

Plan Change 12 – Enabling Housing: Part 2 Section 32 Evaluation

Appendix 2.1 Scale and Significance evaluation

Section 32(1)(c) of the RMA

Introduction:

Section 32(1)(c) of the Resource Management Act 1991 (RMA) requires that the s32 evaluation must contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the proposal.

Changes with a greater scale and significance require more sophisticated detailed evaluation. The table below includes a high-level assessment of the scale and significance of the Plan Change in order to determine the level of detail required to evaluate the changes throughout the s32 evaluation.

Conclusion on significance	<p>The Plan Change results in significant change to the Hamilton City Operative District Plan (ODP) provisions.</p> <p>The Plan Change is a result of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (HSAA). The Plan Change will result in a large shift from the existing Residential Zone provisions and a moderate change elsewhere in Hamilton City.</p> <p>The impacts of the Plan Change will extend over the whole City and will be of particular interest to iwi/Maori given the potential effects on the Waikato River and impacts on housing supply. The changes will have permanent long term economic, environmental, social and cultural effects.</p> <p>The changes are not considered adverse effects in and of themselves in accordance with the National Policy Statement on Urban Development 2020 (NPS-UD). New provisions may result in positive amenity values appreciated by other people, communities and future generations. This includes positive effects on social and economic wellbeing through enabling housing choice and increasing housing supply.</p> <p>Community reaction to the changes is expected to be high, given the degree of changes.</p> <p>Overall, the Plan Change is considered to have a high significance and the Plan Change will be assessed accordingly.</p>	High
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Considerations	Criteria	Notes/comments	Ranking
Reasons for the change	<ul style="list-style-type: none"> • <i>10-year review</i> • <i>Giving effect to a higher level RMA document</i> • <i>Ministerial direction/requirement for the plan to not be inconsistent with NES</i> • <i>Responding to a court decision/direction</i> • <i>Implementing non-statutory planning initiative (e.g. urban growth strategy)</i> • <i>Initiated locally because of plan effectiveness monitoring, community reaction to resource use etc</i> • <i>Assess as having significance under the LGA</i> 	The Plan Change is a result of the HSAA and National Policy Statement on Urban Development Capacity which requires notification of a Plan Change known as an Intensification Planning Instrument (IPI) by August 2022. The Plan Change will also give effect to Te Ture Whaimana o Te Awa o Waikato (Vision & Strategy) which is a higher-level RMA document.	NA

