adjacent to Percival Road and the concept is therefore adopted, implemented and illustrated in Chapters 10.5.4.3 and Figure 10.5.4.3a (Ruakura Logistics Zone) and Chapter 11.5.3 and Figure 11.5.3a (Ruakura Industrial Park Zone). Buildings to a permitted height of 20 metres (sourced from the Board decisions for the Logistics Zone-Sub Area A for example) can be partially screened with an intervening viewing distance of approximately 50 metres from residential boundaries and 60 metres from the nearest houses. The concept drawing does not take account the potential benefits achieved from screening from any existing plantings on the residential properties.

6.5.6.8 Reverse Sensitivity

The Board decision records that development of the inland port is going to bring gradual and adverse impacts on the amenity of the residential enclave over time and the appropriateness of planning controls to ‘manage’ this anticipated gradual change is desirable. This opinion also reinforces the Council’s own position that the adoption of the interface controls above is one method focused on screening. Another method is the acoustic controls derived from the BOI decision regarding noise and have also been included in the plan change. A further method is the lighting and glare controls to limit light spill effects. The incorporation of resident representation on the Community Liaison Committee (a mechanism developed by the Board) is another avenue where noise nuisance and general amenity issues associated with the port’s operation can also be addressed.

Collectively, these rules provide a pro-active management approach to address on an on-going basis the operational aspects of the port and therefore have been incorporated into the plan change.

Consideration has also been given to the adoption of no-complaint covenants to be registered on the title of subdivided lots in favour of the inland port/land owner. This would bind new landowners not to complain as to the environmental effects resulting from the lawful operation of the inland port.

On balance, this approach has not found favour because there is a suite of environmental controls in place from the BOI decision and being incorporated into the Plan through this plan change that deals with noise and vibration, lighting and glare, biosecurity, buffer/interface controls and screening that will safeguard overall amenity values for residents. Further, the operation of the Community Liaison Committee that involves the port operator, the Council and representatives of resident groups will provide a forum for the discussion of such matters.

**Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))**

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<tr>
<th>Proposal</th>
<th>Costs</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option A: Adopt with modifications the BOI approach to manage amenity through interface controls</td>
<td>Relatively extensive land area required is a direct burden (opportunity cost) to the landowner/developer. Ongoing maintenance time and</td>
<td>Addresses potentially significant amenity impacts associated with an expanding port operation by providing a planted screen prior to the</td>
</tr>
</tbody>
</table>
### Option B:
Adopt the DP provisions for amenity protection area (APA) to manage adjoining industrial and residential development

<table>
<thead>
<tr>
<th>Cost to the landowner/port operator.</th>
<th>Commencement of inland port operations on adjacent land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approach (performance standards, assessment criteria) does not reflect the nature and scale of the inland port and its operations 24/7.</td>
<td>Appropriate approach in an established urban context</td>
</tr>
</tbody>
</table>

### Option C:
Adopt either of the above options and put in place no complaints covenants to apply at the time of subdivision

| Future landowners will have provision recorded on title. Disincentive to subdivide and future purchasers. An extensive suite of performance standards are already proposed in the plan change to address matters in a collaborative manner between all the parties. | Protects landowner and port operator from future claims regarding loss of amenity and obligations to provide mitigation. Private agreement between parties that does not involve Council. |

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### Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32 (1)(b)(ii))

The provisions under Option A extend the Board’s approach to amenity management. This approach is considered an efficient and effective mechanism that will require proactive management of the inland port operations onto the neighbouring land to the residential enclave. This approach is considered to best promote the sustainability purpose of the Act.

The alternatives are less likely to achieve the same or comparable environmental outcomes and therefore achieve the purpose of the Act.

### Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

This approach to the management of amenity effects at the interface between residential and logistics activities of the inland port will be the most appropriate method and is adopted in of the plan change.

### 6.5.6.9 New objectives and policies (4.2.10, 4.2.11 and 4.2.12)

As a direct outcome of the extensive review of the provisions overall that will apply to the area there are two new sets of objectives and supporting policies incorporated into the plan change that seek to achieve the above diverse sets of environmental outcomes; namely 4.2.10, 4.2.11 and 4.2.12.

Objective 4.2.10 is a critically important objective. Its wording follows closely the wording of Objective 3.7.3.2 (Ruakura). The new objective is consistent with the strategic objective of the plan change and also is consistent with the sustainability purpose of the Act. Further, it aligns with the Council’s assessment that the current subdivision entitlement for the enclave can be retained given the uncertain timing for the strategic-level zoning change to ‘logistics’ being implemented. The non-public provision of infrastructure services for future development of the area is also consistent with the Council assessment that has not identified this area as being connected to city wide services as part of the Ruakura Strategic Infrastructure.
The policy also reinforces the need to ‘protect’ amenity values by requiring a landscape buffer adjacent to the rural residential zoned area that where practicable incorporates the established plane trees as part of that landscaped area.

Objective 4.2.11 and Policy 4.2.11a is clear in confirming that the most appropriate method to secure the actual rezoning of the area for ‘logistics’ is through a future change or plan change of the District Plan.

Objective 4.2.12 and policies 4.2.12a,b,and c, have been added to provide for the Ruakura Integrated Retail Development Centre to provide for a range of everyday goods and services to serve the walking population.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

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<thead>
<tr>
<th>Proposal</th>
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<tbody>
<tr>
<td>Option A: Adopt the new objectives and policies to manage amenity</td>
<td>Approach does not rely on existing use rights for the established activities. Longer term there may be conflict in trying to achieve the strategic ‘rezoning’ of the land for port purposes.</td>
<td>Addresses amenity impacts prior to the commencement of inland port operations on adjacent land while accepting zoning change can occur in the longer term through a notified planning process.</td>
</tr>
<tr>
<td>Option B: Adopt the DP provisions for amenity protection in Residential zones</td>
<td>Approach does not reflect the nature and scale of the inland port and its operations 24/7 and its potential adverse effects on amenity on the neighbouring rural residential enclave. Approach not ‘fit for purpose’.</td>
<td>Appropriate approach in an established urban context only.</td>
</tr>
</tbody>
</table>

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32 (1)(b)(ii))

The provisions under Option A extend and improve upon the Board’s approach to amenity management. This approach is considered an efficient and effective mechanism that will require proactive management of the inland port operations onto the neighbouring land to the residential enclave while enabling intensification of residential activity under existing subdivision rules. This approach is considered to best promote the sustainability purpose of the Act.

The alternative is less likely to achieve the same or comparable environmental outcomes and therefore achieve the purpose of the Act.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

This objective and policy approach to the management of amenity effects for the area zoned large lot residential is the most appropriate method and is adopted in the plan change.
### 6.6 Chapter 15: Ruakura Open Space

<table>
<thead>
<tr>
<th><strong>A BOI (BOI) Decision – September 2014</strong></th>
<th><strong>A Partly Operative District Plan – October 2016</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 12: Open Space areas, present an assessment, s32AA comments and support for new multi-purpose functions in 25H.10. Origin of new zone provisions summarised in paragraphs 842 and 843. Map 25H(1); Ruakura Schedule Area defines Open Space and quantum (50.61 hectares) confirmed in evidence (Goodwin, de Lambert). Paragraph 796 notes the mechanisms to create open space. Paragraph 799 notes the stormwater functions. Paragraph 803 outlines the ecological function of linear wetlands, plantings and greenways. Paragraph 816 notes the visual amenity function. Paragraph 817 notes the connectivity and recreation functions. Paragraph 819 addresses the buffer/interface issues. Paragraph 837 considers potential adverse effects arising from Open Space areas. Paragraph 842 provides an evaluation against the PDP: Strategic functions able to be met, and specifically in relation to 25H.4.SF.8 (ecological matters), 25H.4.SF.9 (transport, three waters services and open space) and 25H.4.SF.10 9 (amenity values). Relationship with Land Development Plan (25H.11) and Open Space provisions (25H.10) cemented through 25H.11.2.1 Landscape Concept Plan), 25H.11.4 restricted Matters for Discretion – Additional Matters for the Open Space Area.</td>
<td>Chapter 15: Open Space Zones (Section 32 Partly Operative – October 2016)</td>
</tr>
</tbody>
</table>

