

Appendix 3.1 Relevant statutory provisions, planning instruments, strategies and plans

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1. Resource Management Act 1991

This section sets out the relevant provisions of the RMA when preparing a plan change and assesses whether PC12 meets these statutory requirements.

Section 31 Functions of territorial authorities under the act

This section sets out the function of territorial authorities, which includes Hamilton City Council (Council). Part of this function includes the establishment and review of objectives, policies and methods to achieve integrated development and manage resources. The ODP and this Plan Change process fulfils the function set out in s31.

Section 74 Matters to be considered by a territorial authority and Section 75 Contents of district plans

Section 74 of the RMA 1991 sets out the matters that must be considered by Council in preparing a plan change. It requires Council to prepare plan changes in accordance with its role and functions under section 31, as well as the provisions under Part 2. Section 75 sets out the contents of an ODP. PC12 has been prepared in accordance with the requirements of these sections.

Part 2 Purpose and Principles – Section 5, 6, 7 and 8

Section 5 Purpose identifies the purpose as being the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life-supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

The purpose of PC12 is to respond to government legislation which seeks to enable people to provide for their wellbeing by increasing housing supply and choice that contribute to a well-functioning urban environment. The NPS-UD and HSAA set out how this is to be achieved. PC12 has taken a holistic view in the response to government direction. The Plan Change enables intensification in brownfield areas; with the highest densities enabled in the city centre, the walkable catchment from the city centre, and residential areas close to key commercial nodes. Several consequential changes are proposed through PC12 to ensure that increased densities are supported by mode-shift and green policies in the long term.

The NPS-UD and HSAA acknowledge that higher densities may not be appropriate in all circumstances, though Councils may modify densities in these areas but only to the extent that is necessary to accommodate these matters (qualifying matters). Of note, matters to give effect to Te Ture Whaimana are recognised as a qualifying matter. Options to address this qualifying matter are examined in **Appendix 2.5 Infrastructure capacity provisions contributing report**. This report also sets out the wider infrastructure context for the City and concludes that, without the careful management of development rates and infrastructure provision, Te Ture Whaimana will not be given effect to. The report identifies

the use of an Infrastructure Capacity Overlay as the most effective and efficient option to address this matter.

PC12 seeks to carefully balance the need for additional housing with the requirement for the betterment of the Awa. It is considered that without the proposed modifications to provisions through the imposition of qualifying matters, section 5 of the RMA 1991 will not be met. The options selected as part of this section 32 will contribute to the protection of the Waikato River while also supporting well-functioning urban environments. That is to say, it is determined that PC12 as proposed will achieve the purpose of the RMA 1991.

Section 6 Matters of National Importance sets out a number of matters of national importance that, in achieving the purpose of the Act, all persons exercising functions and powers under it are required to recognise and provide for, specifically. These include (but aren't limited to) the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development (section 6(a)) and the relationship of Maaori with their culture and traditions and with their ancestral lands, water, sites, waahi tapu and other taonga (section 6(e)).

Section 6(e) is of particular importance in PC12, given its linkages to Te Ture Whaimana. As demonstrated throughout this report, it is considered that PC12 gives effect to Te Ture Whaimana. Additionally, matters in sections 6(a), (c), (e), (f) and (h) are identified as qualifying matters as part of PC12. These matters range from natural hazard areas to historic heritage. Some of these matters have been carried over from the ODP, while others have recently been identified through the Plan Change 9 process. This approach ensures that these matters continue to be recognised and provided for, or will be recognised and provided for, as part of PC12.

Overall, it is considered that PC12 recognises and provides for the matters in section 6.

Section 7 Other Matters identifies a number of "other matters" that in achieving the purpose of the Act, all persons exercising functions and powers under the RMA shall give particular regard to.

PC12 specifically seeks to address the efficient use and development of natural and physical resources (section 7(b)) and the finite characteristics of these resources (section 7(g)) through its approach in respect of Te Ture Whaimana. That is, PC12 recognises that additional housing and intensification needs to be balanced against the need to have regard for the natural environment.

The maintenance and enhancement of amenity values (section 6(c)) are also considered relevant to PC12. The NPS-UD recognises that urban environments will change over time, and that this change may detract from the amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types (Policy 6). PC12 reflects Policy 6 in its proposed objectives, policies and rules.

Section 7(i) requires decision-makers to have particular regard to the effects of climate change. PC12 introduces a new High Density Residential Zone which, over time, will result in more of the population being able to access public and active transport to get to services,

open space and employment in the central city. This will assist in building climate resilience in the city in the medium and long term.

Overall, it is considered that PC12 has particular regard for the relevant matters in section 7.

Section 8 Treaty of Waitangi

In achieving the purpose of the RMA, section 8 requires all persons exercising functions and powers under it to 'take into account' the Principles of the Treaty of Waitangi. Partnership, participation, and protection are key principles of the Treaty.

Waikato-Tainui, Ngaati Wairere, Ngaati Koroki-Kahukura, Ngaati Hauaaa, Ngaati Tamainupoo and Ngaati Maahanga are the Te Tiriti partners within the area of responsibility for Council. They hold mana (rights, authority and control) with regards to decision making associated with the district plan change programme. Te Haa o te Whenua o Kirikiriroa (THaWK) is the representative and administrative entity for these mana whenua groups.

The rights and interests of mana whenua are confirmed and recognised by Council and supported by the establishment of Joint Management Agreements (JMAs) and collaborative partnerships. Their rights and interests within this space do not need to be proven.

Te Whakakitenga o Waikato-Tainui (Waikato-Tainui) is the Iwi Authority on behalf of the 68 Marae and over 70,000 tribal beneficiaries of which 40% of Maaori in Hamilton affiliate to the Iwi. The hapuuu, on behalf of their beneficiaries, are taangata whenua and hold mana or power and authority derived from whakapapa, continued occupation and use.

Mana whenua, in simple terms, are naturally the people of the lands. Mana whenua have a historic and spiritual affiliation to the lands, waters and all the taonga that they embrace. Mana whenua continue to occupy and actively demonstrate their affiliation and interests to the Waikato River, its lands and taonga. They are representative of their marae and whaanau in matters related to local and central Government, fisheries, aquaculture, farming, education, environmental, social and other affairs.

The Mana Whenua hold political and occupational authority over Kirikiriroa-Hamilton, that is determined by whakapapa (genealogical ties) and secured by ahi kaa (continued occupation). They have a responsibility to protect the natural resources, mahinga kai, and other values of these places for the benefit and use of their whaanau and its communities.

Each of the iwi have a responsibility to protect the taonga, mahinga kai, and other values of the rohe for the benefit and use of their tribal members.

Throughout the development of the PC12, HCC has undertaken genuine engagement with the Iwi Authority in direct hui or through the JMA partnership. Specific advice has been sought on various topics. Papers were also prepared for Iwi Authority Board meetings to share information.

The Council will be sharing this report and all supporting information for PC12 for review and comment, prior to public notification. The feedback received from iwi and HCC's response to that feedback is included in **Appendix 2.7 Iwi consultation**.

It is the view of the Consultant for Iwi Engagement that genuine engagement has been, and

continues to be, provided to Waikato-Tainui and THaWK. Therefore, HCC is honouring the obligations to uphold the principles of Te Tiriti o Waitangi pursuant to Section 8 of the RMA.

2. Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021

The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (HSAA) introduces an additional process to the RMA 1991. Specifically, 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 MDRS, that are required to be included in ODP. This includes (but is not limited to) building heights, landscaping, and building setbacks.

The HSAA does allow for the mandatory density requirements to be departed from, and less enabling development densities imposed in their place, but only to the extent necessary to accommodate a qualifying matter.

2.1 Medium Density Residential Standards

Section 77G of the HSAA sets out the requirement for territorial authorities to incorporate the MDRS in Schedule 3A of the HSAA and give effect to Policy 3 of the NPS-UD in residential zones. Councils may also enable a greater level of development than provided for by the MDRS in accordance with **Section 77H**. **Section 77N** also sets out the duty of territorial authorities to give effect to Policy 3 of the NPS-UD in non-residential zones. Related or consequential changes to objectives, policies or rules can also be made to support the implementation of the HSAA, as outlined in **Section 80E**.

2.2 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 or NPS-UD inappropriate for that site or area. **Sections 77I and 77O** of the HSAA sets out that Council may modify the heights or density required by the HSAA/NPS-UD on these sites or areas where qualifying matters are present, but only to the extent that is necessary to accommodate these matters.

A full assessment of qualifying matters (other than matters relating to Te Ture Whaimana) is included in **Appendix 2.4 – Qualifying Matters Assessment**. In summary, this assessment concludes that a number of existing and proposed qualifying matters are able to be accommodated in PC12 without needing to modify the requirements of the HSAA or NPS-UD. An exception to this are Historic Heritage Areas (HHAs). While the underlying zoning for HHAs will be the General Residential Zone, PC12 will introduce specific density, site coverage, permeable surface, building height, height in relation to boundary and building setback standards in Chapter 19 of the district plan in order to accommodate HHAs as a qualifying matter. These standards will depart from the MDRS standards required by the HSAA.

The qualifying matter in relation to Te Ture Whaimana o Te Awa o Waikato (Vision & Strategy) (Te Ture Whaimana) is assessed in **Appendix 2.5 Infrastructure capacity provisions contributing report**. This report assesses several options to identify the most effective and efficient approach to accommodate this qualifying matter. The report identifies an Infrastructure Capacity Overlay as the preferred method. The overlay would apply across much of the existing urbanised area of the city and require infrastructure capacity assessments for housing developments of a medium to high density. Local and trunk three waters network capacity would need to be considered, along with planned council upgrades and whether any actions could be taken by the development to limit three water infrastructure demands.

