

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

# Appendix 2.2

## Assessment of Options to Achieve Objectives

Section 32(1)(b)(i) of the RMA

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## Introduction

The following assessment consists of an examination of the options considered in response to the requirements to enable greater housing intensification under the HSAA and NPS-UD.

The High Court has commented that the requirement to identify all reasonably practicable options in this context will always involve “at least two options” and “consequently, there will always be a choice to be made between doing nothing and doing something” *Whakatane District Council v Bay of Plenty Regional Council*<sup>1</sup>. The purpose of this assessment is not to assess all options in detail, but rather to screen options at a high level before determining what is appropriate for further analysis under section 32(2). Full assessment of the costs and benefits; and environmental, economic, and cultural effects of the options deemed appropriate in the section are assessed in Appendix 2.3.

### 1. Overview of options and summary

Options considered	Option selected for further evaluation
<p><u>Enabling housing</u></p> <ol style="list-style-type: none"> <li>1. Status quo</li> <li>2. Implement the Medium Density Residential Standards (MDRS) unchanged and with no reliance on Qualifying Matters (QM)</li> <li>3. Implement the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the Enabling Act) and apply Qualifying Matters</li> <li>4. Introduce Medium Density Residential Standards required under the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the Enabling Act) to the following areas only:               <ol style="list-style-type: none"> <li>a. The walkable catchment from the edge of the Central City Zone</li> <li>b. Within and adjacent to Suburban and Subregional Centre Zones</li> </ol> </li> </ol>	<p><u>Option 3</u></p> <p>Implement the HSAA. This includes:</p> <ul style="list-style-type: none"> <li>• Enabling building heights of at least 6 storeys within a walkable catchment from the edge of the Central City Zone</li> <li>• Increasing residential densities and building heights within and adjacent to suburban centre zones commensurate with the level of commercial activity and community services</li> <li>• Changing the General Residential Zone to include Medium Density Residential Zone (MDRS) standards</li> <li>• Considering Qualifying Matters and modifying provisions where necessary</li> </ul>
<p><u>Special character</u></p> <ol style="list-style-type: none"> <li>5. Status quo</li> <li>6. Rezone all applicable sites to align with residential zones and MDRS under Residential Zones Chapter and delete</li> </ol>	<p><u>Option 6</u></p> <p>Rezone all applicable sites to align with residential zones and MDRS under Residential Zones Chapter and delete the existing Special Character Zones Chapter in whole</p>

<sup>1</sup> [2009] 3 NZLR 799 (HC) at [40] iii).

the existing Special Character Zones Chapter and appendices in whole	
<u>Business Zones</u> 7. Status quo 8. Amend standards to: <ul style="list-style-type: none"> <li>Align with residential zone and the MDRS</li> <li>Comply with the NPS-UD with increased building heights and enabling apartments near employment opportunities.</li> </ul>	<u>Option 8</u> Amend standards in the Business Zone to: <ul style="list-style-type: none"> <li>Align with residential zone and the MDRS</li> <li>Comply with the NPS-UD with increased building heights and enabling apartments near employment opportunities.</li> </ul>
<u>Central City Zone</u> 9. Status quo 10. Amend standards to: <ul style="list-style-type: none"> <li>Align residential zone and MDRS</li> <li>Comply with the NPS-UD with removal of maximum building heights and enabling apartments near employment opportunities.</li> </ul>	<u>Option 10</u> Amend standards in the Central City Zone: <ul style="list-style-type: none"> <li>Align residential zone and MDRS</li> <li>Comply with the NPS-UD with removal of maximum building heights and enabling apartments near employment opportunities.</li> </ul>
<u>Rototuna Town Centre</u> 11. Status quo 12. Remove Comprehensive Development Plan (CDP) provisions and amend standards for residential development to align residential zones and MDRS	<u>Option 12</u> Remove CDP provisions in Rototuna Town Centre and amend standards for residential development to align residential zones and MDRS (Medium Density Residential Standards)
<u>Infrastructure</u> 13. Status quo 14. Implementation of an Infrastructure Capacity overlay and infrastructure capacity assessment matters 15. Use of general site-by-site assessments to take into account infrastructure capacity	<u>Option 14</u> Implementation of an Infrastructure Capacity overlay and infrastructure capacity assessment matters
<u>On-site stormwater</u> 16. Status quo 17. Enhanced ODP provisions for stormwater quantity and quality management onsite 18. Applying a qualifying matter to restrict or prevent intensification for stormwater quality reasons 19. Controlling discharges through the Stormwater Bylaw and connections approvals	<u>Option 17</u> Enhanced ODP provisions for stormwater quantity and quality management onsite

20. Provision of education and/or incentives for retrofitting on-lot stormwater management measures	
<u>Water conservation</u> 21. Status quo 22. Enhanced ODP requirements for water conservation 23. Education / Incentives for retrofitting water conservation measures (rain tanks)	<u>Option 22</u> Enhanced ODP requirements for water conservation
<u>Transportation</u> 24. Status quo 25. Amend existing provisions and include additional provisions that guide development affecting the transport network.	<u>Option 25</u> Amend existing provisions and include additional provisions that guide development affecting the transport network.
<u>Financial contributions</u> 26. Status quo 27. Amend financial contribution provisions as per Section 77E of the HSAA.	<u>Option 27</u> Amend financial contribution provisions as per Section 77E of the HSAA.