**B BOI s32AA commentary in relation to proposed plan change**

- 25H.11.4(j) – incorporation of criteria considering CPTED. Require Land Development Plans to comply with updated Cyclist and Pedestrian Network Plan (25H(5))

**B S32 Commentary relevant to plan change**

- Minor amendments will be required to the commentary to ensure all five categories of open space are referred to following the addition of the Ruakura Open Space Zone.
  - 15.1 Introduction: Commentary still relevant.
  - 15.2 Objectives: Commentary still relevant. Additional objective included from BOI which is specific to the newly added, Ruakura-specific open space zone, will require s32AA analysis from the BOI decision.
  - 15.3 Policies: Commentary still relevant. Additional policies included from BOI which strengthen the open space policies, including additional policies under the Ruakura-specific open space zone. These will require inclusion of relevant s32AA text from the BOI decision, which can remain unchanged.
  - 15.4 Rules: Commentary will need to be amended. Commentary from the BOI s32AA can also be incorporated being that most provisions for the Ruakura Open Space Zone have been derived straight from the BOI decision.

**C Applicant’s Section 32 Assessments**

- 31 October 2013: Generic assessment reliant on adoption of the legacy plan approach (Hamilton District Plan, Waikato Section) and the Recreation General Zone provisions
- Section 8.0 New Open Space Provisions outline rationale for
departure from Hamilton ODP 2012 provisions (Recreation General) as providing the most efficient and effective method of achieving Plan objectives because of its comprehensive and integrated approach.

<table>
<thead>
<tr>
<th>D Assessment in relation to plan change and BOI Overall section 32AA Conclusion</th>
<th>D Assessment in relation to plan change and overall section 32 Conclusion</th>
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<tbody>
<tr>
<td>Links between Open Space provisions and Land Development Plan established and strengthened through strategic policy framework, respective information requirements, rule provisions and assessment criteria. BOI decision at paragraph 845: “We are satisfied that the plan change incorporates a robust and comprehensive set of objectives, policies, assessment criteria and rules that will enable open space areas to fulfil a range of functions and realise these benefits.”</td>
<td>New Ruakura Open Space Zone established in the PDP chapter, which is more multi-purpose and has more of an ecological focus than the existing Open Space Zones. This new zone, alongside the existing provisions in the Open Space chapter, capture the intent of the BOI decision. Purpose text is to be retained with minor amendments to align with BOI provisions. A fifth category of Open Space Zone specific to Ruakura is to be added, and additional commentary to describe the purpose of this specific Ruakura category, derived from BOI decision – but no change to existing 4 categories. Retain objectives, and where minor differences occur between PDP and BOI, PDP objectives prevail. Retain policies, and where minor differences occur between the PDP and BOI, the PDP policies prevail. Provisions specific to the Ruakura Open Space Zone have been derived from the BOI decision.</td>
</tr>
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<table>
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<tr>
<th>E Additional Assessments to meet s32AA duty</th>
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<tr>
<td></td>
<td>Addition of explanation of Ruakura Open Space Zone to the purpose of the Open Space Zones to align with BOI decision. With the creation of a new open space zone which is specific to Ruakura, add open space activity statuses and rules from the BOI decision. Addition of objective and policies for Ruakura Open Space Zone.</td>
</tr>
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</table>

### 6.6.1 Assessments required to meet s32 duty to incorporate provisions into the plan change

Following on from the table above the key s32 assessments are covered in detail below:

1. New Ruakura Open Space Zone (including Indicative Open Space Area)
2. Land at 111-117 Powell’s Road
3. Open Space Widths
4. Natural Open Space Zone – Mangaonua Gully

### 6.6.2 New Ruakura Open Space Zone – 15.2.10

The Ruakura Open Space Area confirmed by the BOI decision is an open space zoning unique to Ruakura. It includes a variety of functions; connectivity, areas of managed buffer and interface, delivering on stormwater treatment, ecological enhancement, recreation and amenity. No current zoning under the DP provides for a wide array of functions as the BOI decision included for Ruakura. The plan change will integrate the BOI decision into the DP framework for open space and retain its distinctive multifunctional and cohesive framework for managing open space at Ruakura. This “strategic” open space corridor will run the length of the Ruakura growth cell and will deliver on this range of environmental and community outcomes.
The BOI decision in paragraph 845 confirmed the approach and includes a ‘robust and comprehensive set of objectives, policies, assessment criteria and rules that will enable open space areas to fulfil a range of functions and realise these benefits.’

An amendment due to submissions and evidence occurred in relation to the location of the Ruakura Open Space Zone. This was the removal of the zone on the planning maps within the Ruakura Medium Density Residential Zone and amend the Structure Plan to show an Indicative Open Space Area.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

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<tr>
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<tr>
<td>Option A: Include a new Open Space Zone for Ruakura to reflect the unique, multi-functional nature of the zone in the BOI decision, and its ecological focus and include all relevant provisions confirmed in the BOI decision. Integrate the specific Open Space provisions determined in the BOI decision into the DP framework.</td>
<td>The additional ecological focus of the open space zone in the land development plans in the BOI decision would require greater cost to the applicant to do the comprehensive assessments required.</td>
<td>The open space zone developed in the BOI decision is different to the existing open space zones, with a multi-functional nature with the integration of ecological and stormwater management functions and passive recreation opportunities. This is very different to the existing zones. The integration of the open space zone within the DP framework allows for a consistent method for treating open space and giving effect to the BOI decision and outcomes.</td>
</tr>
<tr>
<td>Option B: Maintain DP open space zones and utilise one of the four existing zones to cater for Ruakura.</td>
<td>The Ruakura Open Space Zone is different to the other four zones within the DP and therefore some of the intent of this area would be lost if attempting to “retro fit” into one of the existing open space zones. The additional stormwater management functions, the ecological focus and the ability to utilise the Ruakura open spaces in a multi-functional way would likely be lost.</td>
<td>Without the additional requirements for open space zones in land development plans, the cost to applicants may be reduced.</td>
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Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(iii))

The addition of the new Ruakura Open Space Zone is the best way to reflect the decision of the BOI, and to achieve the objectives and policies for Ruakura. An addition to the Purpose 15.1 has been made to record the additional zone and provide clarity for the Plan user. The inclusion of a specific
objective and supporting policies (15.2.10) for the Ruakura Open Space Zone demonstrates the uniqueness of the zone.

The tailored activities and rule provisions (15.3) determined by the BOI have been integrated into Chapter 15 Open Space Zones to accurately reflect the specific provisions developed for Ruakura.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

A new open space zone for Ruakura provides for greater awareness of the purpose of the multi-functional open space area and the different functions this area is required to deliver in environmental terms. A zoning of this intent is not provided in the DP as a single zone, and is therefore critical to include as an integrated package of changes in the plan change. The change to the Indicative Open Space Area does not affect the outcomes sought by the zone but provides some flexibility on the exact location of the open space.

6.6.3 Land at 111-117 Powell’s Road

The land owned by Grasslands Trust at 111-117 Powell’s Road comprises 1.1 hectares and is currently zoned Rural Residential in the Waikato District Plan. The notified PDP in December 2012 identified the land with a Neighbourhood Open Space Zoning over the majority of the two sites.

Grasslands Trust submitted to the PDP seeking Council purchase their land, but these matters were deferred after the commencement of the BOI process in 2013.

The following assessment considers the options available and provides a rationale for the approach taken.

