

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Proposed Plan Change 12 to the Operative Hamilton
City District Plan

STATEMENT OF EVIDENCE OF EMILY CHEE WIN BUCKINGHAM

(THREE WATERS)

Dated 26 June 2024

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INTRODUCTION

1. My full name is Emily Chee Win Buckingham.
2. I am a Principal Consultant – Planning at SLR Consulting with 15 years' experience in policy development and resource consenting. I hold the qualification of a Bachelor of Planning (Hons) from the University of Auckland and am a full member of the New Zealand Planning Institute.
3. My role on Plan Change 12 (**PC12**) has been as the author of the section 32 Report on On-Site Stormwater Management (Appendix 2.6 to the PC12 section 32 report). I was then engaged in a section 42A reporting role for the Three Waters topic between March 2023 and June 2023 and I attended expert conferencing on the Three Waters topic in May 2023.
4. In April 2024, I was re-engaged as planner on behalf of Hamilton City Council (**HCC**) for the Three Waters provisions. I am authorised to give this evidence on HCC's behalf to the PC12 hearings commissioners.

CODE OF CONDUCT

5. I am familiar with the Code of Conduct for Expert Witnesses (Environment Court Practice Note 2023) and although I note this is a Council hearing, I agree to comply with this code. The evidence I will present is within my area of expertise, except where I state that I am relying on information provided by another party. I have not knowingly omitted facts or information that might alter or detract from opinions I express.

SCOPE OF EVIDENCE

6. The purpose of this evidence is to:
 - a) Provide an overview of the background to the Three Waters provisions of PC12;

- b) Highlight what I consider to be the key issues raised by submitters and provide a recommended new set of provisions (**Appendix A**); and
 - c) Consider the Three Waters provisions set out in PC12 in light of the requirements of the Resource Management Act 1991 (**RMA**) (Part 2, section 32, sections 77I/J and section 80E), higher order planning instruments and the Operative Hamilton City District Plan (**ODP**).
7. This evidence is structured as follows:
- a) Summary of evidence;
 - b) Background;
 - c) Scope of the Plan Change;
 - d) Summary of the notified PC12 Three Waters provisions;
 - e) Recommended changes to notified provisions;
 - f) Statutory considerations; and
 - g) Conclusion.

EXECUTIVE SUMMARY

- 8. In 2021 the central government introduced legislation that required changes to the ODP to enable more intensification, and HCC responded by preparing PC12, notified in 2022. PC12 involved significant changes to enable increased densities of residential development across the city.
- 9. The notified version of PC12 also included changes to the Three Waters provisions of the Plan to apply a more stringent approach to Three Waters servicing requirements for the more intensive development

enabled, along with the introduction of an Infrastructure Capacity Overlay identifying areas of the city with infrastructure capacity constraints. These provisions were considered to be required as part of PC12 in order to give effect to Te Ture Whaimana o Te Awa o Waikato, the Vision and Strategy for the Waikato River (**Te Ture Whaimana**). Te Ture Whaimana is the primary direction setting document for the Waikato River catchment that is deemed to be part of the Waikato Regional Policy Statement and prevails over any inconsistent provision in a national policy statement and national planning standard. In particular, the PC12 provisions are required to address the adverse effects on the health and wellbeing of the Awa that would arise from intensification occurring without adequate Three Waters infrastructure capacity.

10. I have reviewed the submissions relating to Three Waters, which both support and oppose the Three Waters provisions, and have recommended a number of amendments to the notified provisions to reflect relief sought by submissions. The recommended amendments to provisions are contained within **Appendix A** of this evidence. A summary of the submissions and my recommendations are contained within **Appendix B**.
11. The recommended amendments continue to give effect to the relevant national policy statements and the Waikato Regional Policy Statement, as assessed in Appendices 3.1 and 2.5 of the section 32 Report.
12. Under section 32 of the RMA the Three Waters provisions, including recommended amendments, are the most appropriate and effective method of managing the effects of residential intensification on the health and wellbeing of the Waikato River. Under sections 77I and 77J of the RMA, the additional restrictions upon residential intensification are necessary to give effect to Te Ture Whaimana as a qualifying matter, and the impacts of this qualifying matter have been assessed.

BACKGROUND

Three Waters Infrastructure Capacity

13. In December 2021 the Resource Management (Enabling Housing Supply) Amendment Act (**HSAA**) was passed into law. The HSAA introduced a suite of amendments to the RMA and the National Policy Statement on Urban Development (**NPS-UD**).
14. In accordance with the HSAA, HCC was required to amend its ODP to provide for three, three storey units on all sites in residential zones within the urban area, subject to specified standards (**Medium Density Residential Standards or MDRS**).
15. To give effect to the MDRS and the NPS-UD, HCC was required to prepare an Intensification Planning Instrument (**IPi**) pursuant to section 77G of the RMA (referred to as PC12).
16. PC12 involved significant changes to increased densities of residential development across the city. This raised issues with the capacity of Three Waters infrastructure to accommodate such growth, as analysed in the section 32 Report.¹ Provisions relating to servicing development for potable water, wastewater and stormwater are located in Chapter 25.13 (Three Waters) of the ODP, a city-wide chapter applying to all activities.
17. Through PC12, HCC proposed changes to Chapter 25.13, Appendix 1.2 and Appendix 1.3 of the ODP that apply a more stringent approach to Three Waters servicing requirements in response to the more intensive development enabled by PC12. In association with the provisions, an Infrastructure Capacity Overlay has been included to identify areas with infrastructure capacity constraints.

¹ PC12 Section 32 Report, Appendix 3.5 Three Waters Performance Assessment Report.

Notification and Directions

18. PC12 was publicly notified in August 2022 with further submissions in November 2022.
19. Since submissions closed the following has occurred of relevance to the Three Waters topic:
 - a) A Joint Themes and Issues Report for the Waikato IPIs was provided by Waipā District Council, Waikato District Council and HCC on 15 December 2022. This included a discussion of the submissions relevant to Hamilton Theme 4: On Site Three Waters Requirements and Infrastructure Capacity Assessments;
 - b) A Joint Opening Hearing was held in Hamilton from 15 to 17 February 2023 for the purpose of providing a strategic overview of the Waikato IPIs for the Hearing Panel. HCC presented the following proponent evidence relevant to the Three Waters provisions:
 - i. Jacqueline Colliar, Strategic Waters Infrastructure Unit Manager, presented an overview of the city's Three Waters systems and existing constraints;
 - ii. Julian Williams, Mana Whenua engagement lead, set out the background and context of Te Ture Whaimana and its role in the context of PC12; and
 - iii. Dr Mark Davey, City Planning Unit Manager, outlined the strategic planning basis underpinning PC12 and the proposed approach to qualifying matters including Te Ture Whaimana.
 - c) Expert conferencing 'Session A' in relation to Three Waters was

held on the 4th and 5th of May 2023 with a focus on the policy approach to infrastructure capacity constraints and the information requirements for capacity assessments. A Joint Witness Statement was prepared. A further expert conferencing 'Session B' planned to focus on the Three Waters chapter rules was postponed;

- d) On 29 June 2023, HCC requested to defer the hearing on PC12 until later in 2024 due to revised flood hazard modelling underway, Direction 16;
- e) In August 2023, the Minister agreed to HCC's request for an extension of the decision on PC12 to December 2024, Direction 20;
- f) In March 2024, the Hearing Panel's recommendations on the Waipā IPI (PC26) were received (this substantive hearing not having been deferred). Like PC12, PC26 also incorporated an Infrastructure Constraints Overlay with associated density restrictions. The Panel accepted that, in the Waipā context, this was a valid qualifying matter necessary to give effect to Te Ture Whaimana; and
- g) HCC's web based network capacity assessment tool has entered the early stages of development and is to be pilot tested in October for a month. Once it passes the pilot testing, the network capacity information will become available in a web viewer for public reference.

PLAN CHANGE 12 NOTIFIED PROVISIONS

- 20. In summary, the Three Waters provisions in the notified version of PC12 include changes to objectives and policies in Chapter 25.13 that emphasise the need for adequate Three Waters infrastructure capacity

to be provided in order for development and redevelopment in brownfields residential areas to proceed (new objectives 25.13.2.4 and 25.13.2.5 and related policies). PC12 also introduces an Infrastructure Capacity Overlay on the planning maps which delineates areas where there are known infrastructure capacity constraints, covering much of the city's residential zones apart from greenfield areas and the central city (referred to as Stage 1).

21. The changes to rules in Chapter 25.13 require a restricted discretionary consent for the creation of four or more additional residential units or lots (as per the operative plan), and residential development exceeding a density of one unit per 150m² or 200m² (zone dependent) within the Infrastructure Capacity Overlay.
22. A Three Waters Infrastructure Capacity Assessment (**TWICA**) is required to be submitted with any such consent application, which replaces the existing Water Impact Assessment requirement. As set out in the notified information requirements in Appendix 1.2, the TWICA is to contain:
 - a) A focus on the local service network where development is located outside of the Infrastructure Capacity Overlay;
 - b) An additional focus on the trunk and interceptor networks where development is located within the Infrastructure Capacity Overlay;
 - c) Confirmation of the availability of Three Waters infrastructure capacity to appropriately service the development; and
 - d) Where there is insufficient capacity, details of proposed mitigation measures, including funding of upgrades, staging or reduction in development scale/demand.

23. Such consent applications are to be assessed against a revised set of assessment criteria set out in the notified version of Appendix 1.3.
24. PC12 also contained changes to the stormwater management and water conservation provisions in the Three Waters chapter, which are addressed in the green policies evidence of Dr Juliana Reu Junqueira, HCC. PC12 also contained a related change to the Integrated Catchment Management Plan (**ICMP**) rule.