## 2. Enabling Housing

<b>Option 1: Status Quo – No change.</b> Retain existing Residential provisions within the ODP for all residential areas within the City.	
Costs	<p>The current provisions support an approach that results in low density and urban sprawl</p> <p>Increase in cost of housing continues, and access to housing becomes harder.</p> <p>Development pattern leads to reduced access to employment and services and does not support mode-shift from private vehicles to public and active transportation modes.</p> <p>Increase in cost in transport and addressing climate change.</p> <p>Requirement to undertake resource consents if higher densities are proposed.</p> <p>No comprehensive approach to ensuring that Te Ture Whaimana o Te Awa o Waikato (Vision &amp; Strategy) is given full effect to.</p> <p>Potential to impact climate change response by increasing CO2 emissions from private vehicles accessing housing on the City periphery.</p> <p>New development is concentrated on the periphery of the City within the identified growth cells.</p>

	Impact on cultural sites within and surrounding the City as the City grows outwards.
Benefits	<p>Retains current levels of amenity found within the residential areas.</p> <p>Allows for some housing choice, including detached dwellings as Permitted Activities and duplexes as Restricted Discretionary Activities in the General Residential Zone.</p> <p>Redevelopment of sites requires a level of consideration of urban design and on-site amenity controls which result in better built environment outcomes across time.</p> <p>The effects on the Waikato River from current development rates and densities are known.</p>
Efficiency	<p>The retention of the current planning provisions would maintain the approach of the existing plan provisions. This will require developments to undertake a costly resource consent process to achieve higher densities within the Residential Zones, particularly the General Residential Zone.</p> <p>The retention of these provisions may result in an inefficient use of land in that low density developments will establish in parts of the City that can accommodate higher densities.</p>
Effectiveness	Retention of existing provisions does not achieve the objectives of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (HSAA).
Risk of acting or not acting.	The risk of not acting, i.e., maintaining the status quo is considered to have a high risk of not achieving the requirements of the HSAA.
Recommendation	<b>Discard</b>
<b>Option 2: Implement the Medium Density Residential Standards (MDRS) unchanged and with no reliance on Qualifying Matters (QM)</b>	
Costs	<p>Due to limited control over future intensification and the lack of resource consent process for development pursuant to the MDRS this option would result in environmental, social, and cultural costs. This is likely to include the damage, loss, or non-achievement of:</p> <ul style="list-style-type: none"> <li>• A matter of national importance under s6 of the RMA.</li> <li>• A matter required in order to give effect to a national policy statement (other than the NPS-UD).</li> <li>• A matter required to give effect to Te Ture Whaimana</li> <li>• A matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure.</li> <li>• Open space provided for public use.</li> <li>• The need to give effect to a designation or heritage order.</li> <li>• A matter necessary to implement, or to ensure</li> </ul>

	<p>consistency with, iwi participation legislation.</p> <ul style="list-style-type: none"> <li>The requirement in the National Policy Statement on Urban Development 2020 (NPS-UD) to provide sufficient business land suitable for low density uses to meet expected demand.</li> </ul> <p>This option would result in Hamilton City Council (HCC) not fulfilling duties under the RMA in relation to section 6 Matters of national importance and section 7 Other matters.</p> <p>This option would not give effect to Te Ture Whaimana.</p>
Benefits	<p>This option would allow full implementation of the MDRS and the NPS-UD without any modifications to the requirements.</p> <p>This option would be beneficial to achieving the intended outcomes for mode shift and climate change as a result of greater intensification.</p> <p>This option would enable more houses and enable greater intensification with less constraints and controls and without the need of resource consent process.</p>
Efficiency	<p>This option would result in the most efficient use of land for enabling more housing over residential lands. However, it will not manage the effects on the matters in relation to qualifying matters, including matters of national importance.</p>
Effectiveness	<p>This option does not achieve the objectives of the RMA and HCC's duties, in particular relating to s6 and s7. It does not achieve the objective for a well-functioning urban environment as required under the NPS-UD in terms of providing for social, economic, and cultural wellbeing. It also does not appropriately address iwi consultative legislation.</p>
Risk of acting or not acting.	<p>High risk of acting resulting in unacceptable environmental, social and cultural costs, as well as HCC failing to fulfil its duties under the RMA and to implement Te Ture Whaimana.</p>
Recommendation	<p><b>Discard</b> as it will result in environmental, social and cultural costs, as well as HCC failing to fulfil its duties under the RMA.</p>
<p><b>Option 3:</b> Implement the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the Enabling Act) and apply Qualifying Matters. This includes:</p> <ul style="list-style-type: none"> <li>Enabling building heights of at least 6 storeys within a walkable catchment from the edge of the Central City Zone</li> <li>Increasing residential densities and building heights within and adjacent to suburban centre zones commensurate with the level of commercial activity and community services</li> <li>Changing the General Residential Zone to include Medium Density Residential Zone (MDRS) standards</li> <li>Considering Qualifying Matters and modifying provisions where necessary</li> </ul>	

<p>Costs</p>	<p>This option will require a plan change to be undertaken at cost to the HCC and all stakeholders who choose to be involved.</p> <p>The change in the provision in line with the UPS-UD will reduce the cost of requiring resource consents for up to 3 dwellings on a site.</p> <p>There is a loss of development potential for areas identified as being subject to Qualifying Matters.</p> <p>Cost of providing infrastructure to cater for increased density and ensure future higher density urban development does not have a negative impact on the Waikato River.</p> <p>Perceived loss of amenity values associated with low density urban environments</p> <p>Reduced controls over urban design for some developments in the General Residential Zone and Medium Density Residential Zone which may affect design outcomes</p> <p>Additional urban design controls and development standards in other areas (amended Medium Density Zone and High Density Zone) which increases the cost of development</p> <p>Anticipated increase in density will impact on the City's ability to address climate change as there may be limited ability to implement controls for permitted developments.</p>
<p>Benefits</p>	<p>Enable increased densities and housing supply within the Residential zones (excluding the Large Lot Residential Zone) without having to go through a Resource Consent process.</p> <p>Achieving outcomes consistent with Te Ture Whaimana through balancing development densities and public infrastructure provision.</p> <p>This option allows for the provision of a range of densities, assisting HCC in achieving a compact urban form and achieving the intent of the HSAA.</p> <p>A mix of densities contributes to creating a well-functioning urban environment</p> <p>Improving amenity values appreciated by people, communities and future generations, including by providing increased and varied housing densities and types</p> <p>Enabling high densities around the City Centre and increasing densities around centres will ensure that people have good accessibility to housing, jobs, community services, natural spaces and open space.</p> <p>Concentrating development in specific areas with good access to active modes and public transport will reduce carbon emissions from private vehicles over time and contribute to climate change resilience.</p> <p>Providing for additional housing supply which may reduce the cost of housing</p>

