



# Plan Change 12 - Enabling Housing

## Section 32 Evaluation Report

---

Part 1: Plan Change Overview Report

August 2022



**Hamilton  
City Council**  
Te kaunihera o Kirikiriroa

## Contents

Glossary.....	4
How to read this plan change report.....	5
<b>PART 1.....</b>	<b>8</b>
1 Introduction to Plan Change 12 – Enabling Housing .....	8
1.1 Purpose of PC12 .....	8
1.2 Summary of Key Changes Proposed in PC12 .....	8
1.3 Background .....	9
1.4 Scope of Plan Change 12.....	9
1.4.1 Relationship to Plan Change 9 – Historic Heritage and Natural Environment.....	10
2 Statutory drivers for Plan Change 12.....	12
2.1 Resource Management (Enabling Housing Supply and Other Matters).....	12
2.1.1 Intensification Streamlined Planning Process.....	12
2.2 National Policy Statement on Urban Development 2020.....	13
2.2.1 Land use zoning changes required by the NPS-UD .....	13
2.2.2 Qualifying Matters .....	14
3 Giving effect to Te Ture Whaimana .....	15
3.1 What Te Ture Whaimana means for PC12.....	15
3.2 Implications of Te Ture Whaimana: balance growth and infrastructure.....	15
3.2.1 Infrastructure networks are already under pressure .....	16
3.2.2 Infrastructure capacity cannot accommodate higher densities .....	16
3.2.3 HCC’s ability to provide new infrastructure is limited .....	16
3.2.4 Growth and infrastructure investment must be focused .....	16
3.3 Planning mechanisms giving effect to Te Ture Whaimana in PC12.....	18
3.3.1 Infrastructure Capacity Overlay .....	18
3.3.2 Water conservation and on-site stormwater management.....	18
4 Financial Contributions .....	19
5 Engagement .....	20
5.1 Stakeholder consultation .....	20
5.2 Iwi engagement .....	20
6 Planning Approach .....	22
6.1 Changes to the District Plan.....	22
<b>PART 2.....</b>	<b>27</b>
7 Section 32 Evaluation.....	27
8 Conclusion.....	28
<b>PART 3.....</b>	<b>32</b>

9	Additional Documents .....	32
---	----------------------------	----

## Glossary

Item	Meaning
Brownfield	Existing parts of the city
CDP	Comprehensive Development Plan
City	Hamilton City
Greenfield	New development areas
HCC	Hamilton City Council
HSAA	Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021
H-W MSP	Hamilton-Waikato Metro Spatial Plan
IHP	Independent Hearings Panel
IPI	Intensification Planning Instrument
ISPP	Intensification Streamlined Planning Process
LDP	Land Development Plan
MDRS	Medium Density Residential Standards
NPS-UD	National Policy Statement on Urban Development 2020
ODP	Operative District Plan
PC12	Plan Change 12 – Enabling Housing
RMA	Resource Management Act 1991
RPS	Regional Policy Statement
Te Ture Whaimana	Te Ture Whaimana o Te Awa o Waikato (Vision & Strategy)



## How to read this plan change report

This section provides a summary of the materials comprising the Plan Change 12 report. This includes the Section 32 Evaluation, along with contributing reports and supporting documents.

PC 12 Report Item	Purpose	RMA Section Addressed
<b>Part 1 – Plan Change Overview Report</b>		
<b>Cover Report</b>	Provides an overview of the plan change and structure of the evaluation report and supporting materials	N/A
<b>Part 2 –Section 32 Evaluation</b>		
<b>Appendix 2.1 - Scale and Significance</b>	Provides a high level assessment of the scale and significance of PC12 in order to determine the level of detail required to evaluate the changes in accordance with section 32.	RMA section 32(1)(c)
<b>Appendix 2.2 - Assessment of options to achieve the Objectives</b>	Examines a suite of options for achieving the objectives and identifies the best practicable option to move forward within the Plan Change.	RMA section 32(1)(b)(i), section 32(3)(a) and (b)
<b>Appendix 2.3 - Evaluation of Objectives, Policies and Rules</b>	Evaluates: <ul style="list-style-type: none"> <li>• The extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA</li> <li>• Whether the policies and rules are efficient and effective in achieving the new and existing objectives</li> <li>• The benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from implementation</li> <li>• The risk of acting or not acting</li> </ul>	RMA section 32(1)(b)(ii) and (iii), section 32(2), section 32(3)
<b>Appendix 2.4 - Qualifying Matters Assessment</b>	Addresses all existing and proposed qualifying matters and changes to the Operative District Plan provisions required to give effect to these Qualifying Matters.	RMA section 77I, 77J, 77K, 77O, 77P, 77Q

<b>PC 12 Report Item</b>	<b>Purpose</b>	<b>RMA Section Addressed</b>
<b>Appendix 2.5 - Infrastructure capacity provisions report</b>	Assesses Te Ture Whaimana as a qualifying matter and sets out the proposed changes to the Operative District Plan relating to three waters to accommodate Te Ture Whaimana as a qualifying matter.	RMA section 77I, 77J
<b>Appendix 2.6 - On-site stormwater management report</b>	Sets out and assesses the proposed changes to the on-site stormwater management provisions of the ODP to ensure a well-functioning urban environment.	RMA section 32(1)(b)(ii) and (iii), section 32(2), section 32(3)
<b>Appendix 2.7 - Iwi Consultation</b>	Iwi consultation	RMA section 32(4A)
<b>Appendix 2.8 - Relevant Provisions of the RMA setting out evaluation report requirements.</b>	Relevant provisions of the RMA setting out evaluation report requirements	RMA section 32, section 77J, 77K, 77P, 77R
<b>Part 3 – Other Appendices</b>		
<b>Appendix 3.1 - Relevant statutory provisions, planning instruments, strategies, and plans</b>	How plan change 12 aligns with relevant aspects of the applicable elements of the planning framework	
<b>Appendix 3.2 - Financial Contributions Report</b>	Financial contributions report	
<b>Appendix 3.3 - Te Ture Whaimana</b>	A full copy of Te Ture Whaimana (including all objectives and strategies) for ease of reference	
<b>Appendix 3.4 - Capacity modelling</b>	Residential capacity modelling across the urban residential zones in Hamilton City to understand the level of capacity enabled by the proposed plan change options	
<b>Appendix 3.5 - Three Waters Performance Assessment Report</b>	Sets out the implications of more intensive residential development on Hamilton's three waters network and ability to give effect to Te Ture Whaimana.	
<b>Appendix 3.6 - Centres Assessment Report</b>	Outlines the method used to apply Policy 3(d) of the NPS-UD around Hamilton's commercial centre zones and makes recommendations on zoning based on this assessment.	

PC 12 Report Item	Purpose	RMA Section Addressed
<b>Appendix 3.7 - Area Plans Overview Report</b>	Informs a change to the ODP to operationalise the NPS-UD and to inform strategic infrastructure planning exercises.	
<b>Appendix 3.8 - Central City North Area Plan</b>	Provides a long-term outlook for the North of the Central City and sets out how this area might respond to an increase in population and residential densities to provide for a diverse, inclusive, accessible and thriving part of the City.	
<b>Appendix 3.9 – Eastern Hamilton Area Plan</b>	Provides a long-term outlook for the Eastern Hamilton part of the city and sets out how this area might respond to an increase in population and residential densities to provide for a diverse, inclusive, accessible and thriving part of the City.	

## PART 1

### 1 Introduction to Plan Change 12 – Enabling Housing

**This report introduces Plan Change 12 – Enabling Housing. At a high level, it sets out the statutory requirements for the plan change and Hamilton City Council’s planning approach. With Plan Change 12 Council must balance the need to intensify residential development with giving effect to Te Ture Whaimana o Te Awa o Waikato.**

#### 1.1 Purpose of PC12

The primary purpose of PC12 is to implement the changes required by the NPS-UD and HSAA. These changes are intended to rapidly accelerate the supply of housing by enabling greater housing intensification in the district plan. The key statutory drivers of PC12 are described in more detail in Section 2 of this report.