A brief summary of the approach to qualifying matters in PC12 is set out below:

Table 1 Qualifying Matters in PC12

Qualifying Matter(s)	Comment	Reference to Assessment
<ul style="list-style-type: none"> • 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 (existing in plan) • Archaeological sites (existing in plan) • Significant natural areas (existing in plan) 	<p>For the existing qualifying matters that are currently included in the ODP, no changes are proposed. These will be carried through to PC12 without amendment.</p>	<p>Appendix 2.4 Qualifying Matter Assessment</p>
<ul style="list-style-type: none"> • New built heritage 	<p>For these Qualifying Matters, the identification and</p>	<p>Appendix 2.4 Qualifying Matter</p>

<p>(identified as part of PC9)</p> <ul style="list-style-type: none"> • New Historic Heritage Areas (identified as part of PC9) • New Archaeological sites (identified as part of PC9) • New Significant Natural Areas (identified as part of PC9) 	<p>protection of these matters are addressed in Plan Change 9 (notified version).</p> <p>PC12 will rely, in part, on Section 771(a) and section 770(a) to identify items that are qualifying matters. The extent of those qualifying matters will be determined in part by reference to the ODP provisions, and those provisions proposed under Plan Change 9.</p>	<p>Assessment</p>
<p>Historic Heritage Areas (identified as part of PC9)</p>	<p>In recognising the requirement to accommodate the identified Historic Heritage Areas as a qualifying matter, PC12 will introduce density, site coverage, permeable surface, building height, height in relation to boundary and building setback standards that modify the NPS-UD and HSAA intensification requirements to ensure that the identified heritage values can be protected.</p>	<p>Appendix 2.4 Qualifying Matter Assessment</p>
<p>Te Ture Whaimana</p>	<p>In recognising the requirement to balance enabled residential densities and the provision of public infrastructure to give effect to Te Ture Whaimana as a Qualifying Matter, PC12 has assessed that modification of the NPS-UD intensification policies and MDRS is required. This will be managed by way of an Infrastructure Overlay that requires additional assessment if proposals are located within the Overlay.</p>	<p>Appendix 2.5 Infrastructure capacity provisions contributing report</p>

2.3 Summary of changes in response to Section 77G -77R and Section 80E of the HSAA

Considering the above, changes as part of PC12 can be considered in three categories:

Adoption of MDRS standards, outlined in Schedule 3A, without changes;

Variation from the MDRS standards in Schedule 3A and the requirements of the NPS-UD Policy 3 to accommodate a qualifying matter, and

Amendments to existing standards or standards introduced pursuant to section 80E(2) of the RMA that support or are consequential to the MDRS or policies 3-5 of the NPS-UD.

Table 3 summarises these changes.

Table 2 Summary of changes to Operative District Plan to implement HSAA or accommodate qualifying matters

Category	Summary of changes
<p>Adoption of MDRS standards without changes</p>	<p>In the General Residential Zone (outside HHAs), Medium Density Residential Zone and High Density Residential Zone:</p> <ul style="list-style-type: none"> Site coverage Setbacks Building height Outlook space Outdoor living Landscaping Windows to street
<p>Variation from the MDRS standards to accommodate QMs</p>	<p>General Residential Zone (inside HHAs only):</p> <ul style="list-style-type: none"> Density Site coverage Permeable surface Building height Height in relation to boundary

	<p>Building setback</p> <p>Three Waters Chapter</p> <p>Inserting requirements for sites within the proposed Infrastructure Overlay, including Infrastructure Capacity Assessments where:</p> <p>4 or more residential units/lots are proposed</p> <p>Net site area per residential unit is less than 200m² in the General Residential Zone</p> <p>Net site area per residential unit is less than 150m² in the Medium Density Zone</p> <p>Any residential development is proposed in the High Density Zone</p>
<p>Amendments to existing standards or standards introduced pursuant to Section 80E(2) of the HSAA that support or are consequential to the HSAA or NPS-UD.</p>	<p>General Residential Zone (outside HHAs), Medium Density Residential Zone and High Density Residential Zone:</p> <ul style="list-style-type: none"> Fences and walls Service area Storage areas Universal access (10 or more units) Permeable surfaces Building Set Back – Waikato River and Gully Hazard Area <p>General Residential Zone</p> <ul style="list-style-type: none"> Building Setback – Waikato Expressway. <p>Medium Density Residential Precincts</p> <ul style="list-style-type: none"> Building setback from Waikato Expressway – Rototuna Town Centre Precinct and Rototuna North East Residential Precinct Building orientation to the Waikato Expressway – Te Awa Lakes Precinct Density – Te Awa Lakes River Interface Overlay Affordable Housing – Te Awa Lakes <p>Business Zone</p> <ul style="list-style-type: none"> Building height

	<p>Storage areas</p> <p>Service area</p> <p>Public interface</p> <p>Outlook</p> <p>Central City Zone</p> <p>Storage areas</p> <p>Daylight standards</p> <p>External outlook area</p> <p>Three Waters Chapter</p> <p>Permeable surfaces</p> <p>Avoiding use of high contaminant building materials</p> <p>Stormwater detention and treatment</p> <p>Water efficiency measures – provision for water metering, low flow fixtures and rainwater tanks</p> <p>Transportation - Chapter 25.14 and Appendix 15</p> <p>Footpaths to be wider</p> <p>Separated cycle lanes on new collector and arterial transport corridors</p> <p>Cycle and micro-mobility parking and end-of-journey facilities (gear lockers, showers, and changing rooms)</p> <p>New vehicle access to be safer for walking, cycling, and micro-mobility use</p> <p>Some new driveways to be wider to accommodate emergency vehicles</p> <p>Some new roads will need to be wider to accommodate landscaping, stormwater devices, separated cycle facilities, public transport, wider footpaths, or parking spaces.</p> <p>Any car parking space for a new residential unit to provide for recharging electric vehicles</p> <p>Rear lanes</p>
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	<p>Accessible car park spaces and access to them</p> <p>Parking space proximity to residential units</p> <p>Dimensions of on-site loading spaces</p> <p>On-site manoeuvring areas</p> <p>Vehicle access and manoeuvring for on-site collection of rubbish, recycling, and food scraps</p> <p>Transport Mode Hierarchy</p> <p>Additional Integrated Transport Assessment requirements, including assessment of effects on greenhouse gas emissions and preparation and implementation of Travel Plans</p> <p>Removal of road-stopping maps.</p>
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2.4 Financial Contributions

The HSAA introduces specific provisions relating to financial contributions. **Section 77E** sets out that a local authority may make a rule in a district plan requiring financial contributions for any class of activity (including permitted activities) other than a prohibited activity. It sets out that the purpose and method of determining a financial contribution should be included in the ODP. **Section 77T** provides local authorities with the ability to review financial contributions and notify any changes in the IPI.

Prior to the introduction of **section 77E**, **section 108(2)(a)** was relied on for requiring financial contributions. This section provides that a resource consent may be granted on any condition that the consent authority considers appropriate, including a condition requiring a financial contribution to be made. Additionally, **section 108(10)** states that a condition requiring a financial contribution must be in accordance with the purposes specified in the plan (including the purpose of ensuring positive effects on the environment to offset any adverse effect) and the level of contribution is determined in the manner described in the plan. Section 108 is still applicable to financial contributions and must be considered in addition to sections 77E and 77T.

The fundamental change brought about through the HSAA is that **Section 77E** allows financial contributions to be require for permitted activities, i.e. activities that do not require resource consent.

PC12 proposes changes to Chapter 24 Financial contributions (refer to Table 1). A supporting report has been prepared setting out HCC's approach to financial contributions. This report is attached as **Appendix 3.2 - Financial Contributions**.

3. National Policy Statement on Urban Development 2020

PC12 is required to give effect to the NPS-UD as part of the IPI. The 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.

Of note, the NPS-UD contains Policy 3 and Policy 4 that are required to be implemented as part of the HSAA (refer to section 2.1.2 above). Policy 3 requires the following:

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.

It is noted that the other parts of Policy 3 have been assessed and are not considered to be applicable to the City (refer to the assessment in Table 4).

Assessment of PC12 against the NPS-UD

In addition to Policy 3 and Policy 4, it is also necessary to assess PC12 against the other Objectives and Policies contained in the NPS-UD to determine the extent to which PC12 gives effect to the NPS-UD. Table 4 provides this assessment.

Table 3 Assessment of PC12 against the NPS-UD

NPS Provisions	Plan Change 12 response
Objective 1:	PC12 has been prepared to give effect to Objective 1 and Policy 1 by taking a holistic view

NPS Provisions	Plan Change 12 response
<p>New Zealand has well-functioning urban 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.</p> <p>Policy 1:</p> <p>Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:</p> <p>Have or enable a variety of homes that:</p> <p>Meet the needs, in terms of type, price, and location, of different households; and</p> <p>Enable Māori to express their cultural traditions and norms; and</p> <p>Have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and</p> <p>Have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and</p> <p>Support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and</p> <p>Support reductions in greenhouse gas emissions; and</p> <p>Are resilient to the likely current and future effects of climate change.</p>	<p>of urban development. These objectives and policies have been incorporated into Chapter 2 Strategic Framework as part of this Plan Change, and throughout several chapters. As such, Objective 1 sets the strategic direction for the ODP going forward.</p> <p>The changes proposed as part of PC12 will enable a range of housing typologies, including standalone housing, duplexes and terraced housing. Improving housing choice will contribute to communities being able to meet their housing needs in terms of type, price, and location.</p> <p>The Plan Change seeks to enable additional intensification through:</p> <ul style="list-style-type: none"> • Removal of the height controls in the Central City • Enabling building heights of up to 6 storeys in the Business and High Density Residential Zone within the walkable catchment of the edge of the Central City, and including an area north of the central city • Enabling building heights of 5 storeys through a Medium Density Zone in close proximity to suburban and subregional centres, as well as north of the central city in relation to a high priority public transport corridor <p>These changes enable more housing choice and ensure that more residents are able to access housing, jobs, community services, and natural and open spaces by way of public or active transport. In time, the approach will result in less travel by private vehicle which will contribute to a reduction in greenhouse gas emissions. The continued shift towards brownfield (existing parts of the City) infill development in accessible locations and this is also expected to increase the resiliency of the</p>

NPS Provisions	Plan Change 12 response
	<p>City to the current and future effects of climate change.</p> <p>PC12 also proposes a range of consequential amendments to the ODP to address matters such as transportation and waste management. These changes are necessary to ensure that housing development does not occur in isolation of other aspects of urban development required to create a well-functioning urban environment.</p>
<p>Objective 2:</p> <p>Planning decisions improve housing affordability by supporting competitive land and development markets.</p> <p>Policy 2:</p> <p>Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.</p>	<p>The housing component of the Housing and Business Capacity Assessment (HBA) identified that in aggregate there is sufficient capacity for housing demand in the short, medium and long term. Hamilton also has a large range of feasible development options within the existing urban area beyond those projected to be taken up, providing options for where infill capacity can be delivered.</p> <p>However, there are projected shortfalls of capacity for dwellings in the mid-lower price bands, with most new supply projected to be in the mid-upper price bands. An increase in the range of mid to higher density housing typologies will improve the potential for more affordable dwellings to be delivered.</p> <p>The changes proposed as part of PC12 are intended to improve housing choice and availability in the City by enabling the development of a range of typologies, whilst also ensuring that developments do not contribute to the deterioration of the Waikato River.</p>
<p>Objective 3:</p> <p>Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the</p>	<p>The Plan Change will enable more people to live in the areas close to employment, such as the central city, sub-regional centres and suburban centres, through a range of measures, including the introduction of Medium Density and High Density Residential Zones.</p> <p>Concentration of population will support the</p>