	The identification and control of development within the areas identified as Qualifying Matters will ensure the level and type of development is appropriately managed in these areas to accommodate these Qualifying Matters.
Efficiency	<p>Reduce the time and cost of development by not requiring Resource Consents for up to 3 units on a site.</p> <p>Efficient use of land in brownfield areas (existing parts of the City) for housing by maximising development potential (subject to Qualifying Matter requirements).</p> <p>Identifying specific areas for high density development enables efficient planning for transportation infrastructure to support mode shift. Transport investment will be able to leverage off benefits associated with a high concentration of population in one area.</p> <p>The identification of Qualifying Matters and modification of standards to ensure the impact of higher density developments throughout the City will be managed to limit effects on the natural and built environment, including the Waikato River.</p>
Effectiveness	<p>The implementation of the MDRS with Qualifying Matters will ensure that the City will deliver the objectives associated with the HSAA.</p> <p>By ensuring the residential zones enables a range of housing choice at a range of densities, the ODP will be more effective in assisting the HCC to achieve its requirements to provide for a well-functioning urban environment and an efficient use of land.</p>
Risk of acting or not acting.	<p>Not acting is considered to have a high risk of HCC failing to meet its legal obligations under the HSAA.</p> <p>The risks associated with progressing this option are considered to outweigh the risks of not acting or enacting some of the other options. This option enables the creation of a compact urban form and well-functioning urban environment while protecting identified areas, which will assist HCC in achieving the requirements of the HSAA while implementing Te Ture Whaimana.</p>
Recommendation	<b>Implement option 3</b>
<p><b>Option 4:</b> Introduce Medium Density Residential Standards required under the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the Enabling Act) to the following areas only:</p> <ul style="list-style-type: none"> <li>• The walkable catchment from the edge of the Central City Zone</li> <li>• Within and adjacent to Suburban and Subregional Centre Zones</li> </ul>	
Costs	<p>This option will require a plan change to be undertaken at cost to the HCC and all stakeholders who choose to be involved.</p> <p>This option will require a costly resource consent process for the development of higher density developments within the General Residential Zone.</p>

	<p>Additional urban design controls and development standards for some developments in the new Medium Density Residential Zone will increase the cost of development</p> <p>In areas where high densities are provided for, this will require investment in infrastructure to accommodate density increases.</p>
Benefits	<p>This option retains the existing amenity levels within the General Residential Zone.</p> <p>Allows for some increase in densities in areas that would support the Central City and key commercial centres.</p> <p>Limits the impact development may have on the Waikato River by limiting brownfield development overall.</p> <p>Locating higher density around centres would support mode shift and reduce the impact of climate change.</p>
Efficiency	<p>Reduces the time and cost of development by not requiring Resource Consents for up to 3 units on a site in identified areas. However, there will still be time and cost of development associated with developments outside of these areas.</p> <p>Limiting heights and densities in areas that are able to accommodate high density developments of up to 6 storeys will result in the inefficient use of brownfield land within the City and will 'tie up' the use of this land in the medium- to long-term.</p> <p>Not identifying areas that are suitable for high density residential development may result in inefficient transportation infrastructure investment. Transport investment will be unable to leverage off benefits associated with a high concentration of population in one area.</p>
Effectiveness	<p>This option only achieves the objectives of the Act in defined areas; with the majority of the City retaining the ODP's General Residential Zone and associated controls.</p> <p>The limiting of higher densities to defined areas may assist in the management of the impacts of urban development on the Waikato River.</p> <p>On balance, this option is not considered effective.</p>
Risk of acting or not acting	<p>This option introduces risk with acting, in that it does not achieve the objectives of the HSAA and the NPS-UD, however, may achieve the other desired outcomes in relation to Te Ture Whaimana.</p> <p>It is considered that the risk of acting on this option outweighs the risk of not acting, and it is therefore not the preferred option.</p>
Recommendation	<b>Discard</b>

In considering the options available to meet the objectives, it is considered that **Option 3** is most appropriate because it will allow for the implementation of the MDRS under the HSAA. Consideration of the Qualifying Matters will ensure that provisions are tailored appropriately to protect the natural and built environment, including the Waikato River.

### 3. Special Character Zones

<b>Option 5: Status Quo – retain existing standards and existing chapter for Special Character Zones</b>	
Costs	<p>This option would generally result in lower density and urban sprawl which will increase the cost of housing and infrastructure supply.</p> <p>This option would result in administrative costs in relation to processing resource consent applications and assessing compliance for HCC, developers and property owners for intensification development.</p> <p>This option would result in environmental costs from increasing CO2 emissions and impact on climate change response due to urban sprawl and low-density urban form.</p> <p>This option would result in no comprehensive approach to ensuring that Te Ture Whaimana is given effect to.</p>
Benefits	<p>This option would retain and enhance current levels of amenity and characteristics as identified within these residential areas.</p> <p>This option would require a level of consideration of design and layout, character and amenity controls for redevelopment and intensification development which result in better built environment outcomes across time.</p> <p>This option would allow the effects on the Waikato River from current development rates and densities to be known and can be actively managed.</p>
Efficiency	<p>The retention of the existing provisions would maintain the existing approach but may result in an inefficient use of land for enabling more housing, in particular for areas that can accommodate higher densities.</p>
Effectiveness	<p>Retention of existing provisions does not achieve the objectives of the HSAA.</p>
Risk of acting or not acting.	<p>High risk of acting as it does not achieve the requirements of HSAA, in particular ‘the recognition of special character’ is not justified as a Qualifying Matter.</p>
Recommendation	<p><b>Discard</b> as retaining existing provisions is inconsistent with the requirements of HSAA.</p>

