

Appendix 5: Matters for Consideration and Scale and Significance

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

The method chosen for evaluating options (Appendix 6 and 7) needs to reflect the scale and significance of a proposal.

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

Considerations for determining scale and significance		
Matters for Consideration	Criteria	Assessment
Reason for Change	<ul style="list-style-type: none"> • 10-year review • Giving effect to higher level RMA document • Ministerial direction/requirement for plan to not be inconsistent with NES • Responding to a court decision/direction • Implementing non-statutory planning initiative (e.g. urban growth strategy) • Initiated locally because of plan effectiveness monitoring, community reaction to resource use etc • Assess as having significance under the LGA 	<p>The original components of PC9, as outlined in the March 2019 Council resolution was for the strengthening of Maaori heritage in the district plan and the introduction of a heritage overlay in the southern central city area of Victoria Street.</p> <p>Following the enacting of the Resource Management Act (Enabling Housing Supply) Amendment Act and National Policy Statement on Urban Development Capacity which require notification of an IPI (Plan Change 12) by August 2022 the identification of matters that would be considered as qualifying matters under the RMA necessitates the notification of PC9 prior to the notification of the IPI.</p> <p>As a result of the NPS-UD Council in 2020 resolved to undertake a stock of the city's built heritage, redefine SNAs to manage both flora and fauna habitats, and reassess the notable trees scheduled in the ODP.</p> <p>In 2021, Council also resolved to undertake a city-wide investigation and assessment to identify areas with historic heritage values in order to provide sufficient recognition and protection to these areas as a matter of national importance under s6(f).</p>

		<p>In partnership with Mana Whenua sites and areas of significance to Maaori have been identified to recognise and provide for the relationship of Maaori and their culture and traditions with the sites and areas of significance. Due to the complexity of this work and the timeframes PC9 are having to work within under the PC12 timeframes this work has been decoupled from PC9 at this time in consultation with Mana Whenua.</p> <p>The provisions in the ODP for SNAs were last reviewed in 2017, when the final appeal point by the Waikato Regional Council was resolved by consent order. The WRPS became operative in 2016. Although the provisions themselves were reviewed fairly recently, the underlying SNA mapping was based on work completed in 2010 and is based on only on areas of indigenous flora and does not include areas of significant indigenous habitat. This is a significant gaps as the Hamilton City district includes other vegetation areas (predominantly in gullies and along the Waikato River) that are the habitat for several threatened and/or regionally uncommon species, notably the long-tailed bat where Hamilton is one of only a few cities in New Zealand where long-tailed bats are known to persist in an urban landscape. As such, there are strong ecological reasons for the proposed change to extend the SNA to cover both indigenous flora and does not include areas of significant indigenous habitat.</p>
<p>Degree of shift from the current approach</p>	<ul style="list-style-type: none"> • <i>Addressing existing or new resource management issues</i> • <i>Proposing a new management regime/minor or major change in rule framework</i> • <i>Extent and scale of regulatory impact</i> • <i>Degree of packaging with other plan changes or other interventions</i> • <i>Discrete provisions, or broader suite of existing</i> 	<p>The new matters in relation to built heritage, archaeological and Cultural sites, historic heritage areas and significant natural areas are introduced through PC9. There is no significant shift in the framework for the protection of notable trees.</p> <p>PC9 will not cross over the policy framework to be applied through Plan Change 12.</p> <p>The policy framework and planning provisions to be changed through PC9 specifically relate to the identification and protection of the following matters under: Chapter 19 – Historic Heritage</p>