<p>Degree of shift from the status quo (current approach)</p>	<ul style="list-style-type: none"> • <i>Addressing existing or new resource management issues</i> • <i>Proposing a new management regime/minor or major change in rule framework</i> • <i>Extent and scale of regulatory impact</i> • <i>Degree of packaging with other plan changes or other interventions</i> • <i>Discrete provisions, or a broader suite of existing provisions</i> • <i>Changing existing plan objectives, and to what degree</i> 	<p><u>Residential Development</u></p> <p>Plan Change 12 (PC12) amends the existing General Residential Zone objectives, policies and provisions to enable a higher density of development within the General Residential Zone. These changes will enable up to three dwellings of three stories on a site. The proposed changes will also allow for a number of housing typologies, including terraced housing and low rise apartments, to occur within the zone.</p> <p>PC12 introduces new objectives, policies and provisions for the Medium Density Residential Zone and rezones areas of land within a walkable catchment from a number of identified centres. The changes introduce the ability to develop up to 5 storeys. There is an expectation that within these areas the density will be higher than allowed in the existing Medium Density Zone, as well as within those general residential areas that have been rezoned.</p> <p>PC12 introduces a new “High Density Residential Zone” which will enable at least 6 storey developments. This includes the introduction of a new objective, supporting policies, activity statuses, rules/provisions and assessment criteria. It also represents an increase in height/density from previous Zoning.</p> <p>The new objective and associated policies within all three zones focus on providing for a range of</p>	<p>High</p>
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		<p>housing typologies and densities and does not seek to protect the existing character of neighbourhoods. As such, it is considered that the degree of shift from the status quo/current approach is significant in terms of the residential zones.</p>	
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		<p><u>Qualifying Matters</u></p> <p>The following chapters (and related appendices) of the ODP are relevant to identify and accommodate existing Qualifying Matters:</p> <ul style="list-style-type: none"> - Chapter 6 - Chapter 9 - Chapter 15 - Chapter 20 - Chapter 21 - Chapter 22 - Chapter 25.7 - Chapter 25.14 Transportation - Chapter 26 Designation <p>The Plan Change will identify existing Qualifying Matters and proposes to maintain the existing policy framework and provisions to accommodate these.</p> <p>There are new Qualifying Matters being introduced as part of the Plan Change, these include:</p> <ul style="list-style-type: none"> - Built Heritage - Archaeological sites - Historic Heritage Areas - Significant Natural Areas - Matters to give effect to Te Ture Whaimana <p>The new matters in relation to built heritage, archaeological sites, historic heritage areas and</p>	<p>Moderate</p>
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		<p>significant natural areas have been identified in the schedules of Plan Change 9 (notified version). As part of PC 12, it is proposed to adopt the policy framework and planning provisions as per Plan Change 9, in the associated chapters:</p> <ul style="list-style-type: none"> - Chapter 19 - Chapter 20 <p>Additional provisions will also be incorporated in Chapter 19.</p> <p>The matters to give effect to Te Ture Whaimana will be identified and proposed as part of PC 12, with addition and amendment to the policy framework and planning provisions in the following chapters:</p> <ul style="list-style-type: none"> - Chapter 2 Strategic Framework - Chapter 4 Residential - Chapter 25.13 Three Waters 	
		<p><u>Business Zones</u></p> <p>Changes are required to the Business Zone to enable some additional residential use as Permitted Activities; increase height limits within the walkable catchment of the Central City and to align the provisions for residential development with the Medium Density Residential Standards (MDRS).</p> <p>There will be no change to the overall framework or objectives of the Business Zone.</p>	<p>Moderate</p>

		<p><u>Central City</u></p> <p>Small changes are required to the Central City Zone to align the provisions for residential development with the MDRS as well as a larger change to remove the height limits in the Central City to give effect to Policy 3 of the NPS-UD.</p> <p>There will be no change to the overall framework or objectives of the Central City Zone.</p>	Moderate
		<p><u>Rototuna Town Centre</u></p> <p>Remove Residential Precincts from Rototuna Town Centre and place them in the Residential Zone in order to incorporate the MDRS. This is a relatively large change to the existing framework for the Residential precincts.</p> <p>The remainder of the overall structure of the Rototuna Town Centre Chapter will be retained, however, the Ultra Vires Development Plan provisions will be removed so as to enable development as per Policy 3 of the NPS-UD. This is a smaller change which will not materially affect the overall outcome intended by the objectives, policies and performance standards. The change has stemmed from a direction ordered by the Environment Court which sets out clearly how district plans can and cannot provide for development plans.</p>	Moderate

		<p><u>Transport Network</u></p> <p>The proposed changes align with national guidance and best practice (e.g. safety, mode shift and climate change) that has been developed since the ODP was adopted.</p> <p>Some of the changes formalise matters that have been implemented in an ad-hoc manner through conditions of consent. For example, a framework for Travel Plans has been included providing clear direction to developers on the matters to be covered.</p>	High
		<p><u>Infrastructure</u></p> <p>A new overlay is proposed, identifying areas of the city where existing three waters infrastructure has insufficient capacity to accommodate higher density subdivision or development, and adverse effects on the Waikato River would result.</p> <p>Resource consent and a three waters infrastructure capacity assessment will be required for residential developments of medium to high density within this overlay. Intensification is to be avoided until constraints are resolved.</p> <p>Outside the overlay, resource consent and a local network assessment will also be required for four or more residential units/lots.</p> <p>While the overlay and policy/rule regime is new, higher density developments of 4 units or more are already subject to a Water Impact Assessment and consent process under the status quo.</p>	High