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<tr>
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<tr>
<td>Option A: Retain Neighbourhood Open Space Zoning over 111-117 Powell’s Road.</td>
<td>Provides for very limited development opportunities for the land.</td>
<td>Gives effect to the long term intent of the structure plan (refer Figure 2-14).</td>
</tr>
<tr>
<td>Option B: Amend BOI Open Space Zone provisions into the DP Open Space Chapter.</td>
<td>Provides for very limited development opportunities for the land.</td>
<td>The additional open space zone rules derived from the BOI decision ensure the unique characteristics of the open space zone for this area is clearly defined and provides the basis for its development.</td>
</tr>
<tr>
<td>Option C: Designate the Spine Road and Open Space Corridor.</td>
<td>Council becomes financially responsible for the road and open space corridor through this process.</td>
<td>Provides certainty to the land owner at 111-117 Powell’s Road.</td>
</tr>
<tr>
<td>Option D: Amend BOI Open Space Zone provisions into the DP Open Space Chapter and develop a Private Developer Agreement to confirm any land acquisition of 111-117 Powell’s Road.</td>
<td>Requires Council, Tainui Group Holdings or Chedworth Properties Limited to purchase the properties and enter into a Private Developer Agreement.</td>
<td>Provides certainty to the current land owner and recognises the long term intent of the structure plan.</td>
</tr>
</tbody>
</table>
### Option E: Realign the Spine Road and Open Space Zone around 111-117 Powell’s Road and provide for an extension of the adjacent Fairview Downs general residential zone.

- **Does not give effect to the Regional Policy Statements 405ha for industrial node.**
- Provides less continuity of open space throughout the structure plan and is an inefficient method for dealing with two properties which make up a small portion of the entire structure plan.
- This would not require any land acquisition. Maintains consistency with Ruakura Structure Plan Figure 2-14.

### Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

The most appropriate zoning of the land at 111-117 is clear; the difficulty is in the mechanism to achieve this also requires consideration. Option D integrates the Board’s decision and will provide certainty to the land owner and will provide for a continuous open space zone within the Ruakura Structure Plan.

### Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

The zoning of 111-117 Powell’s Road to a Ruakura Open Space zoning provides the best framework for achieving the multifunctional use of the zone, whilst retaining the opportunity for a Private Development Agreement for land acquisition for this property. This approach will provide the landowner with certainty around future use and maintain consistency with the Ruakura Structure Plan. During the plan change process the property at 111-117 Powell’s Road has been purchased.

#### 6.6.4 Retention of Open Space Widths

Feedback received on the draft plan change provisions questioned the 40 metre setback determined by the BOI decision between the Ruakura Industrial Park Zone and the Silverdale residential area. The BOI decision in paragraph 682 outlines the rationale for the 40m Ruakura Open Space Zone, additional 8m setback for any new building in the Ruakura Industrial Park Zone and the 50 m interface design control area. Paragraph 687 explains the purpose of the open space buffer is primarily for stormwater and ecological management and will involve the creation of wetlands, ponds and swales. This may limit the opportunities to fully screen through landscaping the industrial environment to the north. Landscape design should still achieve partial screening of neighbouring activities in the Ruakura Industrial Park Zone. This assessment is consistent with the Board’s assessment at paragraph 829 that states ‘The experts are in general agreement that the open space corridors have sufficient width to fulfil their various functions and that the overall integrated management purpose of the Act will be achieved’. No amendment is proposed as part of the plan change.

#### 6.6.5 Natural Open Space Zone – Mangaonua Gully

The Natural Open Space Zoning at the southern end of the Ruakura Structure Plan over the Mangaonua Gully area was deferred as part of the PDP hearings process. One of the submissions received to the PDP sought further refinement of the areas identified as Natural Open Space Zone.
After further consideration it has become apparent that:
- There is some inconsistency in the mapping of the natural open space zoning and its relationship with the Waikato River and Gully Hazard Area.
- Through submissions to the PDP requests were made to reduce the extent of the zoning to reflect the areas covered by Significant Natural Areas (SNA’s).
- Decisions on this were deferred as a result of the Board of Inquiry process for the Ruakura Structure Plan.

The drafting of the Ruakura Plan change provides the opportunity to relook at the Natural Open Space Zoning and rationalise the approach to ensure the most suitable allocation of zoning to reflect Council’s future aspirations for the area.

In summary, the DP has a clear direction to restore and protect Hamilton’s gully network. When considering the three options identified above it is clear that the DP has aspirations to improve the natural environment, particularly those areas identified as part of Hamilton’s gully network. As per the Section 32 Evaluations for the Strategic Framework, Open Space Chapter and Waikato River Corridor and Gully Chapter, these objectives and policies are still considered to be the most appropriate means of achieving the purpose of the Act.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

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<tr>
<td>Option A: Align the Natural Open Space Zoning with the identified Significant Natural Area</td>
<td>This would provide a zoning that signals future development is appropriate in those areas not covered by the SNA overlay. This is likely to lead to a reduction in the total area of gully network in the city.</td>
<td></td>
</tr>
<tr>
<td>Option B: Align the Natural Open Space Zoning with the Gully Hazard Area</td>
<td>Removes development potential from some areas of land. Limits future options for those sites which have already built in the gully areas and creates a tension between land use and zoning. Protects areas that have been previously modified for development such as parts of the gully that have been in filled. Signals that some areas of land may be appropriate for development where access is difficult. Potentially signals Council will be vested with the land zoned when further development of the area occurs. May increase chances</td>
<td>Protects the entire gully area from development. Signals gullies will be restored in the long term. Aligns with the strategic direction of the objectives and policies.</td>
</tr>
</tbody>
</table>
Option C: Tailor a bespoke approach that considers existing and potential future development in the area.  

| of zoning being appealed. | Potentially reduces the amount of gully area protected and therefore enhanced. May reduce development potential of land. Changes to zoning may require Council to acquire land that was not previously considered | Allows zoning to reflect areas that have already been developed or extensively modified reducing conflict with land owners. May reduce likelihood of appeal. May reduce cost to Council for acquiring land. |

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

Option C - tailoring a bespoke approach that considers existing and potential future development in the area provides the most effective and efficient manner to achieve the objectives and policies of the DP.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

While not leading to the largest area of land being zoned Natural Open Space out of the options considered, it allows for previous development and extensive modification to the natural environment to be taken into account when the zoning is applied. This presents an effective option for Council as it will still protect areas of gully that haven’t been modified, providing the opportunity for these to be restored, achieving the policy direction set out by the Plan. It is also likely to be the most efficient option as it will reduce conflict with land owners by not zoning those areas of land that have been previously developed for rural and residential purposes.
7 OTHER GENERAL RULES FOR ALL ZONES

A comparison of the BOI decision general rules with the DP provisions is required to determine whether there are any major differences between the two sets of provisions.