NPS Provisions	Plan Change 12 response
<p>following apply:</p> <p>The area is in or near a centre zone or other area with many employment opportunities</p> <p>The area is well-serviced by existing or planned public transport</p> <p>There is high demand for housing or for business land in the area, relative to other areas within the urban environment.</p>	<p>provision of additional public transportation options and/or increased frequencies for existing service.</p>
<p>Objective 4:</p> <p>New Zealand’s urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.</p>	<p>Changes are proposed to the Strategic Framework in Chapter 2 to acknowledge that residential areas are dynamic and that it is critical to enable the development of a range of household choices to meet varied community needs.</p> <p>This strategic direction is carried through to the residential chapters. Chapter 4 General Residential Zones Objectives and Policies set out the expectation that amenity values will change over time as the City moves towards providing additional densities and heights.</p> <p>The rule framework in Chapter 4 General Residential Zones balances the provision of privacy and amenity for current residents with enabling additional development in these areas to ensure that future residents are able to meet their housing needs.</p>
<p>Objective 5:</p> <p>Planning decisions relating to urban environments, and Future Development Strategies, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).</p>	<p>The principles of partnership, participation and protection have been taken into account in the preparation of PC12 and is demonstrated throughout this report.</p> <p>PC12 specifically seeks to give effect to Te Ture Whaimana to recognise the unique relationship of mana whenua with the awa.</p>
<p>Objective 6:</p>	<p>Local authority decisions through future Long</p>

NPS Provisions	Plan Change 12 response
<p>Local authority decisions on urban development that affect urban environments are:</p> <p>Integrated with infrastructure planning and funding decisions;</p> <p>And strategic over the medium term and long term; and</p> <p>Responsive, particularly in relation to proposals that would supply significant development capacity.</p>	<p>Term Plans (LTPs) will need to be responsive to the changes in this Plan Change.</p> <p>The Three Waters Infrastructure Capacity Overlay that applies to those residential zones identified seeks to enable a more integrated land-use and planned infrastructure capacity approach to intensification.</p> <p>The overlay responds to Objective 6 in that the extent of the overlay reflects the affordability to council of infrastructure planning and funding decisions, taking a longer-term view. Housing development remains possible in areas not subject to the Overlay as well as areas subject to the Overlay, provided adequate contribution is made to resolving constraints.</p> <p>The intent is that the brownfield locations where the overlay does not apply are the first stage. When infrastructure capacity can be provided/funded for subsequent stages, the overlay will then be removed from these stages.</p>
<p>Objective 7:</p> <p>Local authorities have robust and frequently updated information about their urban environments and use it to inform planning decisions.</p>	<p>Council undertakes updates to the HBA in line with the required timeframes set out in the NPS-UD.</p> <p>Council also undertakes monitoring reports to meet the requirements of subpart 3.9 of the NPS-UD.</p>
<p>Objective 8:</p> <p>New Zealand’s urban environments: support reductions in greenhouse gas emissions; and are resilient to the current and future effects of climate change.</p>	<p>The purpose of the residential zones, and in particular the Medium Density and High Density Residential Zones, is to provide for additional housing choice within areas that are in proximity to the Central City and key commercial uses. Development in proximity to a range of services, open space and employment provides greater choice for active and public transport modes. In time, this will assist in reducing greenhouse gas emissions and contribute to greater resilience.</p> <p>The consequential changes proposed to the</p>

NPS Provisions	Plan Change 12 response
	<p>transportation provisions of the ODP will have a significant role in building climate resilience and mitigating greenhouse gas emissions. The changes proposed are intended to support mode-shift over the long term and enable the safe movement of people of all abilities to improve the desirability of public and active transport.</p>
<p>Policy 3:</p> <p>In relation to tier 1 urban environments, regional policy statements and district plans enable:</p> <p><i>In city centre zones, building heights and density of urban form to realise as much development capacity as possible, to maximise benefits of intensification; and</i></p> <p><i>In metropolitan centre zones, building heights and density of urban form to reflect demand for housing and business use in those locations, and in all cases building heights of at least 6 storeys; and</i></p> <p><i>Building heights of at least 6 storeys within at least a walkable catchment of the following:</i></p> <p><i>Existing and planned rapid transit stops</i></p> <p><i>The edge of city centre zones</i></p> <p><i>The edge of metropolitan centre zones;</i></p> <p><i>Within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and density of urban form commensurate with the level of</i></p>	<p>A Centres Assessment report has been prepared to support zoning changes required as per Policy 3(d) (see Appendix 4.4 Centres Assessment Report). The assessment of Policy 3 is summarised below:</p> <ul style="list-style-type: none"> • The minimum building heights from the city centre are proposed to be removed as part of this Plan Change and the minimum density is proposed to be increased. This will realise as much development capacity as possible to maximise the benefits of intensification. • There are no metropolitan centre zones in Hamilton at this time. • There are no existing or planned rapid transit stops in Hamilton at this time. • Building heights of 6 storeys are enabled in the High Density Residential Zone and a height overlay within the Business Zone, which encompasses the walkable catchment of the edge of the Central City Zone. Upper floor apartments will be provided as Permitted Activities in the Business Zones. • A medium density zoning is proposed within 400m walking catchment of suburban centres and sub-regional centres. This zoning will enable building heights of up to 5 storeys which is commensurate with the level of commercial activities and services.

NPS Provisions	Plan Change 12 response
<i>commercial activities and community services.</i>	<ul style="list-style-type: none"> The removal of the CDP requirements from the Rototuna Town Centre will ensure that development is enabled to a degree commensurate with the high level of commercial activities and community services in the Town Centre.
<p>Policy 4:</p> <p>Regional policy statements and district plans applying to tier 1 urban environments modify the relevant building height or density requirements under Policy 3 only to the extent necessary (as specified in subpart 6) to accommodate a qualifying matter in that area.</p>	<p>This policy recognises the potential for qualifying matters to moderate implementation of the NPS-UD. PC12 and will include the identification of areas and sites subject to one or more qualifying matters, as specified in subpart 6.</p> <p>The modification of rules and provisions to accommodate a qualifying matter will be considered and addressed in the relevant chapters as part of PC12.</p>
<p>Policy 5</p>	<p>Not relevant – Hamilton City is a Tier 1 Urban Environment.</p>
<p>Policy 6:</p> <p>When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:</p> <p>The planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement</p> <p>That the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:</p> <p>May detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future</p>	<p>Changes are proposed to Chapter 2 Strategic Framework to ensure that the strategic direction acknowledges that residential areas will change over time and that regard should be had for the planned urban built character of areas.</p> <p>The Objectives and Policies incorporated into Chapter 4 Residential Zones provide a clear direction that residential environments will change over time as densities in the City increase, and that these changes will contribute to housing choice, housing affordability and development capacity.</p> <p>The rule framework in Chapter 4 supports the intent of Policy 6 and incorporates the required standards as set out in the HSAA Schedule 3A, except as amended through qualifying matters. By giving effect to the NPS-UD and the HSAA, it is considered that future planning decisions will contribute to creating a well-functioning urban</p>

NPS Provisions	Plan Change 12 response
<p>generations, including by providing increased and varied housing densities and types; and</p> <p>Are not, of themselves, an adverse effect</p> <p>The benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)</p> <p>Any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity</p> <p>The likely current and future effects of climate change.</p>	<p>environment.</p> <p>In respect of Policy 6 i), the proposed intensification in the Central City, Business Zones, High Density Zone and Medium Density Zone is to provide for additional housing choice within areas that are in proximity to the Central City and key commercial nodes.</p> <p>Development in proximity to a range of services, open space and employment provides greater choice for active and public transport modes. PC12 also proposes a package of transport policy changes. In time, these will assist in reducing greenhouse gas emissions and contribute to greater resilience.</p>
<p>Policy 7:</p> <p>Tier 1 and 2 local authorities set housing bottom lines for the short-medium term and the long term in their regional policy statements and district plans.</p>	<p>Objective 2.2.6 was introduced to the ODP in response to the NPS-UDC 2016 and subsequently amended in January 2022 (non-schedule 1) to meet the NPS-UD 2020 requirements of this policy.</p>
<p>Policy 8:</p> <p>Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:</p> <ul style="list-style-type: none"> Unanticipated by RMA planning documents; or Out-of-sequence with planned land release. 	<p>The intensification of brownfield sites proposed as part of this Plan Change will reduce the need for out-of-sequence land release. The changes are anticipated by RMA planning documents.</p> <p>Local authority decisions through future LTP planning will need to be responsive to the changes in this Plan Change.</p> <p>Future updates to the Future Proof Strategy will also include assessment criteria and greater flexibility to consider out of sequence growth cells if needed.</p>

NPS Provisions	Plan Change 12 response
<p>Policy 9:</p> <p>Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must:</p> <ul style="list-style-type: none"> a) Involve hapū and iwi in the preparation of RMA planning documents and any FDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and b) When preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development; and c) Provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and d) Operate in a way that is consistent with iwi participation legislation. 	<p>Engagement for PC12 has been consistent with iwi participation legislation. Current Engagement with Iwi is included in Section 3 of this report. Engagement is ongoing.</p>
<p>Policy 10:</p> <p>Tier 1, 2, and 3 local authorities:</p> <p>That share jurisdiction over urban environments work together when implementing this National Policy Statement;</p>	<p>There is ongoing engagement with adjacent local authorities through the Future Proof Partnership.</p> <p>To achieve integrated land use and infrastructure planning, the proposed assessment process for medium and higher density developments within the Three Waters</p>

NPS Provisions	Plan Change 12 response
<p>and</p> <p>Engage with providers of development infrastructure and additional infrastructure to achieve integrated land use and infrastructure planning;</p> <p>and</p> <p>Engage with the development sector to identify significant opportunities for urban development</p>	<p>Infrastructure Capacity Overlay requires details to be provided of available infrastructure capacity, programmed council upgrade works, and consultation between the developer and Council to determine what required infrastructure upgrades can be privately provided.</p> <p>Consultation will occur as required under Clause 3 of the RMA. Given the short time frame to notify this Plan Change this engagement with the development sector has been limited.</p>
<p>Policy 11:</p> <p>In relation to car parking:</p> <p>a) The district plans of tier 1, 2, and 3 territorial authorities do not set minimum car parking rate requirements, other than for accessible car parks; and</p> <p>b) Tier 1, 2, and 3 local authorities are strongly encouraged to manage effects associated with the supply and demand of car parking through comprehensive parking management plans.</p>	<p>Minimum car parking standards were removed from the ODP on 18 February 2022 via a non-schedule 1 process.</p> <p>Some elements of PC12 have been influenced by the removal of parking minimums, but also respond to Policy 1 seeking a well-functioning urban environment and Policy 3 on development density.</p> <p>Examples of PC12 responding to the removal of parking minimums include:</p> <ul style="list-style-type: none"> • Standards have been introduced for pedestrian access where there is no vehicle access. • More detailed requirement for end-of-journey facilities to support active modes of travel to compensate for reduced parking

Conclusion

The changes proposed as part of PC12 collectively seek to ensure that Hamilton City is able to provide for a well-functioning urban environment. The provisions balance the need to provide for housing choice and affordability with ensuring that the cultural, social and environmental needs of the population are met. Overall, it is considered that PC12 gives effect to the NPS-UD.