		<p><u>On-site Stormwater</u></p> <p>A more stringent on-site stormwater management technical standard is proposed, which in practice will often require two onsite stormwater devices (e.g. 2000-5000L rain tank and soakage) to be used for a smaller scale site, rather than one. The rule will also now apply to redevelopments as well as new development. A new Site-Specific Stormwater Plan requirement (replacing Water Impact Assessment) applies to larger scale residential developments/redevelopments.</p>	High
		<p><u>Financial Contributions</u></p> <p>The ODP chapter is deleted and replaced with new provisions that introduce new purposes related to streetscape amenity enhancement, giving effect to Te Ture Whaimana and providing for local network infrastructure renewals.</p> <p>The chapter is improved by articulating the purposes, objectives, policies, rules and method for calculation more clearly.</p>	High
Who and how many will be affected?	<ul style="list-style-type: none"> • <i>Degree of public interest and engagement in the issue</i> • <i>Degree to which proposal will address identified community outcomes</i> • <i>How many will be affected? Single landowner/multiple</i> 	<p><u>Residential development</u></p> <p>Changes to the General Residential Zone will impact a large number of landowners and/or occupiers throughout the City. The current level of amenity expected by landowners and occupiers within the General Residential Zone will change as</p>	High

	<p><i>landowners/occupiers/neighbourhoods/businesses/cities/future generations</i></p> <ul style="list-style-type: none"> • <i>Degree of impact on private property</i> 	<p>a result of the proposed changes to the provisions, allowing for increased density and building height.</p> <p>The changes to the Medium Density Residential provisions and the rezoning of areas to medium density will impact landowners and occupiers in the existing Medium Density zoned areas, as well as areas around identified commercial centres that are proposed to be changed from General Residential to Medium Density. The affected landowners and occupiers will be greatest in areas where land has been rezoned from General Residential to Medium Density Residential allowing for higher densities and a wider range of housing typologies.</p> <p>The new High Density Residential Zone will affect multiple landowners, occupiers and existing neighbourhoods as it covers multiple parts of the City in proximity to the Central City. The planned urban built form anticipated through the provisions may detract from the amenity values appreciated by some people but may result in positive amenity values appreciated by other people, communities and future generations. It is noted that these changes are not considered adverse effects in and of themselves.</p> <p>The proposed changes to the Residential Zones have been introduced as part of HCC's response to the NPS-UD and government direction. Given this, there is likely to be a high degree of public interest in the new provisions.</p>	
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		<p>The degree of impact on private property will be medium to high. The provisions will restrict some land uses but enable a wide range of residential activities in the General Residential and Medium Density Zones as a permitted activity while also enabling a range of residential development within the High Density Residential Zone by way of a resource consent process.</p>	
		<p><u>Qualifying Matters</u></p> <p>The scale of changes in relation to Qualifying Matters depends on the specific matter in question. However, since multiple chapters are subject to Qualifying Matters, these will impact many landowners / occupiers throughout the City.</p> <p>The proposed changes in relation to Qualifying Matters have been introduced as part of HCC's response to the NPS-UD and government direction. Given this, there is likely to be a high degree of public interest in the new provisions.</p> <p>The degree of impact on private property will be high as some provisions may result in restrictions or controls that reduce potential development at a site level.</p>	High
		<p><u>Central City</u></p>	Moderate

		The changes will affect owners and occupiers of Central City Zoned land and land adjoining the Central City Zone.	
		<u>Business Zones</u> The changes will affect owners and occupiers of Business Zoned land and possibly land adjoining the Business Zone.	Moderate
		<u>Rototuna Town Centre</u> The changes will affect the owners and occupiers of the Rototuna town Centre and adjoining sites.	Moderate
		<u>Transport Network</u> The changes will affect all property developers, owners and occupiers wishing to modify the use of the land across the City. It will impact on all road users as improved facilities for public transport, walking and cycling will be provided.	High
		<u>Infrastructure</u> The changes will affect owners, occupiers and developers of residential zoned land whenever they modify or develop a site to a medium or high density or install a new kitchen/laundry/bathroom/toilet.	High