	<p><i>provisions</i></p> <ul style="list-style-type: none"> • <i>Changing existing plan objectives, and to what degree</i> 	<ul style="list-style-type: none"> • Built Heritage • Historic Heritage Areas • Archaeological and Cultural Sites <p>Chapter 20 - Natural Environments</p> <ul style="list-style-type: none"> • Significant Natural Areas • Notable Trees <p>The new objectives and revised planning provisions are not considered to be a significant change to the status quo/current approach.</p> <p>There is no change to the overall framework of Chapters 19 and 20.</p> <p>Nevertheless, there will be a greater number of properties that will be impacted by the additional sites identified as either a historic heritage matter or a natural environmental matter.</p> <p>There is a significant shift in relation to SNAs and the updated mapping has a combined areas of 695.47ha (including 137ha of the Waikato River) compared to 166ha of SNA in the ODP. This is an increase in SNA coverage of 529.47ha or 392.47ha of new terrestrial vegetation and habitat.</p>
<p>Who and how many will be affected</p>	<ul style="list-style-type: none"> • <i>Degree of public interest and engagement in issue</i> • <i>Degree to which proposal will address identified community outcomes</i> • <i>How many will be affected? Single landowner/multiple landowners/occupiers/neighbourhoods/businesses/cities/future generations</i> • <i>Degree of impact on private property</i> 	<p>The plan change includes additional properties identified with one or more of the PC9 matters.</p> <p><u>Notable Trees</u> – The degree of impact on private property will be medium. The owners of the properties notable trees are located on will be impacted by the amendments to the rules relating to works to and around the identified tree(s). However, in most instances the modifications to the rules will ensure greater clarity for the landowner. As a result of the reassessment of the existing scheduled trees approximately 35 will no longer be scheduled due to their health, shape or form. There new listings on the schedule are street trees only. No additional notable trees located on private property are being scheduled. The current level of amenity provided by notable trees throughout the city will not change, and</p>

		<p>through the introduction of an additional 1000+ street trees being protected will safeguard the avenue effects these mature trees, within the older residential areas of the city provide.</p> <p><u>Built Heritage</u> – The degree of impact on private property will be medium. The addition of 182 buildings/structures will impact on the owners of those properties. Rules pertaining to the protection of scheduled built heritage items have been strengthened and those changes will impact on both the landowners of both existing and proposed scheduled buildings/structures.</p> <p><u>Historic Heritage Areas</u> – The degree of impact on private property will be medium. Through the introduction of additional HHA areas in the city, these area will introduce additional provisions so that will impact on the demolitions, alterations and additions, and relocation of existing buildings presently anticipated.</p> <p><u>Archaeological and Cultural Sites</u> – The degree of impact on private property will be medium. Through the identification in the district plan of all known and recorded archaeological sites, and by identifying the actual extent of those sites will increase the number of properties that presently are identified as being an archaeological site. The ODP identified 52 archaeological sites, PC9 identified an additional 57 sites. The total of 109 sites, the majority located in proximity to the Waikato River. The ODP maps archaeological sites using title boundaries. PC9 is introducing the exact extent of coverage of each site. As a result, in some instances a greater number of sites will be impacted than has been previously.</p> <p><u>Significant Natural Areas</u> - The degree of impact on private property will be medium. The ODP includes 166ha of SNA, PC9 identified an additional 529.47ha (including 137ha of the Waikato River). The total area of SNA to be protected under PC9 is 695.47ha, with many of the SNA located in proximity to the Waikato River. As a result, a much larger number of</p>
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		private and public sites will be impacted by the extended SNA mapping.
Degree of impact on, or interest from iwi/Maori	<ul style="list-style-type: none"> • <i>Level of interest iwi/maori engagement with iwi on the issue</i> • <i>Likely degree of impact on iwi/hapuu?</i> • <i>Impact on sites, areas or resources of significance to iwi/maori?</i> • <i>Degree of consistency with iwi management plans</i> 	<p>Through-out the preparation of the different elements of PC9 that directly impact on Mana Whenua Council have engagement with Iwi Maori.</p> <p>Waikato-Tainui have advised the following:</p> <ul style="list-style-type: none"> • Supportive of the recognition in the district plan of the role of Mana Whenua as kaitiaki of SNAs and indigenous biodiversity. • • Waikato-Tainui land, held by Waikato-Tainui Land Holding Trustee should not be subject to the provisions of the SNA if it limits, or prevent achieving the aspirations of the Iwi Authority. • The importance of advocating the need for engagement with Mana Whenua when undertaking earthworks within archaeological sites. • There is value and importance in continuing the SASM work, and would like to see that progress as this achieves sections 5 and 6 of the RMA; and is included in the definition of 'historic heritage'. • PC9 will give effect to Objective B and C of Te Ture Whaimana o Te Awa o Waikato. • PC9 is consistent with both Tai Tumu Tai Pari Tai Ao, the Waikato-Tainui Environmental Plan and Te Raukai Tamata O Haua: Ngati Haua Environmental Management Plan.
When will effects occur?	<ul style="list-style-type: none"> • <i>Temporarily (weeks or months)</i> • <i>For the next 1-5 years</i> • <i>On-going into the future</i> 	<p>In accordance with s.86(3) and s.86(5) of the RMA the matters relating to historic heritage (built heritage, archaeological and historic heritage areas) and the Significant Natural Areas have immediate legal effect at the time of notification.</p> <p>While the proposed rules relating to Notable Trees will become effective in accordance with</p>