4. Te Ture Whaimana – The Vision and Strategy for the Waikato River

The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (Settlement Act) has the overarching purpose of restoring and protecting the health and wellbeing of the Waikato River for future generations. The Settlement Act recognises the significance of the Waikato River and sets a vision and strategy for the Waikato River – Te Ture Whaimana o Te Awa o Waikato that applies to the Waikato River and activities within its catchment affecting the Awa.

The Settlement Act sets out the following vision (Vision):

Our vision is for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come.

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.

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.

In the [Board of Inquiry decision](#)¹ on the Watercare Services Limited application to take water from the Waikato River (January 2022), the Board described Te Ture Whaimana as the primary direction-setting document for the Waikato River and activities which affect it, ahead of any other subordinate legislation or planning document under the RMA.

The Board also recognised the health and wellbeing of the awa, including its mana and mauri, as the paramount concern, and noted that this comes through in the objective to “restore and protect”, a higher obligation than to ‘avoid’ certain effects. The Board considered that the requirements to restore and protect involve an element of betterment, which must embrace both biophysical and metaphysical elements.

Further emphasising its statutory significance, under the Settlement Act:

- Te Ture Whaimana is deemed to be part of the Waikato Regional Policy Statement (RPS);

¹ [Report and decision of the Board of Inquiry into Watercare Waikato River water take proposal - updated 17 June 2022 - Retrieved from \[epa.govt.nz\]\(http://epa.govt.nz\)](#)

- Te Ture Whaimana prevails over any inconsistent provision in a national policy statement or national planning standard;
- Persons carrying out functions or exercising powers under the RMA which relate to the Awa or activities in its catchment, must have particular regard to Te Ture Whaimana.

Relevantly, the Settlement Act requires territorial authorities to give effect to Te Ture Whaimana through their district plans. HCC is bound by this statutory requirement.

The HSAA recognises the importance and prominence of Te Ture Whaimana by identifying it in the list of qualifying matters. Specifically, it is listed as “a matter required to give effect to Te Ture Whaimana”. 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. If this balance cannot be achieved through the implementation of the MDRS, consideration needs to be given to how provisions can be modified to ensure that HCC gives effect to Te Ture Whaimana.

Part 1 – Overview Report sets out the implications of needing to balance growth and infrastructure to give effect to Te Ture Whaimana. In addition, **Appendix 2.5 Infrastructure capacity provisions contributing report** specifically assesses Te Ture Whaimana as a qualifying matter. In summary, **Appendix 2.5** finds that the current ODP provisions are insufficient to manage the effects of increased levels of development on the health and wellbeing of the river. It also considers that it is necessary to modify the provisions of the HSAA and NPS-UD to give effect to Te Ture Whaimana.

The full suite of changes proposed to the ODP as part of PC12 to give effect to Te Ture Whaimana include, without limitation:

- Amendments to the Objectives and Policies of the Strategic Framework to better address Te Ture Whaimana and the health and wellbeing of the Waikato River,
- Amendments to Chapter 4 to strengthen objectives and policies in relation to infrastructure, and introduce permeable surface requirements to manage stormwater,
- Additions and amendments to the Three Waters chapter to introduce the Infrastructure Capacity Overlay and on-site stormwater management and water efficiency measures,
- The proposed amendments in Chapter 24 Financial Contributions include a new purpose and objective to require financial contributions in order to give effect to Te Ture Whaimana.

Without modification of provisions, the likely outcome to enabling widespread intensification as required by the HSAA and NPS-UD is that HCC 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. Consequently, with the proposed modifications to standards in place, HCC is of the view that PC12 gives effect to Te Ture Whaimana.

5. National Policy Statement on Freshwater Management

The National Policy Statement for Freshwater Management (NPS-FW) came into effect on 3 September 2020; replacing the previous NPS – Freshwater Management 2014 (amended 2017), providing additional guidance for urban development within NZ in relation to ensuring sufficient residential and commercial development capacity to meet expected demand.

The fundamental concept of the NPS-FM is Te Mana o te Wai, which refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.

Te Mana o te Wai encompasses six principles relating to the roles of tangata whenua and other New Zealanders in the management of freshwater, and these principles inform this National Policy Statement and its implementation. The principles are:

Mana whakahaere: the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater.

Kaitiakitanga: the obligation of tangata whenua to preserve, restore, enhance, and sustainably use fresh water for the benefit of present and future generations.

Manaakitanga: the process by which tangata whenua show respect, generosity, and care for freshwater and for others.

Governance: the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future.

Stewardship: the obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations.

Care and respect: the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation.

The NPS-FM largely provides direction to Regional Authorities to manage water. Clause 3.5(4) however, directs:

Every territorial authority must include objectives, policies, and methods in its district

plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, and freshwater ecosystems, and receiving environments.

As demonstrated throughout this report (and discussed specifically in **Appendix 2.5 - Infrastructure capacity provisions report, Appendix 2.6 - On-site stormwater management report, and Appendix 3.5 Three Waters Performance Assessment Report**) the objectives of Te Ture Whaimana are situated at the centre of the three waters approach. This approach is embedded throughout the ODP including through the introduction of the Infrastructure Capacity Overlay, water conservation measures and on-site stormwater management.

As such, it is considered that the approach taken in PC12 for three waters management is directly aligned with the intent of the NPS-FM with respect to the management of urban development on the wellbeing of waterbodies. PC12 gives effect to the NPS-FM insofar as it is relevant to urban development.

6. National Planning Standards

The National Planning Standard 2019 requires district plans to comply with the National Planning Standards by November 2024, either by amendment to the district plan or notification of a proposed district plan. These standards set out the structure and definitions to be used within the Plan.

The Planning Standards have not been used for this Plan Change for the following reasons:

Only partially changing the ODP to comply with the National Planning Standards structure and definitions would make the Plan inconsistent and difficult to use.

Amending the entire plan to comply with National Planning Standards, particularly in relation to definitions, would result in an increased scope of PC12. This is not a full Plan review.

There are large time constraints associated with notifying PC12 by August 2022 without also amending the Plan to comply with the National Planning Standards.

The RMA reforms which will result in a new Natural and Built Environment Act; and Strategic Planning Act will be formally introduced in 2022. This is likely to require large scale changes to the ODP prior to the requirement to incorporate the National Planning Standards.

7. Regional Planning Context

7.1 Waikato Regional Policy Statement

The RPS provides an overview of resource management issues in the Waikato Region, and the ways in which integrated management of the region's natural and physical resources

will be achieved. These issues include, among others, the health and wellbeing of the Waikato river, climate change, natural hazards and the built environment.

Together the objectives in the RPS inform a policy framework that seeks to manage development and its associated effects in the Waikato Region; providing detail and direction on how the objectives are to be achieved. The following section assesses the relevant sections of the RPS against PC12.

Section 3 – Objectives

The RPS also sets out housing bottom lines for the region. Objective 3.27 states that feasible, reasonably expected to be realised development capacity for housing in the Hamilton urban area (in accordance with the requirements of the NPS-UD) must be:

Short term – 14,300 dwellings

Medium term – 28,800 dwellings

Long Term – 43,100 dwellings.

It is anticipated that the planning approach being taken will enable these bottom lines to be met, in the short to medium term (refer to **Appendix 3.4 Capacity modelling**). While an Infrastructure Capacity Overlay is proposed substantial capacity lies outside the overlay, including greenfield areas as well as the Central City, its walkable catchment and land to the north of the central city. Within the overlay, lower scale development is still possible (e.g. 3 units provided net density does not exceed 1 unit per 200m² of site area).

In the longer term, the constraint imposed by the Infrastructure Capacity Overlay will reduce in extent as Council undertakes works to upgrade and replace aging infrastructure and removes the overlay once satisfied that Te Ture Whaimana requirements are achievable. Housing capacity will increase as a result. Housing capacity will be regularly monitored by the Council.

Section 4 – Integrated Management

In respect of residential development, the changes take a long-term strategic approach which recognises the changing environment and changing resource use pressures and trends (Policy 4.1), particularly in relation to climate change and housing affordability. The provisions in PC12 are intended to set a clear planning framework which identifies the purpose of the Zones and the outcomes sought.

Section 6 – Built Environment

Section 6a Assessment

Policy 6.1.1 requires that local authorities have regard to the principles in section 6A when preparing a plan change. In respect of residential development, the PC12 takes a long-term strategic approach which recognises the changing environment and changing resource use pressures and trends (principle c); particularly in relation to climate change and housing affordability. The provisions seek to encourage brownfield (existing parts of the City) development and provide opportunities for urban intensification within existing urban areas

by increasing heights and densities (principle e). By providing for high density development, the provisions encourage the establishment of a compact urban form. The removal of height controls in the Central City, the introduction of a High Density Residential Zone in proximity to the Central City and the amendment to the Medium Density Zone associated with key commercial nodes is also expected to promote development that has easy access to services, employment and recreational opportunities by way of public or active transport. This is intended to reduce the reliance on private vehicles over time (principle i). It is also expected that a compact urban form will contribute to the City's response to climate change through the reduction of greenhouse gases (principle p).