		<p><u>On-site Stormwater</u></p> <p>The changes will affect owners, occupiers and developers of residential zoned land whenever they modify or develop a site.</p>	High
		<p><u>Financial Contributions</u></p> <p>The changes will affect owners and developers of any land whenever they modify or develop a site.</p>	High
Degree of impact on, or interest from iwi/Maori	<ul style="list-style-type: none"> • <i>Level of interest iwi/maori engagement with iwi on the issue</i> • <i>Likely degree of impact on iwi/hapuu?</i> • <i>Impact on sites, areas or resources of significance to iwi/maori?</i> • <i>Degree of consistency with iwi management plans</i> 	The provision of housing and consideration of Te Ture Whaimana will have a high level of interest from iwi/Maori and potentially a large impact given the risks to the Waikato River from unmitigated environmental impacts of urban development. The Plan Change is consistent with iwi management plans.	High
When will effects occur?	<ul style="list-style-type: none"> • <i>Temporarily (weeks or months)</i> • <i>For the next 1-5 years</i> • <i>Ongoing into the future</i> 	<p>The changes will have immediate legal effect from notification unless they relate to a site in a qualifying matter area, or they are located in a new residential zone notified in the IPI.</p> <p>The effects from the changes will be ongoing into the future.</p>	High

<p>Geographic scale of impacts</p>	<ul style="list-style-type: none"> • <i>Very localised or wide-ranging (ie single site/whole zones/one or more regions/single or multiple natural resources)</i> 	<p>The changes will result in wide-ranging changes which may impact the following areas within Hamilton:</p> <ul style="list-style-type: none"> - Residential Zones - Special Character Areas - Sites granted consent under Special Housing Areas - Roading Network - Infrastructure Network - Business Zones - Central City Zone - Rototuna Town Centre <p>In addition, PC 12 will result in changes over city-wide areas that are subject to one or more Qualifying Matters.</p>	<p>High</p>
<p>Type of effects</p>	<ul style="list-style-type: none"> • <i>Acute/chronic/temporary/ cumulative/positive/negative/irreversible</i> • <i>Likelihood and consequence (eg, low probability, high consequence)</i> • <i>Part(s) of the environment affected (ecosystems, infrastructure, amenity)</i> • <i>Degree of impact on social, cultural or economic well-being</i> • <i>Degree of impact (positive/negative) on Part 2 matters</i> 	<p><u>Residential Development</u></p> <p>With respect to changes to the General Residential Zone, the Medium Density Residential Zone and the introduction of the High Density Residential Zone, the planned urban built form anticipated through the provisions may detract from the amenity values appreciated by some people on a permanent basis over a long period of time. The types of effects are likely to have a high probability of occurring, but with low consequences as residents adapt to a changing environment over time.</p>	<p>Moderate</p>

		<p>It is noted that these changes are not considered adverse effects in and of themselves in accordance with the NPS-UD. In addition, new provisions may result in positive amenity values appreciated by other people, communities and future generations. This includes positive effects on social and economic wellbeing through enabling housing choice and increasing housing supply.</p>	
		<p><u>Qualifying Matters</u></p> <p>Qualifying Matters provisions may restrict or limit the ability for future intensification and development on affected properties where a Qualifying Matter condition exists unless a resource consent approval is gained. They will preserve environmental, economic, and social benefits by offering a level of protection to sensitive receptors of the impacts from urban development.</p> <p>This will apply on a permanent basis over a long period of time. This type of effect likely has a high probability of occurring, but with low consequences as property owners adapt over time.</p> <p>Changes imposed by Qualifying Matters may reduce development yield and developable areas from the MDRS and NPS-UD benchmark requirements. These positive changes will ensure Hamilton City Council (HCC) can accommodate all Qualifying Matters and enable HCC to fulfil its</p>	<p>Moderate</p>