7.1 Assessments to meet s32 duty

The key s32 assessments are covered in detail below:

1. General Provisions for Subdivision and Development of Land
2. Provision for Infrastructure and Financial Contributions
3. Earthworks and Site Development

7.2 General Provisions for Subdivision and Development of Land and Subdivision Standards for Individual Zones

Residential

In summary the key differences area:

- The ODP 2012 has boundary relocations as a Controlled activity for both residential types however this activity is not listed in the DP.
- For General Residential, both plans have boundary adjustments as Permitted activities. However the ODP 2012 has fee simple subdivisions as Controlled, whereas the DP is more restrictive, at Restricted Discretionary.
- The minimum net site area and shape factor circle are the same, however the ODP 2012 has additional restrictions which have not been included in the DP, including a minimum frontage, average lot size, minimum width of access and maximum length of access. The DP has a minimum rear boundary length for front sites which the ODP 2012 does not.
- For Medium Density Residential, the ODP 2012 has subdivision as Restricted Discretionary (after a Concept Development Plan (CDP) granted) unless the subdivision and CDP are lodged together when it is Discretionary. The DP has fee simple subdivision (specifically relating to Rototuna Medium Density Residential) as Discretionary with or as part of a CDC, or Non-Complying without a CDC.
- The Schedule rule 25H.22 specifically excludes the minimum site size or shape factor for the Medium Density Residential areas from applying to Ruakura. The DP does not list these for medium density residential areas and therefore is in accordance with the schedule.
- As with the General Residential areas, the ODP 2012 lists standards applicable to Medium Density areas for factors such as minimum frontage width, average lot size, access width and length, however these are not included in the subdivision chapter in the DP.
- To improve clarity of Chapter 23 Subdivision the plan change is proposing to add a new column to 23.3b for the Ruakura Medium Density Residential Zone. This will effectively recognise the Land Development consent process and the relevant statuses for subdivision within this.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))
### Proposal

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<tr>
<td><strong>Option A:</strong> Adopt the activity status of the DP (Restricted Discretionary) for subdivision in place of the status in the ODP 2012 (Controlled) referred to by the BOI decision.</td>
<td>Less certainty for applicants that an application will be granted as Council has the ability to decline if standards are not achieved.</td>
<td>More certainty for applicants of the matters which discretion is restricted to. Ability for Council to decline consents which are not considered to comply with standards.</td>
</tr>
<tr>
<td><strong>Option B:</strong> Retain the activity status of the ODP 2012(Controlled) for subdivision as referred to by the BOI decision</td>
<td>Council does not have the ability to decline a subdivision application for a poor development if sufficient information is provided.</td>
<td>More certainty for applicants that all subdivision applications must be granted if sufficient information is provided.</td>
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### Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(iii))

The most appropriate option is to align with the DP which has been through a recent notification, submission and appeal process. This will provide one consistent method for addressing subdivision within the Plan.

### Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

The more recent thinking behind this is evident through the DP and it is therefore considered appropriate for the activity status in the DP to be relied upon.

### Ruakura Logistics and Industrial Park Zones

The activity status for boundary adjustments is the same under both plans. Subdivision however is Controlled in the ODP 2012 and Restricted Discretionary in the DP.

The minimum frontage in the ODP 2012 is 7m, in the DP is 8m, and when fronting a major arterial road has reduced from 30m in the ODP 2012 to 20m in the DP.

Most other access related standards are the same or within 1 metre of each other in each plan, as is the maximum length of access. There is no standard in the DP for the minimum width of a shared access for more than 5 lots, or for accesses for lots with a total area of more than 5000m².

The major difference is for net site area. The ODP 2012 (and hence the referred standards in the Schedule) lists the minimum net site area as 500m², or 1000m² if fronting a major arterial road. The DP has two relevant sections; for the Industrial Zone, the minimum net site area is 1000m² for front, corner or through sites, or 500m² for rear sites; and for the deferred Ruakura Logistics and Industrial Park Zones, the minimum net site area is 3000m² allowing for 20% of sites to have a minimum net site area of 1000m² for front sites and 500m² for rear sites. In addition within the Ruakura Industrial Park Zone LDP Areas T and G have a minimum net site area of 1000m² for front sites and 500m² for rear sites.

Both the industrial and deferred Ruakura zones have a shape factor rectangle requirement, rather than the circle in the ODP 2012.
Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

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<tr>
<td><strong>Option A:</strong> Retain the minimum net site area as per the ODP 2012 for the industrial zone. This is 500m², or 1000m² if fronting a major arterial road.</td>
<td>This small minimum area does not recognise the unique nature of the deferred Ruakura zones and the type of large scale development which is anticipated in the area.</td>
<td>Decision making from the BOI is supported. The small area will make it easy for applicants to achieve this minimum area.</td>
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<tr>
<td><strong>Option B:</strong> Utilise the minimum net site area for subdivision in the industrial zone in the DP, to relate to the Ruakura Logistics and Industrial Park Zones. This is 1000m² for front, corner or through sites, or 500m² for rear sites.</td>
<td>While the minimum area of the sites (except rear sites) is larger than enabled by the ODP 2012 provisions referred to by the BOI decision, it does not differentiate the type of development anticipated for the Ruakura inland port areas and their surrounds, from the general industrial areas in the rest of the city in relation to the type of development that should be anticipated.</td>
<td>The small minimum areas will make it easier for applicants to comply with the minimum areas.</td>
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<tr>
<td><strong>Option C:</strong> Utilise the minimum net site area for subdivision in the DP for the deferred Ruakura Logistics and Industrial Park zones. This is 3500m².</td>
<td>This size is a big departure from the minimum net site area in place through the BOI process which utilises the ODP 2012 industrial zone size. Larger minimum for the applicant to comply with.</td>
<td>Larger minimum net site area aligned with the unique type of development anticipated in these Ruakura-specific zones.</td>
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<tr>
<td><strong>Option D:</strong> Amend DP minimum net site area for the Ruakura Logistics and Industrial Park Zones from 3500m² to 3000m² and provide for an exception of 20% of sites at 1000m² and 500m²</td>
<td>This size is a departure from the minimum net site area in place through the BOI process which utilises the ODP 2012 industrial zone size.</td>
<td>Larger minimum net site area aligned with the unique type of development anticipated in these Ruakura-specific zones. Provides improved alignment with the BOI decision. Recognises the scale and context of the sites within the two zones and recognises that some activities will require smaller areas.</td>
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Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(iii))

Option D is the most efficient and effective method for achieving the objectives.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

The net site area was not specifically discussed at the BOI, but instead the net site area minimum for subdivision in the ODP 2012 was relied upon as it was the existing provision.
The DP provisions at that time were not far enough through the process to put a significant weighting on. The issue is therefore whether the net site area in the DP for the industrial zone should be utilised, or that the net site area for the deferred Ruakura zones should be utilised.

The unique type of development anticipated in the Ruakura Logistics and Industrial Park Zones would anticipate larger, warehouse type development, rather than the size of sites anticipated by the City Wide Industrial Zone rules. This unique scale and type of development, coupled with the greenfield location of the land lends itself to large sites. The 3000m² minimum net site area reflects an appropriate balance between the notified PDP 3500m² and the wider intent of the zones. In addition an exception has been provided to allow 20% of sites 1000m² front lots and 500m² rear lot/lot have been provided for to allow for flexibility. In addition LDP Areas T and G have a minimum of 1000m² and 500m² as these areas are well beyond the Ruakura Logistics Zone and are more akin to smaller development.

7.3 Provision for Infrastructure and Financial Contributions
The intent behind the financial contributions and infrastructure chapters in the ODP 2012 and DP are similar. The existing DP is much simpler and easier to follow. The main differences are that the DP has a section of credits and a specific standard for reserves level of services which are not in the ODP 2012, and the ODP 2012 is more specific about levies applicable by actually listing dollar values unlike the DP, however for the purpose of the Ruakura plan change, there is minimal issues with the use of the updated DP chapter in place of the previously referenced ODP 2012 chapter.

7.4 Earthworks and Site Development
The earthworks allowance has changed in the DP from that in the ODP 2012. The ODP 2012 allowed for earthworks up to 40m³ and clearance of up to 50m² of vegetation. The DP allows up to 500m³ of earthworks within the building footprint and for stabilising slopes for construction, and then an additional 100m³ – all with a building consent. The DP also has rules relating to earthworks within a National Grid Yard, which are not within the ODP 2012 chapter 6.7. In the DP, a non-compliance of any of the (permitted activity) rules would require Restricted Discretionary consent.