RECOMMENDED CHANGES TO THE NOTIFIED PROVISIONS

Overview

25. In total, 58 submissions and 9 further submissions were received relevant to the Three Waters topic of PC12. This translates to 128 individual submission points.
26. I have broken the submissions into themes and my analysis and reasoning for my recommendations is attached in **Appendix B**.
27. The common concerns raised by submitters relate to:
 - a) Intensification should not be allowed, due to insufficient infrastructure capacity and flooding effects (Theme 1, Issue 1);
 - b) Reconsider the policy approach for Three Waters, including revert back to the ODP approach (Theme 2, Issue 2);
 - c) Reconsider the use and extent of the Infrastructure Capacity Overlay (Theme 2, Issue 3 and Issue 6);
 - d) Amend the triggers for requiring a Three Waters Infrastructure Capacity Assessment (various submitters seek both lower and higher triggers) (Theme 2, Issue 4);

- e) Potential burden and increased uncertainty for developers (Theme 2, Issue 5):
 - i. Concerns about whether infrastructure capacity information is readily available.
 - ii. Potential increase in costs and administration required to assess capacity.
 - iii. Desire for clear guidance on whether a connection for a proposed development will be approved; and
28. All concerns raised by submitters are assessed in **Appendix B** under the Theme and Issue headings noted above. As part of this assessment, I have considered the changes being recommended to residential zone extents and residential zone provisions in response to submissions received on that topic (as set out in the Residential evidence of Mr Mark Roberts for HCC).

Recommendations

29. HCC's recommended provisions were published on HCC's website on 27 May 2024. The key changes to the notified Three Waters provisions included in those provisions, are as follows (brackets indicating where these are addressed in **Appendix B**):
- a) Delete the policies in Chapter 25.13 referring to financial contributions (Policies 25.13.2.2b and 25.13.2.5h) (Theme 4 Issue 8);
 - b) Amend Rule 25.13.4.1 to include an additional clause relating to an ICMP for the Enderley-Porritt Redevelopment Area (Theme 3 Issue 7);
 - c) Amend Rule 25.13.4.6 to align TWICA triggers with the latest recommended changes to the residential zone rules and zoning

extent (Theme 2 Issue 4);

- d) Consolidate and clarify information requirements for TWICAs to provide improved certainty over what information needs to be provided (Theme 2 Issue 5), including:
 - i. Additional details for what TWICAs should cover in regard to water and wastewater demands, including firefighting demand and fire risk classification;
 - ii. Clarification that HCC will consider the cumulative effects of permitted and consented development elsewhere in the catchment and funded works when confirming available capacity, rather than the applicant being expected to provide this information;
 - iii. Reference to the possible mitigation measure of Private Development Agreements where there is insufficient capacity to service a proposal;
 - iv. Removal of information requirement relating to target and performance indicators for monitoring and compliance; and
 - v. Additional advice notes on the meaning of strategic network infrastructure vs local infrastructure, and to highlight the requirement for all service connections to the HCC network to obtain HCC approval.
- e) Clarify assessment criteria for developments requiring TWICAs (Theme 2 Issue 5), including:
 - i. Include assessment of whether a proposal has access to an appropriate water source for both potable and firefighting use;

- ii. Include assessment of whether a proposal maintains and protects natural drainage functions;
 - iii. Require consideration of whether the ability to service other permitted or authorised activities is compromised;
 - iv. Elaborate that consideration of the extent to which the proposal is consistent with the provisions of any ICMP and/or Structure Plan relevant to the site should include checking consistency with any design assumptions made on Three Waters infrastructure, and whether additional investment would be required;
 - v. Include staging, reducing scale of development and Private Development Agreements as options to address insufficient infrastructure capacity; and
 - vi. Additional note on the meaning of strategic network infrastructure vs local infrastructure.
30. Other smaller changes are recommended in **Appendix B**.
31. On the whole, the recommended amendments are minor in nature and retain the notified PC12 approach to Three Waters. The recommended changes provide improved clarity, correct errors, and align with HCC's recommended changes to other chapters of the district plan and the planning maps.
32. A copy of the recommended changes to Chapter 25.13 Three Waters, Appendix 1.2 and Appendix 1.3 is attached in **Appendix A**.

Hamilton City Council submission

33. HCC made a submission to its own plan change in relation to Three Waters seeking minor wording amendments to Table 25.13.4.6 to refer to average net site area rather than average net density. I support

making this change.

STATUTORY CONSIDERATIONS

34. The statutory requirements relevant to PC12 are outlined in Appendix 3.1 of the Section 32 Report and particular statutory requirements relating to the Three Waters infrastructure capacity provisions are highlighted in Appendix 2.5 of the Section 32 Report. The Plan Change contains all the necessary information and assessments in terms of clause 22 of Schedule 1 to the RMA. The purpose and reasons for the Plan Change have been outlined in the Section 32 Report and supporting documents.

Section 31

35. Section 31 of the RMA sets out the functions of a territorial authority with respect to integrated management and the control of actual and potential effects. In preparing the Plan Change, HCC has given effect to these functions.

Section 32

36. Section 32 of the RMA requires an evaluation of the proposed objectives and provisions of the Plan Change. A detailed Section 32 analysis has been undertaken for PC12 in Part 2 of the Section 32 Evaluation Report, which concluded that the proposed Three Waters provisions were the most appropriate and effective method of managing the effects of residential intensification on the health and wellbeing of the Waikato River, giving effect to the objectives of the Plan and Te Ture Whaimana.
37. A Section 32 Addendum Report assessing the amendments to the notified residential chapters was published on the PC12 website on 27 May 2024 along with the updated set of recommended PC12 provisions. This Report addresses the changes made to the residential chapters and

zoning extents in response to submissions, and changes made to the implementation of the MDRS (which rely on signalled legislative amendments enabling HCC to 'opt out' of the MDRS).

38. Relevant to Three Waters, the Addendum Report assesses a proposed change in the number of units permitted on a site in the General Residential Zone to two rather than three. In summary, the stated benefits of the change are: ²
 - a) A reduction in pressure on the Three Waters network and potential adverse effects on the Waikato River, helping HCC to achieve its obligations under Te Ture Whaimana;
 - b) Closer alignment between zone-enabled development, the Infrastructure Capacity Overlay restrictions and the Three Waters Connections Policy; and
 - c) It will direct intensification into the Medium and High Density Residential zones as well as the Central City, where infrastructure investment can be more efficiently targeted.
39. I note that Ms Colliar's opening hearing evidence provides support for a reduction in permitted densities, describing that even the duplex infill development provisions in the ODP have contributed to cumulative demand on existing networks exceeding their capacity, resulting in breaches and failures. Ms Colliar advised that network upgrades to support MDRS densities cannot affordably or practically be implemented across the City.
40. The Section 32 Addendum Report concludes that the change to the General Residential Zone enabled densities will be effective in promoting greater housing growth than what is currently permitted

² Paragraphs 20-33 of PC12 Section 32 Addendum Report, dated 27 May 2024.

under the ODP and ensuring that this growth is balanced with infrastructure demands.

41. The change that I am recommending to the TWICA triggers aligns with the above density change. The other changes that I am recommending to notified PC12 generally retain the notified approach to Three Waters matters and are minor in nature, and the original section 32 assessment remains generally applicable.

Section 77G

42. Section 77G of the RMA as introduced by the HSAA sets out the duties of a territorial authority to incorporate the MDRS and give effect to the NPS-UD. The proposed Three Waters infrastructure capacity provisions form part of HCC's IPI (PC12) as required under section 77G.

Sections 77I and 77J

43. Section 77I of the RMA as introduced by the HSAA provides for HCC to be less enabling of development to accommodate qualifying matters when applying the MDRS and NPS-UD to relevant residential zones. Infrastructure constraints are not directly identified as a qualifying matter under section 77I. However, matters required to give effect to Te Ture Whaimana are identified as a qualifying matter under section 77I. As described in the HCC legal submissions and expert evidence at the Joint Opening Hearing, in the case of PC12, the "matter" required to give effect to Te Ture Whaimana is the relationship between residential densities enabled by the District Plan, and the Three Waters infrastructure needed to service those developments so that adverse effects on the Waikato River are managed in a way that gives effect to Te Ture Whaimana.
44. Before the qualifying matter can be applied, the RMA requires that

there be an assessment of the impact of the qualifying matter on the outcomes sought by the NPS-UD and HSAA. Section 77J sets out what this assessment should cover for a new qualifying matter. These aspects have been addressed in Appendix 2.5 to the Section 32 Evaluation Report in relation to Three Waters infrastructure capacity.

Section 80E

45. Section 80E of the RMA as introduced by the HSAA allows an IPI to contain 'related provisions' as part of implementing the MDRS and the NPS-UD. I note that some of the PC12 changes to Chapter 25.13 (including those discussed in Dr Junqueira's evidence) are 'related provisions', rather than provisions representing a restriction on MDRS intensification through a qualifying matter.
46. The new clause that I have recommended be added to Rule 25.13.4.1 relating to an ICMP for the Enderley-Porritt Redevelopment Area is also considered to be a related provision. It supports zoning changes made in the Enderley-Porritt Redevelopment Area (Peachgrove Road corridor upzoning) in response to the NPS-UD, and promotes the implementation of infrastructure upgrades and stormwater enhancement projects that support the health and wellbeing of the Waikato River, as explained in **Appendix B** (Theme 3 Issue 7).

Sections 74 and 75

47. Sections 74 and 75 of the RMA set out the matters to be considered by a territorial authority, and the contents of district plans. Section 74 is concerned with having regard to any management plans and strategies under other Acts, and taking into account planning documents recognised by iwi authorities. Section 75 is concerned with giving effect to any national policy statement and regional policy statement, and not being inconsistent with a regional plan.

48. PC12's Three Waters Infrastructure Capacity provisions have been assessed against the relevant national policy statements, planning instruments and the Waikato Regional Policy Statement in Appendices 3.1 and 2.5 of the Section 32 Report. My recommendations on the Three Waters provisions continue to be consistent with the assessment in the Section 32 Report, including:
- a) National Policy Statement on Freshwater Management 2020, in particular, clause 3.5(4);
 - b) National Policy Statement on Urban Development 2020, in particular, Objective 6;
 - c) Te Ture Whaimana; and
 - d) Waikato Regional Policy Statement.