#### 1.2 Summary of Key Changes Proposed in PC12

The following is a high-level summary of the key changes proposed to the district plan under Plan Change 12 (PC12). Section 6 of this report includes a more specific outline, and the full provisions are in the E-Plan. The requirements of the HSAA and NPS-UD are met through proposed changes to the district plan, including:

##### **Residential zones / density changes**

1. Unlimited residential heights in the Central City
2. New residential zone framework of high, medium and low-density zones
3. High Density (up to 6 stories) within walking distance of the Central City
4. Medium Density (up to 5 stories) within walking distance of the Sub-regional Centre Zones at Chartwell and the Suburban Centres Zones at Thomas Road, Lynden Court, Five Cross Roads, Clyde Street East, Hamilton East, Glenview, Frankton and Dinsdale.
5. MDRS applies to the General Residential Zone throughout those areas, not high or medium density zones.
6. Changes to subdivision provisions to align with new residential provisions and qualifying matters requirements

##### **Qualifying matters**

1. Retention of existing qualifying matters
2. Introduction of Infrastructure Capacity Overlay to give effect to Te Ture Whaimana as a qualifying matter
3. Introduction of Built Heritage and Historic Heritage Area provisions to give effect to historic heritage (Section 6(f) of the RMA) as a qualifying matter
4. Inclusion of Significant Natural Areas to give effect to significant natural areas (Section 6(c) of the RMA) as a qualifying matter
5. Inclusion of archaeological sites to give effect to the relationship of Maaori with archaeological sites (Section 6(e) of the RMA) as a qualifying matter

##### **Eco-density**



1. Permeable surfaces and landscaping requirements in all residential zones
2. Requirement for rainwater re-use tanks,
3. Additional stormwater management (such as soakage) and,
4. Higher water efficiency fixtures for most developments.

#### **Transport Mode shift**

1. Requirements for cycle and micro-mobility parking, end-of-journey facilities and making driveways safer for all.
2. Updated requirements for new roads to be wider to accommodate landscaping, stormwater devices, separated cycle facilities, public transport, or wider footpaths and parking spaces.
3. Requirements for recharging electric vehicles at every new parking space at home and for travel plans to be implemented for large developments to prioritise alternatives to the car.

#### **Other related changes**

1. Introducing financial contributions
2. Removing ultra vires concept development plan consents
3. Taller heights in some business zones to meet the MDRS or 6-storey requirements of NPS-UD policy 3

### **1.3 Background**

Hamilton is one of the fastest growing urban areas in New Zealand. Over the last ten years, the city has grown by 33,000 people, 11,000 homes and 3,000 businesses. Hamilton currently has around 60,000 homes for around 180,000 people. Over the coming 50 years, this is projected to double to around 120,000 homes for about 310,000 people. Since 2017 about half of Hamilton's residential growth has taken place in brownfield locations as apartments or duplexes. Rapid urban growth is not unique to Hamilton and is recognised as a key trend nationally. While growth results in several benefits, it can also bring significant challenges for cities, including housing affordability and infrastructure affordability.

Recently the central government has focused on improving the performance of urban areas like Hamilton. Related initiatives include the Urban Growth Agenda, Local Government Reform, Three Waters Reform and Resource Management Reform. As part of this focus, the National Policy Statement on Urban Development 2020 (NPS-UD) and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (HSAA) were introduced. These require changes to the district plan to enable more intensification capacity and create the need for Plan Change 12 – Enabling Housing (PC12).

With Plan Change 12 Council must balance the need to intensify residential development with giving effect to Te Ture Whaimana o Te Awa o. A key aspect of Te Ture Whaimana is the requirement that the health and wellbeing of the Waikato and Waipā Rivers is to be restored and protected for current and future generations. Te Ture Whaimana represents the strongest direction that Parliament has given in relation to any RMA planning document and it is the pre-eminent planning instrument within the Waikato Region. For more information refer to **Appendix 3.3 Te Ture Whaimana**.

### **1.4 Scope of Plan Change 12**

Plan Change 12 recognises that changing how we plan for housing will require consequential changes to how we plan for matters including transportation, three waters and subdivision. The changes (set out in further detail in Section 6 of this report) focus on zoning for more residential densities, applying qualifying matters, eco-density requirements, transport mode shift and other consequential changes.

Plan Change 12 is not a full plan review and changes to every part of the District Plan are not within the scope of Plan Change 12.

#### 1.4.1 Relationship to Plan Change 9 – Historic Heritage and Natural Environment

On July 22, 2022, HCC publicly notified Plan Change 9 (PC9). PC9 is a plan change to the ODP which introduces new provisions dealing with the protection of heritage and the natural environment. Currently, the ODP lists 122 built structures, five special character areas, approximately 500 notable trees, 59 Significant Natural Areas and 52 archaeological sites, but it's been over a decade since HCC last reviewed these. Through PC9 HCC is reassessing them all against up to date criteria, and looking for any new specimens that may need to be added to the ODP.

- The first area being addressed is the City's built heritage. This refers to individual or groups of buildings, monuments or structures that have a connection to our history. Built heritage includes both publicly and privately owned structures across Hamilton Kirikiriroa such as churches, bridges, schools, monuments, houses and commercial buildings. Through Plan Change 9 HCC has completed a citywide assessment of more than 560 structures, and from this work is proposing an additional 182 structures be added to the District Plan.
- Next, PC9 addresses historic heritage areas which are defined as an area that has heritage values worthy of protection. They represent a period of our city's development and give people a glimpse into our past. Hamilton Kirikiriroa currently has five special character and historic heritage areas identified in our District Plan, Frankton Railway Village, parts of Hamilton East, Hayes Paddock, Claudelands West and Temple View Heritage Area. Through Plan Change 9 HCC has reassessed these areas and completed a city-wide assessment to identify any other areas that meet the necessary criteria for inclusion in the District Plan as a Historic Heritage Area. From this work, HCC is proposing a total of 32 areas be added to the District Plan, including some refinements to those areas already listed in the ODP.
- PC9 also addresses Significant Natural Areas (SNAs). An SNA is an area that's home to native plants and/or animals that contributes to the natural local heritage and liveability of our city. They enhance indigenous biodiversity and full indigenous vegetation improves stream and riverbank stability and water quality. As the City has grown, our natural environment has been impacted, and HCC wants to make sure all ecologically significant areas are protected, especially those places native animals, including birds and the long-tailed bat, call home. The ODP currently has 59 SNAs identified, totalling approximately 160ha. Following a city-wide assessment, HCC is proposing an additional 540ha of SNAs be added to the District Plan, with these mostly, although not exclusively, found around our extensive gully network and near the banks of the Waikato River.
- PC9 will also add protection for notable trees. Notable trees are individual or groups of trees located on either public or private land and are 'notable' because of their link to the community, scientific importance, species type, age and/or the contribution they make to the city. The ODP currently has approximately 500 notable trees listed. In 2021 HCC reassessed these trees to determine if they still met the criteria for protection and considered other potential notable trees within public spaces. An additional 1051 trees are proposed to be listed in the District Plan.
- Finally, PC9 will address archaeological sites. Archaeological sites are defined by the Heritage New Zealand Pouhere Taonga Act 2014 as any place that was associated with human activity that occurred before 1900, and through the use of archaeological methods provide evidence relating to New Zealand's heritage. All archaeological sites, whether recorded or unrecorded, are protected, however, the ODP only lists some of these. Through PC9 HCC is proposing a further 57 sites be added to the District Plan so that landowners are aware of them and what it means when looking to develop them.

Pursuant to s 86B of the RMA, rules that protect or relate to water, air, soil, protect areas of significant indigenous vegetation or significant habitats of indigenous fauna, or protects historic heritage, have immediate legal effect. Accordingly, some of the proposed changes to the ODP under PC9 are relevant to PC12. This is because there may be some items identified in PC9 which are considered a “qualifying matter” under s 771(a) of the RMA, which relates to ‘a matter of national importance that decision makers are required to recognise and provide for under section 6’. Historic heritage, and the protection of significant indigenous vegetation and significant habitats of indigenous fauna are section 6 matters.

## 2 Statutory drivers for Plan Change 12

A summary of the relevant statutory provisions, planning instruments, strategies, and plans are set out in Appendix 3.1.