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<tbody>
<tr>
<td>Option A: Retain the maximum volume of 40m³ in the ODP 2012, which is referred to through the BOI decision.</td>
<td>The small earthworks volume is likely to capture a large number of earthworks activities unnecessarily as it is a small threshold. Additionally, this creates a large volume of monitoring for Council to undertake.</td>
<td>The decision of the BOI is upheld. Also, a small maximum volume allowance of earthworks ensures no substantial earthworks are enabled without assessment through a resource consent process.</td>
</tr>
<tr>
<td>Option B: Amend the maximum volume of earthworks to 500m³ within the building footprint and for stabilisation, plus an additional 100m³ outside of the footprint, as per the DP provisions (except in special natural areas).</td>
<td>The higher threshold will enable many more earthworks activities to be undertaken without the assessment undertaken through a consent process. This could result in much more land modification than may otherwise have been anticipated.</td>
<td>The higher threshold of earthworks volume reduces the number of consents triggered and the monitoring requirement for Council.</td>
</tr>
</tbody>
</table>
Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

The DP hearing process amended the maximum volume of earthworks to reflect current thinking and align with the provisions for the rest of the city. (Rule 25.2.4.1 f) to h).

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

This is the most appropriate method for integrating the BOI decision and DP framework into one planning document.

7.5 Construction Provisions

Chapter Rule 6.8 of the ODP 2012, which covers construction provisions including stormwater, wastewater, water supply, roading and other reticulation provision, is covered by the DP in a number of chapters.

Rule 6.8 (ODP 2012) predominantly requires provision of these services to each lot or household unit that results from a subdivision or development.

Due to the nature and layout of the DP, there is not a chapter that can be used as a direct comparison, however the requirement to provide these services for additional lots from a subdivision or development is included through a range of other chapters, such as chapter 25.1 which looks at development suitability and chapter 25.13 covers the three waters aspects, which has similar requirements as well as additional efficiency measures and assessment requirements.

This is the most appropriate method for integrating the BOI decision and the DP framework into one planning document.
8 CITY WIDE PROVISIONS

8.1 Assessments required to meet s32 duty to incorporate provisions into the plan change

The City Wide provisions for environmental performance confirmed in the BOI decision were derived from the Hamilton City Operative District Plan. These provisions have a different structure and format and in some cases the standards differ to those of the DP and its City wide provisions. These differences summarised are:

- There are no specific Objectives and Policies for environmental performance provided in BOI decision as is the case for the similar City Wide topics in the DP; and
- There is no specific s32 evaluation completed as part of the BOI decision whereas topic based s32 evaluations were completed for all City Wide rules for the PDP process.

This s32 evaluation has adopted the DP provisions for City wide objectives and policies, and rules as the appropriate ‘starting position’ against which to measure any departures that are significant in nature that were confirmed in the BOI decision. These departures relate to rules and supporting performance standards.

As previously noted in section 3, the DP City wide provisions have been through full notification, hearing, decision and appeal steps, (All appeals have been resolved except one that is with the courts and the PDP is now Partly Operative as at October 2016 to October 2017) and in these circumstances there would need to be a sound reason not to adopt and therefore align provisions for Ruakura with those provisions that already apply elsewhere in Hamilton City.

This then provides the background to the section 32 evaluation for city wide provisions adopted including those exceptions/departures that have been adopted in the plan change.

The key departures covered in detail below:

1. Electricity National Grid Corridors
   a. Amendment to 25.7.4 and 25.7.7

2. Noise and Vibration
   a. 25.8.3.9 – Noise Performance Standards for Knowledge and Ruakura Open Space Zones
   b. New 25.8.3.11 – Noise Sensitive Activities – Ruakura Logistics Zone, Ruakura Industrial Park Zone and Knowledge Zone
   c. Amended 25.8.3.12 (previously 25.8.3.11) – Operational Vibration from Rail Lines
   e. New 25.8.3.14 – Non Conformity with Standards in the Ruakura Logistics Zone

3. Signs
   a. Cross referencing edits to signage provisions in 25.10.3h), 25.10.5.12 and 25.10.6
8.2 **Electricity National Grid Corridors**

The BOI decision confirmed specific provisions for the Electricity National Grid Corridors. This included activities in relation to transmission corridors specific to the Ruakura context. The BOI decision in paragraph 264 confirmed ‘A package of controls acceptable to both parties [Transpower and Tainui Group Holdings Limited] was presented to the Board and incorporated into the...plan change. Paragraph 266 recognises 'In the longer term, that is by the time that rail is introduced to the site, it will almost certainly be necessary to either re-route the HAM-WHU line closer to the ECMT or to underground it below the site'.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

<table>
<thead>
<tr>
<th>Proposal</th>
<th>Costs</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Option A:</strong> Adopt the Electricity National Grid Corridor activities as identified in the BOI decision for the entire Ruakura Plan change area. The BOI decision includes specific provisions regarding clearance from the outer visible edge of a Electricity National Grid support structure.</td>
<td>Impacts of wider DP provisions that have already been through a full hearing process.</td>
<td>Most appropriate to achieve the objectives because, while imposing costs on the use of land in relation to the transmission lines, it also provides for the initial establishment of the Inland Port. Ultimately, the benefits of ensuring a safe and efficient operation of the National Grid outweigh their associated costs.</td>
</tr>
<tr>
<td><strong>Option B:</strong> Adopt the Electricity National Grid Corridor activities as outlined in the BOI decision for the Plan Change area only. Rely on existing DP provisions for remainder of the R1 area.</td>
<td>This would create inconsistency between Ruakura Logistics Zone and Ruakura Industrial Park Zone land not covered by the BOI decision and the land covered by the BOI decision.</td>
<td>Best practice approach to dealing with city wide provisions in a consistent and integrated manner.</td>
</tr>
<tr>
<td><strong>Option C:</strong> Adopt the Electricity National Grid Corridor activities as identified in the BOI decision for the entire Ruakura Plan change area and City wide.</td>
<td>Impacts of wider DP provisions that have already been through a full hearing process.</td>
<td>Creating one consistent method for dealing with activities within the National Grid Corridor.</td>
</tr>
</tbody>
</table>

The specific economic benefits to Transpower, landowners and electricity consumers of adopting Option A to managing effects of activities in relation to the National Grid were outlined in planning evidence on behalf of Transpower at the BOI hearing. In summary the benefits include; *reduced costs for inspection, operation, maintenance, replacement and upgrading of the National Grid, reduced risk of electricity supply outages, improved safety to person and property, less disruption to the Inland Port and other business operations when Transpower is required to undertake work on the National Grid and as a result the reduction of the above costs, lower electricity line charges for electricity consumers.*

The costs associated with the approach were outlined in the BOI s32 in detail. In summary the costs include; *imposition on the use and development of land,* both within the Inland Port and Medium
Density Residential Zone in the north of the structure plan. This comes with a significant financial cost associated with underground or relocating the transmission lines.

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

Option A provides for the retention of the BOI decision whilst integrating into the DP framework. This is the most effective method for aligning the two planning documents. Option A allows for the integration of specific Ruakura Logistics Zone provisions that identify activity statuses for operations relevant to the Inland Port component within the zone. These provisions are unique to the Ruakura context and are therefore critical to include in the plan change provisions.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

This approach will accurately reflect the BOI decision within the plan change, whilst continuing to retain the DP chapter format and intent. The wider objectives and policies and rule frameworks are appropriate to be retained for the DP as they have been subject to extensive review through the formal submission, hearing and appeal processes.

8.3 Noise and Vibration

8.3.1 Assessments required to meet S32 duty to incorporate provisions into the plan change

The BOI decision recognised that noise and vibration was a significant issue in the decision making process. Paragraph 328 identifies ‘the experts reached agreement at conferencing about all matters apart from the night noise limit that should apply and the noise limit that should apply between industrial sites’. The plan change process recognises that differences exist between the DP City wide standards for Noise and the BOI decision. The key issues to consider are:

1. Noise Performance Standards for Activities in Major Facilities Zone, Knowledge Zone and Open Space Zones 25.8.3.9
2. Noise-Sensitive Activities - Ruakura Logistics, Ruakura Industrial Park and Knowledge Zones 25.8.3.11
3. Operational Vibration from Rail Lines – Activities in All Zones 25.8.3.12
5. New provision for Non-Conformity with Standards in the Ruakura Logistics Zone 25.8.3.14
when the evidence establishes that 40dB is achievable with very few exceptions.