<b>Option 6:</b> Rezone all applicable sites to align with residential zones and MDRS under Residential Zones Chapter and delete the existing Special Character Zones Chapter and appendices in whole	
Costs	<p>This option would result in the potential loss of the current level of amenity and characteristics as identified within these areas due to future intensification.</p> <p>This option would result in potential environmental costs of good design, character and amenity controls due to the lack of resource consent process.</p> <p>This option would result in significant costs of infrastructure upgrade to support the additional intensification within these areas.</p>
Benefits	<p>This option would provide consistency with the MDRS used in the Residential Zone for residential development.</p> <p>This option would provide consistency with the intention of discharging special character and recognition of change of character for the environment as per the HSAA and NPS-UD.</p> <p>This option would enable more houses and enable greater intensification in these residential areas.</p> <p>This option would be beneficial to achieving the intended outcomes for mode shift and climate change as a result of greater intensification within these areas.</p> <p>This option would provide opportunities to provide a comprehensive approach to ensuring that Te Ture Whaimana is given effect to.</p>
Efficiency	<p>This option will improve the efficiency in the use of the Plan as there is no confusion about the retention of Special Character Zone. Retention of existing provisions does not achieve the objectives of the HSAA.</p> <p>It would result in more efficient use of land for enabling more housing over residential lands.</p>
Effectiveness	<p>This option would be effective in achieving the HSAA and NPS-UD objectives in relation to the discharge of special character and the recognition of change of character for the environment over time.</p>
Risk of acting or not acting	<p>Low risk of acting as there will be a high level of community and political acceptance to progressing with this option as it will result in a consistent Plan and comply with the HSAA and the NPS-UD.</p>
Recommendation	<b>Implement option 6</b>

In considering the options available to meet the objectives, it is considered that Option 6 is most appropriate because it will result in a consistent and effective plan, and it will comply with the HSAA and the NPS-UD.

## 4. Business Zones

<b>Option 7: Status Quo – No change.</b>	
Costs	<p>The current provisions support an approach that results in low density and urban sprawl</p> <p>Increase in the cost of housing continues and access to housing becomes harder.</p> <p>Development pattern leads to reduced access to employment.</p>
Benefits	Retains current levels of amenity.
Efficiency	The retention of the current planning provisions would maintain the existing approach. This is not the most efficient approach to enabling housing.
Effectiveness	This option would create inconsistencies with the option chosen for the Residential Zone and would not give effect to the NPS-UD in relation to building heights close to the Central City.
Risk of acting or not acting.	The risk of not acting, i.e., maintaining the status quo is considered to have a high risk of not achieving the requirements of the HSA.
Recommendation	<b>Discard</b> some minor changes required to ensure consistency with the Residential Zone and achieve the Objectives and Policies of the NPS-UD.
<b>Option 8: Amend standards to:</b>	
<ul style="list-style-type: none"> <li>Align with residential zone and the MDRS</li> <li>Comply with the NPS-UD with increased building heights and enabling apartments near employment opportunities.</li> </ul>	
Costs	<p>Potential economic costs from infrastructure upgrades needed overtime.</p> <p>Minimal social, environmental and cultural costs are expected with the minor changes required to the Business Zone.</p>
Benefits	<p>This option would provide consistency with the MDRS used in the Residential Zone for residential development.</p> <p>Achieves Policy 3(c) of the NPS-UD</p> <p>Increased development capacity and housing choice</p> <p>Economic and social benefits from increased vibrancy and vitality of the City Centre.</p> <p>A more compact City results in less dependency on cars and efficiency with infrastructure supply.</p> <p>Greater accessibility between housing and jobs.</p>
Efficiency	The changes to the Business Zone would not reduce the efficiency in achieving the objectives related to the role of the business zone.

Effectiveness	The minor amendments to align with the MDRS are effective in achieving the Business Zone objectives and will be straightforward to give effect too.
Risk of acting or not acting	There will be a high level of community and political acceptance to progressing with this option as it will result in a consistent Plan which complies with the NPS-UD
Recommendation	<b>Implement option 8</b>

In considering the options available to meet the objectives, it is considered that Option 8 is most appropriate because it will not compromise the ability to achieve the Business Zone objectives, it will ensure the ODP is consistent, and it will comply with the NPS-UD.

## 5. Central City Zone

<b>Option 9: Status Quo – No change.</b>	
Costs	The current provisions support an approach that results in low density and urban sprawl  Increase in the cost of housing continues and access to housing becomes harder.  Development pattern leads to reduced access to employment.
Benefits	Retains current levels of amenity.
Efficiency	The retention of the current planning provisions would maintain the existing approach. This is efficient in enabling housing within the Central City.
Effectiveness	Retaining the existing provisions is likely to achieve the outcomes to enabling housing that we are trying to achieve; however, there would be some inconsistencies with the provisions in the Residential and Business Zone which may undermine the effectiveness of the rules.
Risk of acting or not acting.	The risk of not acting, i.e., maintaining the status quo is considered to have a high risk of not achieving the requirements of the HSAA.
Recommendation	<b>Discard</b> some changes required to ensure consistency with the Residential Zone and achieve the Objectives and Policies of the NPS-UD.
<b>Option 10: Amend standards to:</b>	
<ul style="list-style-type: none"> <li>Align residential zone and MDRS</li> <li>Comply with the NPS-UD with the removal of maximum building heights and enabling apartments near employment opportunities.</li> </ul>	
Costs	Potential economic costs from infrastructure upgrades needed