CONCLUSION

49. In conclusion, the Three Waters provisions in PC12 are consistent with Sections 77I and 77J of the RMA and address a matter required to give effect to Te Ture Whaimana.
50. The PC12 Three Waters objectives are the most appropriate way to achieve the purpose of the RMA. The PC12 Three Waters provisions are considered to be more effective at managing the effects of residential intensification on the health and wellbeing of the Waikato River than other alternatives.
51. The Section 32 assessments demonstrate that the proposed policies and methods are the most appropriate for giving effect to the Waikato Regional Policy Statement and implementing the relevant objectives of the ODP, as well as the PC12 Three Waters objectives.
52. The minor changes I have recommended to the Three Waters provisions

retain the notified PC12 approach and continue to give effect to Te Ture Whaimana.

Emily Chee Win Buckingham
26 June 2024

APPENDIX A – Officers' Recommended Amendments to PC12 Provisions

A full set of the recommended amendments to provisions is available on Council's external PC12 web page

<https://hamilton.govt.nz/property-rates-and-building/district-plan/plan-changes/plan-change-12/>

APPENDIX B – Response to Submissions

Plan Change 12 – Intensification Planning Instrument

Appendix B

Three Waters – HCC Response to Submissions



Prepared by: Emily Buckingham, Consultant Planner – SLR Consulting NZ Ltd
Authorised by: Mark Davey – City Planning Unit Manager

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1.0 Introduction

This report has been prepared to:

- assist the Independent Hearings Panel (“IHP”) in making their recommendations on the submissions and further submissions on PC12 that are relevant to Three Waters; and
- provide submitters with an opportunity to see how their submissions have been evaluated by Council, prior to the hearing.

This report uses ‘key themes’ to group and address matters raised in submissions and further submissions.

The report includes officer recommended responses to submission points and, where appropriate, proposed amendments to PC12.

2.0 Scope of Report – Relevant Plan Change Provisions

This report considers submissions and further submissions received in relation to the parts of PC12 listed in Table 1.

Table 1 Plan Change Provisions This Report Addresses

District Plan Volume	Proposed Plan Change 12 Chapters or Appendices	Proposed Plan Change 12 Sections
1	Chapter 25.13 Three Waters <i>(Also refer to Green Policies evidence/report, which covers other provisions within this chapter relating to stormwater management and water conservation)</i>	25.13.1 Purpose
		25.13.2 Objectives and Policies: Three Waters - Objective 25.13.2.4 and .5 - Policies 25.13.2.4a-d and .5a-h
		25.13.3 Rules – Activity Status Table (Activities a-c)
		25.13.4 Rules – General Standards - 25.13.4.1 Integrated Catchment Management Plan - 25.13.4.6 Three Waters Infrastructure Capacity Assessments and Water Impact Assessments
		25.13.5 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria (Matter ii)
2	Appendix 1 District Plan Administration	1.2 Information Requirements: - 1.2.2.5 Water Impact Assessments - 1.2.2.5a Three Waters Infrastructure Capacity Assessments
		1.3.3 Restricted Discretionary, Discretionary and Non-Complying Assessment Criteria: - J Three Waters Techniques - J9 Three Waters Infrastructure Capacity
Maps	Infrastructure Capacity Overlay New – Enderley-Porritt Redevelopment Area Overlay	Maps

3.0 Statutory Requirements

PC12 was supported by a section 32 evaluation report titled ‘Plan Change 12 – Enabling Housing– Section 32 Evaluation Report, dated August 2022 (“the Section 32 Report”). The Section 32 report was accompanied by 17 supporting documents that formed appendices to the Section 32 report.

The Section 32 Report and supporting assessment suite has been evaluated and is considered generally robust and thorough and suitable for supporting PC12.

Since the release of updated provisions, a further section 32 report has been released dated 27 May 2024 which summarises the key changes and reasoning behind the latest proposed changes to PC12.

4.0 Overview of Submissions Received

A total of 58 submissions and 9 further submissions were received that are relevant to this hearing topic. 128 submission points were received in total. The amendments sought can be generally summarised as follows:

- Do not allow intensification, due to insufficient infrastructure capacity and flooding effects (Theme 1, Issue 1).
- Reconsider the policy approach for Three Waters, including revert back to the operative plan policy approach (Theme 2, Issue 2).
- Reconsider the use of the Infrastructure Capacity Overlay (Theme 2, Issue 3) and/or include/exclude particular areas (Theme 2, Issue 6).
- Amend the triggers for Three Waters Infrastructure Capacity Assessments (various submitters seek both lower and higher triggers) (Theme 2, Issue 4).
- Reduce burden and increase certainty for developers by ensuring that infrastructure capacity information is readily available, reducing the cost and administration required to assess capacity, and providing clear guidance on whether a connection for a proposed development will be approved (Theme 2, Issue 5).
- Amend Integrated Catchment Management Plan (ICMP) triggers and/or requirements (Theme 3, Issue 7).
- Amend/delete policies relating to financial contributions within the Three Waters chapter (Theme 4, Issue 8).
- Miscellaneous (Theme 5, Issue 9).

5.0 Key Themes and Issues

5.1 Theme 1 – General Infrastructure/Intensification Concerns

This theme relates to concerns raised in submissions about existing three waters infrastructure issues in Hamilton City and the exacerbation of these by PC12. The submission points are considered to be ‘general’ if no specific comments on the PC12 three waters policies, plan provisions or overlay were made.

Issue 1 – General infrastructure constraints in Hamilton City
PC12, through the introduction of the Medium Density Residential Standards (MDRS), facilitates residential intensification to greater densities than the operative plan. The increased density has implications for the City’s infrastructure servicing, and Hamilton City’s existing three waters systems already have performance challenges.
Submission Points Relating to Issue
27.1, 55.1, 59.5, 79.2, 109.1, 109.5, 121.2, 125.1, 126.1, 126.3, 139.2, 140.1, 174.1, 178.1, 183.1, 191.5, 215.2, 224.1, 314.3, 317.1, 319.4, 320.2
Further Submissions relating to Issue
FS340, FS498
Analysis of issue

PC12 has been generally opposed by multiple submitters (including Peter Millar, Margaret McLeod, Sharon Tattley and F Purdie, Emma Furlonger-Jones, Philip and Sylvia Steeghs, Susie Evans, Willetta Staheli, Katherine Luketina and Carla Shailer) who are worried about the increased infrastructure burden from residential intensification in terms of cost, infrastructure capacity, flooding and adverse effects on the Waikato River. The submitters seek that intensification is not allowed, or that assurance is provided that intensification can be supported by three waters infrastructure.

Jennylee Godwin seeks that three waters upgrade work is planned for and delivered prior to PC12 being implemented, and supports the need for approval to connect to the three waters network. Ian and Ruth Bridge and Guy Brooking have sought that the developers intensifying the city pay for the required infrastructure, not the ratepayers.

Some submitters have highlighted specific areas within Hamilton where they have concerns about infrastructure capacity and flooding. These include Gillies Ave, East Street and Young Street areas (Aaron Beveridge), Hamilton Lake (Trevor McKee), Tramway Road (Robyn Macnamara), Claudelands (Melanie Odey, Matthew Iremonger, Xiaoming Guo and Feijiang Ye), Fairfield (Margot Rawlings) and Hukanui Road (Miriam Monk).

I accept the above concerns and note that Council's section 32 reports and strategic hearing evidence on Three Waters also document the same concerns. I do not recommend any specific changes to PC12 in response, because the Three Waters provisions in PC12 (Chapter 25.13 and the Infrastructure Capacity Overlay) seek to address the above issues. Specifically, these provisions require adequate three waters infrastructure to be demonstrated to be available, planned or funded for more intensive development proposals across the city. If this is not the case, the provisions direct that intensification is to be avoided. I also note that decisions on the programming and funding of infrastructure upgrades are not made as part of the District Plan.

Recommended Changes

None to Three Waters provisions.

However, changes to the General Residential Zone provisions have been made to restrict intensification (see Residential evidence of Mark Roberts for HCC).

5.2 Theme 2 – Infrastructure Capacity Provisions

This theme responds to submissions relating to PC12's approach to addressing Three Waters infrastructure / servicing constraints when residential intensification is proposed. This includes whether the Infrastructure Capacity Overlay and related provisions are necessary to give effect to Te Ture Whaimana as a qualifying matter; when and how infrastructure capacity issues should be addressed; the effects of the approach on development time and costs; specific wording of provisions; and the specific extent of the Overlay.