This section sets out the primary statutory requirements addressed in this plan change, stemming from the HSAA and NPS-UD.

The HSAA requires that planning rules change so most residential areas are zoned for medium density housing, it creates a streamlined plan change process to do this.

The NPS-UD requires all councils to plan well for growth and achieve a well-functioning urban environment for all people, communities and future generations. This includes zoning for (1) unlimited densities in the central city, (2) building heights of at least 6-storeys within a walkable catchment of the central city and (3) intensification in and around commercial centres. It also sets out qualifying matters to moderate the intensification requirements, for Hamilton these include historic heritage and infrastructure capacity amongst others.

### 2.1 Resource Management (Enabling Housing Supply and Other Matters)

The HSAA requires tier 1 Councils (including HCC) to alter planning rules so that most residential areas in urban environments are zoned or rezoned for medium density housing. To support this transition, the HSAA contains a suite of medium density residential planning provisions, called the Medium Density Residential Standards (MDRS), that are required to be included in District Plans. This includes (but is not limited to) building heights, landscaping and building setbacks.

#### 2.1.1 Intensification Streamlined Planning Process

The HSAA creates the Intensification Streamlined Planning Process (ISPP). This is a new streamlined Resource Management Act process for implementing the MDRS and the intensification policies of the National Policy Statement for Urban Development 2020 (NPS-UD) much faster than the standard RMA Schedule 1 process. These changes are intended to rapidly accelerate the supply of housing. Councils must notify plan changes under the ISPP by 20 August 2022.

Plan changes notified under the ISPP are referred to as Intensification Planning Instruments (IPIs). An IPI is defined in section 80E of the HSAA as ‘a change to a district plan or a variation to a proposed plan that must incorporate the MDRS and give effect to the NPS-UD intensification policies 3, 4 or 5 (as relevant to a specified territorial authority)’. The IPI may also include provisions relating to:

- Financial contributions;
- Papakāinga housing; and,
- Related provisions (including objectives, policies, rules, standards and zones) that support or are consequential on the MDRS or the NPS-UD intensification policies.

Plan Change 12 is an IPI and will proceed through the ISPP. Figure 1 - Plan Change 12 Intensification Streamlined Planning Process illustrates the process for PC12 through the ISPP.

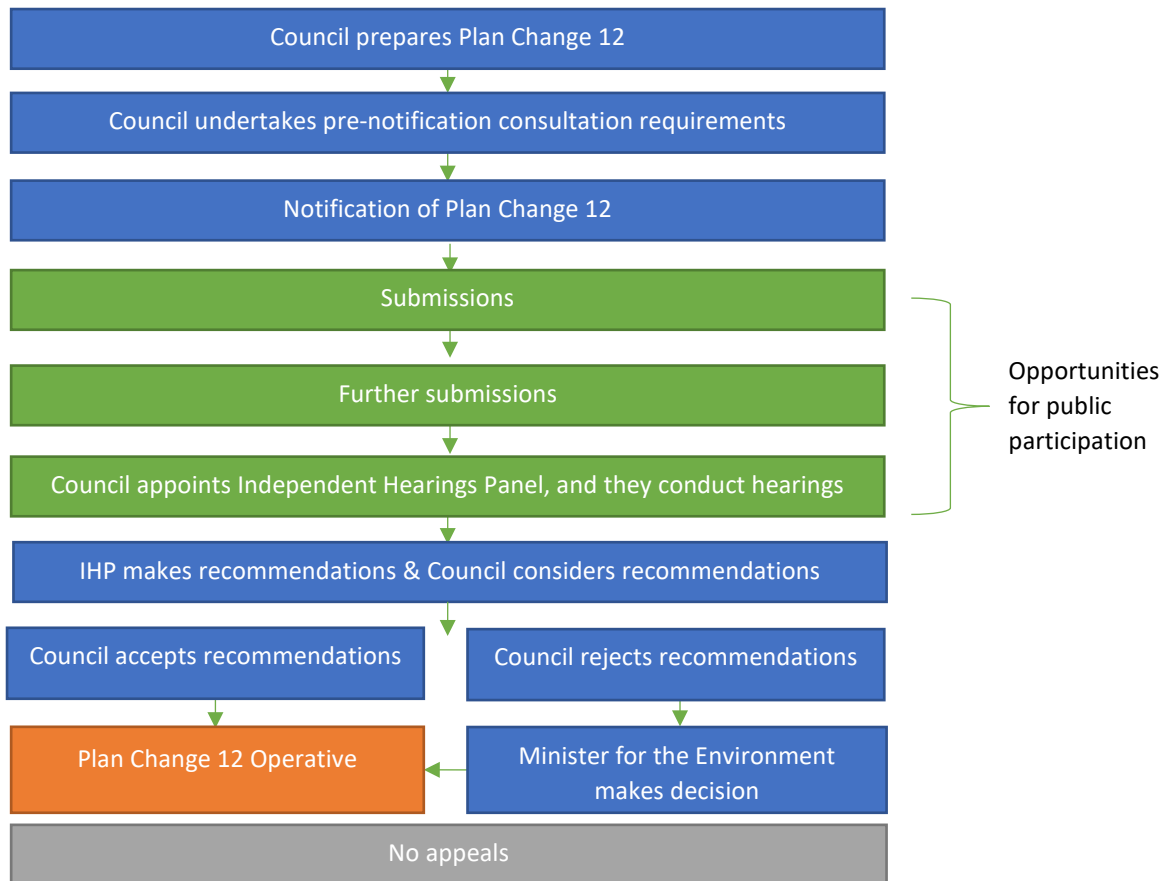


Figure 1 - Plan Change 12 Intensification Streamlined Planning Process

## 2.2 National Policy Statement on Urban Development 2020

National Policy Statement on Urban Development 2020 (NPS-UD) came into effect in August 2020. The NPS-UD recognises the national significance of having well-functioning environments that enable all people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety, now and into the future. It recognises the national significance of providing sufficient development capacity to meet the different needs of people and communities.

This policy statement requires all councils to plan well for growth and achieve a well-functioning urban environment for all people, communities and future generations. This includes:

- Ensuring urban development occurs in a way that takes into account the principles of the Treaty of Waitangi,
- Ensuring that plans make room for growth both 'up' and 'out', and that rules are not unnecessarily constraining growth,
- Developing, monitoring and maintaining an evidence base about demand, supply and prices for housing and land to inform planning decisions,
- Aligning and coordinating planning across urban areas.

### 2.2.1 Land use zoning changes required by the NPS-UD

As a Tier 1 Council, all the Tier 1 objectives and policies in the NPS-UD apply to HCC. In summary, the NPS-UD requires the following changes to the Operative District Plan (ODP):

- The removal of maximum building heights and density controls in the Central City Zone;

- Enabling building heights of at least 6-storeys within at least a walkable catchment of the edge of the Central City Zone; and,
- Heights and densities within and adjacent to commercial centres to be commensurate with the level of commercial activities and community services.

These changes are to be made under the umbrella of Objective 1 of the NPS-UD which requires Council to plan for a well-functioning urban environment that enables all people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety, now and into the future. This means that it is necessary to make additional changes to the ODP to create a well-functioning urban environment. These changes include matters such as transportation and waste management to provide for the denser urban environments that PC12 will enable. The full suite of changes proposed to the ODP are set out in Section 6 of this report.

### 2.2.2 Qualifying Matters

The NPS-UD also introduces the concept of qualifying matters. A qualifying matter is specific characteristics of a particular site or area that may make the level of density required by the HSAA inappropriate for that site or area. Council may modify the heights or density required by the NPS-UD on these sites or areas subject to qualifying matters, but only to the extent that is necessary to accommodate these matters.

There are existing qualifying matters in the ODP that will carry forward, and in some cases be amended with newer information, including:

- Peat Lake and wetlands and peat lake catchment
- Waikato River and gully hazard stability area
- Flood hazard areas
- Matter to ensure safe or efficient operation of nationally significant infrastructure
- Designations
- Open space for public use
- For some types of business lands
- Built heritage
- Archaeological sites
- Significant natural areas

PC12 also introduces qualifying matters which are entirely new to the district plan:

- Historic Heritage Areas
- Infrastructure capacity with respect to Te Ture Whaimana

Qualifying matters, other than for Te Ture Whaimana, are outlined and assessed in Appendix 2.4 – Qualifying Matters Assessment. The qualifying matter in relation to Te Ture Whaimana is addressed in Appendix 2.5 Infrastructure Capacity Provisions – contributing report and discussed further in the following section of this report.