	<p>overtime</p> <p>Minimal social, environmental and cultural costs are expected with the minor changes required to the Central City Zone.</p>
Benefits	<p>This option would provide consistency with the MDRS used in the Residential Zone for residential development.</p> <p>Achieves Policy 3(a) of the NPS-UD</p> <p>Increased development capacity and housing choice</p> <p>Economic and social benefits from increased vibrancy and vitality of the City Centre.</p> <p>A more compact city results in less dependency on cars and efficiency with infrastructure supply</p>
Efficiency	<p>This option would be efficient in achieving the objectives around enhancing the vitality and vibrancy of the Central City.</p>
Effectiveness	<p>This option would be effective in achieving the objectives around enhancing the vitality and vibrancy of the Central City and will be straightforward to give effect too.</p>
Risk of acting or not acting.	<p>This option is required to give effect to Policy 3(a) of the NPS-UD which requires building heights to realise as much development capacity as possible, to maximise the benefits of intensification. There are risks with infrastructure provision.</p> <p>There will be a high level of community and political acceptance to progressing with this option as it will result in a consistent Plan which complies with the NPS-UD.</p>
Recommendation	<b>Implement option 10</b>

In considering the options available to meet the objectives, it is considered that Option 10 is most appropriate because it will not compromise the ability to achieve the Central City Zone objectives, it will ensure the ODP is consistent, and it will comply with the NPS-UD.

## 6. Rototuna Town Centre

<b>Option 11: Status Quo – No change.</b>	
Costs	Minimal social, economic, environmental and cultural costs with retaining the status quo.
Benefits	None identified
Efficiency	Retaining ultra vires approach is inefficient.
Effectiveness	Ineffective in achieving the policies of the NPS-UD in enabling residential development close to centres.
Risk of acting or not	Risks of not being able to give effect to 'ultra vires' provisions.

acting.	
Recommendation	<b>Discard</b> retaining ultra vires provisions is inconsistent with the NPS-UD and caselaw.
<b>Option 12:</b> Remove Comprehensive Development Plan (CDP) provisions and amend standards for residential development to align residential zones and MDRS.	
Costs	Minimal social, economic, environmental and cultural costs are expected with the minor changes required.
Benefits	This option would provide consistency with the MDRS used in the Residential Zone for residential development.
Efficiency	The minor changes to the Rototuna Town Centre would not reduce the efficiency in achieving the objectives.
Effectiveness	Removing the ultra vires CDP provisions would be effective in enabling residential development close to centres as required by Policy 3 of the NPS-UD.  The minor amendments to align with the MDRS are effective in achieving the objectives and will be straightforward to give effect too.
Risk of acting or not acting.	Removing the entire CDP requirement from Rototuna Town Centre will involve a number of changes which are not clearly stated as to be included in the Intensification Streamlined Planning Process (ISPP).  There will be a high level of community and political acceptance to progressing with this option as it will result in a consistent ODP with relatively minor changes.
Recommendation	<b>Implement option 12</b>

In considering the options available to meet the objectives, it is considered that Option 12 is most appropriate because it will not compromise the ability to achieve the Rototuna Town Centre objectives and ensure the ODP is consistent.

## 7. Infrastructure

<b>Option 13:</b> Status Quo – the implementation of the MDRS and NPS-UD without changing existing provisions with respect to infrastructure	
Costs	Increased impacts on health and wellbeing of the Waikato River
Benefits	Greater housing capacity More responsive housing market
Efficiency	This option has low efficiency - the extra housing capacity (and associated benefits) come at a high cost in terms of impacts on the Waikato River.

Effectiveness	While effective in providing more flexibility for housing supply, the method is ineffective in protecting the health and wellbeing of the Waikato River
Risk of acting or not acting.	Risks to the health and wellbeing of the Waikato River are high.
Recommendation	<b>Discard</b>
<b>Option 14: Implementation of an Infrastructure Capacity overlay and infrastructure capacity assessment matters</b>	
Costs	Reduced additional housing capacity in the short to medium term.
Benefits	Housing choices provided – greenfields, infill and inner city Greater financial affordability for the community (in terms of infrastructure rates)
Efficiency	This option has moderate efficiency in that it does impose restrictions on intensification in order to manage infrastructure issues. While not all current adverse effects on the Waikato River are avoided, the intent is that impacts are not exacerbated, and over time they should reduce.
Effectiveness	The overlay should be able to restrain intensive development in areas subject to infrastructure capacity constraints, helping to implement the Vision and Strategy.
Risk of acting or not acting.	Risks relate to the uncertainty as to the rate at which HCC (or new 3 waters entity) will be able to progress upgrading and replacement of infrastructure. In the long term, the intention would be for the overlay to be removed. Risks are comparatively lower for the health and wellbeing of the Waikato River.
Recommendation	<b>Implement option 14</b>
<b>Option 15: Use of general site-by-site assessments to take into account infrastructure capacity</b>	
Costs	Greater uncertainty and delay of development proposals More impacts on the Waikato River on an incremental basis
Benefits	More flexibility at a site level for development MDRS more likely to be implemented across the City
Efficiency	There is a high degree of uncertainty as to the efficiency of this option. It is possible that the option will lead to either considerable growth putting pressure on the Waikato River, or alternatively, a significant reduction in development due to the costs of the assessment process.
Effectiveness	This option may provide more flexibility at a site-by-site level but is likely to be less effective at managing infrastructure constraints on a cumulative basis.
Risk of acting or not acting	There is a high risk of cumulative impacts.
Recommendation	<b>Discard</b>

In considering the options available to meet the objectives, it is considered that Option 14 is most appropriate because it is the more effective and efficient tool to meet the objective and protect and enhance the health and wellbeing of the Waikato River from the effects of residential intensification required by the NPS-UD and HSAA.