Issue 2 – The overall policy approach to managing infrastructure capacity

PC12 contains a suite of objectives and policies that apply a stringent approach to three waters servicing requirements for the more intensive development enabled by PC12. While operative Chapter 25.13 already contains direction about providing appropriate Three Waters infrastructure, and subdivision and development not occurring unless required three waters infrastructure is available to service it (i.e. **Policies 25.13.2.4a and 4b**), a strengthened and more specific policy regime is now proposed. This includes:

- **New objective 25.13.2.5** referring to avoiding adverse effects on the Waikato River from development and redevelopment of urban areas, and contributing toward improving the

<p>health and wellbeing of the Waikato River, with urban development and redevelopment staged over the medium and long terms in line with planned upgrades (where necessary);</p> <ul style="list-style-type: none"> • New policies 25.13.2.5a and g referring to the identification of an Infrastructure Capacity Overlay over areas with insufficient infrastructure capacity for additional subdivision or development, which will be progressively amended as three waters infrastructure is upgraded and replaced; • New policies 25.13.2.5b-f setting out that where there are three waters infrastructure constraints, infrastructure capacity needs to be specifically assessed for higher density developments, and intensification should be avoided until infrastructure constraints are resolved. Additional infrastructure demand generated by development should not necessitate additional unplanned public investment, nor compromise the ability to service other activities. However where sufficient infrastructure is provided, or can be and is planned to be provided by the time of development, the development is enabled; • New policy 25.13.2.5h relating to requiring financial contributions for off-site infrastructure upgrade works in accordance with Chapter 24 (submissions on which are addressed in the Financial Contributions theme below); • The modification of operative objective 25.13.2.3 (now renumbered 25.13.2.4) and related operative policy 25.13.2.3b (25.13.2.4b) to refer to infrastructure also being 'resilient' and state that infrastructure available to service new development needs to include necessary local, trunk <u>and</u> strategic networks. <p>The overall approach and the specific wording of the objectives and policies are challenged by submitters.</p>
Submission Points Relating to Issue
132.2, 160.3, 160.29, 160.296, 160.297, 160.299, 160.301, 160.302, 160.303, 241.39, 276.1, 276.3, 276.31, 326.53, 326.54, 330.136, 330.138, 343.67, 343.68
Further Submission relating to Issue
N/A
Analysis of issue
<p>Submissions received in relation to the overall policy approach to managing infrastructure capacity are mixed between opposition and support in part with proposed amendments.</p> <p>Those in general support of the objectives and policies include Fire and Emergency NZ (FENZ) and Waikato Regional Council (WRC). FENZ emphasises that three waters infrastructure should be provided in a way that is resilient, and that development should only occur where the required infrastructure is available. It supports the policies relating to identification of the Overlay and its progressive amendment once infrastructure is upgraded. FENZ further supports the policy approach to require capacity assessments in areas subject to constraint and avoid intensification where infrastructure upgrades are not feasible in the short to long term.</p> <p>FENZ also supports the reference to the Three Waters Connection Policy in Section 1.1.2 of the Plan to ensure that the network can adequately service proposed activities.</p> <p>WRC supports Objective 25.13.2.5 and the related policies, seeking that they are retained as notified to protect and improve the health and wellbeing of the Waikato River and ensure that development can be adequately serviced. WRC also supports the inclusion of 'resilient' in Objective 25.15.2.4 and the associated policies, however, suggests that Policy 25.13.2.4c is amended to add that infrastructure is to be designed and constructed to be resilient to the likely current and future impacts of climate change. I note that Policy 25.13.2.6a(iv) is already proposed to be amended to this effect.</p>

Survey and Spatial NZ Waikato Branch (SSNZ) recognises the need for controls on development in relation to infrastructure capacity but holds serious concerns about the administrative burden and uncertainty for prospective developers associated with the policy approach. SSNZ is aware that the development of a corresponding Three Waters Connection Policy is ongoing. It seeks that through that Connections Policy, certainty as to sites' development potential is maximised, and administrative timelines for connection applications are minimised. Further, SSNZ seeks that the risk of connections being declined for land use applications approved or already existing is minimised.

Rotokauri North Holdings Limited, Jones Lands Limited, and Hamilton Campground Limited generally support changes to reflect the health and wellbeing of the Waikato River. However, they seek that Objective 25.13.2.4, 25.13.2.5 and Policies 25.13.2.4a-d and 25.13.2.5a-h are amended so they do not foreclose on the ability to provide for interim solutions to infrastructure to enable housing supply. The submitters also oppose financial contributions for greenfield growth areas.

Kāinga Ora (KO) and the Retirement Villages Association oppose the overall policy approach. KO is of the view that provisions requiring the provision of adequate three waters infrastructure for developments are not sufficient to deliver the 'betterment' required by Te Ture Whaimana, and for that reason seeks that reference to Te Ture Whaimana is removed from the purpose statement for the Three Waters provisions. KO further considers that the PC12 Three Waters framework is obstructive to achieving intensification, and not necessary to give effect to the qualifying matter of Te Ture Whaimana.

KO does support the provision of adequate infrastructure in principle but considers this matter can be addressed through the resource and building consent processes without constraining intensification. While KO supports Objective 25.13.2.5, it opposes Policies 25.13.2.4b, 25.13.2.5a, 5b, 5d, 5e and 5f in their entirety, and seeks that Policy 25.13.2.5c is amended to address the concept of infrastructure enabled development and to include provision for alternative solutions for servicing a site. KO also states that an alternative approach is suggested for Policy 25.13.2.4a, however this does not seem to be included in the submission.

The Retirement Villages Association opposes Policies 25.13.2.5a-g (in particular, Policy 25.13.2.5e) due to constraints they impose upon development and seeks that they be deleted. If not deleted, the submitter seeks amendments which encourage the development of the necessary infrastructure to support the housing development required by the community. The Retirement Villages Association also submits that Policies 25.13.2.4a and 4b should be adjusted to better enable the development of housing to meet the needs of the community rather than being inhibited by infrastructure capacity.

Discussion

Council's strategic hearing evidence by Ms Jackie Colliar and Council's experts at expert conferencing session A support the notified policy approach (including placing some constraints upon intensification) as being necessary to give effect to Te Ture Whaimana.¹ I consider that the notified policy approach is appropriate and recognises the importance of three waters servicing to the health and wellbeing of people and communities. In my view, relying solely on the Connections Policy to decline connections where there is insufficient capacity would be inefficient, as it could lead to unwanted surprises and frustration if a resource consent for the development has already been granted. Instead, assessing infrastructure capacity via the District

¹ 3 Waters and Planning JWS dated 4 and 5 May 2023, see paragraphs 3.1.1, 3.2, 3.2.1, 3.2.9.

Plan provisions at the resource consenting stage would give a clear signal whether issues exist and would allow the imposition of conditions, for example around staging the development to match capacity over time. I understand that the connections approval process is less flexible in this respect.

In response to SSNZ, Council provided an update on the Connections Policy and alignment with PC12 at expert conferencing session A.² Council aims to align the resource consenting and connections approval processes as closely as possible.

In my view, the policy wording as notified sets appropriate higher level direction, while the rules and assessment process for resource consents enable the consideration of the future availability of any planned infrastructure as well as any alternative solutions and mitigation measures.

Overall, I do not recommend any changes to infrastructure capacity policies 25.13.2.4a-d and 25.13.2.5a-h in response to the above submissions, and I support the notified policy approach being retained.

Recommended Changes

None.

Issue 3 – The method of using an overlay

PC12 includes an **Infrastructure Capacity Overlay** on the planning maps, which covers a large proportion of the residential zoned sites within the City. As set out in Policy 25.13.2.5a, the Overlay applies to areas of the city where existing three waters infrastructure has insufficient capacity to accommodate planned additional subdivision or development, with consequent adverse effects on the health and wellbeing of the river from increased wastewater overflows, stormwater discharges and unsustainable potable water use. The rules associated with the overlay are more restrictive than the MDRS, which Council considers to be justified via a Qualifying Matter.

Areas not subject to the notified Overlay are referred to as Stage 1 and include the central city, walkable catchments and CBD North. While these areas are no better than others in the City from a three waters infrastructure capacity point of view, their exclusion from the Overlay is a planning response to focus intensification and prioritise infrastructure investment. The Overlay is also able to be modified via future plan changes to remove it from areas where infrastructure capacity becomes available.

Submission Points Relating to Issue

120.3, 132.1, 160.298, 160.304, 165.2, 166.13, 343.3

Further Submission relating to Issue

N/A

Analysis of issue

Multiple submitters have expressed concerns with the method of using an overlay, including its validity and necessity.

Vanessa Milne generally supports the Infrastructure Capacity Overlay, however, seeks that Council determine the infrastructure capacity to obviate the need for individual assessments (which may be costly and replicate already known capacity availability).

² Ibid, see paragraphs 3.3.5 and 3.5

The Ministry for Housing and Urban Development (MHUD) supports in part the overlay method but urges the careful consideration of the need and evidence for the Overlay. It states that Te Ture Whaimana is a listed qualifying matter under section 77I of the RMA but impacts on infrastructure (where there is no direct impact on the river) are not justified under section 77J and restrictions for this purpose would require additional analysis under section 77L to meet the more stringent requirements for a 'non-listed matter'. In MHUD's view the Council has not met section 77L, intending to justify the Overlay on the need to manage impacts on the river under section 77J. MHUD believes that the level of restriction of development proposed in PC12 may be contrary to section 77I.

MHUD further states that some features of the Overlay may not be appropriately designed including the density trigger for an infrastructure assessment, the extent of the Overlay appearing to conflict with its purpose, and the capacity assessment provisions being unclear regarding requirements for local and trunk capacity. MHUD requests that the Overlay be carefully considered to bring it into compliance with section 77I of the RMA and suggests that it may be more appropriate to have more tightly focused measures that cover the whole city.

The Property Council New Zealand and SSNZ oppose the use of an overlay as they believe that this could result in significant development delays, increase cost and create a large barrier to residential development. The Property Council is concerned about developers' access to information about the availability and state of three waters servicing, and seeks that Council engage further with the development community on the introduction of the Overlay.

KO seeks that the Infrastructure Capacity Overlay and any reference to it is removed from the plan change, for the same reasons it opposes the overall policy approach. KO further states that if the Overlay was required to give effect to Te Ture Whaimana it would not be something that could be updated and reduced as and when capacity is made available. Jones Lands Limited and Hamilton Campgrounds Limited also seeks that the Overlay is removed, as it will unnecessarily delay existing and future development capacity where engineering solutions are known.

Discussion

In my view the section 32 report,³ the strategic hearing evidence by Ms Colliar and Mr Julian Dawson, and strategic hearing legal submissions on behalf of Council appropriately justify the Overlay and associated provisions under section 77J and as a matter required to give effect to Te Ture Whaimana. I agree with the position of Mr Mead set out in the Joint Witness Statement (JWS) from 3 Waters and Planning expert conferencing,⁴ being that both a planning and engineering response is the most appropriate way to manage the infrastructure implications of the MDRS/NPS-UD. For these reasons, I consider that the Overlay is a necessary component of the overall policy approach, which I support (as outlined above).