		<p>duties under s6 and s7 of the RMA to manage the potentially inappropriate use, development, and subdivision of lands due to future intensification and the lack of resource consent process.</p> <p>The Qualifying Matters are required to address Te Ture Whaimana. Without applying a related Qualifying Matter, it is highly probable the Waikato River would be increasingly degraded by urban redevelopment in brownfield locations. The NPS-UD and HSAA identify Te Ture Whaimana as a Qualifying Matter. The use of Te Ture Whaimana as a qualifying matter will restore and enhance the Waikato River and its tributaries.</p>	
		<p><u>Central City and Business Zones</u></p> <p>There is likely to be permanent effects to the built form and infrastructure provision from an increase in heights. There will also be some positive effects in relation to enabling additional housing supply and enhancing the vitality and vibrancy of the Central City and Suburban Centres. Qualifying matter provisions will avoid the negative impacts on Part 2 Matters.</p>	Moderate
		<p><u>Rototuna Town Centre</u></p> <p>The removal of the Comprehensive Development Plan (CDP) provisions will have positive effects in terms of the administration of resource consents for applicants and developers as it will create a clearer consenting pathway. The removal of the CDP is largely an administrative change, no parts</p>	Low

		<p>of the environment are affected and there will be no impact on social, cultural or economic well-being or Part 2 matters.</p> <p>The effects on the changes to the residential precincts are captured in Residential Development.</p>	
		<p><u>Transport Network</u></p> <p>The changes will have positive effects resulting from mode shift, and development standards that will improve road safety and property access.</p> <p>There will be environmental benefits through climate change responses.</p> <p>There will be costs for developers. For example, a higher standard of end-of-journey facilities is required for new developments/ buildings, and the construction of separated cycle facilities will add complexity/ cost to new transport corridors.</p>	Moderate
		<p><u>Infrastructure</u></p> <p>The changes will protect the health and wellbeing of the Waikato River by avoiding additional development that would cumulatively increase wastewater overflows, increase discharges of untreated stormwater or peak stormwater flows, or result in unsustainable potable water use. This has positive social and cultural effects.</p>	High

		<p>There will be additional costs for developers who will face additional barriers to intensifying sites within the proposed Infrastructure Capacity Overlay. They may be required to pay for local infrastructure upgrades or financial contributions in order to intensify a site or delay their plans. The effect is not anticipated to be permanent, as the Capacity Overlay is to be progressively removed as infrastructure is upgraded.</p> <p>There will be minor additional economic costs associated with higher water efficiency ratings being required on plumbing fixtures.</p>	
		<p><u>On-site Stormwater</u></p> <p>The changes will have environmental benefits compared to the status quo, through mitigating effects of development on waterbodies and minimising changes to the natural water cycle. They will have wider community benefits as they contribute to giving effect to Te Ture Whaimana and the betterment, restoration and protection of the Waikato River.</p> <p>There will be additional costs for developers, as the required performance of on-site stormwater measures will increase. Without the changes, the cumulative, long-term impacts of development in the existing urban area on water quality and quantity will be difficult or impossible to reverse.</p>	Moderate

		<p><u>Financial Contributions</u></p> <p>The changes will have a potentially adverse economic effect on developers as they will be required to make a financial contribution to HCC in the form of money and/or land. However, this will have a consequential positive effect on HCC, residents and the environment as the impacts of urban intensification are mitigated through the proper and appropriate application of the financial contributions.</p>	Moderate
<p>Degree of policy risk, implementation risk or uncertainty</p>	<p>Community reaction Whether: Novel, untested approach Weak evidence base Highly uncertain benefits and costs Dependant on other initiatives (such as non-RMA mechanisms) Challenging implementation timeframes</p>	<p><u>Residential development</u></p> <p>Community reaction to the changes to the General Residential Zone and the introduction of the Medium Density Zone and High Density Residential Zone is expected to be high, given the degree of the proposed changes from current provisions (including increasing heights and densities).</p> <p>Risk around benefits and costs of amending the General Residential and Medium Density Zones and the introduction of a High Density Residential Zone are medium. In terms of costs, there is uncertainty around the infrastructure costs needed to enable development in these Zones. With respect to benefits, the benefits of higher density development are well-documented. National and international literature supports increased heights and densities in brownfield areas as delivering multiple benefits, including</p>	High