## 8. On-site Stormwater

<b>Option 16: Status Quo ODP provisions with accelerated investment into public stormwater infrastructure</b>	
Costs	Economic costs to HCC, via developers and ratepayers. Retrospective installation of communal stormwater treatment in the older areas of the City is very difficult and costly due to existing property and land use, with high purchase costs for land. Financial contributions taken on a piecemeal basis for infill development would be very slow to raise the scale of investment required for retrofitting communal devices as a sole solution. Ongoing maintenance costs for public communal devices would fall to HCC.
Benefits	Public communal stormwater devices would be suitably designed and maintained by HCC to achieve a range of ongoing environmental benefits. Ongoing maintenance and operation costs per property served would generally be cheaper. In some cases, communal devices may be the most practical option for dealing with small scale cumulative stormwater effects.  Some onsite stormwater management and associated environmental benefits are also already achieved by the status quo plan provisions, including peak flow management.
Efficiency	Space constraints to stormwater devices are likely to apply in brownfield areas, limiting the feasibility of larger scale public intervention. Not all areas could be appropriately treated/managed. Even with a downstream communal device in place, the upstream portions of watercourses can still be negatively impacted by stormwater runoff.
Effectiveness	Due to funding limitations, even if development contributions are taken or rates increased, HCC is unlikely to afford all the upgrades required within the next ten years. Additionally, development contributions for a stormwater retrofit programme could not be introduced until the 2024 Long Term Plan. In the meantime, stream/river health could continue to decline.
Risk of acting or not acting.	The risk of this option is that not all public stormwater upgrades required will be able to be implemented, and the existing suite of plan provisions does not go far enough to protect and restore the health and wellbeing of the Waikato River (given the intensification now being enabled), so the Vision and Strategy will not be given effect to.

Recommendation	<b>Discard.</b> While public stormwater improvements will be able to contribute towards achieving the objective, where feasible and funding is available, this option cannot be relied upon to achieve the objective on a city-wide basis. It is also not able to be achieved as part of the Intensification Planning Instrument (IPI).
<b>Option 17: Enhanced ODP provisions for stormwater quantity and quality management onsite</b>	
Costs	Economic cost to landowner/developer to design, install and maintain onsite stormwater devices. Space requirements for devices are unlikely to constrain site development potential, given that 30% permeable surface coverage is required, and rain tanks are excluded from coverage calculations and yard setbacks.
Benefits	Onsite stormwater devices can manage stormwater generated from a site so as to closely align with a natural water balance, protecting downstream waterways and ecosystems. They can be installed at the time of development, immediately mitigating adverse effects and reducing stormwater management requirements in the downstream catchment.  Co-benefits of rainwater reuse tanks include reduced municipal water demand, increased resilience in dry conditions/emergencies and increased community awareness of rainfall/runoff processes.
Efficiency	New development and redevelopment can be captured by ODP provisions, but not existing development subject to existing use rights.  Onsite stormwater measures (and associated plumbing) are most efficient to consider at the initial design stage and install upon development / redevelopment of a site.
Effectiveness	Onsite measures can provide an effective method of managing stormwater runoff for that property if operated and maintained correctly. In some circumstances where it is impractical for sites to achieve best practice standards, there may be residual cumulative effects that will still require mitigation at a downstream public device.  Would be effective at protecting stream health, and in some cases at enhancing stream health when the existing situation is able to be improved upon redevelopment.
Risk of acting or not acting.	The risk of not enhancing the ODP provisions is that the existing suite of provisions does not go far enough to protect and enhance the health and wellbeing of the Waikato River, and the Vision and Strategy will not be given effect to.
Recommendation	<b>Implement option 17</b>
<b>Option 18: Applying a qualifying matter to restrict or prevent intensification for stormwater quality reasons</b>	
Costs	Reporting costs incurred by HCC to justify the qualifying matter being applied, involving a detailed evaluation. This would likely be applied city-wide, as incremental stormwater quality effects are

	<p>common to all development.</p> <p>Economic/social costs associated with reduced development potential from what has otherwise been directed by the NPS-UD and MDRS.</p> <p>Opportunity/environmental cost for potential to improve the existing stormwater situation when a site is redeveloped and intensified.</p>
Benefits	Reduced intensification pressures would mean less new impervious coverage, so less effects on stormwater quality.
Efficiency	Use of a qualifying matter is not valid if the stormwater quality effects can be managed through other means without compromising the level of intensification, which is thought to be the case. Therefore, the qualifying matter may not be accepted through the hearings process, making the whole process inefficient.
Effectiveness	Would be somewhat effective at protecting stream/river health, but not at enhancing stream/river health.
Risk of acting or not acting	Risk that this option does not meet the requirements of the NPS-UD and MDRS and would be considered invalid.
Recommendation	<b>Discard</b> as an invalid option, since another option can achieve the objective
<b>Option 19: Controlling discharges through the Stormwater Bylaw and connections approvals</b>	
Costs	<p>Costs of making a change to the Stormwater Bylaw which places more specific requirements upon individual residential and non-residential sites in order to obtain connection approval. Increased complexity of connections approval process.</p> <p>Economic cost to landowner/developer to design, install and maintain onsite stormwater devices. Space requirements for devices may constrain site development potential. Costs are likely to be higher if design changes are needed in the middle of the development process.</p>
Benefits	<p>Onsite stormwater devices can manage stormwater generated from a site so as to closely align with a natural water balance, protecting downstream waterways and ecosystems.</p> <p>Maintenance to ensure the ongoing effectiveness of private stormwater devices can be enforced through the Bylaw.</p>
Efficiency	The connections approval stage is not the most efficient time to require people to install onsite stormwater devices. If people are unaware of the Bylaw requirements and developments have proceeded as permitted activities, the development may have already been designed by the time the stormwater requirements are confirmed. Onsite devices could be put in as an afterthought (with potentially compromised quality of outcomes) rather than being considered in an integrated manner upfront.