Principle m) is that new development should avoid, as far as practicable, adverse effects on natural hydrological characteristics and processes. Further, principle r) requires new development to support Te Ture Whaimana in the river catchment. As demonstrated throughout this s32 assessment and in **Appendix 2.5 - Infrastructure capacity provisions report**, Council has taken a planning approach which balances the need for additional housing and urban development with the need to protect the Waikato River from further degradation from urban development. The Infrastructure Capacity Overlay will serve as a mechanism to signal that further assessment around infrastructure is needed.

Consideration has been given to the exclusion of a specific brownfield area from the Infrastructure Capacity Overlay where there are significant co-benefits from enabling development, i.e. where development would achieve the majority of principles under section 6A. This area is located to the north of the Central City. The extent of this area is shown in **Appendix 2.5 - Infrastructure capacity provisions report**. Proposed developments in other areas would be assessed on a case-by-case basis.

Lastly, on-site stormwater provisions proposed through PC12 are considered to be consistent with principles n), and t) which refer to using sustainable design technologies and maintaining ecosystem services.

Overall, it is considered that the planning approach taken through PC12 is consistent with the development principles in section 6a as it seeks to take a balanced approach in respect of urban development.

Policy 6.3 Coordinating growth and infrastructure

The RPS identifies the need to coordinate development and growth, and the infrastructure to support it. The proposed three waters Infrastructure Capacity Overlay strongly accords with Policy 6.3, including the requirement to optimise the efficient and affordable provision of both development and infrastructure, and ensure new development does not occur until provision for necessary infrastructure is in place.

PC12 is consistent with Policy 6.3 as it includes new and amended policies and rules coordinating growth through the integration of land use and transport. Policies focus on growth around the Central City and centres. Specific commentary on the relevant implementation methods is provided in **Table 5**.

Table 4 Assessment of PC12 against Policy 6.3

Implementation Methods 6.3.1	Comments
<p>Roading patterns and design support the use of public transport;</p>	<ul style="list-style-type: none"> • Transport corridor criteria have been revised to provide additional clarity on design for public transport • New policy included directing the provision of public transport infrastructure
<p>Walking and cycling facilities are integrated with developments;</p>	<ul style="list-style-type: none"> • Transport mode hierarchy introduced to prioritise less mobile and vulnerable road users. • Transport corridor criteria have been revised to require wider footpaths and separation of cyclists from vehicles on collector and arterial transport corridors • Subdivision standards amended to include maximum perimeter and block lengths to minimise travel distance for active modes
<p>The different transport modes are well connected;</p>	<ul style="list-style-type: none"> • New urban design policies require multi-modal connections and place emphasis on the movement and place functions of transport corridors
<p>Industry is located where there is good access to strategic transport networks and road, rail or freight hubs;</p>	<ul style="list-style-type: none"> • No changes to existing plan provisions proposed as part of PC12
<p>Development maintains and enhances the safe, efficient and effective use of existing infrastructure and can be integrated with future infrastructure needs where these can be determined;</p>	<ul style="list-style-type: none"> • Policy 25.14.2.1d modified to recognise movement and place function • Additional standards introduced to improve safety for active modes, e.g. limiting vehicle access on certain corridors, avoiding reversing crossing footpaths and cycle facilities.

<p>Development does not add to existing road safety risks and where possible should reduce such risks;</p>	<ul style="list-style-type: none"> • Objectives and policies are intended to eliminate traffic fatalities and severe injuries. • Transport mode hierarchy introduced to prioritise safety for less mobile and vulnerable road users. • Additional rules and standards introduced to improve safety for active modes.
<p>Development does not unnecessarily prevent likely future network infrastructure improvements and upgrades;</p>	<ul style="list-style-type: none"> • No changes to existing plan provisions proposed as part of PC12
<p>Development patterns support the use of rail or sea for freight movement;</p>	<ul style="list-style-type: none"> • No changes to existing plan provisions proposed as part of PC12
<p>Provisions support travel demand management components of the Regional Land Transport Plan</p>	<ul style="list-style-type: none"> • Policy introduced requiring travel plans for some developments. • Requirements for end-of-journey facilities have been expanded to better support walking, cycling, micro-mobility and public transport.
<p>Development recognises the transport hierarchy and manages effects on the function of transport infrastructure.</p>	<ul style="list-style-type: none"> • Existing Policy 25.14.4.2.1e has been amended to better recognise hierarchy • Transport mode hierarchy introduced to prioritise less mobile and vulnerable road users.

Policy 6.6 Significant infrastructure and energy resources

This policy seeks to protect Regionally Significant Infrastructure. A new policy in PC12 supports this by prioritising freight movement and high frequency public transport over the private vehicle on the strategic transport network within Hamilton. Other policies prioritise walking, cycling micro-mobility and public transport over private vehicles across the Hamilton transport system to promote mode shift which will have benefits for Regionally Significant Infrastructure within Hamilton.

Policy 6.14 Adopting Future Proof land use pattern

The RPS aims to achieve planned and coordinated subdivision land use and development and, in particular, adopts the Future Proof land use pattern in the original Strategy. The Future Proof has since been updated and was adopted in June 2022. The updated strategy retains the core elements of a planned and co-ordinated subdivision, land use and development. The RPS has not yet been updated to reflect the land use pattern in the updated Future Proof strategy. It is considered that the updated land use pattern is most relevant to PC12.

Policy 6.15 Density Targets for the Future Proof Area

To achieve a compact urban form, Future Proof identifies an “average gross density target” for growth that is to be sought to be achieved over time.

Future Proof and the WPRS were drafted prior to the NPS-UD which seeks to increase density within Tier 1 Territorial Authorities, particularly around identified public transport stops and commercial centres. The RPS has not been updated to reflect the direction of the NPS-UD and therefore it is considered that the densities directed in the RPS are no longer the most appropriate to give effect to. The anticipated density has been informed by the recently released NPS-UD which is a higher order policy document than the RPS which seeks to enable development in areas commensurate with demand, with higher densities located around centres and public transport routes.

Considering the overall gross density, and the constraints on land development, it is considered that the approach to density is consistent with the direction of the RPS to achieve a compact urban form, however, it will deliver areas of density higher in line with the direction of the NPS-UD, than those anticipated in the Future Proof document.

Policy 6.16 Commercial Development in the Future Proof area

The RPS establishes a hierarchy of commercial development that seeks to support and sustain the vitality and viability of the existing commercial centres identified in Table 6-4 of the RPS. This aims to maintain and enhance the Hamilton Central Business District (CBD) as the primary commercial, civic and social centre of the Future Proof area.

Section 8 – Freshwater bodies

Section 8 of the RPS contains Policy 8.3 which is to manage the effects of activities and to maintain or enhance the identified values of freshwater bodies, including by reducing sediment that is derived from human based activities and other identified contaminants. Implementation Method 8.3.10 specifically states that territorial authorities have statutory responsibilities to consider water when managing the effects of subdivision, use and development through district plans; including water conservation, minimising potential contaminants, managing flows and contaminant loadings into stormwater networks, adopting low impact design, and promoting best practice stormwater management for urban areas. Policy 8.5 and implementation method 8.5.1 also state that district plans shall recognise the Vision and Strategy, and ensure activities within the Waikato River catchment

are controlled with respect to the discharge of contaminants to water bodies and destabilisation of beds and banks of water bodies.

The proposed on-site stormwater management provisions in PC12 give effect to the RPS through implementing best practice stormwater management across the City, including low impact design, enhanced quality management, management of peak flows and volumes and promotion of achieving betterment.

Section 10 – Heritage

This section of the RPS requires that regional and district plans give regard to cultural heritage, such as by maintaining or enhancing tāngata whenua relationships with their rohe and protecting areas and aspects of cultural heritage from inappropriate subdivision, use and development. The relevant policies for PC12 are considered to be Policy 10.1, 10.2 and 10.3.

PC12 gives effect to Section 10 of the RPS by identifying and recognising sites and areas, subject to scheduled historic heritage, as one or more of the Qualifying Matters. This is done through adopting a policy framework and planning provisions in relation to built heritage, historic heritage areas and archaeological sites under Chapter 19. These are inputs taken from Plan Change 9 (notified version). The modification of MDRS and NPS-UD requirements intends to preserve historic heritage matters from inappropriate subdivision, use and development.

Section 11 – Indigenous Biodiversity

The RPS seeks to promote positive indigenous biodiversity outcomes to maintain the full range of ecosystem types and maintain or enhance their spatial extent to achieve healthy ecological functioning of ecosystems. The relevant policies for PC12 are considered to be Policy 11.1 and 11.2.

PC12 would give effect to Section 11 of the RPS by identifying and recognizing sites and areas subject to scheduled Significant Natural Areas as one or more of the Qualifying Matters through the adoption of the policy framework and planning provisions in relation to significant natural areas under Chapter 20 as part of Plan Change 9 (notified version).

Section 13 – Natural Hazards

The RPS directs hazards to be managed using an integrated and holistic approach that manages risk, protects health and safety, enhances community resilience and takes a whole of system approach. The district plan manages risk via natural hazards by identifying modelled flood hazards across the City and the Waikato River and Gully Hazards, which are considered to be more susceptible to land instability. The relevant policies for PC12 are considered to be Policy 13.1, 13.2 and 13.3.

The ODP emphasised that the management of natural hazards is to avoid situations where people put themselves, their properties and the environment at an unacceptable level of risk from natural hazards. Hazard risk is the likelihood or probability of a natural hazard event occurring combined with its impact and based on the information and modelling available at that time to Council, the ODP sets a policy direction based on the types and

scales of hazards and the susceptibility of potential land use. Chapter 22 of the ODP identifies flooding hazards (in five types of flooding categories) and Waikato River and Gullies hazards as two types of hazards that are relevant to Hamilton.

PC12 would give effects to Section 13 of the RPS by identifying and recognizing sites and areas subject to one or more of these hazards, as one or more of the Qualifying Matters through the adoption of the existing policy framework and planning provisions in relation to natural hazards under Chapter 22. The modification of MDRS and NPS-UD requirements would accommodate areas subject to these hazard matters from inappropriate subdivision, use and development.

Conclusion

Overall, PC12 gives effect to the Regional Policy Statement.

7.2 Waikato Regional Plan

The Waikato Regional Plan implements the Regional Policy Statement. The plan contains policies and methods to manage the natural and physical resources of the Waikato Region.