### 3 Giving effect to Te Ture Whaimana

**This section describes what Te Ture Whaimana means in the context of direction from the HSAA and NPS-UD and sets out the qualifying matter to give effect to Te Ture Whaimana. The qualifying matter is not Te Ture Whaimana itself, but the need to balance the relationship between the enabled residential densities and the provision of public infrastructure necessary to address adverse effects arising from development taking up the zoned densities.**

**The likely outcome of enabling widespread intensification as required by the HSAA and NPS-UD is that Hamilton City Council will not give effect to Te Ture Whaimana – both in terms of the restoration, protection and betterment of the Awa, and the relationships between Waikato-Tainui (and other stakeholders) and the Awa.**

#### 3.1 What Te Ture Whaimana means for PC12

Te Ture Whaimana is the primary planning direction-setting document for the Waikato and Waipā Rivers and their catchments.

Te Ture Whaimana arose as a result of Raupatu in the 1860s and its consequences, and the ensuing Waikato Tainui River Claim. The Vision and Strategy is detailed within the Waikato Tainui Raupatu Claims (Waikato River) Settlement Act 2010, which sets out the vision, objectives and strategy for the Waikato River.

Te Ture Whaimana represents the strongest direction that Parliament has given in relation to any RMA planning document, and it is the pre-eminent planning instrument within the Waikato Region.

A key aspect of Te Ture Whaimana is the requirement that the health and wellbeing of the Waikato and Waipā Rivers is to be restored and protected for current and future generations. It adopts a precautionary approach towards decisions that may result in significant adverse effects on the awa.

Section 12 of the River Settlement Act provides that Te Ture Whaimana prevails over RMA planning and policy instruments, including National Policy Statements. Section 13 of the River Settlement Act requires that all regional and district plans must ‘give effect’ to Te Ture Whaimana. The HSAA identifies a matter required to give effect to Te Ture Whaimana as a qualifying matter.

The qualifying matter in relation to Te Ture Whaimana must be related to impacts on the health and wellbeing of the Waikato River, not to impacts of increased density on all types of infrastructure. The qualifying matter is not Te Ture Whaimana itself, but the “matter” required to give effect to Te Ture Whaimana. In the case of Hamilton City, that “matter” is the balance in the relationship between enabled residential densities, and the provision of public infrastructure necessary to address adverse effects arising from development taking up those densities.

#### 3.2 Implications of Te Ture Whaimana: balance growth and infrastructure

The capacity of three waters infrastructure in Hamilton to accommodate intensified growth, coupled with the ability of Hamilton to afford to provide additional infrastructure capacity, determines how well a balance can be achieved. Three waters infrastructure is constrained both at a network level and at a head-works level.

The **Three Waters Performance Network Assessment (Appendix 3.5)** considers the likely implications of more intensive residential development across the city on the three waters networks and in turn on Council’s ability to give effect to Te Ture Whaimana. It finds that the likely outcome to enabling widespread intensification as required by the HSAA and NPS-UD is that Hamilton City Council will not give effect to Te Ture Whaimana – both in terms of the restoration, protection and betterment of the Awa, and the relationships between Waikato Tainui (and other stakeholders) and the Awa.

### 3.2.1 Infrastructure networks are already under pressure

Hamilton has a high rate of infill growth, with around 50% of all units built each year from 2017-2021 classified as infill. The city already experiences negative effects of infill development projects that exceed three waters network design capacities. For example, many older brownfield parts of the city have limited or no stormwater treatment facilities and stormwater runoff travels directly to the river. Likewise, many older parts of the city have wastewater networks that are full and overflow during storm events. Enabling more intensification in these locations, without significant improvements in infrastructure, will further damage the river.

### 3.2.2 Infrastructure capacity cannot accommodate higher densities

The City's three waters infrastructure networks cannot accommodate high levels of urban intensification in the city without worsening effects on the Waikato River and its tributaries. For much of the existing (brownfield) parts of the city, the local infrastructure is decades old and was constructed for lower densities than those anticipated by the NPS-UD and HSAA. Letting growth take place all over the city will require that the three waters networks are improved all over the city, which is unaffordable and impractical to implement.

### 3.2.3 HCC's ability to provide new infrastructure is limited

Upgrading and expanding existing infrastructure to cope with additional intensification will be an expensive initiative spanning multiple decades. Delivering large scale infrastructure upgrades in brownfield areas is difficult because of the significant existing development and the need to maintain services for the existing community during construction and implementation.

Ensuring that the delivery of that infrastructure upgrade is timely, and able to anticipate development pressures across all residential zones in the City, is difficult to achieve without an ability to focus and stage growth. HCC's Infrastructure Strategy recognises the need to invest in the upgrade and expansion of infrastructure in the existing urban area to address existing problems and to cater for future growth, but also recognises the financial constraints that limit the extent to which these upgrades can be accelerated.

Hamilton faces significant challenges in the medium to longer term with regards to the capacity of key "big ticket" three waters infrastructure items, such as the existing wastewater treatment plant. Inherent in this constraint is the ever tightening legislative and consenting environment within which Hamilton City must operate, along with challenges facing the city in terms of the fundamental ability to ensure that the right to take from and discharge to natural resources to cope with intensive growth can be secured at necessary levels in the future.

### 3.2.4 Growth and infrastructure investment must be focused

Failure to ensure the nature, location, and timing of intensification of the scale promoted by the NPS-UD is aligned with necessary new and/or upgraded strategic and local infrastructure will lead to adverse environmental, cultural and public health effects. This might be in the form of, for example, increasing wastewater overflows and increasing volumes of untreated stormwater.

The Three Waters Performance Network Assessment Report recommends prioritising where higher density development is enabled, to provide a better opportunity for HCC to deliver Te Ture Whaimana by better aligning infrastructure investment with growth. This report highlights that allowing higher densities of growth to proceed in an ad hoc manner city-wide will result in infrastructure failure with attendant adverse effects on the river.

Accordingly, a targeted approach to where densities are increased in the city is required. Recent strategies indicate a priority focus on the central city and environs and emphasise the north of the central city area for its transport mode shift potential.

#### *3.2.4.1 Future Proof's H-W Metro Spatial Plan*

The H-W MSP is a vision and framework for how Hamilton City and the neighbouring communities within Waipā and Waikato districts will grow and develop over the next 100 plus years. The MSP contains six transformative moves. These include direction to, amongst other things:

1. Enhance the health and wellbeing of the Waikato River in accordance with Te Ture Whaimana.
2. Grow Hamilton central city as our civic, administrative, cultural and commercial metro core, alongside lively metropolitan centres.
3. A multi-modal transport network, connecting to the metro area and facilitating a radical shift to using public transport.

#### *3.2.4.2 Future Proof's H-W Transport Programme Business Case*

The H-W MSP Transport Programme Business Case was endorsed by the Future Proof Implementation Committee on June 16, 2022. It indicates a priority investment programme to foster a radical transport shift to a multi-modal transport network shaped around where and how communities will grow, focused on implementing a bus and biking mode shift programme. Priority corridors include rapid transit route "RT1" with north, south and east segments. RT1 north passes through Ulster Street and Te Rapa Road areas north of the central city and is a top focus area for improving public transport.

#### *3.2.4.3 Area plans indicate north of the central city has significant transport mode shift potential*

In 2021 HCC identified parts of the city with potential to see a high pace of change due to the development capacity unlocked by the HSAA and NPS-UD. Investigations were undertaken. Called area plans, these took an integrated look at land use and infrastructure to identify how to deliver a well-functioning urban environment in these areas of the city.

Area plans inform HCC about how to take a place-making response to intensification in certain parts of the city. They will be implemented as part of the evidence base for PC12, and by informing subsequent capital investment planning exercises in response to increasing urbanisation. This could include, for example infrastructure strategies or parks and community facilities planning. The area plans apply design principles drawn from prior public engagements to inform a set of intensification related recommendations.