Effectiveness	Under the Local Government Act, territorial authority bylaws are generally to be made for the purposes of asset protection, protection from public nuisance, public health and safety. While stormwater quality and quantity matters can be linked to nuisance effects, a Bylaw is not an effective manner of directly addressing the cumulative environmental effects on the Waikato River and its tributaries (and achieving the objective).
Risk of acting or not acting	Risk of poor outcomes from managing stormwater through a Bylaw alone, as outlined above.
Recommendation	<b>Discard</b> – the Bylaw should continue to form part of the stormwater toolbox, but the district plan is a more appropriate method than a Bylaw for managing environmental effects at an individual site level.
<b>Option 20: Provision of education and/or incentives for retrofitting on-lot stormwater management measures</b>	
Costs	Economic cost to HCC in funding the incentives (e.g. discounted or free consent fees, subsidising the cost of the device, or even installing for free). The remainder of costs for design, installation and maintenance of devices fall to the landowner.
Benefits	Every device installed has a small cumulative environmental and cultural benefit in improving stormwater quantity/quality entering the Waikato River and its tributaries.  Devices installed by the owner's choice are likely to have better maintenance and upkeep.
Efficiency	As an opt-in measure, incentives cannot be relied upon to achieve any large-scale improvements to stormwater quantity/quality.
Effectiveness	Due to existing use rights, this is the most effective option to encourage retrofitting of existing properties.  The devices that are installed are likely to be effective for that property, but overall, expected take up of the incentives would not be high enough to achieve the objective.
Risk of acting or not acting	No particular risks identified from acting. Without attempting to address stormwater quality and quantity from existing development, it could be difficult to achieve a significant degree of restoration of the Waikato River.
Recommendation	<b>Discard</b> – suitable as part of a wider package of measures, and an important part of encouraging improvements to the existing situation, but not able to be done as part of the ISPP and will not on its own achieve the objective.

In considering the options available to meet the objectives, it is considered that Option 17 is most appropriate because it is the most effective and efficient option to protect and restore the health and wellbeing of the Waikato River from the effects of residential intensification required by the NPS-UD and HSAA and can be incorporated as part of the IPI.

## 9. Water Conservation

<b>Option 21: Status Quo water conservation provisions</b>	
Costs	Financial cost of 3 star low flow fixtures, which at the budget end of the scale can be more expensive than 0-2 star fixtures (e.g. \$20 for showers, similar for taps)
Benefits	Low flow fixtures are required, defined as 3 star rated toilets, showers and taps.  Space for metering is to be provided, enabling this to be implemented in the future.
Efficiency	Efficient - as a permitted standard, no consenting costs are incurred if the water conservation standard is met.
Effectiveness	While 3 stars is the highest efficiency rating for most showers available in NZ, higher than 3 star water efficiency can be achieved for taps (up to 6 stars) and toilets (generally 4 stars). Therefore, the requirement for low flow fixtures is not as effective at conserving water as it could be.
Risk of acting or not acting.	Risk that Hamilton will exceed its consented allocation of water before its consent expires.
Recommendation	<b>Discard</b> – does not require efficient enough fixtures to meet the objective
<b>Option 22: Enhanced ODP requirements for water conservation</b>	
Costs	Financial cost of installing and maintaining rainwater reuse tank.  4-6 star fixtures can cost more than 3 star (e.g. \$45 for taps), depending on design preference, and reduce design options.
Benefits	Rain tanks would reduce the requirement for municipal supply and have cumulative environmental benefits.  4 or 5 star rated toilets and taps would save more water than 3 star rated fixtures.  Space for metering is to be provided for, should this be implemented in future.
Efficiency	Efficient - as a permitted standard, no consenting costs are incurred if the standard is met.
Effectiveness	Effective as it would apply to all new developments and redevelopments containing plumbing fixtures and achieve greater water efficiency and conservation.
Risk of acting or not acting.	Owners may not adequately maintain rain tanks.
Recommendation	<b>Implement option 22</b>

<b>Option 23: Education / Incentives for retrofitting water conservation measures (rain tanks)</b>	
Costs	Cost to HCC of education campaigns and possible subsidy of rain tanks. The remainder of costs for design, installation and maintenance of devices fall to the landowner.
Benefits	Every rain tank installed has a small cumulative environmental benefit.  Rain tanks installed by the owner's choice are likely to have better maintenance and upkeep.
Efficiency	As an opt-in measure, incentives cannot be relied upon to achieve any large-scale improvements to water conservation.
Effectiveness	Due to existing use rights, this is the most effective option to encourage retrofitting of existing properties. However, the scale of take up is not likely to be high.
Risk of acting or not acting	No particular risks identified from acting.
Recommendation	<b>Discard</b> – suitable as part of a wider package of measures, and an important part of encouraging improvements to the existing situation, but not able to be done as part of the IPI and will not on its own achieve the objective.

In considering the options available to meet the objectives, it is considered that Option 22 is most appropriate because it is the more effective and efficient option to conserve water, without adding significant additional costs.