The Plan Change is consistent with the Regional Policy and development will be required to address any consenting matters under the Waikato Regional Plan.

7.3 The Future Proof Strategy

7.3.1 Introduction

The Future Proof Strategy is a 30-year growth management and implementation plan specific to the Hamilton, Waipā and Waikato sub-region within the context of the broader Hamilton-Auckland Corridor and Hamilton-Waikato Metropolitan areas, which include important adjacent areas such as Pukekohe, Drury and Morrinsville. The Strategy is produced by the Future Proof partners which includes taangata whenua, Waikato Regional Council, Hamilton City Council, Waipā District Council, Waikato District Council, Waka Kotahi and Waikato DHB.

The original Strategy was adopted in 2009 and incorporated into the RPS. This included a settlement pattern which provided a blueprint for growth to achieve a compact and concentrated urban form over time. The Strategy was updated in 2017 to reflect new government direction. In 2021, a further update to the Strategy commenced. The purpose of this update was primarily about translating the Hamilton to Auckland Corridor Plan and the Hamilton-Waikato Metropolitan Spatial Plan (MSP) into the wider Future Proof Strategy, along with incorporating NPS-UD requirements. The Strategy was adopted in June 2022. It is expected that the Strategy will be incorporated into the RPS in late 2022.

The purpose of the Strategy is to manage growth in a staged and coordinated manner and to address complex planning issues, especially cross-boundary matters. It sets out a vision for the subregion as follows:

- Has a diverse and vibrant metropolitan city centre strongly tied and connected to distinctive, thriving towns and rural communities.
- Is part of the prosperous, dynamic and nationally significant corridor between Hamilton, Auckland and Tauranga that accommodates growth while protecting what is most important.
- Is the place of choice for those looking for opportunities to live, work, play, invest and visit.
- Provides a variety of housing options that are affordable and accessible.
- Is the place where natural environments, landscapes and heritage are protected, and a healthy Waikato River is at the heart of the region's identity.
- Has productive partnerships with the community.
- Has affordable, integrated and sustainable infrastructure, including social and community infrastructure, with a strong focus on a rapid and frequent multi-modal transport network, and enabling three waters services and community facilities.
- Has sustainable resource use.
- Responds to climate change with urgency, building resilience and supporting the transition to a lower carbon economy including through achieving a more compact urban form and a shift to active modes and public transport.

The strategy then goes on to set out the factors that make up its overarching growth management approach and identifies a set of guiding principles that underpin the strategy and its implementation.

7.3.2 Future Proof Growth Management Approach

The growth management approach outlined in the Strategy seeks to balance a range of drivers, trends and issues within the sub-region. The Strategy identifies climate change resilience (Section 4) and the protection of waahi toituu and waahi toiora² as significant issues for the subregion (Section 3). It further situates the Waikato and Waipā rivers at the heart of the sub-region as part of an expansive blue-green network. In particular, it acknowledges the importance of Te Ture Whaimana as the primary direction-setting document for restoring and protecting the health and wellbeing of the Waikato River for

² Waahi toituu Includes high risk flood zones, instability risk, significant natural areas, wetlands, heritage sites, reserves, DOC land, QEII trust covenants, infrastructure corridors, outstanding natural features, steep slopes (25 degrees or greater), elite soils (LUC1), peat soil (depth greater than 3 metres), peat lakes (outside Rotokauri). Waahi toiora includes

future generations (Section 5). The Strategy specifically seeks that Te Ture Whaimana is given effect to in all aspects of planning,

The Strategy also recognises the other factors influencing urban planning, including the transformation shift required in the transportation space, as well as the pressures facing three-waters infrastructure. With respect to transportation, it seeks to realise the long-term vision of rapid and frequent transport networks and a rapid transit spine linking major employment and residential hubs in the subregion. It also supports the provision of safe and efficient pedestrian linkages in the central Hamilton city area (Section 6).

The management approach with regards to three-waters is set out in Section 11. The directive in this section seeks collaboration between partners to give effect to Te Ture Whaimana and that solutions provide positive environmental outcomes in the catchment. It also recognises the importance of integrated planning of land use and infrastructure.

Comments

PC12 will result in a net increase in the capacity for housing within Hamilton beyond that which is currently enabled by the ODP and reported in the Strategy. PC12 takes a holistic approach to urban planning that balances a range of factors, including the need to provide for well-functioning urban environments as well as the requirement to give effect to Te Ture Whaimana. The changes proposed to Chapter 2 Strategic Framework sets out how Council intends to manage the multiple competing factors within the Hamilton urban environment.

In summary, Council has taken a planning approach which balances the need for additional housing and urban development with the need to protect the Waikato River from further degradation from urban development. The provisions enable the provision of additional housing, particularly in areas that are within the city centre, within the walkable catchment of the city centre, and close to other commercial hubs. The approach to protect and restore the Waikato River is further explained in **Appendix 2-5 - Infrastructure capacity provisions report**. The Infrastructure Capacity Overlay will provide the mechanism for managing infrastructure demand and provision to ensure that Council is able to manage the effects on the awa.

It is recognised that Future Proof seeks to realise a vision for transportation that includes significant mode shift and the establishment of a rapid and frequent transport network. Consideration has been given to the exclusion of a specific brownfield area from the Infrastructure Capacity Overlay where evidence and research to date suggests there may be significant co-benefits to be achieved, as the area would support the future provision of rapid and frequent public transport. This area is located to the north of the Central City. The extent of this area is shown in **Appendix 2.5 - Infrastructure capacity provisions report**.

In addition, PC12 proposes a range of provisions in Chapter 25 Transportation that are intended to support the provision of walking and cycling facilities and infrastructure, and promote mode-shift over time. These provisions align with the outcomes sought in Section 6 of the Strategy. In the long term, it is considered that this approach will contribute to climate change resilience in the city.

7.3.3 Assessment of PC12 against the Guiding Principles

Table 5 Assessment against Guiding Principles

Guiding Principle	Summary of Guiding Principle	Assessment of PC12
Effective partnership, leadership and implementation	<ul style="list-style-type: none"> • Partnerships and collaboration for effective implementation • Integration into other plans • Monitoring and review of Strategy 	<p>Council is a Future Proof partner that is actively involved in the implementation of the Strategy. The importance of the Future Proof partnership is recognised in the ODP in Chapter 2 – Strategic Framework. As demonstrated below, PC12 is deemed to be consistent with the guiding principles of the strategy.</p>
Vibrant city centre connected to thriving towns, villages and rural communities	<ul style="list-style-type: none"> • Promote Auckland Hamilton corridor • Maintain linkages between sub-region and wider NZ • Hamilton as the primacy commercial, civic and social centre • Distinct identities for towns • More intensive redevelopment of existing urban areas • Guide development to existing nodes • Locate industry and commerce in key nodes • Improve housing affordability 	<p>PC12 introduces a range of provisions and supporting zoning that focuses on residential development and high densities within the central city and within a walkable catchment. This will enable more housing choice and ensures that more residents are able to access housing, jobs, community services and natural and open spaces by way of public or active transport.</p> <p>PC12 promotes the vitality of the city centre. Commercial activity within the High Density Residential Zone is not provided for (aside from Visitor Accommodation in the Visitor Accommodation Precinct), and as such, this Zone will continue the approach of concentrating commercial and retail activity in the City Centre.</p> <p>Finally, directing high density growth into specific areas will also assist Council in prioritising</p>

	<ul style="list-style-type: none"> • Improve access to housing and services • Urban environment to support transit-oriented development • Responsive investments 	investment in transportation and three waters.
Protection of the natural environment	<ul style="list-style-type: none"> • Protect waahi toituu • Restore, enhance and create blue-green networks • Give effect to Te Ture Whaimana 	Giving effect to Te Ture Whaimana as a qualifying matter and protecting and enhancing the Waikato River is a key aspect of PC12, as demonstrated throughout this s32 assessment. This approach strongly aligns with the Strategy which situates the awa at the heart of the sub-region. Green policies in PC12 such as protection of permeable surfaces and requiring on-site stormwater management will perform a supporting function in protecting the River while also contributing to a sustainable urban form.
Affordable and sustainable resource use	<ul style="list-style-type: none"> • Align settlement pattern with investment in infrastructure • Encourage efficient infrastructure use • Protect significant infrastructure corridors • Integrate planning and infrastructure decisions and investment 	The challenges facing Hamilton City in respect of infrastructure affordability and planning are documented in Part 1 – Plan Change Overview Report . This report considers that infrastructure affordability and the ability to give effect to Te Ture Whaimana are closely linked. The proposed Infrastructure Capacity Overlay is intended to be the mechanism that ensures that infrastructure is able to cater for additional growth, thereby ensuring that the outcomes of Te Ture Whaimana can be met.
Productive partnership with taangata whenua	<ul style="list-style-type: none"> • Ensure values and aspirations of taangata 	HCC has engaged and will continue to engage with mana whenua in respect of PC12. Engagement to

	<p>whenua are reflected in the implementation</p> <ul style="list-style-type: none"> • Recognise the relationship of taangata whenua with the natural environment • Recognise mana whakahaere as the basis for engagement • Ensure that development does not adversely affect a rohe • Provide for iwi economic aspirations 	<p>date is set out in Section 3 of this report.</p>
<p>Sustainable resource use and climate resilience.</p>	<ul style="list-style-type: none"> • Protect highly productive land • Ensure water planning improves water quality and efficient use • Reduce emissions and build climate resilience • Apply holistic approach to water use • Grow water-wise communities who put the health of the Waikato River first 	<p>The use of the Infrastructure Capacity Overlay in ensuring sustainable resource use is discussed throughout this report. In addition, PC12 introduces green policies that are intended to promote a more holistic approach to water.</p> <p>In time, the PC12 approach of directing growth to areas that have access to public and active transport will result in less travel by private vehicle which will, in turn, contribute to a reduction in greenhouse gas emissions.</p>

7.3.4 Conclusion

PC12 is consistent with the Future Proof Strategy.

7.4 Hamilton-Waikato Metro Spatial Plan

Introduction

The Hamilton Waikato Metropolitan Spatial Plan (MSP) is a vision and framework for how Hamilton City and the neighbouring communities within the Waipa and Waikato districts will grow and develop over the next 100 plus years, creating one of the most liveable places in New Zealand. The MSP sets out how and where the City and the neighbouring communities should grow, develop and move around long-term to provide social, economic and environmental prosperity.