The spatial identification of the Overlay (as well as the ability to amend it over the longer term) assists the Council to focus its limited funds for investment and increases certainty regarding where growth and development is supported to occur. The Overlay also clearly emphasises the importance of infrastructure capacity issues, and makes them more obvious for plan users. Therefore this method is assessed as effective at identifying and managing infrastructure issues and demands. The use of an Overlay aligns with the district plan spatial layers standard in the National Planning Standards.

³ Appendix 2.5 to the PC12 s32 report, 'Infrastructure Capacity Provisions' dated 7 July 2022

⁴ 3 Waters and Planning JWS dated 4 and 5 May 2023, see paragraph 3.2-3.2.1

I support retaining the method of using an overlay and do not recommend any changes to the Infrastructure Capacity Overlay in response to these submissions.

Recommended Changes

None.

Issue 4 – The requirement and triggers for Three Waters Infrastructure Capacity Assessments (TWICA)

The operative plan (**Rule 25.13.4.6**) contains a Water Impact Assessment (WIA) requirement for developments involving four or more additional residential units or allotments, as well as other larger non-residential developments. Developments requiring a WIA require consent as a restricted discretionary activity.

PC12 replaces the WIA requirement in Rule 25.13.4.6 for residential zones with a Three Waters Infrastructure Capacity Assessment (TWICA). The triggers for a TWICA (and restricted discretionary consent) being required are, in summary:

- Four or more additional residential units or allotments.
- Non-residential buildings with a gross floor area greater than 300m².
- Within the Infrastructure Capacity Overlay, more than 1 unit per 200m² in the General Residential zone; more than 1 unit per 150m² in the Medium Density Residential zone; and any development in the High Density Residential zone.

The WIA rules continue to apply to non-residential zones, and PC12 also adds an additional WIA trigger applying to non-residential zones, being more than 1 unit per 150m² within the Infrastructure Capacity Overlay.

Submission Points Relating to Issue

24.2, 156.11, 160.16, 160.118, 160.189, 160.308, 160.316, 160.317, 160.318, 167.4, 182.2, 203.7, 228.9, 250.8, 251.8, 251.17, 251.18, 255.1, 270.26, 276.32, 276.35

Further Submissions relating to Issue

FS338, FS438

Analysis of issue

FENZ supports the requirement for developments to prepare a TWICA and the triggers for such an assessment, as notified. FENZ states that the TWICA rules should enable Council to ensure that subdivision and development can be adequately serviced at the time of resource consent. It further supports retention of the WIA requirement for non-residential zones.

Two submitters seek lower triggers for TWICAs. William McMaster seeks assessments of infrastructure capacity for three or more dwellings. Phillip Lee seeks that an infrastructure assessment is required for *any* building development, stating that there is an existing strain on infrastructure and further assessment is needed for any increase in development.

Conversely, Pragma Holdings Limited (Rototuna North East, 245 Killarney Road and 163 River Road), Hounsell Holdings Limited and Rotokauri Development Limited suggest a higher threshold trigger for TWICAs, being greater than 40 lots in accordance with the current Integrated Catchment Management Plan (ICMP) thresholds.

KO opposes the inclusion of the TWICA rules in the Three Waters chapter. The submitter would rather see infrastructure capacity be a matter of discretion for residential development in the

residential zone chapters instead (being achieved by demonstrating that at the point of connection the infrastructure has the capacity to service the development). KO also seeks that the density triggers for a TWICA are removed, and that the trigger for assessing infrastructure capacity for the Medium and High Density Residential Zones be seven or more dwellings/additional allotments (rather than the four proposed) for both TWICAs and WIAs. It is understood from the expert conferencing that the density triggers are a key matter of contention for KO.

KO has also sought clarification on the WIA triggers being 1,000m² GFA for an industrial building and 300m² GFA for other non-residential buildings. These existing WIA triggers continuing to apply to non-residential zones are outside the scope of PC12.

Discussion

The TWICA/consent requirement for four or more dwellings/lots corresponds to any development exceeding the MDRS and is also reflective of a break point between minor infill development and comprehensive redevelopment of a site. The density triggers correspond to development exceeding the density of development provided for in the operative District Plan, therefore exceeding the basis of current infrastructure planning and commitments. I consider that the density triggers are important to ensure that capacity issues are assessed for medium density redevelopments such as town houses/terrace housing, which would have cumulative effects on infrastructure capacity. On this basis, I recommend that the requirement for developments to prepare a TWICA is retained, and that the triggers for a TWICA are largely retained as notified.

I recommend some minor changes to the triggers to better align with the recommended changes to residential provisions and zoning maps, as described below:

- The development recommended to be enabled in the General residential zone is now close to what the operative District Plan provides for (two units per site at 200m² net site area). Consent would be required for more intensive development. I recommend that the trigger for a TWICA in the General residential zone within the Infrastructure Capacity Overlay be changed accordingly, to be triggered upon the creation of three or more residential units and/or a density exceedance.
- Zone changes are being recommended so that there is no longer any High Density Residential zone within the Infrastructure Capacity Overlay. Should these changes be accepted I recommend that the requirement for any residential development in the High Density Residential zone within the Overlay to prepare a TWICA be deleted, as it would not be applicable.
- I also note that the density triggers from the Three Waters chapter are proposed to be reflected in recommended changes to the Residential zone chapters, so that these standards are more easily able to be seen upfront.

NZIA Registered Architect Practices is concerned that the required TWICAs will incur increased time requirements and costs, both for Council and private developers. No specific relief is sought in response to this matter. The concern is acknowledged and Council will seek to make the process efficient and adequately resourced, but no changes to provisions are proposed, as the TWICA process is considered to be necessary.

Hamilton City Council seeks a clarity change to the TWICA triggers in Rule 25.13.4.6 Column A, to refer to 'average net site area' rather than 'average net density'. I agree with this change.

Recommended Changes

Add TWICA trigger to Rule 25.13.4.6 column A: 'creating three or more residential units on a site located in the General Residential zone'

Delete TWICA trigger in Rule 25.13.4.6 column A: ~~'Residential development in the High Density Residential zone'~~

Amend Rule 25.13.4.6 column A to state 'average net site area' rather than 'average net density'.

Issue 5 – Information requirements and assessment criteria for TWICA

Information requirements for TWICAs are contained in **Appendix 1.2.2.5a** of the plan. If the site is subject to the Infrastructure Capacity Overlay, local and strategic network capacity needs to be assessed; outside the Overlay, only local network capacity needs to be assessed.

Any development requiring a TWICA is to provide Council confirmation of available Three Waters infrastructure capacity to appropriately service the proposal, like current WIA requirements. New requirements for a TWICA include that where there is insufficient capacity to service a proposal within the Overlay, measures to reduce demand and mitigate the development's effects are to be identified, and details provided of programmed / consented works in the catchment or financial contributions towards catchment wide upgrades. A TWICA is also required to include outcomes of consultation with Council as asset owner.

The applicable matters of discretion and assessment criteria for any activity required to prepare a TWICA are contained in **Appendix 1.3.3 J9 – Three Waters Infrastructure Capacity (J9.1-J9.9)**.

Compared to the operative criteria for WIAs, the proposed assessment criteria are more focused on effects on the Waikato River, and more specific with regards to effects on capacity – including whether insufficient capacity can be addressed through design techniques, mitigation, upgrades and financial contributions.

Submission Points Relating to Issue

160.341, 162.50, 181.7, 182.3, 182.4, 182.5, 182.6, 182.7, 203.8, 203.9, 203.10, 203.11, 203.12, 228.7, 228.10, 228.11, 228.12, 228.13, 228.14, 236.27, 236.28, 250.9, 250.10, 250.11, 250.12, 250.13, 251.9, 251.10, 251.11, 251.12, 251.13, 255.1, 255.2, 255.4, 276.39, 276.42

Further Submission relating to Issue

N/A

Analysis of issue

Several submitters are in opposition to various specific information requirements for TWICAs as contained in Appendix 1.2.2.5a Three Waters Infrastructure Capacity Assessments. KO seeks that Appendix 1.2.2.5a is deleted entirely, as it does not support TWICAs at all.

Chedworth Properties Limited generally opposes the TWICA requirements under Rule 25.13.4.6, making specific comment on information requirement 1.2.2.5a(ii):

ii. Council confirmation of available Three Waters infrastructure capacity to appropriately service the proposal

The submitter states it is unclear how Council can provide confirmation of infrastructure capacity so as to meet this requirement, based on existing systems and resources available. Further, the potential complexities create uncertainty with respect to time and cost for new developments. Similar concerns are raised by Tainui Group Holdings Limited, Pragma Holdings Limited (245

Killarney Road, Rototuna North East and 163 River Road), Hounsell Holdings Limited and Rotokauri Development Limited, who also seek better definition of what the term ‘appropriately service’ will mean.

Discussion

I consider that information requirement (ii) is intended to ensure that Council is satisfied with the ability to service the proposal. The surety sought by developers cannot be obtained without consultation with Council, input which is essential to determine whether there is adequate infrastructure capacity. To reduce time, cost and risk to developers, Council is working to make information more easily available, streamline the consultation process, integrate it with the Connections Policy, and provide adequate internal resource for its required inputs. An update on these matters has been provided at expert conferencing session A.⁵ I support information requirement (ii) in principle, however an advice note is recommended to be added referring to the potential requirement for approval under the Connections Policy, consistent with the wording of other advice notes in Chapter 25.13. A clarification is also recommended on what is local vs strategic network infrastructure as referred to in both 1.2.2.5a and 1.3.3 J9.

Pragma Holdings Limited (245 Killarney Road, Rototuna North East and 163 River Road), Hounsell Holdings Limited and Rotokauri Development Limited also submitted on specific information requirements 1.2.2.5a(iii), (iv), (vi) and (x), which are set out and discussed below.