## 10. Transportation

<b>Option 24: Status Quo – No change.</b>	
Manage development affecting the transport network by adopting the provisions of the transport chapter.	
Costs	The current provisions support an approach that results in low density and urban sprawl. This development pattern leads to reduced access to employment and services and does not support mode-shift from private vehicles to public and active modes.  Increase in cost in providing transport infrastructure.  Potential to adversely impact climate change response by increasing CO2 emissions from private vehicles accessing housing on the City periphery.
Benefits	None identified.
Efficiency	The retention of the current provisions will likely arrive at the same transport outcomes – reliance on private vehicles for travel.  The retention of these provisions may result in an inefficient use of land in that low density developments generate congestion and

	poor safety outcomes associated with vehicle travel. Walking, cycling, micro-mobility and public transport will not be attractive alternative modes of transport.
Effectiveness	Retention of current provisions will not achieve the objectives of the HSAA.  Poor transport outcomes are likely to arise from an increase in housing density with no transport response.
Risk of acting or not acting.	The risk of not acting, i.e., maintaining the status quo is considered to have a high risk of not achieving the requirements of the HSAA.
Recommendation	<b>Discard</b> retaining the current provisions will not contribute to achieving the purpose of the NPS-UD.
<b>Option 25:</b> Amend existing provisions and include additional provisions that guide development affecting the transport network.	
Costs	This option will require a plan change to be undertaken with costs to the HCC and all stakeholders who choose to be involved.  Cost of providing transport infrastructure to cater for increased density and ensure future higher density urban development has costs for developers and HCC.  Additional transportation design controls and development standards increase the cost of development (e.g. travel plans, end-of-journey facilities, etc).
Benefits	This option allows for the transport provisions to assist HCC in achieving a compact urban form and achieving the intent of the HSAA.  A mix of densities contributes to creating a well-functioning urban environment and supports mode shift by making active modes and public transport more effective.  Enabling high densities around the City Centre and increasing densities around centres will ensure that people have good accessibility to housing, jobs and community services, reducing the need to travel and making public transport and active modes more attractive.  Prioritising the road safety of pedestrians and cyclists supports mode shift by making these modes more attractive.
Efficiency	This option provides a clear transport response to the changes in density. It supports mode shift by considering the safety impacts of density and provides development standards to support walking, cycling, micro-mobility and public transport.
Effectiveness	The implementation of new and altered provisions will ensure that the City can deliver the objectives associated with the Amendment.
Risk of acting or not acting.	Not acting is considered to have a high risk of HCC failing to meet its legal obligations under the HSAA.  The risks associated with progressing this option are considered to

	outweigh the risks of not acting or enacting some of the other options. Option 2 enables the creation of a compact urban form and well-functioning urban environment while protecting identified areas which will assist HCC in achieving the requirements of the HSAA while implementing Te Ture Whaimana.
Recommendation	<b>Implement option 25</b>

In considering the options available to meet the objectives, it is considered that Option 25 is most appropriate because it directs a transport system that responds to and supports the changes to the MDRS required under the HSAA.

## 11. Financial Contributions

<b>Option 26: Retain the status quo</b>	
Costs	No additional economic cost to HCC or resource consent applicants in terms of administration. However, there will be increasing economic, environmental, social and cultural costs to HCC, developers and communities as increasing built urban form and increasing urban residential densities degrade the public realm over time; overload local network infrastructure and further impact the Waikato River and its tributaries.
Benefits	None identified
Efficiency	The current provisions are not currently utilised and there have been no resource consents granted with a condition requiring a financial contribution for the purposes provided in the operative chapter.
Effectiveness	Retention of the current provisions will not enable the public realm to adapt to evolving residential landscapes as built form and densities increase.
Risk of acting or not acting.	The economic risk of not acting is high as HCC will not be able to pay for the level of growth anticipated by the NPS-UD and the HSAA.
Recommendation	<b>Discard</b> – retaining the status quo will result in HCC and ratepayers bearing the cost of achieving the residential densities required by the NPS-UD and HSAA, which are not acceptable to HCC and not planned for in the Long Term Plan.
<b>Option 27: Amend financial contribution provisions as per Section 77E of the HSAA.</b>	
Costs	There will be costs to HCC to prepare a plan change to implement Section 77E and progress through the IPI, and for relevant and interested stakeholders to participate in the process.  There will be costs for developers as financial contributions will be required on most new residential developments and other

	developments that require resource consent.
Benefits	<p>Clear, unambiguous, transparent provisions for financial contributions.</p> <p>A revenue stream will be created that will enable HCC to improve residential streetscapes and community infrastructure that is not currently funded through the Long-Term Plan and development contributions.</p> <p>A revenue stream will be created that will enable HCC to fulfil its obligations in upholding Te Ture Whaimana through restoration and protection of the health and wellbeing of the Waikato River and its tributaries, improving relationships with iwi partners and mana whenua.</p> <p>Supports HCC's priorities for a city that is easy to live in; a city where people thrive; a fun city with lots to do; a Central City where people love to be; and a green city.</p>
Efficiency	This approach is consistent with Section 77T of the HSA and is efficient in achieving the objectives of the Plan to avoid, remedy or mitigate adverse effects of a proposed activity on the environment.
Effectiveness	Implementation of the proposed provisions will ensure that HCC can maintain and improve levels of service and public amenity, ensuring that growth pays for growth.
Risk of acting or not acting.	<p>There is potential risk of damage to the organisation's reputation in implementing the proposed provisions, and any additional per unit or dwelling charge/ formula as the response from the development community is likely to be negative. However, there is political buy-in from Elected Members and cross-organisational support for the amendments.</p> <p>The risk of not acting is a missed opportunity to improve public spaces for communities as they grow and evolve over time.</p>
Recommendation	<b>Implement option 27</b>

In considering the options available to meet the objectives, it is considered that Option 27 is most appropriate because it assists HCC in ensuring that growth pays for growth and will ensure the costs of implementing the NPS-UD and HSA will be able to be met.