Two of the area plans are most relevant to PC12 – Central City North and Eastern Hamilton. The area plans make recommendations outline a programme of work covering zoning, transport, parks, and infrastructure. Short term land use recommendations are intended for PC12. Long term recommendations are intended for later revisions of the district plan as they rely on unfunded projects or need further investigations.

**The Area Plans Overview Report, the North of Central City Area Plan, and the Eastern Hamilton Area Plan (Appendices 3.7, 3.8, and 3.9, respectively) provide the following findings amongst others:**

- All area plan locations are constrained by infrastructure network capacity. Investment into infrastructure capacity provision will encourage development to focus in certain locations, and the area plans recommend choosing locations that support transport mode shift outcomes in alignment to the H-W MSP (and the related transport programme business case) greenhouse gas emission reduction benefits.
- The opportunity for transport mode shift, and for future development to have high active modes and public transport use, is particularly good in the North of Central City Area Plan. The North of Central City Area Plan location is in the geographic centre of the city. This means that within a typical walk, bike, and bus commute, distance residents can access most employment opportunities in the city.

- The short term land use recommendations from the Eastern Hamilton Area Plan are suitable for PC12. The long term land use recommendations of the Central City North Area Plan support the mode shift opportunity better than the short term recommendation, have high alignment with the H-W MSP, and informed the zoning changes recommended through PC12.

### 3.3 Planning mechanisms giving effect to Te Ture Whaimana in PC12

The Three Waters Performance Network Assessment recommends prioritising where higher density development is enabled, to provide a better opportunity for HCC to deliver Te Ture Whaimana by improving the alignment between infrastructure investment with growth. Enabling more intensification in locations with deficient three waters networks, without significant improvements in infrastructure, will further damage the river.

There is also an opportunity to focus on infrastructure capacity and development to capture benefits of transport mode shift towards stormwater runoff quality. Lower private motor vehicle use means fewer stormwater contaminants.

#### 3.3.1 Infrastructure Capacity Overlay

To create an improved opportunity to align infrastructure and growth, PC12 proposes an Infrastructure Capacity Overlay Zone. The following provides a summary of what it means to be inside or outside of the overlay zone. For a full description refer to Section 6 of this report, and **Appendix 2.5 – Infrastructure s32 Contributing Report**.

- Inside of the Infrastructure Capacity Overlay Zone: Proposed developments over a certain density threshold (e.g., four units or more, or less than 200m<sup>2</sup> average net site area per unit) require a resource consent and must prepare an infrastructure capacity assessment to demonstrate sufficient capacity for both strategic level and local level three waters networks to accommodate the development. This is to balance development with available infrastructure capacity. If the assessment demonstrates there is suitable three waters network capacity, then development can proceed subject to other assessment criteria.
- Where the Infrastructure Capacity Overlay Zone does not apply: Proposed developments over a certain density threshold (e.g., four units or more) must prepare an infrastructure capacity assessment in relation to local three waters network impacts. The development can proceed, subject to addressing local three waters network impacts and other different assessment criteria. HCC will prioritise infrastructure investments into these locations.
- Greenfield development locations: these are outside of the overlay and are dealt with through typical structure planning and subdivision processes. HCC will prioritise infrastructure investments into these locations.

The infrastructure capacity overlay will not be static. Council intends to progressively amend the extent of the Infrastructure Capacity Overlay as three waters infrastructure is upgraded and replaced with sufficient capacity to accommodate anticipated housing densities.

#### 3.3.2 Water conservation and on-site stormwater management

Water conservation methods (discussed in **Appendix 2.5 - Infrastructure Capacity Provisions – contributing report**) and on-lot stormwater devices (discussed in **Appendix 2.6 – Onsite Stormwater – contributing report**) are cost-effective means of mitigating stormwater effects and enabling waterway outcomes to be achieved over time.

Council holds consent from the Waikato Regional Council for the discharge of stormwater from its piped network. It is necessary for the Council to manage the quantity and quality of stormwater discharged into its piped network to manage the stormwater being ultimately discharged, and to ensure compliance with network discharge consent conditions.

Plan Change 12 increases the development capacity of a large number of sites across the city. It is likely to see impervious area coverage increasing markedly in areas of redevelopment and this could lead to a significant increase in stormwater runoff. Intensification is also likely to increase the concentration of contaminants associated with vehicle use entering stormwater.

Enhanced stormwater provisions are proposed as part of PC12, including retention (via rainwater retention, rainwater reuse tanks and soakage), use as part of residential grey water systems, changes to permeable area requirements and other mitigations.

Changes to transport requirements are proposed as part of PC12 to encourage alternative modes of transport, which have a lesser impact on water quality by reducing vehicle kilometres travelled, as well as greenhouse gas reduction co-benefits.

## 4 Financial Contributions

The HSAA introduced a suite of amendments to the RMA including the ability to collect a financial contribution for any activity other than a prohibited activity (section 77E).

Previously financial contributions could only be collected upon the grant of a resource consent, with the obligation to pay a financial contribution imposed as a condition of resource consent under section 108(2) of the RMA, requiring a contribution of money or land in order to avoid, remedy, mitigate or offset the adverse effects of development, or to provide positive effects of development. Under the HSAA that opportunity now extends to permitted activities also.

Chapter 24 of the ODP includes existing provisions enabling the collection of financial contributions. However those provisions are rarely relied upon, with HCC now relying instead on its well established Development Contributions Policy to enable the recovery of growth related costs via the development community. The distinction between the two funding tools is made clear under section 200(1)(a) of the Local Government Act 2002 (**LGA**) which prohibits the recovery of a development contribution if a financial contribution condition has been imposed under section 108(2) for the same development for the same purpose. On the basis of this prohibition against 'double dipping' HCC has generally chosen not to charge financial contributions, and instead rely on development contributions.

With the introduction of the HSAA HCC has taken a fresh look at the existing provisions within Chapter 24 and has decided to replace them with a new set of provisions, including objectives, policies and rules which will enable the collection of financial contributions in a manner that creates no risk of 'double dipping'.

This risk is avoided by being very targeted in the purpose for which the financial contributions are being collected. The purposes are threefold:

1. Renewal costs relating to network infrastructure. These costs are not part of the capital expenditure programme of HCC which is recovered via the development contributions regime; and
2. Costs associated with mitigating the adverse effects of residential development densities increasing. These costs, which are related to maintaining streetscape and public space amenity, are not part of the capital expenditure programme of HCC which is recovered via the development contributions regime; and
3. Costs associated with giving effect to Te Ture Whaimana. These costs are in addition to the wider steps taken to addressing Te Ture Whaimana, and are specifically targeted at initiatives

which are not part of the capital expenditure programme of HCC which is recovered via the development contributions regime.

Contributions will be calculated over a 10-year period on a city-wide catchment basis and distributed city-wide. For developments not requiring resource consent, financial contributions will be payable on the earlier of either building consent or service connection. Developments requiring resource consent will be required to pay financial contributions as set out in the conditions of consent. Residential developments will require financial contributions on a per-bedroom basis, while non-residential developments will require financial contributions on a per-100m<sup>2</sup> gross floor area (GFA) basis.

Details of the proposed financial contributions regime are set out in **Appendix 3.2**. The proposed calculation methodology and technical detail to support those calculations are included in the same appendix.

## 5 Engagement

**This section provides an overview of engagement with iwi and with stakeholders conducted while PC12 was developed.**

### 5.1 Stakeholder consultation

Stakeholder engagement has been undertaken on Plan Change 12 beginning in June 2021. A stakeholder webinar was held to provide information on the Plan Change Programme (including PC12) on 28<sup>th</sup> June 2022. The following groups were also consulted individually:

- Go-Eco
- Tainui Group Holdings
- Waikato Disabled Persons Assembly
- Transpower
- Heritage New Zealand Pouhere Taonga
- Telecommunications companies – Spark, Vodafone, Ultrafast
- Property Council
- Emergency Services (Police, St John Ambulance, Fire and Emergency New Zealand)
- Kāinga Ora

Kāinga Ora, Tainui Group Holdings, and the Property Council were provided with an opportunity to review draft provisions and provide feedback ahead of notification. As required by clause 3 of Schedule 1 to the RMA, relevant stakeholders were provided with the draft planning provisions, as were Waipā District Council and Waikato District Council representatives.