- iii. Where there is insufficient capacity to appropriately service the proposal, details of:*
 - a. Consented development elsewhere in the catchment*
 - b. Programmed Council works*
 - c. Possible mitigation measures both within a development area or site, as well as within the relevant network surrounding the development site or area*
 - d. Financial contributions towards catchment wide upgrades*

The submitters are again concerned with delays and inefficiencies associated with difficulties in obtaining the information required by (iii)(a) and (b). They also seek that (iii)(c) is deleted, as this matter is already required to be addressed in resource consent applications by sections 95E and 104 of the RMA. The submitters further seek that (iii)(d) is clarified, as it is unclear if this requirement will be relevant to minor proposals.

Discussion

It is recognised the information in (a) and (b) is not currently easily obtainable, but it is also an important consideration in the development process, given the need to manage capacity constraints in Council’s network. I recommend clarifying that Council will consider this information as part of its confirmation of the ability to service a proposal, rather than the applicant being expected to source this information. I also recommend deleting (d) given the recommended amendments to financial contributions provisions, discussed in Theme 6 below.

⁵ 3 Waters and Planning JWS dated 4 and 5 May 2023, see paragraphs 3.3.5 and 3.5

iv. Outcomes of consultation with Council as asset owner

The submitters are concerned with Council's ability to administer this consultation in an efficient and timely manner, and suggest that consultation only be required for larger scale developments. They seek that the 'outcomes of consultation' are clarified, including whether a response or resolution from Council is required before an application can be processed.

Discussion

Council does intend that consultation be required with it for any application triggering a TWICA. Consultation with Council is key to obtaining the information required by items (ii) and (iii) above, and a response is required in order to confirm capacity.

vi. Details of what on-site, water-sensitive stormwater management techniques are proposed and associated demands on down stream infrastructure.

The submitters suggest that this requirement is too complex for small scale development, and seek that downstream infrastructure be defined. They seek that (vi) is amended to remove the requirements for details of 'associated demands on downstream infrastructure'.

Discussion

The purpose of this information requirement is to understand residual demand on the public stormwater network after onsite techniques are used. This information is required for all scales of development requiring a TWICA in order to assess whether downstream infrastructure can adequately manage the proposed discharges. For improved clarity, it is recommended that the word 'associated' be replaced with 'resulting' and that 'water sensitive' can be deleted. It would also be beneficial to add the consideration of natural drainage functions, including overland flowpaths, as part of the assessment process.

x. A list of measurable targets and performance indicators to allow the efficient and effective monitoring of the proposal's compliance with any conditions arising from the Three Waters Infrastructure Capacity Assessment.

The submitters seek that (x) is deleted, as this matter can be managed through conditions of consent on a site-by-site basis and should not be required for minor developments.

Discussion

The proposed wording for (x) was taken from the operative information requirements for WIAs. It is accepted that the item will not always be relevant, depending on the scale and nature of proposed development. I recommend accepting these submissions.

FENZ seeks an additional information requirement in Appendix 1.2.2.5a to assess *firefighting water supply capacity in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008*. It states that this will ensure development provides water at the appropriate pressure for its intended use. FENZ broadly supports the assessment criteria set out in J9 but seeks an amendment to J9.1(a) to make specific reference to firefighting use as

follows: *'Access to and use of an appropriate and sustainable water source for both potable and firefighting use'*.

Discussion

I agree that it would be helpful to explicitly refer to firefighting capacity in the information requirements and assessment criteria. Having discussed the matter with Evan Vaughters (HCC Asset Lifecycle Engineer – Three Waters), accordance with SNZ PAS 4509:2008 may not be able to be ascertained at resource consent stage (e.g. subdivision applications where the end use is not yet known). Therefore compliance with this standard could appropriately be confirmed at building consent stage, while at resource consent stage an indicative assessment of firefighting capacity would be appropriate.

More generally, Blue Wallace Surveyors Ltd, Waikato-Tainui and Tainui Group Holdings Limited seek that the information requirements for TWICAs are clearer and more directive, without incurring unnecessary costs. Blue Wallace Surveyors particularly seeks clearer guidance on how and by whom the proposed assessments will be undertaken. The submitter expects more information and surety to be provided in future, including via collaboration with industry and the development of the Three Waters Connection Policy. Waikato-Tainui seeks clarity on what the TWICA is trying to achieve (additional to what would already need to be included in an Assessment of Environmental Effects (AEE) for a resource consent application) and how it will assist in determining whether development should occur. It also seeks to ensure that TWICAs are developed or assessed by a suitably qualified person.

Discussion

As per the s32 report,⁶ TWICAs build on the existing requirement for WIAs in the operative district plan. Due to the importance and technical nature of this information, it is considered necessary that this be provided in a separate report prepared by a qualified engineer, rather than addressed in the main body of an AEE report generally prepared by a planner. I recommend wording changes to Rule 25.13.4.6 to clarify this requirement.

Having considered the submissions on TWICA information requirements and assessment criteria, I have prepared revised provisions which consolidate and clarify the notified provisions, incorporating my position on each submission described above.

As discussed above, institutional changes at HCC are also planned to improve the process for the applicant and align the TWICA process with approvals under the Three Waters Connection Policy.

Pragma Holdings Limited (163 River Road) and Tainui Group Holdings seek clarification regarding item (iv) within Table 1.2.2.5a, which contains the operative information requirements for WIAs. The submitters state that the benefits of having specific water-sensitive techniques has been determined through the section 32A analysis and suggest that item (iv) be removed. Changes to this information requirement, continuing to apply within non-residential zones, are considered to be outside the scope of PC12.

⁶ Appendix 2.5 to the PC12 s32 report, 'Infrastructure Capacity Provisions' dated 7 July 2022

Recommended Changes

Amend Rule 25.13.4.6 (columns A and B) to refer to a TWICA needing to be '*prepared by a suitably qualified and experienced engineer*'.

Amend Appendix 1.2.2.5a Three Waters Infrastructure Capacity Assessments (Table 1.2.2.5b) to require the following information:

- *The anticipated water and wastewater demands generated by the proposed activity covering:*
 - *Water for potable and firefighting purposes*
 - *Wastewater (including trade waste).*

For wastewater, average daily, peak daily and peak wet-weather flow calculations should be provided.

For water, peak daily demand should be calculated.

New Zealand Fire Service fire risk classification should be stated.

- *Details of what on-site stormwater management techniques are proposed and resulting demands on downstream infrastructure.*
- *Council confirmation of available Three Waters infrastructure capacity to appropriately service the proposal, taking into account:*
 - *Net increase in water and wastewater demands*
 - *Available water flow and pressure*
 - *Known water and wastewater capacity constraints*
 - *The cumulative effect of permitted and consented development elsewhere in the catchment*
 - *Council works funded in the Long-Term Plan.*

As part of the process of Council confirming available capacity, detailed modelling of developments on water and wastewater network capacity may be required to be provided by applicants.

- *Where there is insufficient capacity to appropriately service the proposal, details of:*
 - *Outcomes of consultation with Council as asset owner*
 - *Possible works to increase capacity and or other mitigation measures both within a development area or site, as well as within the relevant network surrounding the development site or area*
 - *Reduction in the scale of the development and/or staging of the development to match available capacity*
 - *Financial Contributions or Private Development Agreements towards infrastructure upgrades*
 - *Incorporation of measures to reduce water consumption and limit wastewater outflows*
 - *Any measures necessary to remedy any identified deficiencies in water supply for firefighting purposes.*

Amend the assessment criteria for activities requiring a TWICA in Appendix 1.3.3 J9 to:

- Include assessment of whether a proposal has access to an appropriate water source for both potable and firefighting use.
- Include assessment of whether a proposal maintains and protects natural drainage functions.

- Require consideration of whether the ability to service other permitted or authorised activities is compromised.
- Elaborate that consideration of the extent to which the proposal is consistent with the provisions of any ICMP and/or Structure Plan relevant to the site should include checking consistency with any design assumptions made on three-waters infrastructure, and whether additional investment would be required.
- Include staging, reducing scale of development and Private Development Agreements as options to address insufficient capacity, while deleting financial contributions.
- Make other minor elaborations and clarifications.

Amend both Appendices to clarify the meaning of 'strategic network infrastructure' as:

- *For wastewater typically pipelines that have an internal diameter of greater than 500mm and typically pump stations that have inlet pipelines with an internal diameter of greater than 500mm.*
- *For potable water supply typically pipelines that have an internal diameter of greater than 450mm, booster pumping stations and strategic water reservoirs.*

and 'local network infrastructure' to mean three waters infrastructure that is not defined as strategic network infrastructure.

Issue 6 – Overlay extent

As noted above, the **Infrastructure Capacity Overlay** applies to significant portions of the City's existing residential areas. Areas not subject to the notified Overlay are referred to as Stage 1 and include the central city, walkable catchments and CBD North. Greenfield development areas such as Rotokauri are also excluded.

Submission Points Relating to Issue

203.2, 213.2, 228.2, 235.40, 235.41, 236.3, 236.29, 236.30, 236.31, 236.32, 244.4, 250.4, 251.3, 256.2, 264.2, 277.2, 330.137

Further Submissions relating to Issue

FS330, FS425, FS474, FS576, FS568

Analysis of issue

Waka Kotahi supports the Infrastructure Capacity Overlay extent but recommends that Council implements a programme/timeline which sets out when it expects to uplift parts of the Overlay as necessary infrastructure is upgraded. The submitter considers that this would greatly assist in actively managing the Overlay to ensure it does not overly constrain development.

As set out in the JWS the Council intends to manage the extent of the Overlay by reviewing it every three years in conjunction with the Long Term Plan funding cycle.⁷ As per the JWS, the Stage 1 area sitting outside the Overlay is the priority for intensification and infrastructure investment, but the infrastructure required to support intensification is not yet completely funded. Council therefore does not expect that any further areas will be removed from the Overlay in the short term.

