

# **Section 32 Report –**

# **Introduction to the Evaluation Reports**

prepared for the

# **Proposed Waikato District Plan**

**July 2018**



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# I OVERVIEW AND PURPOSE

## I.1 Purpose of the Evaluation Report

Section 32, 32AA and 32A of the Resource Management Act 1991 (RMA) set out the framework for evaluation reports for RMA plans, plan changes and policy statements (which are defined in s32 as proposals). Section 32 (s32) is integral to ensuring that Council has undertaken a transparent, robust decision-making process when reviewing the Waikato District Plan.

Section 32 requires that the objectives of the proposed Waikato District Plan (Proposed Plan) be examined for their appropriateness in achieving the purpose of the RMA, and the provisions (policies, rules or other methods) of the Proposed Plan to be examined for their efficiency, effectiveness and risk. The effects of new policies and rules on the community, the economy, and the environment need to be clearly identified and assessed as part of this examination. The analysis must be documented, so stakeholders and decision-makers can understand the reasoning behind policy decisions.<sup>1</sup>

This Evaluation Report documents the process followed by Council in undertaking the review of the District Plan and sets out the process followed when determining the appropriateness of the planning interventions and regulations (objectives and provisions) adopted to manage land use in the Waikato District.

Key components of the Report are as follows:

- a) Description of the context of the District Plan review, including the statutory requirements, Council's function and how the proposed Plan has been developed to meet the requirements of the RMA, give effect to the relevant national policy statements and the Waikato Regional Policy Statement (RPS) and align with other strategies and relevant plans and policies.
- b) Description of Council's approach to the District Plan review, including the principles adopted to guide the review and the process followed.
- c) Outputs from the District Plan review consultation process and how these and the advice from the iwi authorities has been integrated into the s32 process and the changes made to the proposed Plan in response.
- d) Explanation of Council's approach and methodology adopted for undertaking the s32 evaluation.
- e) Description of the key issues and problems that the operative plan does not or has not effectively addressed, the current situation (baseline/status quo) and why this is not working, and intended outcomes if the issues and problems were effectively addressed.
- f) Identification of objectives to address issues and problems and achieve intended outcomes and evaluation of objectives to determine appropriateness.

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<sup>1</sup> A guide to section 32 of the Resource Management Act 1991, Ministry for the Environment 2017, page 8

- g) Identification of options (provisions) for achieving objectives. The range of options identified reflects the scale and significance of the matters the proposed Plan is addressing and the proposed interventions.
- h) The rationale for the evaluation of the options (provisions), including approaches taken, assumptions made, key decision points, risks, etc.
- i) Assessment of the environmental, economic, social and cultural effects including effects on employment and economic growth of the different options (provisions).
- j) Description of the supporting research, investigations and information that underpin the evidential basis of the evaluations, any limitations of that information and associated risks.
- k) Analysis of the costs and benefits including qualitative and quantitative - where appropriate and identification of the recipients of the costs and benefits.
- l) Summary and conclusions of the evaluation outcomes and the reasons for the decisions made.

## 2 CONTEXT OF THE DISTRICT PLAN REVIEW

### 2.1 Statutory framework

Section 74(1) of the RMA is the starting point for Council in undertaking this District Plan review. It sets the framework for the review, in that it identifies the matters that Council must prepare the District Plan review in accordance with. These include:

- a) Council's functions under section 31 of the RMA;
- b) Part 2 of the RMA;
- c) Council's obligation to prepare an evaluation report in accordance with s32 and its obligation to have particular regard to an evaluation report prepared in accordance with s32;
- d) Any national policy statements (National Policy Statement on Urban Development Capacity, National Policy Statement on Electricity Transmission, National Policy Statement for Renewable Electricity Generation);
- e) The New Zealand Coastal Policy Statement;
- f) Any regulations (including national environmental standards).

Sections 74(2) and 74(2A) also provide context for the District Plan review. However, the language used in these sections is not as directive as that used in s74(1).