Following notification of PC12 in August 2022 a broader engagement with the public is planned, including media releases, ratepayer notifications, public notice, awareness campaign (e.g. social media) and in-person community engagements.

### 5.2 Iwi engagement

The following summarises the iwi engagement undertaken for the plan change programme of work, including PC12 matters, since 2021. A fuller description of iwi engagement activities is set out in **Appendix 2.7**.



- Presentations to THaWK at Te Ngaawhaa Whakatupu Ake on the district plan change programme.
- Meetings with Waikato Tainui on the district plan change programme.
- RMA online training with THaWK.
- Te Ture Whaimana focused presentations to THaWK, Ngaati Wairere and Waikato-Tainui.
- Hui (online) between District Planning Manager and Waikato-Tainui Acting CEO.
- Hui (online) with Waikato-Tainui Management and Environmental Team about PC9 and PC12 programme.
- Paper prepared for Waikato-Tainui board meeting about the plan change programme.
- Joint Management Governance meeting between HCC and Waikato-Tainui which included updates on the plan change programme.

## 6 Planning Approach

This section provides an overview of the planning approach proposed to give effect to the NPS-UD and HSAA requirements (discussed in Section 2 Statutory drivers for Plan Change 12) and Te Ture Whaimana. It describes the key themes of the changes being made through PC12 and sets out where and what changes are being made to the district plan chapter-by-chapter.

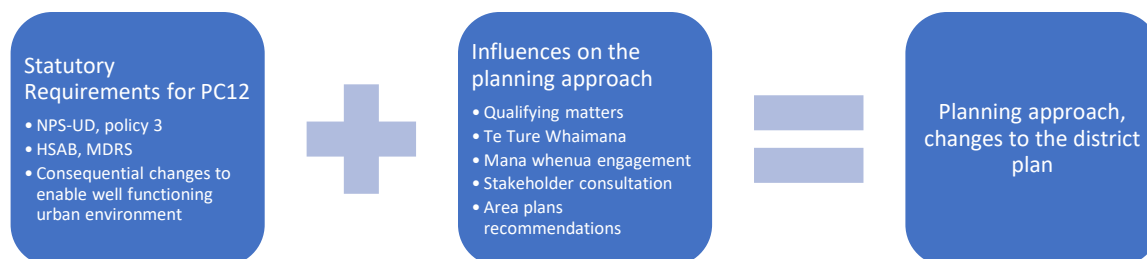


Figure 2- Considerations to derive the planning approach

### 6.1 Changes to the District Plan

The following table provides a high-level summary of the changes proposed to the District Plan and to which chapter they relate.

Chapter/Appendix	Scope of Change
<b>Chapter 1 Plan Overview</b>	<ul style="list-style-type: none"> <li>• Administrative changes</li> </ul>
<b>Chapter 2 Strategic Framework</b>	<ul style="list-style-type: none"> <li>• Amendments to objectives and policies to: <ul style="list-style-type: none"> <li>○ Give effect to Te Ture Whaimana</li> <li>○ For climate change mitigation and adaptation</li> </ul> </li> <li>• Alignment of the chapter with changes in other parts of the Plan, including: <ul style="list-style-type: none"> <li>○ Unlimited heights in the Central City</li> <li>○ High Density within walking distance of the Central City</li> <li>○ Medium Density within 400m walking distance of the Sub-regional Centre at Chartwell and the Suburban Centres at Thomas Road, Lynden Court, Five Cross Roads, Clyde Street East, Hamilton East, Glenview, Frankton and Dinsdale.</li> </ul> </li> <li>• Mode shift provisions to encourage walking, cycling and use of public transport to achieve a well-functioning urban environment</li> </ul>
<b>Chapter 3 Structure Plans</b>	<ul style="list-style-type: none"> <li>• Aligning Chapter with the removal of Residential Zones from the Rototuna Town Centre</li> <li>• Removing the use of Land Development Plans</li> <li>• Amending Rototuna and Rotokauri Structure Plan maps to reflect the changes in the zoning and removal of character areas</li> </ul>

Chapter/Appendix	Scope of Change
<b>Chapter 4 Residential Zone and Appendix 3</b>	<p><u>General Residential Zone</u></p> <ul style="list-style-type: none"> <li>• Providing for 1 to 3 residential units up to 3 storeys high as permitted. Development will be primarily single dwellings, duplex housing, and terraced housing</li> <li>• Applying the MDRS except where a Qualifying Matter is relevant</li> </ul> <p><u>Medium Density Residential Zone</u></p> <ul style="list-style-type: none"> <li>• Allowing for up to 5 story developments primarily duplexes, terrace housing and apartments</li> </ul> <p><u>High Density Residential Zone</u></p> <ul style="list-style-type: none"> <li>• Enabling up to 6 story developments, specifically terrace housing and apartments. Single residential units is a non-complying activity and 2 residential units on a site is discretionary activity</li> <li>• Inserting requirement for Restricted discretionary resource consent to address urban design requirements</li> </ul>
<b>Chapter 5 Special Character Zone and Appendix 4</b>	<ul style="list-style-type: none"> <li>• Deleting chapter and merging into the Residential Zone</li> </ul>
<b>Chapter 6 Business Zone</b>	<ul style="list-style-type: none"> <li>• Increasing building height within approximately 800m walkable catchment of the Central City to 21m</li> <li>• Providing for upper floor apartments as Permitted Activities in a number of areas in the Business Zone</li> <li>• Amending height in relation to boundary, interface, outlook, building height and storage areas to align with the HSAA requirements and Residential Zones provisions</li> </ul>
<b>Chapter 7 Central City Zone and Appendix 5</b>	<ul style="list-style-type: none"> <li>• Amending the height in relation to boundary, storage areas, public interface and outlook area controls to better align with the HSAA requirements and Residential Zones provisions</li> <li>• Removing the height controls and amending the minimum density</li> </ul>
<b>Chapter 13 Rototuna Town Centre and Appendix 7</b>	<ul style="list-style-type: none"> <li>• Removing the Comprehensive Development Plan areas</li> <li>• Removing reference to the residential precincts which are to be incorporated in the Residential Zone</li> <li>• Aligning the height in relation to boundary, outdoor living and service area, and storage area controls with the HSAA requirements and Residential Zones provisions</li> </ul>
<b>Chapter 19 Historic Heritage</b>	<ul style="list-style-type: none"> <li>• Accommodating Qualifying Matters through introducing density, site coverage, permeable surface, building height, height in relation to boundary and building setback standards for areas identified with historic heritage values</li> </ul>

Chapter/Appendix	Scope of Change
<b>Chapter 23 Subdivision</b>	<ul style="list-style-type: none"> <li>• Amending the activity statuses and standards to comply with the Amendment Act and NPS-UD, including accommodation of Qualifying Matters</li> <li>• Aligning with the MDRS and changes to the Residential Zones</li> <li>• Amendments to site suitability requirements</li> <li>• Requiring Minimum Vacant lot sizes</li> </ul>
<b>Chapter 24 Financial Contributions</b>	<ul style="list-style-type: none"> <li>• Inserting provisions to enable financial contributions to be collected for the following general purposes: <ul style="list-style-type: none"> <li>○ Residential amenity-where public open space or streetscape amenity can be improved</li> <li>○ Te Ture Whaimana-meeting the objectives of the Vision and Strategy that relate to betterment of the river; improving public access to the river, gullies, lakes and streams; and ecological and biodiversity enhancement</li> <li>○ Local network infrastructure renewals.</li> </ul> </li> <li>• Inserting provisions to enable financial contributions to be collected for any type of activity other than a prohibited activity.</li> </ul>
<b>Chapter 25.13 Three waters</b>	<ul style="list-style-type: none"> <li>• Inserting requirements for sites within the proposed Infrastructure Overlay, including Infrastructure Capacity Assessments where: <ul style="list-style-type: none"> <li>○ 4 or more residential units/lots are proposed</li> <li>○ Net site area per residential unit is less than 200m<sup>2</sup> in the General Residential Zone</li> <li>○ Net site area per residential unit is less than 150m<sup>2</sup> in the Medium Density Zone</li> <li>○ Any residential development is proposed in the High Density Zone</li> </ul> </li> <li>• The scope of the Infrastructure Capacity Assessments includes an assessment of whether development can be serviced by capacity within the existing three waters infrastructure or feasible, planned and funded upgrades</li> <li>• Provisions requiring more intensive forms of residential development located outside of the proposed overlay, to provide an assessment of demands on local three waters infrastructure networks, similar to the current Water Impact Assessment requirements in the current district plan</li> <li>• Inserting rules requiring retention of the first 10mm of rainfall on-site. This means most sites are likely to require a rainwater reuse tank of 2000-5000L for their roof and a soakage pit/s for their driveway and maneuvering area</li> </ul>