Waikato-Tainui also supports the Overlay extent but seeks that it is expanded to include greenfield areas, Significant Natural Areas and archaeological and cultural sites. The inclusion of the latter sites is not aligned with the purpose of the overlay. Greenfield areas have generally

⁷ 3 Waters and Planning JWS dated 4 and 5 May 2023, see paragraph 3.2

been excluded from the Overlay for the reasons set out in the s32 report,⁸ including that ICMPs apply to these areas. Waikato-Tainui also seeks that the Overlay should apply to any non-residential areas that are rezoned to residential. The Overlay can be applied to such areas through the plan change process, if assessed to be appropriate.

Submitters who support specific properties being excluded from the Overlay extent include Kirkdale Investments Ltd in relation to the Rototuna Town Centre, Rotokauri Development Limited and Hounsell Holdings Limited in relation to the Rotokauri area, Tainui Group Holdings in relation to 1 Northgate Boulevard and 310 Ruakura Road, and Pragma Holdings Limited in relation to 163 River Road and 298 Ruakura Road. These submission points are recommended to be accepted.

There is also opposition to the extent of the Overlay from a number of submitters (Pragma Holdings Limited, Scott Bicknell and Retirement Villages Association). Scott Bicknell seeks that 24 Te Aroha Street, Hamilton East is removed from the Infrastructure Capacity Overlay extent.

Pragma Holdings Limited (Rototuna North East) seeks that the Infrastructure Capacity Overlay is deleted. If this is not achieved, the submitter seeks that the Rototuna North East area is excluded from the Overlay extent. The submitter regards the area (247-253 and 263-269 Horsham Downs Road) as a greenfield area in accordance with Appendix 2.5 of the s32 analysis, and believes that any capacity issues can be adequately addressed through the consent process.

I do not recommend any changes to the Overlay extent at Rototuna North East as I understand the ICMP for this area is only draft, unlike the other greenfields areas. I understand that the area in question is a smaller area at the top end of a catchment with a need to develop in line with the density assumptions the downstream infrastructure was designed for.

The Retirement Villages Association opposes the proposal to stage development as it will hinder required residential intensification. The submitter seeks to amend objective 25.13.2.5 to remove the reference to staging three waters infrastructure over the medium to long term, so the submitter is also assumed to be opposed to the extent of the overlay.

Discussion

The strategic hearing evidence of Dr Mark Davey as well as Council's other planning experts support staged development being promoted via the Overlay,⁹ and no changes are recommended to this approach.

Overall, I do not recommend any changes to the Overlay extent. I recommend that the Stage 1 approach is retained and that no further areas or individual sites be excluded or included in the Overlay.

Recommended Changes

None.

⁸ Section 9.1 of Appendix 2.5 to PC12 s32 report

⁹ 3 Waters and Planning JWS dated 4 and 5 May 2023, see paragraphs 3.2.7-3.2.9

5.3 Theme 3 – Integrated Catchment Management Plans (ICMPs)

This theme responds to the submissions commenting on the plan provisions relating to Integrated Catchment Management Plans (ICMPs).

Issue 7 – Plan provisions in relation to ICMPs
<p>ICMPs are required for development or subdivision creating more than 40 additional residential units on any site or more than 40 additional allotments; or involving more than 3ha of land. Policy 25.13.2.4d provides policy direction for this. PC12 does not amend this situation.</p> <p>Rule 25.13.4.1 of the Operative District Plan states that where a full ICMP applies to an area, development shall take place in accordance with the ICMP requirements, and it will then be deemed to comply with the stormwater discharge, water supply and wastewater servicing standards.</p> <p>PC12 takes a similar approach for recently approved ICMPs, but where the ICMP was approved prior to 22 August 2022, it requires that residential development complies with the newer PC12 on-lot stormwater standards. PC12 also makes it clear that alterations, additions and redevelopments shall comply with ICMP requirements.</p> <p>Where an ICMP approved by the Council exists and satisfies the information requirements for WIAs or TWICAs, the operative and PC12 rules state that a separate WIA or TWICA is not required for development proposals.</p>
Submission Points Relating to Issue
160.309, 236.26, 241.52, 330.136, 330.141, 343.82
Further Submission relating to Issue
FS425
Analysis of issue
<p>KO does not support the amendments to the on-lot stormwater rules made under 25.13.4.2A, therefore does not support the requirements of that rule replacing any on-lot stormwater requirements of ICMPs that were approved prior to 22 August 2022. As set out in the section 32 report, the on-lot stormwater rules are considered to represent the latest best practice and it was considered desirable for them to override older ICMPs.¹⁰</p> <p>Waikato-Tainui does not support Rule 25.13.4.6 being non-applicable where there is an existing ICMP which has been approved by the Council containing the same information, because not all ICMPs have been formally reviewed and may be outdated or irrelevant. As noted by FS425 The Adare Company, the exception only applies to ICMPs approved by Council, and if the information required is already provided in an ICMP it would be inefficient to require it to be provided again.</p> <p>Rotokauri North Holdings Limited, Jones Lands Limited and Hamilton Campground Limited seek that various assessment criteria are amended or deleted. In relation to JJ (Stormwater Quantity and Quality assessment criteria), the relevance of these is questioned where there is an approved ICMP/sub-catchment ICMP. JJ applies to any activity required to prepare a Site Specific Stormwater Management Plan under Rule 25.13.4.2A(e) or not meeting the on-site stormwater requirements of Rule 25.13.4.2A. These rules do potentially apply to areas where an ICMP was approved prior to 22 August 2022, so I consider the assessment criteria in JJ to be relevant.</p> <p>Rotokauri North Holdings Limited is also concerned that the Rotokauri North sub-catchment ICMP should have the status of a “full ICMP” under 25.13.4.1(a) thus replacing the need for compliance</p>

¹⁰ Appendix 2.6 to the PC12 s32 report, p20

with the other listed standards in the Three Waters chapter. PC12 does not change the existing situation, where it is only development in accordance with full ICMPs that is considered a means to comply with those standards. I also note there are specific provisions for Rotokauri North in the Three Waters chapter which I understand have been put in place through a previous plan change (PC7) and deemed appropriate. I am unclear as to which aspects of the situation the submitter believes PC12 'relitigates' and do not recommend any changes at this time.

While the Retirement Villages Association of New Zealand Limited does not oppose the requirement for a TWICA or WIA for a retirement village, it considers that requiring an ICMP is not appropriate. The submitter therefore requests that Rule 25.13.4.1(b) requiring an ICMP for more than 40 residential units is deleted, and that corresponding changes are made to Policy 25.13.2.4d to exclude large scale development from the requirement. The Retirement Villages Association also requests that Policy 25.13.2.4c is amended so that Three Waters infrastructure can be designed in accordance with any documents replacing existing Structure Plans and ICMPs instead. I consider that these changes go beyond the scope of PC12, as they are existing provisions not proposed to be changed, and I do not see a clear link between the changes and the PC12 provisions.

Discussion

There is one change that I recommend to the ICMP rules, which is linked to KO's wider submission. KO is a major landowner in what is referred to as the 'Enderley-Porritt Redevelopment Area', and has advanced a brownfields redevelopment strategy for this area in collaboration with HCC. This strategy contains a reasonable level of information on the interventions required to support increased residential densities in this area, but not all the information that would normally form part of an ICMP.

KO has identified certain stormwater projects as part of the redevelopment of the area that HCC considers will enhance existing stormwater management/quality and give effect to Te Ture Whaimana. As KO has the ability to implement these projects through its ownership of the applicable sites, HCC wants to strongly encourage these opportunities to be realised.

The area is within the Infrastructure Capacity Overlay. It is not identified as a current focus for infrastructure investment. The section 32 options assessment did consider this area as a candidate for being outside the Overlay, but the walkable catchment of the central city (Stage 1) was favoured as the first focus for infrastructure investments. HCC has however recognised the proximity of the area to the central city and future frequent transport routes through now recommending Medium Density Residential upzoning along the Peachgrove Road corridor.

Three waters infrastructure upgrades are required to support additional intensification of the area. An ICMP would set out the required upgrades to service the proposed growth, including the abovementioned stormwater projects. As per Rule 25.13.4.6, once an ICMP is approved, development and redevelopment in accordance with that can be considered a means to achieve compliance with the majority of the Three Waters provisions (stormwater, wastewater, water, TWICA). Having an ICMP in place would therefore create efficiencies for a large landowner/redeveloper such as KO.

It is considered appropriate to add a provision to the ICMP rules that recognises the progress of the Enderley-Porritt area towards a redevelopment strategy, providing a commitment that the Infrastructure Capacity Overlay provisions to address Te Ture Whaimana would not need to apply,

should the identified stormwater projects and required infrastructure capacity upgrades be identified in an ICMP and carried out upon redevelopment of the area.