		<p>the RMA first schedule process and those provisions finalised through the first schedule process being adopted and implemented.</p> <p>The effects will be on-going into the future.</p>
Geographical scale of impacts	<ul style="list-style-type: none"> • <i>Very localised or wide ranging (i.e. single site/whole zones/one or more regions/single or multiple natural resources)</i> 	<p>The proposed changes will affect rules relating to areas throughout the city, being approximately 6600 properties within the city's boundaries. As a result of the changes proposed by PC9 some properties/areas of the city may be subject to one or more of the five matters being addressed.</p>
Type of effect	<ul style="list-style-type: none"> • <i>Acute/chronic/temporary/cumulative/positive/negative/irreversible</i> • <i>Likelihood and consequence (e.g., low probability, high consequence)</i> • <i>Part(s) of environment affected (ecosystems, infrastructure, amenity)</i> • <i>Degree of impact on social, cultural or economic well-being</i> • <i>Degree of impact (positive/negative) on Part 2 matters</i> 	<p>These positive changes will ensure Council can fulfil its duties under s6 and s7 of the RMA to manage the potential inappropriate use, development, and subdivision of lands due to future intensification and the lack of resource consent process.</p> <p>The changes are not considered to cause adverse effects in and of themselves. There will be positive impact on the identification and protection of matters of national importance within the city's boundaries, in accordance with the Part 2, RMA. Ensuring, the positive protection of the City's historic heritage and significant natural areas values to ensure they are protected, can be appreciated by other people, communities and future generations.</p> <p>Specific effects for each matter:</p> <ul style="list-style-type: none"> • Built Heritage • Historic Heritage Areas • Archaeological and Cultural Sites • Notable Trees • Significant Natural Areas
Degree of policy risk, implementation risk, or uncertainty	<p><i>Community reaction, whether:</i></p> <ul style="list-style-type: none"> • <i>Novel, untested approach</i> • <i>Weak evidence base</i> • <i>Highly uncertain benefits and costs</i> • <i>Dependant on other initiatives (such as non-RMA mechanisms)</i> • <i>Challenging implementation timeframes</i> 	<p>Most of the proposed changes will have a moderate impact on landowners because in some instances they will now require consent to undertake works to their properties.</p> <p>There is a strong evidence base used in the preparation of PC9. This approach, using accepted practices for the identification and determination of the sites and areas to be identified for protection will ensure a relatively low level of risk with either retaining the</p>

		<p>existing provisions or amending the provisions.</p> <p>The main risks are identified as follows:</p> <ul style="list-style-type: none"> • Additional sites and areas that impact a greater number of landowners than presently under the existing ODP. • This condition will apply a permanent basis over a long period of time. This type of effect likely has a high probability of occurring, but with low consequences as property owners adapt to the changes over time.
<p>Summary of Scale and Significance Assessment</p>		
<p>Overall, PC9 results will not cause significant change to the planning provisions relating to historic heritage and natural environments matters. However, there will be a significant increase of the number of properties that be identified as having one or more of the five matters addressed through Plan Change 9.</p> <p>These changes will have permanent long term economic, environmental, social and cultural effects.</p> <p>Community reaction to the changes is expected to be moderate, however there is a high potential for there to be impacts on the individual landowners directly affected by the identification of their properties as historic heritage and/or significant natural area or having a notable tree(s).</p>		