Chapter/Appendix	Scope of Change
	<ul style="list-style-type: none"> <li>• For larger residential developments – Requiring new Site-Specific Stormwater Management Plan requirement replacing Water Impact Assessments</li> <li>• Requirements for rainwater reuse and higher water efficiency ratings for taps, showers, and toilets.</li> </ul>
<b>Chapter 25.14 Transportation and Appendix 15</b>	<ul style="list-style-type: none"> <li>• Introducing provisions to support the uptake of walking, cycling, micro-mobility and public transport, to manage the effects of urban intensification on the road network, respond to the removal of most car parking requirements, reduce greenhouse gas emissions and stormwater runoff pollution, and achieve a well-functioning urban environment.</li> <li>• Inserting new provisions or amending existing provisions related to: <ul style="list-style-type: none"> <li>○ Giving priority to walking, and travel by cycle, micro-mobility device and public transport, over travel by car</li> <li>○ Wider footpaths</li> <li>○ Separated cycle lanes on new collector roads and arterial transport corridors</li> <li>○ Cycle and micro-mobility parking and end-of-journey facilities</li> <li>○ New vehicle access to be safer for walking, cycling and micro-mobility use</li> <li>○ Some new driveways to be wider to accommodate emergency vehicles</li> <li>○ Pedestrian access to residential development that has no vehicle access</li> <li>○ Some new roads will need to be wider to accommodate landscaping, stormwater devices, separated cycle facilities, public transport, or wider footpaths and parking spaces.</li> <li>○ Any car parking space for a new residential unit to provide the ability for recharging electric vehicles</li> <li>○ Rear lanes</li> <li>○ Accessible car park spaces and access to them</li> <li>○ Dimensions of on-site loading spaces</li> <li>○ Additional Integrated Transport Assessments requirements</li> <li>○ Removing proposed road-stopping plans</li> </ul> </li> </ul>
<b>Chapter 25.15 Urban Design</b>	<ul style="list-style-type: none"> <li>• Making minor amendments to reflect the city design guide and achieving good urban design along transport corridors.</li> </ul>
<b>Appendix 1 Definitions, Information</b>	<ul style="list-style-type: none"> <li>• Amending a number of definitions</li> <li>• Removing requirements for CDPs and Land Development Plans (LDPs)</li> </ul>

Chapter/Appendix	Scope of Change
<b>requirements and Assessment criteria, Design Guides</b>	<ul style="list-style-type: none"> <li>• Amending assessment criteria with the inclusion of five key urban design elements</li> <li>• Amendments to Information Requirements to require Urban Design and CPTED assessments for developments containing four or more residential units.</li> </ul>
<b>Appendix 17 Planning Maps</b>	<ul style="list-style-type: none"> <li>• Rezoning areas of General Residential to Medium Density Residential around selected suburban centres; and to High Density Residential within a walkable catchment from the Central City</li> <li>• Rezoning the Special Natural Zone and Rototuna North East Character Zone to General Residential and Medium Density Zones</li> <li>• Rezoning land along Quentin Drive from Industrial to General Residential and amending the Industrial Amenity Protection Area to conform with an approved Special Housing Area</li> <li>• Rezoning the Medium Density Residential Zone associated with the Borman Road/Hare Puke Drive Neighbourhood centre to General Residential to better align the existing development with the appropriate zoning</li> <li>• Establishing Residential Precincts to enable bespoke residential and subdivision rules to apply to these areas</li> <li>• Establishing Visitor Accommodation Precinct and removing the Visitor Accommodation Areas from the Feature Map</li> <li>• Inclusion of the Infrastructure Capacity Overlay</li> </ul>



## PART 2

### 7 Section 32 Evaluation

When proposing changes to plans, the RMA requires councils to prepare an evaluation report in accordance with section 32 of the RMA. The overall purpose of section 32 in that context is to ensure that any provisions proposed through a plan change are evidence based, clear and certain, and the best means to achieve the purpose of the RMA. Section 32 requires that the objectives of PC12 are evaluated for their appropriateness in achieving the purpose of the RMA and that the benefits, costs, and risks of the PC12 provisions (policies, rules, and methods) on the community, the economy, and the environment are identified and assessed. It also requires all advice received from iwi authorities and the response to the advice be summarised. In addition, the HSAA has introduced matters for assessment relating to qualifying matters being accommodated under PC12 which must be documented in the evaluation report. The relevant sections of the RMA which set out the criteria for the evaluation report are set out in Appendix 2.8.

The evaluation under section 32 is documented in the following appendices:

#### **Appendix 2.1 Scale and Significance:**

In accordance with section 32(1)(c), Appendix 2.1 provides a high-level assessment of the scale and significance of the effects that are anticipated from the implementation of PC12. Overall, PC12 has been assessed as being of high significance which results in significant change to the ODP. The impacts will extend over the City in its entirety which will have lasting economic, environmental, social and cultural effects. As a consequence of PC12's high scale and significance, the evaluation provided in the appendices described below includes a high-level of detail.

#### **Appendix 2.2 Assessment of options to achieve the objectives:**

In accordance with sections 32(1)(b)(i) and 32(3)(a)-(b), Appendix 2.2 sets out the reasonably practicable options considered for achieving the objectives and identifies the best practicable option for further evaluation. In addition, a specific stormwater assessment under section 32(1)(b) is contained in Appendix 2.6 – On-site stormwater contributing report. These assessments identify the most appropriate options for PC12. It is concluded that the options chosen will meet the statutory requirements set out in the HSAA and NPS-UD.

#### **Appendix 2.3 Evaluation of objectives and provisions:**

In accordance with sections 32(1)(b)(ii) and (iii), 32(2)-(3), Appendix 2.4 evaluates the extent to which the objectives are the most appropriate way to achieve the purpose of the RMA. It also evaluates whether the provisions are the most appropriate (in terms of efficiency and effectiveness) for achieving the new and existing objectives. It also assesses the benefits, costs, effects, and risks associated with implementing the provisions. A stormwater-specific evaluation is provided in Appendix 2.6 – On-site stormwater contributing report. For completeness, the evaluation in Appendix 2.3 also includes an assessment of whether the new (proposed) provisions will help achieve the relevant existing strategic objectives of the ODP and will not undermine them. On balance, it is considered that the provisions proposed under PC12 are the most appropriate for achieving existing and proposed objectives.

#### **Appendix 2.4 Qualifying Matters assessment:**

In accordance with sections 77I-77K and 77O-Q, Appendix 2.4 describes and evaluates the qualifying matters being accommodated under PC12, and the rationale for doing so. Te Ture Whaimana as a qualifying matter is addressed separately in Appendix 3.5 Infrastructure capacity provisions report.

#### **Appendix 2.5 Infrastructure capacity provisions report:**

In accordance with sections 32 and 77J, Appendix 2.5 evaluates matters required to give effect to Te Ture Whaimana as a qualifying matter.

#### **Appendix 2.6 On-site stormwater management report:**

In accordance with sections 32(1)(b)(ii)-(iii) and 32(2)-(3), Appendix 2.6 evaluates the proposed changes to the on-site stormwater management provisions of the ODP to achieve a well-functioning urban environment.