The MSP contains six transformational moves for change:

Waikato River – celebrating the Waikato River as the defining ecological feature, connecting the metro area to the heart of a blue-green network, supporting environmental and recreational use and creating a sense of place.

A radical transport shift – a multi-modal transport network, connecting to the metro area and facilitating a radical shift to using public transport through the establishment of a rapid and frequent public transport network shaped around where and how communities will grow

A vibrant metro core and lively metropolitan centre – growing Hamilton Central City as our civic, administrative, cultural and commercial metro core, alongside lively metropolitan centres, well connected by public transport and safe walking and cycling networks, where people can afford to live, work and play.

A strong and productive economic corridor – establishing an economic corridor that links the highly productive employment areas between Ruakura, Hamilton Central City and north to Horotiu and Ngāruawāhia.

Iwi aspirations – enhancing the environmental health and wellbeing of the Waikato River in accordance with Te Ture Whaimana, while supporting iwi in embracing social and economic opportunities within the metro area with a specific emphasis on Hōpūhōpū and Ruakura.

Thriving communities and neighbourhoods – enabling quality density housing options that allow our natural and built environments to coexist in harmony, increasing housing affordability and housing choice to meet the needs of growing and changing communities.

In terms of Hamilton City, the MSP sets the following target densities:

- Te Rapa- 20-65 residential dwellings per hectare
- Chartwell and Fairfield- 30-50 residential dwellings per hectare
- Frankton – 50-70 residential dwellings per hectare
- Hamilton Central City Area- 50-200 residential dwellings per hectare
- Hospital- 40-65 residential dwellings per hectare

Assessment of PC12 against the transformational moves

PC12 is assessed against the abovementioned transformational moves in Table 7.

Table 6 Assessment against Transformational Moves

Transformational Move	Comment
Waikato River	<p>A key focus of PC12 is ensuring that the Waikato River is protected from further degradation from urban development in line with the vision and objectives of Te Ture Whaimana. A range of measures are proposed to contribute to this focus:</p> <ul style="list-style-type: none"> • Introduction of an Infrastructure Capacity Overlay and associated densities to accommodate the qualifying matter • Enhanced water conservation measures for new developments, including water efficient fixtures • On-site stormwater controls are introduced to manage the quantity and quality of stormwater run-off to better protect the health and wellbeing of the River. • A specific Objective in the transportation chapter that requires that the transport network gives effect to Te Ture Whaimana • Policy which seeks continuous street tree canopy along transport corridors to assist with climate change and heat island effects.
A radical transport shift	<p>A range of related/consequential changes are proposed through PC12 to support mode shift and ensure that the transportation network contributes to a well-functioning urban environment as the City intensifies. This includes:</p> <ul style="list-style-type: none"> • A transport mode hierarchy that prioritises active modes with less mobile or more vulnerable users at the top. This ensures that transport infrastructure is designed to be accessible and attractive for all users • Introduction of a new framework requiring travel plans for some activities to influence mode shift and travel demand

	<ul style="list-style-type: none"> • Reallocation of road space, such as requiring separated cycle facilities on some roads • Introduction of more detailed requirements for end-of-journey facilities to support walking, cycling, micro-mobility and public transport • The concentration of high density residential development within a walkable catchment of City Centre and suburban centres, which promotes the use of alternative transport modes such as walking, cycling and public transport.
<p>A vibrant metro core and lively metropolitan centres</p>	<p>This outcome is supported by PC12 through:</p> <ul style="list-style-type: none"> • The concentration of high density residential development within a walkable catchment of the City Centre, which promotes the use of alternative transport modes such as walking, cycling and public transport. • Introduction of a new policy to support growth in public transport patronage through infrastructure development.
<p>A strong and productive economic corridor</p>	<p>It is expected that there will be economic benefits associated with:</p> <ul style="list-style-type: none"> • Mode shift provisions reducing the need to travel or reducing the distance travelled. This will reduce network congestion over time. • Policy direction prioritising freight and high frequency public transport over private vehicles on the strategic transport network within Hamilton. • Zoning that enables the concentration of population in a walkable catchment from the Central City, thereby supporting the economic function of the Central City.
<p>Iwi aspirations</p>	<p>Iwi aspirations are central to PC12. The Infrastructure Capacity Overlay, on-site stormwater management provisions and water conservation provisions are important in managing potential adverse effects on the health and wellbeing of the River from urban growth, meeting Iwi concerns over the restoration of the River.</p>

<p>Thriving communities and neighbourhoods</p>	<p>PC12 has a strong focus on creating a well-functioning urban environment that will support thriving communities and neighbourhoods. This includes:</p> <ul style="list-style-type: none"> • Integration of land use and transport around the Central City and identified centres has transport and amenity benefits, and will contribute to community identity and creating thriving neighbourhoods • Assessment criteria addressing urban design requirements for 4+ units will assist in creating a positive streetscape and pleasant neighbourhoods • Walkability will be improved through requirements for wider footpaths, and maximum block length and perimeter lengths.
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7.5 Waikato Regional Land Transport Plan 2021-2051

The Waikato Regional Land Transport Plan 2021-2051 (WRLTP) outlines the strategic direction for land transport in the Waikato Region. It describes what the region is aiming to achieve for the land transport system in the context of a growing Hamilton-Waikato metro-spatial area.

The relevant objectives are as follows:

- An efficient and resilient land transport system that advances regional economic wellbeing and facilitates the movement of people and freight on strategic corridors in the upper North Island.
- A planned transport response that supports liveable urban areas and future growth areas.
- A safe, accessible transport system in the Waikato region, where no one is killed or seriously injured.
- A transport system that provides an inclusive range of integrated, safe, accessible, quality travel choices for people to meet their social, economic and cultural needs.
- An environmentally sustainable, energy efficient and low-carbon transport system that delivers emissions reductions and enhances communities' long-term resilience to the effects of climate change.
- Collaboration around spatial and place-based planning results in a safe and efficient transport system that supports thriving and healthy urban and rural communities and economic wellbeing.

Key policies relevant to PC12 include:

- Develop multi-modal transport solutions that support agreed national, regional and spatial planning outcomes for housing and growth.
- Support key urban development projects that support Hamilton-Waikato metro spatial outcomes.
- Provide an inclusive transport system, including:
 - Public transport in and between centres.
 - Rapid and high frequency public transport on core corridors in greater Hamilton.
 - Passenger rail between Hamilton and Auckland.
 - Alternative delivery modes to improve rural access.
 - Safe and accessible walking and cycling networks.
- Promote initiatives that support travel behaviour change, mode shift and compact urban form.
- Look for funding opportunities to advance access and mobility outcomes.
- Uptake new technology to enhance transport outcomes.
- Encourage urban form that supports low carbon and low emission transport options.

The objectives of the WRLTP and PC12 both are well aligned, seeking an efficient transport system that is environmentally sustainable and has low carbon emissions. To achieve this objective, both sets of policies place a high priority on the integration of land use and transport and a compact urban form. PC12 focuses on development around the Central City and identified centres which is consistent with WRLTP and the NPS-UD.

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. Mode shift and travel demand feature prominently in the revised transport policies of PC12, supporting the direction set in WRLTP. Finally, PC12 provides details specific to the Hamilton urban environment, including detailed requirements for separation of cycling from vehicle traffic, provision of public transport infrastructure, travel plans, and integrated transport assessments. Conclusion

PC12 is consistent with the WRLTP.

7.6 Waikato Regional Public Transport Plan 2018-2028

The Waikato Regional Public Transport Plan 2018 - 2028 (RPTP) outlines the strategic direction for public transport in the Waikato region over the next 10 years. The plan aims to deliver an effective, efficient and integrated public transport system for the region. The vision of the RPTP is to “build a public transport system that enhances the vitality of our communities, strengthens our economy and helps create a healthier environment”.

The following key policy focus areas are outlined in the RPTP to support this goal:

- Plan for a layered network of public transport services made up of Mass transit, Frequent, Connector, Coverage and Targeted public transport services;
- Consider the needs of the transport disadvantaged when providing for public transport services. The following groups of people are considered transport disadvantaged:
 - People with disabilities;
 - People without a driver’s licence or access to a vehicle
 - Children or elderly
 - People with low income and/or living in ‘high deprivation’ neighbourhoods
 - People living in isolated communities with no easy transport access to essential services.
- Public transport services at least meet the standard service levels set out in table 3.1 of the RPTP for each layer where there is appropriate demand and available funding

To support intensification, 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. This ensures that transport infrastructure is designed to be accessible and attractive for all users. It also ensures that transportation is developed in a manner that contributes to a well-functioning urban environment.

A new policy has been introduced to support growth in public transport patronage through infrastructure development. Further, proposed intensification around the City Centre and identified centres supports public transport patronage and use. It is also noted that the transport corridor criteria have been modified to clearly identify the specific requirements on public transport routes for the City.

Conclusion

PC12 is consistent with the RPTP.

7.7 Hamilton-Waikato Metro Area Mode Shift Plan

Waka Kotahi NZ Transport Agency has recently framed the requirement for mode shift in rapidly growing cities through both Arataki (Waka Kotahi’s 10 year plan) and through Keeping Cities Moving. Mode shift plans for the fastest growing cities were part of the Keeping Cities Moving Action Plan. The primary goal of these plans is to ‘increase the share of travel by public transport, walking and cycling. The H-W Metro Area Mode Shift Plan has been prepared in response to this Action Plan.

The purpose of the Mode Shift Plan in Hamilton and surrounds is to set out the ‘why’ and ‘what’ to achieve mode shift over the next 0-6 years. The Mode Shift Plan sets out:

The trends that are influencing the demand for travel and mode choice in Hamilton and surrounds.

The relative scale of these travel demands within the City, within the towns and between these locations.

The barriers to achieving mode shift and where investment should focus.

The key locations for investment based on the above travel demands, congestion points and future growth plans.

Table 8 provides a brief assessment of PC12 against the interventions identified in the Mode Shift Plan.