25.8.7 Glossary: retain

Amended / New Provisions

25.8.3.9 – time of day hours

Expert input suggests removing the morning shoulder period within the Noise Performance Standards. This is only appropriate for the Ruakura Variation area, and not for the entire City. Alignment with BOI decision for wider R1 Area, no inclusion of a morning shoulder period.

25.8.3.10 – minor amendment to provide exception to Ruakura Logistics and Ruakura Industrial Park Zones as covered by new provision 25.8.3.11.

25.8.3.11 – Noise-Sensitive Activities – Ruakura Logistics Zone and Ruakura Industrial Park Zone, insertion from BOI decision 25.8.3.12 – Operational Vibration from Rail Lines – Activities in All Zones - Addition of b) with Rule reference to be updated


C Applicant’s Section 32 Assessments

31 October 2013

Reference to PDP submitters concern raised around noise. The Plan Change incorporates the ODP 2012 provisions, given the need for purpose designed controls. New noise and vibration rules added to Plan Change.

New Objective 25H.4.15 ‘Activities have minimal adverse noise and vibration effects on other activities and sites’.

9 June 2014

Section 3 Managing Effects on Amenity

Sections 3.3-3.5 which discuss Noise Management Plan rules.

D BOI Overall section 32AA Conclusion

BOI decision includes specific provisions that require integration into the Ruakura Variation. Fundamental to include Noise Management Plan provisions.

E Additional Assessments to meet s32 duty

Insert BOI Plan Change numbering for right hand column

8.3.2 Noise Performance Standards for Activities in Major Facilities Zone, Knowledge Zone and Open Space Zones 25.8.3.9

The matter in question is to determine a preference with reasons whether the ‘morning shoulder’ period should reflect the BOI decision or the DP position, e.g. 2300-0600 as identified in DP or 2300-0700 as identified in BOI decision.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

<table>
<thead>
<tr>
<th>Proposal</th>
<th>Costs</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option A: Adopt the noise performance standards as determined by the BOI for the entire R1 Area</td>
<td>Costs limited given the noise performance standards have been agreed upon by experts during BOI caucusing.</td>
<td>More efficient and effective in addressing noise performance standards in an integrated and comprehensive manner.</td>
</tr>
</tbody>
</table>
Option B: Adopt the noise performance standards as determined by the BOI for the Plan Change area (excluding balance of R1 land, which would refer to Hamilton City DP for the R1 Area)

Create an inconsistent method for dealing with noise performance standards within the R1 Area. This approach would not be considered best practice.

No additional justification required as approach is based on BOI decision and DP provisions.

Option C: Adopt the noise performance standards as determined by the BOI for the entire City.

No scope to amend city wide provisions in its entirety. The removal of the ‘morning shoulder’ period could be considered appropriate, but without the scope to address this Ruakura Plan change provisions will differ slightly from the wider DP provisions.

Consistency across the entire City

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

The amendment noted in Option A reflects the BOI decision and provision 25.8.3.9 in the plan change, and is an efficient and effective way to achieve the relevant objective and policy and the most appropriate way to achieve the objectives for the Zone.

As part of this plan change there is no scope or evidential basis to amend city wide provisions in their entirety. Further, the adoption of the ‘shoulder time’ period for noise management in Ruakura and specifically for noise management associated with operation of the inland port is derived from expert conferencing and therefore is determined to provide an efficient and effective approach to noise management in this special case.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

This approach addresses the sensitive issue of noise performance in an integrated and comprehensive manner for the whole R1 Area.

8.3.3 Noise-Sensitive Activities - Ruakura Logistics Zones and Ruakura Industrial Park Zone

25.8.3.11

The question is whether to adopt with reasons the new Ruakura Logistics Zone (RLZ) and Ruakura Industrial Park Zone (RIPZ) specific noise sensitive activity standards to apply to the entire R1 area where that zoning now is RLZ and RIPZ.

There are three sets of related provisions from the BOI decision that were considered. These are (with the cross reference to the relevant rule in the plan change in brackets):

- 25H.5 Ruakura Logistics Area – 25H.5.6.4 Building Setbacks (Rule 10.4.6);
- 25H.6 Ruakura Industrial Park Area – 25H.6.6.1 Building Setbacks (Rule 11.4.3); and
- 25H.13.5 Noise-Sensitive Activities – Activities in all Areas, where noise sensitive activities are not to be constructed with any part of the building within 40 metres of the designation for the Waikato Expressway (WEX) (25.8.3.11).
This latter rule clearly is intended to over ride or has primacy regarding the development and location of noise sensitive activities regardless of the building setback provisions applying in the two zones that are adjacent to the WEX designation.

For consistency, the Board decision is therefore reflected in the adoption of the 40 metre building setback provision in Rules 10.4.6 and 11.4.3 so as to be consistent with the building setback performance standard in Rule 25.8.3.11c) in the plan change.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

<table>
<thead>
<tr>
<th>Proposal</th>
<th>Costs</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option A: Adopt the noise sensitive activities standard as determined by the BOI for the entire R1 Area</td>
<td>Costs limited given the noise performance standards have been agreed upon by experts during BOI caucusing. Potential cost if the new standard is incorporated DP.</td>
<td>Rule setback standard confirmed as part of extensive expert caucusing during the BOI process. More efficient and effective in addressing noise performance standards in an integrated and comprehensive manner.</td>
</tr>
<tr>
<td>Option B: Rely on DP noise sensitive standard for Ruakura Logistics Zone and Ruakura Industrial Park Zone outside of BOI decision Plan Change area.</td>
<td>Does not give effect to the BOI decision and technical work completed to create noise sensitive provisions for the Ruakura Logistics Zone and Ruakura Industrial Park Zone. Creates an inconsistency with how the Ruakura Logistics Zone and Ruakura Industrial Park Zone is treated within the DP. Would result in two different sets of provisions. This approach would not be considered best practice.</td>
<td>Nil.</td>
</tr>
</tbody>
</table>

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(iii))

The amendments noted in Option A reflects the BOI decision and the rule provisions 10.4.6, 11.4.3 and 25.8.3.11c) in the plan change, and is an efficient and effective way to achieve the relevant objective and policy and the most appropriate way to achieve the objectives for the Zone.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

The approach addresses noise performance standards in an integrated and comprehensive manner for the whole R1 area.

8.3.4 Operational Vibration from Rail Lines – Activities in All Zones 25.8.3.12

The matter in question is whether to include 25.8.3.12b) which is identified in BOI decision as a city wide provision: ‘where Rule 25H.11.6(a) applies a design report prepared by an acoustic engineer, demonstrating compliance with the vibration criteria, shall be submitted to the Council prior to construction of the building’.

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))
<table>
<thead>
<tr>
<th>Proposal</th>
<th>Costs</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option A: Adopt the standard for operational vibration from rail lines as outlined in the BOI decision for the Ruakura Plan change area.</td>
<td>Costs limited given the vibration standard has been agreed upon by experts during BOI caucusing.</td>
<td>More efficient and effective in addressing noise performance standards in an integrated and comprehensive manner.</td>
</tr>
<tr>
<td>Option B: Adopt the standard for operational vibration from rail lines as outlined in the BOI decision for the entire City.</td>
<td>Gives effect to the BOI decision and technical work completed but is outside the scope of the Ruakura Plan change and is therefore not appropriate to consider.</td>
<td>Best practice approach to dealing with city wide provisions in a consistent and integrated manner.</td>
</tr>
</tbody>
</table>

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii))

The amendment noted in Option A reflects the BOI decision and provision 25.8.3.12 in the plan change, and is an efficient and effective way to achieve the relevant objective and policy and the most appropriate way to achieve the objectives for the Zone.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

The evidential basis is limited to the consideration of the Ruakura Structure Plan area and there is no scope to promote its adoption as city wide provisions.