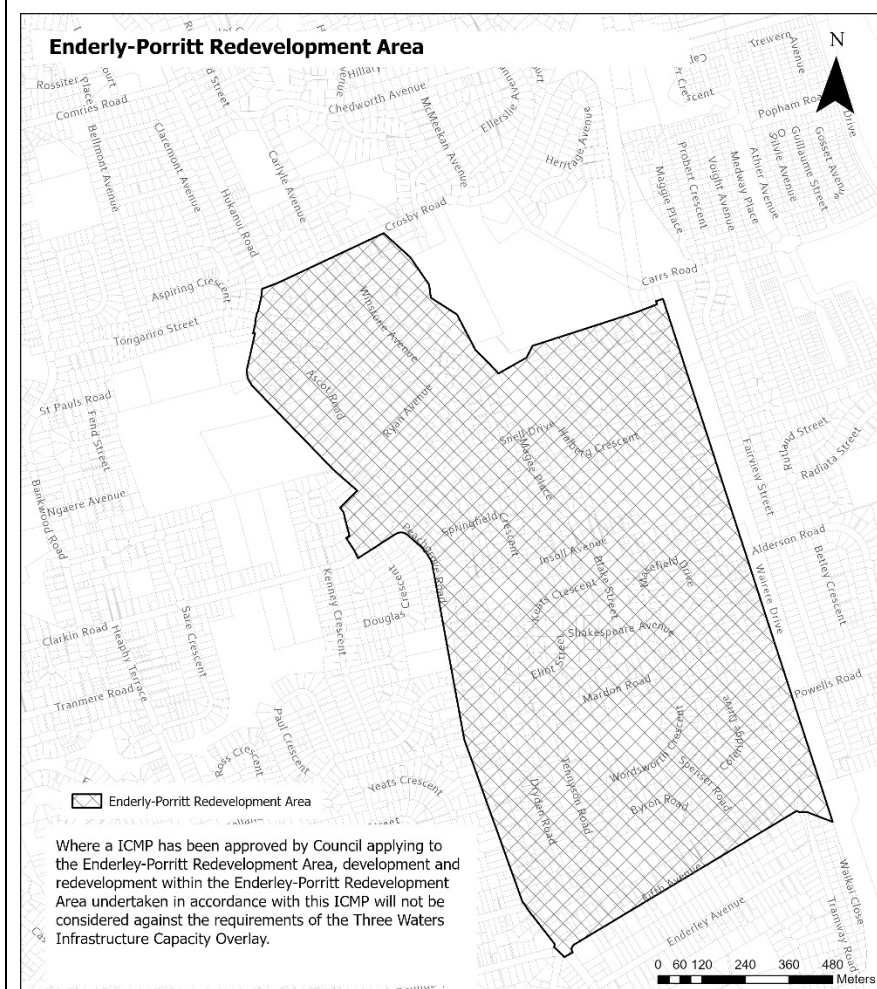
The new provision in the ICMP rules is considered to be a related provision under s80E RMA, relating to qualifying matters and stormwater management.

Recommended Changes

Add a new clause to Rule 25.13.4.1 as follows:

Where a ICMP has been approved by Council applying to the Enderley-Porritt Redevelopment Area, development and redevelopment within the Enderley-Porritt Redevelopment Area undertaken in accordance with this ICMP will not be considered against the requirements of the Three Waters Infrastructure Capacity Overlay.

Add an overlay defining the Enderley-Porritt Redevelopment Area onto the planning maps:



5.4 Theme 4 – Financial Contributions

This theme responds to submission points that are related to the financial contributions provisions in the Three Waters chapter.

Issue 8 – Financial Contributions
PC12 included a revised Financial Contributions chapter (Chapter 24) which proposed financial contributions for three waters network connections and local network renewals, and to give effect to Te Ture Whaimana. Various references to the financial contributions regime were correspondingly included in the Three Waters provisions, including two policies in Chapter 25.13 (Policy 25.13.2.2b and 25.13.2.5h) and references to the contributions as mitigation options in TWICA information requirements and assessment criteria (Appendices 1.2.2.5 and 1.3 J9).
Submission Points Relating to Issue
160.293, 160.305, 160.312, 243.12, 243.13
Further Submissions relating to Issue
FS531, FS579
Analysis of issue
<p>The Adare Company seeks to exclude greenfield development from the financial contributions regime, and that Policy 25.13.2.5h be deleted due to duplication with Policy 25.13.2.2b.</p> <p>KO opposes in part Policy 25.13.2.2b and Rule 25.13.4.2A and seeks that it be clarified that financial contributions associated with infrastructure will only be sought to provide sufficient capacity at the point of connection of a development. It seeks the deletion of Policy 25.13.2.5h.</p> <p>KO also sought that the proposed financial contributions regime be reviewed in its entirety. This matter is addressed in the evidence of Ms Clare Douglas for HCC, who recommends that financial contributions be required for three waters connections and to give effect to Te Ture Whaimana, not for three waters renewals. Consequentially the policies in Chapter 25.13 referring to financial contributions for offsite stormwater works and infrastructure upgrades should be deleted, as well as references in the appendices to financial contributions towards infrastructure upgrades being a mitigation option for insufficient infrastructure capacity.</p>
Recommended Changes
<p>Delete Policies 25.13.2.2b and 25.13.2.5h.</p> <p>Delete references to financial contributions towards upgrades in Appendix 1.2.2.5b(iii)(d) and Appendix 1.3.3 J9.9.</p>

5.5 Theme 5 – Miscellaneous

This theme responds to all other submission points that are related to Three Waters that are not considered to fall into the above themes and issues.

Issue 9 – Miscellaneous issues
A few of the provisions in the Three Waters chapter have not been discussed under the earlier themes and issues, and a few submission points relate to more than one provision. Others are broader matters. Not all of the submissions detailed below are relevant matters which can be considered under the District Plan/PC12.
Submission Points Relating to Issue
11.2, 69.4, 128.5, 160.287, 160.289, 197.4, 226.4, 236.24, 236.25, 243.11, 281.16, 330.14
Further Submission relating to Issue
FS425
Analysis of issue

Waikato-Tainui seeks to add a new standard to 25.13.4 requiring that resource consent applications triggered under the rules of the Three Waters chapter must identify measures to address adverse effects as recommended by Mana Whenua representatives through any engagement carried out. Further, it seeks another new standard requiring an assessment of any Iwi Management Plans. The purpose of these changes is to ensure that consented activities implement and give effect to the Joint Management Agreement for the Waikato River and Te Ture Whaimana, and follow the consultation and engagement process outlined in Tai Tumu, Tai Pari, Tai Ao – Waikato-Tainui Environmental Management Plan (or other iwi management plan).

It is considered that the above matters more suitably relate to information requirements for consent applications rather than rules/standards. As set out in the s32 report, Te Ture Whaimana, the Joint Management Agreement and Tai Tumu, Tai Pari, Tai Ao – Waikato-Tainui Environmental Management Plan have all been taken into account in the preparation of PC12, and the provisions are reflective of these documents. At an individual application scale, I do not expect that all applications made under Chapter 25.13 will require Mana Whenua engagement or assessment against Iwi Management Plans (a concern raised by FS425 The Adare Company). However I note the following district plan provisions:

- Policy 2.2.1d in the Strategic Framework chapter states that where required, development is to consider any relevant Iwi Management Plan.
- Policy 2.2.2b refers to implementing the Joint Management Agreement.
- Appendix 1.2.2.1(a), information requirements for consent applications, states that information may be required to be provided in relation to details and outcomes of any consultation undertaken with Waikato iwi and local hapu.

I consider that the existing and PC12 provisions sufficiently provide for Te Ture Whaimana, the Joint Management Agreement and Iwi Management Plans to be taken into account and given effect to in consent processes.

KO supports clauses (c) and (f) of the Three Waters chapter purpose statement in 25.13.1.

The Adare Company considers that objectives 25.13.2.2 and 25.13.2.5 should be consolidated into one objective for the health and wellbeing of the Waikato River. While both stem from the need to restore and protect the health and wellbeing of the River, the first objective and associated policies focus on stormwater effects, and the second focuses on infrastructure capacity matters. I support the notified structure of the provisions.

The Retirement Villages Association does not oppose the restricted discretionary activity status for activities (a) – (d) listed in the Activity Status Table in Rule 25.13.3 as this activity status will align with that for the construction of retirement villages.

Graeme Rowe largely supports Council's three waters proposals and seeks that Council continues considering the impact of three waters while acting in the best interests of the city and its residents. Raymond Mudford seeks that other options are considered for managing three waters such as suburb or subdivision micro systems. In my view PC12 proposes a comprehensive city-wide response to three waters issues and I note that alternative options are able to be considered at development stage.

Colin Stokes supports the proposed provisions and seeks that overland flow paths be required to be clearly identified for subdivisions for three or more houses. That matter is outside the scope of PC12 but improved mapping of overland flow paths has now become publicly available in HCC's floodviewer, and overland flow paths will be a focus of a future plan change (PC14).

Peter Kivell and IPC Family Trust oppose the 3 waters reform.

Recommended Changes

None.

6.0 Part 2 RMA

The amendments I have recommended are relatively minor, retaining the notified PC12 approach for Three Waters, which is intended to give effect to Te Ture Whaimana. Through this it is considered that the provisions (including amendments) provide for sustainable management and cultural well-being; recognise the relationship of Māori with their ancestral lands, waters, sites, waahi tapu and other taonga (section 6(e)); and have regard to kaitiakitanga (section 7(a)), the ethic of stewardship (section 7(aa)), the intrinsic values of ecosystems (section 7(d)) and enhancement of the quality of the environment (section 7(f)).

7.0 Conclusion

Based on my analysis, I recommend that the amendments to the PC12 provisions listed in Table 2 as set out in more detail earlier in this report and shown in the Officers Recommendation Version of PC12¹¹ be accepted:

Table 2 PC12 provisions this report recommends be amended

District Plan Volume	Proposed Plan Change 12 Chapters or Appendices	Proposed Plan Change 12 Sections
1	Chapter 25.13 Three Waters	25.13.1 Purpose
		25.13.2 Objectives and Policies: Three Waters - Policies 25.13.2.2b and 25.13.2.5h
		25.13.4 Rules – General Standards - 25.13.4.1 Integrated Catchment Management Plan
		25.13.4 Rules – General Standards - 25.13.4.6 Three Waters Infrastructure Capacity Assessments and Water Impact Assessments
2	Appendix 1 District Plan Administration	1.2 Information Requirements: - 1.2.2.5a Three Waters Infrastructure Capacity Assessments
		1.3.3 Restricted Discretionary, Discretionary and Non-Complying Assessment Criteria: - J9 Three Waters Infrastructure Capacity
Maps	New – Enderley-Porrirt Redevelopment Area Overlay	Maps

The recommended changes will improve the District Plan's clarity and certainty, while achieving the outcomes sought by the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 taking into account qualifying matters as they relate to Hamilton City.

¹¹ Appendix A to the evidence and can also be accessed on Council's website.