Table 7 Assessment of PC12 against the Mode Shift Plan

Intervention	Comment
<p>Structure Plans generally should ensure good public transport penetration, direct walking routes with suitable natural surveillance and protected cycleways are provided. In addition, the long-term planning has identified that further density increases in some areas Structure Plans in the following locations may require adjustment to achieve these aims:</p> <ul style="list-style-type: none"> • Rotokauri • Rototuna TC • Ruakura • Peacocke • Hautapu • Hamilton Airport 	<ul style="list-style-type: none"> • Separated cycle facilities required on collector and arterial transport corridors to make travel by cycle and micro-mobility devices safer and more attractive. • Additional controls on block and perimeter length introduced to improve walkability. • Objectives and policies seek improved public transport infrastructure and support and improve operational efficiency.
<p>There are a number of locations within the City where walking and cycling could be promoted through the creation of new links over natural features. There are lots</p>	<ul style="list-style-type: none"> • While PC12 does not include any specific walking or cycling linkages, assessment criteria included for developments in the High Density

<p>of gullies throughout the City that could either be breached or be used to support fast access. In addition, there are a number of laneways and other links within the City that could be identified for improvement to increase usage by pedestrians. Care to be taken to consider natural surveillance and safety of routes at all times of the day and evening.</p>	<p>Residential Zone to promote the creation of pedestrian and cycling linkages where feasible.</p> <ul style="list-style-type: none"> • Promotes increased population densities in certain areas. Across time this may provide a population user base that can support additional walking and cycling linkages in the natural and built environment.
<p>Ensure that District Plans enable greater density on key public transport/major walk and cycle connections coming through the various business cases/spatial planning. Discuss the creation of additional mixed use density in City and towns. Examples might include mixed office/residential and retail blocks, increased building height allowances and reduced car parking requirements in town centres to support moving towards a more balanced transport system and efficient networks.</p>	<ul style="list-style-type: none"> • High density residential (6 storeys) enabled within the walkable catchment from the edge of the Central City and a Medium Density Residential Zone (5 storeys) enabled close to suburban and subregional centres. Concentration of the population in these areas will support existing public transport connections and walking and cycling connections.
<p>Undertake a review of international design guides for cycling infrastructure and determine suitable design guides for application in the area. Consider setting up a design panel that will ultimately make decisions where designs need to diverge from best practice. Similar guidance for the promotion of walking that should identify locations where additional walking investment is required, and how walking will be prioritised over other modes. In keeping with the street design guide - consideration of whether this should be developed over the metro area</p>	<ul style="list-style-type: none"> • Introduced detailed requirements for end-of-journey facilities to support walking, cycling, micro-mobility and public transport • Separated cycle facilities on collector and arterial transport corridors to make travel by cycle and micro-mobility devices safer and more attractive. • Local transport corridors designed for a lower speed environment where cycling is shared in the movement lane. • Vehicle access on some corridors to improve safety for active modes and support better urban design outcomes.

	<ul style="list-style-type: none"> • Wider footpaths to improve facilities for walking.
<p>As part of the walking strategy - increase opportunities for pedestrians to cross busier roads. Many streets operate with relatively high traffic volumes and road widths that make it hard for children and seniors to cross the road. Increasing suitable refuge locations would assist pedestrians and help to decrease vehicle speeds through regular road narrowing features</p>	<ul style="list-style-type: none"> • New or amended provisions to prioritise transport modes higher in the transport mode hierarchy and proposed measures to improve safety for less mobile or more vulnerable road users. • Introduced controls on block and perimeter length to improve walkability.

Conclusion

PC12 is consistent with the strategic direction of the Hamilton-Waikato Metro Mode Shift Plan.

8 Iwi Planning Documents

8.1 He Pou Manawa Ora – Pillars of Wellbeing

He Pou Manawa Ora - Pillars of Wellbeing is a strategy which outlines the Council’s vision for a city that celebrates its whole history, including its unique Maaori heritage. The strategy was adopted in August 2021. Developed in consultation with Waikato-Tainui, Te Rūnanga Ō Kirikiriroa (TROC) and mana whenua, the strategy discusses how Council intends to build a proud and inclusive city for the wellbeing of all its people.

The Strategy is built upon four pillars as follows:

History – Kirikiriroa/Hamilton values the heritage and history of our city. Maaori heritage and history is captured in place, time and events over the last 700-800 years. We are committed to sharing, protecting and celebrating our unique Maaori heritage.

Unity - Hamilton City Council supports Maaori input into local decision-making.

Prosperity - Access to housing, health, employment, education, environment and identity is hugely important to individual, whaanau and community wellbeing. Council aims to take responsibility as an enabler and leader in the well-being conversations. We recognise that we are a part of a partnership approach to supporting Maaori wellbeing

Restoration - Council recognises the role of Maaori as kaitiaki (guardians) of the natural and physical environment, working in partnership to promote the protection and enhancement of Kirikiriroa/Hamilton.

This report demonstrates recognition of Maaori heritage and history through the inclusion of archaeological sites identified as part of PC9. In addition, there is a strong focus on the restoration of the Waikato River by giving effect to Te Ture Whaimana and managing intensification in the City to contribute to this objective. Notwithstanding this, PC12 also recognises the importance of the provision of housing choice in areas where there is good access to a range of services, including employment and health services. Over time, it is intended that the provisions proposed in PC12 improve access to services and help to build the prosperity of current and future residents.

8.2 Tai Tumu Tai Pari Tai Ao, The Waikato-Tainui Environmental Plan

The Waikato-Tainui Environmental Plan, Tai Tumu Tai Pari Tai Ao was developed out of Whakatupuranga 2050. Whakatupuranga 2050 is a long-term development approach to building the capacity of Waikato-Tainui marae, hapuu, and iwi. Key strategic objectives of the Plan include tribal identity and integrity. The Plan is designed to enhance Waikato-Tainui's participation in resource and environmental management.

Section 8.2 of Tai Tumu Tai Pari Tai Ao refers to managing effects. The Plan states that Waikato-Tainui considers that it is necessary to provide a net benefit when considering social, economic, environmental, spiritual and cultural impacts – to strive for environmental enhancement. Therefore, it is necessary to suitably manage any effects so that effects are avoided, remedied, minimised, mitigated, or balanced. For Waikato-Tainui, this is essentially a hierarchy where the first way to manage an effect is to avoid the effect, the second way is to remedy the effect, and so on through to suitably balancing the effect, what some may call offset mitigation.

Section 8.3.1 notes that the Plan generally does not contain specific targets and measures. These will generally be contained in the methods and rules of local authority planning documents. Marae, hapuu, and other collective grouping of Waikato-Tainui may also have environmental targets.

Section D of Tai Tumu Tai Pari Tai Ao contains issues, objectives, policies and methods for Specific Environmental Areas particularly relevant to Three Waters capacity and stormwater management. For the area of Te Wai Maaori – Freshwater (Chapter 19), Waikato-Tainui have high aspirations for waters within their rohe that are drinkable, swimmable and fishable. Clearer and higher water quality targets are sought. Chapter 19 also addresses water allocation and the desire that it be consistent with restoring and protecting the health and wellbeing of water bodies within Waikato-Tainui's rohe.

In Chapter 25, Ngaa Whakaritenga moo ngaa Whenua o Waikato-Tainui – Land Use Planning, the Plan notes the opportunity provided by urban growth to develop based on enhancement principles. It seeks development that enhances the environment, including that which restores the capacity of ecosystems; preserves and preferably enhances the

natural hydrologic functions of the site; applies Low Impact Development principles; considers beneficial re-use on-site of stormwater and wastewater; and considers water conservation, among other matters. It also pursues positive environmental, cultural, spiritual and social outcomes from urban development.

The proposed provisions are intended to contribute to a well-functioning urban environment where residents are able to meet their social, economic and environmental needs. This objective aligns with the requirements in Chapter 25 of the Waikato-Tainui Environmental Plan.

Chapter 26, Waihangā Matua – Infrastructure, seeks to ensure that infrastructure manages its adverse effects on water bodies, stormwater, water supply and wastewater systems. It states that all existing infrastructure shall be managed to sustain the ability of the environment to provide for future generations.

PC12 identifies sites and areas that are subject to one or more of these matters and proposes a certain level of modifications of the MDRS and NPS-UD requirements to address the constraint imposed by the matter.

PC12 will contribute to addressing the issues, objectives and policies in relation to the following chapters of the Tai Tumu Tai Pari Tai Ao, the Waikato-Tainui Environment Plan:

- Chapter 11 The Vision and Strategy for the Waikato River
- Chapter 15 Natural heritage and biosecurity
- Chapter 16 Valuable historical items, highly prized sites, sites of significance
- Chapter 17 Natural Hazards
- Chapter 20 Wetlands
- Chapter 25: Three Waters

In particular, changes to the Three Waters Chapter strengthen requirements around on-site stormwater management and incorporating water efficient fixtures in new development. As discussed throughout this report, a Three Waters Infrastructure Capacity Overlay is proposed which covers much of the existing areas of the City. Within this overlay area, a specific assessment of infrastructure capacity is required, with the intention that where capacity is constrained, additional development is limited until infrastructure is upgraded or replaced.

Overall, it is considered that PC12 is consistent with Tai Tumu Tai Pari Tai Ao.

8.3 Te Rautaki Taamata Ao Turoa o Hauaa: Ngaati Hauaa Environmental Management Plan

Te Rautaki Taamata Ao Turoa o Hauaa has been developed to express and articulate the values, frustrations, aspirations and position statements for Ngaati Hauaa in relation to their taiao (environment).

Wahanga Tuatoru (Part 3) of Te Rautaki Taamata Ao Turoa o Hauaa contains Ngaati Hauaa's policies. Particularly relevant to the on-site stormwater and three waters infrastructure components of this Plan Change are policies within Chapter 9 – Sustainable Land Use and Development and Chapter 11 Te Wai Māori - Water. Policies include that land use planning and urban development should adhere to Low Impact Design and Development principles; encourage water and energy use efficiency measures; and avoid further degradation of water quality (including by additional treatment and/or alternative disposal methods of stormwater). Chapter 11 seeks that the mauri of fresh water within Ngaati Hauaa's rohe be restored and protected, to be plentiful and clean enough for drinking, swimming and sustaining mahinga kai. Additionally, it states that water should be allocated fairly and used efficiently and responsibly.

The purpose of the Infrastructure Capacity Overlay is to avoid further degradation of water quality in the Waikato River. In addition, PC12 proposes enhanced water conservation measures that require dual purpose rain tanks (used for non-potable supply like laundry and toilet flushing), as well as water efficient fixtures in dwellings to help manage demands on freshwater resources. On-site stormwater controls are introduced to manage the quantity and quality of stormwater run-off to better protect the health and wellbeing of the river.

Overall, it is considered that PC12 is consistent with Te Rautaki Taamata Ao Turoa o Hauaa

A summary of PC12's alignment with the RMA and the relevant planning instruments, strategies and policies is included in Section 8 of the PC12 Overview Report.