8.3.5 Confirming Performance Standards for Noise and Vibration Management in the Ruakura Logistics and Ruakura Industrial Park Zones 25.8.3.13

A number of written responses to the draft plan change commented on the divergence in proposed standards for noise management with the provisions in the Proposed District Plan (PDP) Appeals version. A standard approach to make the management of noise and vibration consistent across the City and in particular for residential zoned areas was requested.

The view expressed is that residential areas in Silverdale, the University Halls of Residence, and in Fairview Downs will have adverse amenity impacts associated with the more liberal/less stringent permitted noise standards of 50 dBA during early evening (or shoulder periods) and the 55dBA standard daytime. These are residential areas adjacent to the areas confirmed for the Ruakura Logistics and Ruakura Industrial Park zonings in the Board decision.

It also should be noted that the Tainui Group Holdings (TGH) appealed the PDP City wide provisions relating to Rule 25.8.3.7 – Noise Performance Standards for Activities in all Zones except Major Facilities, Knowledge and Open Space Zones.

The key resource management issue therefore is what is the appropriate noise performance standard to adopt in the plan change. The assessment below is that the Board’s decision should be adopted for the area covered by the plan change. On this basis the outcome is a set of noise performance standards within the Ruakura Logistics Zone and Ruakura Industrial Park zones that have less stringent permissible standards governing new activities establishing in these greenfield sites than for activities operating within the established urban area. The appeals to the citywide
noise performance standards has been resolved and the DP standards remain the same as the PDP Appeals version.

The various approaches are summarised below to illustrate this point.

<table>
<thead>
<tr>
<th>District Plan</th>
<th>Time of Day</th>
<th>Noise Levels – (1)</th>
<th>Noise levels – (1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hamilton City Operative Plan</td>
<td>0600-0700, 0700-2000, 2000-2300, 2300-0600</td>
<td>45dBA L10, 50dBA L10, 45dBA L10, 40dBA L10</td>
<td>No Lmax</td>
</tr>
<tr>
<td>Hamilton Proposed Plan (Appeals version)</td>
<td>0600-0700, 0700-2000, 2000-2300, 2300-0600</td>
<td>45dB LAEq(15 min), 50dB LAEq(15 min), 45dB LAEq(15 min), 40dB LAEq(15 min)</td>
<td>75dB</td>
</tr>
<tr>
<td>BOI decision (25H.13.1(a))</td>
<td>0700-2000, 2000-2300, 2300-0700</td>
<td>55dB, 50dB, 40dB</td>
<td>-</td>
</tr>
<tr>
<td>Waikato District Plan (Rule 27.18 – Country Living Zone)</td>
<td>0700-1900, 1900-2200, 2200-0700</td>
<td>50dBA L10, 45dBA L10, 40dBA L10</td>
<td>-</td>
</tr>
<tr>
<td>TGH Appeal (and relief sought)</td>
<td>0600-0700, 0700-2000, 2000-2300, 2300-0600</td>
<td>50dB LAeq(15min), 55dB LAeq(15min), 50dB LAeq(15min), 45dB LAeq(15min)</td>
<td>75dB</td>
</tr>
</tbody>
</table>

(1) Nonemclamenture is not formatted correctly

The key points to note are:

1. The time bands differ across two Plans with consistency only between the two Hamilton City Plans (Operative 2012 and Extisting);
2. The BOI decision confirmed three rather than four bands to comprise the 24 hour period;
3. There is a common night time standard of 40dB across the four Plans;
4. The BOI decision confirmed different/less stringent “daytime” and “shoulder time” standards as:
   - 55dBA (rather than 50dB) standard day time (0700-2000); and

Reasonably Practicable Options for Achieving the Objectives (Section 32 (1)(b)(i) and Section 32(2))

<table>
<thead>
<tr>
<th>Proposal</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Option A: Adopt the BOI decision to confirm noise performance standards for activities in the Ruakura Logistics Zone and Ruakura Industrial Zone for the entire R1 area</td>
<td>There is a high level of technical information, monitoring and reporting required of the consent holder and future operators of the inland port to achieve and maintain an acceptable acoustic environment for the port’s operations.</td>
<td>Provisions specifically developed during Board process and are affirmed in the Expert Conferencing Joint Witness Statement – Noise and Vibration of 1 April 2014. They address the potentially unique acoustic environment associated with the 24/7 operational activity of the inland port and its associated services. They will promote best practicable options to minimise adverse noise effects</td>
</tr>
</tbody>
</table>
### Option B:
Adopt city wide provisions for noise performance for the area covered by the entire R1 area of the plan change

Expert conferencing by the acoustic consultants at the BOI agreed to a customised set of provisions that recognise the unique operational nature of the inland port. There was no support for these provisions being adopted or that they are practicable in the context of an operational port.

The adoption of one set of citywide provisions for noise management would provide a simpler administrative and monitoring role for the Council an applicant, and the community.

### Option C:
Adopt the BOI decisions to confirm noise performance standards as citywide provisions

Council monitoring of ambient noise levels affirm that the present city wide provisions are acceptable and that there is no reason to adopt ‘more liberal’ day and ‘evening’ standards as settled through the BOI. Increasing noise limits now would undermine what has been achieved over a long time in consenting, monitoring and enforcement with respect to the current standards.

The result would be an increase in the permissible or baseline noise environment across the city over time. No scope to amend citywide provisions.

The adoption of one set of citywide provisions for noise management would provide a simpler administrative and monitoring role for the Council an applicant, and the community.

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**Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32 32(1)(b)(ii)).**

Option A reflects the Board decision in relation to noise management to specifically apply to the area covered by this plan change. Expert opinion has determined this approach to be the more efficient and effective method to achieve the purpose of the plan change which is to accommodate an inland port that has special or unique operational characteristics. This approach is preferred to either of the other two options for which there is limited or no evidence that they would provide a more acceptable basis for the management of noise on a citywide basis. Adoption of the ‘shoulder time period’ for noise management was also confirmed by the acoustic experts as appropriate in this case.

**Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))**

This method is the most appropriate way to achieve the objectives of the plan change and for the provision of an operational inland port and therefore should be adopted in the plan change.
8.3.6 New provision for Non-Conformity with Standards in the Ruakura Logistics Zone 25.8.3.14
The BOI decision confirmed a new provision in relation to non-conformity with standards in the Ruakura Logistics Zone. This standard is appropriate to include as determined by the BOI within the DP Noise and Vibration Chapter. This standard is Ruakura Logistics Zone specific, as determined by the BOI. Feedback received on the draft plan change sought an amendment to include ‘when measured at the boundary’ within the body of 25.8.3.14a) and b) to provide additional clarity for implementation. This proposed change was supported but through the hearing process it was removed.

8.4 Signs
8.4.1 Knowledge Zone
The BOI decision utilised the Operative District Plan City Wide standards for addressing signage. The PDP Notified provision 25.10.5.8 was deferred and is appropriate to retain for the plan change.

8.4.2 Ruakura Logistics and Ruakura Industrial Park Zone
The BOI decision utilised the Operative District Plan City Wide standards in addressing signage. The PDP Notified provision 25.10.5.9 was deferred and is appropriate to retain for the plan change.

8.4.3 Activity Status Table 25.10.3h)
Amendment made to include the Ruakura Logistics and Ruakura Industrial Park Zones for activity 25.10.3h) to provide for electronic signs that are complying with the relevant standards as a Restricted Discretionary activity.