#### **Appendix 2.7 Iwi consultation:**

In accordance with section 32(4A), Appendix 2.7 describes the engagement undertaken with, and advice provided by, iwi in relation to PC12. It also sets out the response to the advice.

#### **Appendix 2.8 Evaluation report - relevant RMA provisions:**

Appendix 2.8 sets out in full, sections 32, 77J-77K, 77P-77Q of the RMA.

## 8 Conclusion

HCC has notified PC12 to meet the requirements of the HSAA and the NPS-UD, and to ensure that the ODP contains provisions that provide for a well-functioning urban environment.

PC12 has been evaluated under the requirements of section 32 of the RMA and overall is considered to achieve the sustainable management purpose of the RMA.

The alignment to the following documents has been assessed and is summarised here in the following table

Item	Comment
<b>National Legislation</b>	
<b>Resource Management Act 1991</b>	<ul style="list-style-type: none"> <li>S32 analysis meets all legal requirements in section 32, and enables Council to achieve its functions under sections 32, 74 and 75</li> <li>Provisions achieve the purpose of the Act, recognise and provide for section 6 matters, have particular regard to section 7 matters and take into account the principles of the Treaty (section 8)</li> </ul>

<p><b>Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021</b></p>	<ul style="list-style-type: none"> <li>• PC12 incorporates MDRS standards as set out in Appendix 3A of the HSAA, except where modified by qualifying matters</li> <li>• Qualifying matters are identified and supporting reports meet the requirements set out in sections 77I, 77J, 77L, 77K and 77Q.</li> <li>• PC12 incorporates <b>consequential</b> or supporting provisions as per section 80E</li> <li>• Financial contributions are addressed pursuant to section 77E</li> </ul>
<p><b>National Policy Statement on Urban Development 2020</b></p>	<ul style="list-style-type: none"> <li>• PC12 is consistent with Objectives 1-8 and with Policies 1-11, where applicable/relevant</li> <li>• Modification of these requirements to accommodate qualifying matters is considered critical in creating a well-functioning urban environment.</li> <li>• Additional assessment against Policy 3 is provided in Appendix 4.4 Centres Assessment, which sets out which centres in Hamilton this policy should apply to.</li> <li>• Additional assessment against Policy 4 is provided in Appendix 3.4 Qualifying Matters Assessment and Appendix 3.5 Infrastructure capacity provisions report</li> </ul>
<p><b>Te Ture Whaimana – The Vision and Strategy for the Waikato River</b></p>	<ul style="list-style-type: none"> <li>• Te Ture Whaimana is a key consideration in PC12 as it is a primary direction-setting document for the Waikato region.</li> <li>• PC12 addresses Te Ture Whaimana as a qualifying matter. It is noted that the qualifying matter is not Te Ture Whaimana itself, but the “matter” required to give effect to Te Ture Whaimana.</li> <li>• Part 1 – Overview Report sets out the implications of needing to balance growth and infrastructure to give effect to Te Ture Whaimana.</li> <li>• Appendix 3.5 Infrastructure capacity provisions contributing report specifically determines that Infrastructure Capacity Overlay is the most effective and efficient way to give effect to Te Ture Whaimana</li> </ul>

	<ul style="list-style-type: none"> <li>Other changes are also proposed to the ODP through PC12 to ensure Te Ture Whaimana is given effect to, including changes to the Strategic Framework</li> </ul>
<b>National Policy Statement on Freshwater Management</b>	<ul style="list-style-type: none"> <li>PC12 is directly aligned with the intent of the NPS-FM with respect to the management of urban development</li> </ul>
<b>National Planning Standards</b>	<ul style="list-style-type: none"> <li>National Policy Standards have not been used in PC12 due to timeframe constraints and ensuring continued useability of the Operative District Plan.</li> </ul>
<b>Regional Planning Context</b>	
<b>Waikato Regional Policy Statement</b>	<ul style="list-style-type: none"> <li>PC12 is considered to be consistent with a number of RPS policies, including built environment policies and integrated management policies.</li> </ul>
<b>Waikato Regional Plan</b>	<ul style="list-style-type: none"> <li>The WRP gives effect to the RPS, and PC12 is deemed to be consistent with the RPS.</li> </ul>
<b>The Future Proof Strategy</b>	<ul style="list-style-type: none"> <li>PC12 is consistent with the Future Proof Strategy, specifically in respect of ensuring the protection and enhancement of the Waikato River at the centre of planning for the sub-region.</li> <li>PC12 also includes provisions that support mode shift towards active and public transportation modes</li> <li>The area to the north of the central city has been identified as an area where there are likely to be significant co-benefits from investment that will support rapid and frequent transport in the future. The planning provisions have been amended for this part of the city to account for these future co-benefits. This supports the direction of the Strategy in respect of transportation</li> </ul>
<b>Hamilton-Waikato Metro Spatial Plan</b>	<ul style="list-style-type: none"> <li>PC12 is aligned with and supports the transformational moves in the MSP which collectively seek to make the Hamilton-Waikato corridor a highly liveable place.</li> <li>This includes a strong focus on the environment and on supporting mode-</li> </ul>

	shift and the long term transport vision for the metro area.
<b>Waikato Regional Land Transport Plan 2021-2051</b>	<ul style="list-style-type: none"> <li>• PC12 supports the Access and Mobility objectives of the WRLTP by defining a transport mode hierarchy that supports the promotion of walking, cycling, micro-mobility and public transport.</li> <li>• PC12 is considered to be consistent with the WRLTP 2021-2051</li> </ul>
<b>Waikato Regional Public Transport Plan 2018-2028</b>	<ul style="list-style-type: none"> <li>• PC12 introduces a transport mode hierarchy where the needs of the less mobile or vulnerable road users, and transport disadvantaged are considered at the top. As such, PC12 is consistent with the WRPTP insofar as it is relevant for this plan change.</li> </ul>
<b>Hamilton-Waikato Metro Area Mode Shift Plan</b>	<ul style="list-style-type: none"> <li>• PC12 is consistent with the strategic direction of the Hamilton-Waikato Metro Mode Shift Plan and supports the interventions identified in the Plan.</li> </ul>
<b>Iwi Planning Documents</b>	
<b>He Pou Manawa Ora – Pillars of Wellbeing</b>	<ul style="list-style-type: none"> <li>• The four pillars have been taken into consideration in the development of PC12, in particular, the pillar of restoration which seeks the protection and enhancement of Kirikiriroa</li> </ul>
<b>Tai Tumu Tai Pari Tai Ao, The Waikato-Tainui Environmental Plan</b>	<ul style="list-style-type: none"> <li>• PC12 is consistent with this Environmental Plan and addresses a number of key topics in the Environmental Plan, including three waters protection and the use of water efficiency measures and technology.</li> </ul>
<b>Re Rautaki Taamata Ao Turoa o Hauaa: Ngaati Hauaa Environmental Management Plan</b>	<ul style="list-style-type: none"> <li>• PC12 is consistent with this Environmental Plan which has a strong focus on protecting the mauri of water. As discussed in this report, several provisions are proposed through PC12 to address the protection and restoration of the Waikato River.</li> </ul>

## PART 3

### 9 Additional Documents

The following additional documents are appended to this report:

- Appendix 2.1 - Scale and Significance
- Appendix 2.2 - Assessment of options to achieve the Objectives
- Appendix 2.3 - Evaluation of Objectives, Policies and Rules
- Appendix 2.4 - Qualifying Matters Assessment
- Appendix 2.5 - Infrastructure capacity provisions report
- Appendix 2.6 - On-site stormwater management report
- Appendix 2.7 - Iwi Consultation
- Appendix 2.8 - Relevant Provisions of the RMA
- Appendix 3.1 - Relevant statutory provisions, planning instruments, strategies, and plans
- Appendix 3.2 -Financial Contributions Report
- Appendix 3.3 - Te Ture Whaimana
- Appendix 3.4 - Capacity modelling
- Appendix 3.5 - Three Waters Performance Assessment Report
- Appendix 3.6 - Centres Assessment Report
- Appendix 3.7 - Area Plans Overview Report
- Appendix 3.8 - Central City North Area Plan
- Appendix 3.9 – Eastern Hamilton Area Plan