		<p>housing choice, climate change resilience and efficient use of land.</p> <p>Investment in transportation, three waters and social infrastructure to support the development of the Residential Zones is largely dependent on other initiatives and non-RMA mechanisms that are not within the scope of PC 12. As such, it is considered there is a high degree of uncertainty around implementation.</p> <p>Overall, there is considered to be a high degree of policy risk, implementation risk and uncertainty.</p>	
		<p><u>Qualifying Matters</u></p> <p>Community reaction to the changes in relation to Qualifying Matter is expected to be moderate, given the various degree and the nature of changes proposed across different matters from the current policy framework and planning provisions.</p> <p>Risks of carrying forward existing Qualifying Matters already set out in the ODP is low. This is because they do not change from their current constraint.</p> <p>Risk around benefits and costs of accommodating Qualifying Matters are moderate. In terms of costs, the MDRS and the density policies of the NPS-UD will be reduced, resulting in a potential</p>	High

		<p>economic cost. This is because of a reduced development yield to accommodate the range of Qualifying Matters constraints, compared to the unmodified MDRS and NPS-UD requirements.</p> <p>With respect to benefits, it would benefit HCC to fulfil the duties under the RMA in relation to s6 and s7 and result in a comprehensive approach to ensuring that Te Ture Whaimana is given effect. The modification of MDRS and NPS-UD density requirements will allow HCC to better manage the potentially inappropriate use, development and subdivision of lands due to future intensification and the lack of resource consent process, which result in moderate environmental, cultural and social benefits.</p> <p>The Te Ture Whaimana Qualifying Matter applies as infrastructure conditions cannot satisfactorily support the densities enabled by MDRS or the NPS-UD policies if applied across all residential zones. Improving the conditions giving rise to the Te Ture Whaimana Qualifying Matter relies on non-RMA interventions, primarily being three waters infrastructure improvements.</p> <p>Overall, the risk of acting to enable a lesser level of development capacity to accommodate Qualifying Matters by moderating the density requirements of the MDRS and NPS-UD outweighs the risks of not acting and the expected economic, environmental, social, and cultural costs.</p>	
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		<p><u>Central City and Business Zones</u></p> <p>There is a risk around infrastructure provision. Particularly in the Central City from the removal of the height controls if the HCC doesn't get the funding through Infrastructure Acceleration Fund.</p>	Moderate
		<p><u>Rototuna Town Centre</u></p> <p>Community reaction to removing the residential precincts from the Rototuna Town Centre is likely to be low. The degree of risk for the incorporation of the MDRS has been captured under Residential Development.</p> <p>Community reaction to the removal of the CDP rules is expected to be low, given the administrative nature of the change. The change must be undertaken as directed by the Environment Court</p>	Low
		<p><u>Transport Network</u></p> <p>Improvements for walking and cycling will be supported by those advocate groups and users as a higher standard of facility will be provided improving safety and attractiveness. Development community may not fully support the changes to the potential increase in development costs.</p>	Moderate

		Upgrading/retrofitting of existing transport corridors depends on council funding and prioritisation.	
		<p><u>Infrastructure</u></p> <p>Detailed technical analysis has been carried out to support the location of the proposed Infrastructure Capacity overlay (see Appendix 2.5). The permitted level of development under the proposed Three Waters Infrastructure Capacity provisions is similar to the status quo before the implementation of the MDRS. However, the provisions implement a new qualifying matter not currently included in the plan, which restricts the level of development sought by the MDRS. Mixed community reactions would be expected.</p>	High
		<p><u>On-site Stormwater</u></p> <p>A robust evidence base for the changes has been included in Appendix 2.6. The stormwater approach is generally consistent with the approach taken in greenfield areas with Integrated Catchment Management Plans and to larger scale developments but is now being implemented for smaller scale developments.</p>	Low
		<p><u>Financial Contributions</u></p> <p>Low to moderate level of risk is expected as more costs will be imposed on developers to mitigate adverse effects of intensification on the</p>	Moderate

		<p>environment and infrastructure networks; and to restore and enhance the Waikato River and its tributaries. The overall impact of requiring a financial contribution on a residential development is approximately 1% additional costs, which is not likely to impact on development feasibility.</p> <p>Requiring financial contributions is not likely to cause Hamilton City Council to fail its Housing and Business Assessment sufficiency test.</p>	
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