9 DEFINITIONS
9.1 Assessments required to meet S32 duty to incorporate provisions into the plan change
Appendix 1.1.2 Definitions Used in the District Plan includes new definitions and amended definitions to give effect to the BOI decision. The BOI definitions added are outlined below:

- Buffer Strip
- Commercialisation of research and innovation activities (Precincts A and B – Knowledge Zone)
- Planting Strip
- Products Transported in Bulk
- Temporary Logistics Activities

Amended definitions include:

- Interface Area
- National Grid Corridor and National Grid Yard
- Offices – new e)
- Transport Corridor - exclusion – amended to include Knowledge Zone in the exclusion
New definitions from plan change

- Interface Design Control Area (RLZ and RIPZ)
- Logistics and Freight Handling Activities
- Logistics and Freight Handling Infrastructure
- Noise-sensitive Activities
- Research and Innovation Activities
- Transport Service Centre

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Option A:</strong> Adopt the specific BOI definitions not covered by the DP and include along with necessary amendments to existing definitions.</td>
<td>Additional definitions added to the DP.</td>
<td>More efficient and effective in giving effect to the BOI decision whilst recognising the DP structure and providing for the key terminology used in the BOI process.</td>
</tr>
<tr>
<td><strong>Option B:</strong> Rely on DP definitions and not integrate the BOI decision.</td>
<td>Does not give effect to the BOI decision and relies on Definitions in the DP which could be deficient in dealing with the issues traversed by the BOI process.</td>
<td>No inclusion of BOI decision therefore no change required to DP definitions.</td>
</tr>
<tr>
<td><strong>Option C:</strong> Adopt the specific BOI definitions not covered by the DP and include along with necessary amendments to existing definitions. Include six additional definitions determined as a result of submissions and the hearing process.</td>
<td>Additional definitions added to the DP.</td>
<td>More efficient and effective in giving effect to the BOI decision whilst recognising the DP structure and providing for the key terminology used in the BOI process. Additional definitions provide greater clarity for plan users on terms previously not used in the DP.</td>
</tr>
</tbody>
</table>

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32(1)(b)(ii)).

Option C is the most efficient and effective method for integrating the BOI decision into the DP structure. This will give effect to the extensive technical work and inquiry process covered by the BOI and provides certainty to terminology used in the relevant sections of the Plan. It also includes new definitions sought through the plan change submission and hearing process.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

Option C will give effect to the extensive technical work and process covered by the BOI and ensures all matters are appropriately covered in one place in the Plan and provides for further definitions for matters not previously covered in the DP.
10 INFORMATION REQUIREMENTS

10.1 Assessments required to meet S32 duty to incorporate provisions into the plan change

Appendix 1.2 Information Requirements is the key part of the DP that explains the detail required in applications for resource consents and certificates of compliance. The BOI decision confirmed information requirements for each section of the Plan Change. The process of integrating the two planning documents includes embedding the information requirements determined by the BOI into Appendix 1.2 of the DP to give effect to the intent of the BOI’s decision. The new Information Requirements sections are as follows:

- 1.2.2.20 Ruakura Logistics Zone (25H.5.4.4)
- 1.2.2.21 Ruakura Industrial Park Zone (25H.6.4.4)
- 1.2.2.22 Knowledge Zone Precinct C (25H.7.4.4)
- 1.2.2.23 Medium Density Residential Zone (25H.9.4.2)
- 1.2.2.24 Ruakura Open Space Zone (25H.10.4.4)
- 1.2.2.25 Land Development Plans (25H.11.2)
- 1.2.2.26 Staging and Traffic Requirements (25H.12.7.4)
- 1.2.2.27 Concept Plan for Knowledge Zone (excluding Precinct C) – new see Section 6.4.6

Reasonably Practicable Options for Achieving the Objectives (Section 32(1)(b)(i) and Section 32(2))

<table>
<thead>
<tr>
<th>Proposal</th>
<th>Costs</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option A: Adopt the BOI Information Requirements with amendments and integrate into Appendix 1.2 of the DP.</td>
<td></td>
<td>More efficient and effective in giving effect to the BOI decision whilst recognising the DP structure and ensures key information requirements are required and accurately described.</td>
</tr>
<tr>
<td>Option B: Adopt the DP Information Requirements as notified, including Ruakura specific 1.2.2.20 (Noise-Inland Port) but not include BOI determined information requirements.</td>
<td>Does not give effect to the BOI decision and relies on Information Requirements that are deficient of the issues traversed by the BOI process.</td>
<td>No inclusion of BOI decision therefore no change required.</td>
</tr>
</tbody>
</table>

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32 32(1)(b)(ii).

Option A is the most efficient and effective method for integrating the BOI decision into the DP structure. This will give effect to the extensive technical work and process covered by the BOI.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii)

This option will give effect to the extensive technical work and process covered by the BOI and ensures all matters are appropriately covered in one place in the Plan.
11 ASSESSMENT CRITERIA

11.1 Assessments required to meet S32 duty to incorporate provisions into the plan change

This assessment considers the most appropriate option for incorporating assessment criteria in the plan change, whilst giving effect to the BOI decision and the DP framework.

The BOI Plan Change included the DP assessment criteria as notified. The DP assessment criteria have been refined through the S42A report and hearing processes and subsequently through appeals. The issue is determining the cleanest way to give effect to the BOI decision, whilst integrating the fundamental approach of the suite of assessment criteria within the plan change.

One of the guiding principles for the plan change included giving effect to the BOI decision, whilst recognising the format and context of the DP.

<table>
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<th>Costs</th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Option A:</strong> Retain the BOI decision approach and leave the relevant assessment criteria within the Ruakura specific sections of the plan change.</td>
<td>This would involve duplication of assessment matters and be inconsistent with how the DP document is formatted.</td>
<td>Easy to integrate as BOI decision could be directly inserted.</td>
</tr>
<tr>
<td><strong>Option B:</strong> Integrate the assessment criteria determined by the BOI decision into Appendix 1.3.3. Cross reference to relevant city wide matters and add in a new section for Ruakura. Remove any duplication with DP assessment criteria matters.</td>
<td>Integrates the DP and BOI Assessment Criteria into one document, thus relying on the DP assessment matters for criteria not specific to Ruakura.</td>
<td>Provides for all assessment criteria to be located in one place and inserts a Ruakura specific section for all matters specific to the BOI decision. Any wider assessment criteria are included as part of the wider DP assessment matters, thus avoiding unnecessary duplication and potential confusion.</td>
</tr>
<tr>
<td><strong>Option C:</strong> Integrate the Ruakura specific assessment criteria determined by the BOI decision into one new section, similar to the DP structure.</td>
<td>This does not directly give effect to the BOI decision as it replaces the city wide (non Ruakura specific) assessment criteria with the relevant DP assessment criteria.</td>
<td>This would clearly identify the specific Ruakura assessment matters determined by the BOI decision and ensure they are given effect to. It would also provide for the key references to DP broader assessment criteria. This approach will avoid any duplication or differencing intent of city wide assessment matters.</td>
</tr>
</tbody>
</table>

Assessment of the Efficiency and Effectiveness of Provisions in Achieving the Objectives (Section 32 32(1)(b)(ii)).

Option C integrates the assessment criteria determined by the BOI decision into one new section called ‘Ruakura’. The relevant city wide matters confirmed in the BOI decision will be replaced with the DP city wide matters to avoid any unnecessary duplication or different intent between the assessment criteria.

Reasons for Deciding on the Provisions (Section 32(1)(b)(iii))

To achieve this, the plan change outlines the new BOI confirmed assessment criteria matters for Ruakura as self-contained provisions to be inserted into the wider DP assessment criteria matters.
Within the plan change additional assessment criteria cross references has been included in chapters. This relates to where the BOI decision referred to matters that are covered by the DP assessment criteria, and to avoid unnecessary duplication these matters have not been repeated. For example F – Hazards and Safety identified in the DP is utilised, rather than repeating very similar assessment matters covered within the BOI decision.

Assessment criteria under ‘N’ for Ruakura are quite specific. There will need to be additional cross references to City Wide criteria that are beyond the scope of the plan change. Submissions will only be able to question the applicability of the wider cross reference, not the wording of the assessment matters that were determined through Appeals.