Section 74(2) of the RMA sets out that Council when undertaking the District Plan review shall have regard to:

- a) Any proposed regional plan which includes any proposed changes or variations to that plan (Proposed Plan Change 1 and Variation 1 to the Waikato Regional Plan);
- b) Any relevant management plans and strategies prepared under other Acts (Future Proof, Waikato Regional Land Transport Plan, Vision and Strategy, North Waikato Integrated Growth Management Programme Business Case, WDC Long Term Plan, National Land Transport Plan);
- c) Any relevant entry on the New Zealand Heritage List/Rārangī Kōrero required by the Heritage New Zealand Pouhere Taonga Act 2014;
- d) The extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.

Section 74(2A) sets out that Council must take into account any relevant planning document recognised by an iwi authority and lodged with Council, to the extent that it's content has a bearing on the resource management issues of the District.

## 2.2 Council's functions

The purpose of the District Plan is to assist Council to carry out its functions as a territorial authority in order to achieve the purpose of the RMA. Council's functions under the RMA are set out in s31 of the Act. The requirement for a relationship between the District Plan and Council's functions places a limit on the extent Council may properly set objectives and provisions.

Council's functions that relate to the management of land use under the district plan are:

- a) the establishment, implementation, and review of objectives, policies, and methods to:
  - achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district
  - ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district
- b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of
  - the avoidance or mitigation of natural hazards
  - the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land
  - the maintenance of indigenous biological diversity
- c) the control of the emission of noise and the mitigation of the effects of noise
- d) the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:

Council no longer has an explicit obligation to regulate hazardous substances under the District Plan. This obligation was removed by the Resource Legislation Amendment Act 2017.

## 2.3 Planning framework

As discussed above, s74(1) sets out the matters that Council must prepare the District Plan review in accordance with including any national policy statement. Section 75(3) of the RMA expands on these requirements in that it sets out the RMA planning instruments that the District Plan review must give effect to. These are:

- a) Any national policy statements (National Policy Statement on Urban Development Capacity, National Policy Statement on Electricity Transmission, National Policy Statement for Renewable Electricity Generation)
- b) The New Zealand Coastal Policy Statement;
- c) The Waikato Regional Policy Statement

There are a number of national policy statements in draft form at the moment, but as these have not yet been gazetted the Proposed District Plan takes no account of them.

### 2.3.1 National Policy Statement on Urban Development Capacity

The National Policy Statement on Urban Development Capacity 2016 (NPS-UDC) directs local authorities to provide sufficient development capacity in their district plans, supported by infrastructure, to meet demand for housing and business space

### 2.3.2 New Zealand Coastal Policy Statement

The New Zealand Coastal Policy Statement (2010) (NZCPS) guides local authorities on the management of the coastal environment. The NZCPS contains policies that when implemented enable the achievement of the purpose of the RMA in relation to the coastal environment. Council through the preparation and implementation of the District Plan is responsible for managing the effects from the use, development or protection of land on the landward side of the Coastal Marine Area.

### 2.3.3 National Policy Statement on Electricity Transmission

The National Policy Statement on Electricity Transmission 2008 (NPSET) requires district plans to include objectives, policies and methods (including rules) to recognise transmission corridors within their district, to identify transmission lines on planning maps, and to provide controls on subdivision and land use as necessary to ensure that the operation, maintenance, upgrading and development of transmission infrastructure is not compromised as a result of the adverse effects of incompatible land uses (including structures).

### **2.3.4 National Policy Statement for Freshwater Management**

The National Policy Statement for Freshwater Management 2014 (amended 2017) (NPS-FM) is primarily implemented by regional councils. However territorial authorities have the ability to influence water quality and to a limited extent water quantity through the management of land use practices, policy frameworks e.g. promoting the treatment of stormwater at source and water demand management.

### **2.3.5 National Policy Statement on Renewable Energy Generation**

The National Policy Statement for Renewable Electricity Generation 2011 NPS-REG provides guidance for local authorities on how renewable electricity generation should be dealt with in RMA planning documents. The NPS-REG applies to renewable electricity generation activities at any scale. It covers the construction, operation and maintenance of structures associated with renewable electricity generation.

### **2.3.6 Waikato Regional Policy Statement**

The Waikato Regional Policy Statement 2016 (RPS) makes numerous references in the methods identified to implement its policies to the use of district plan provisions to give effect to policies.

### **2.3.7 Te Ture Whaimana o Te Awa o Waikato - Vision and Strategy for the Waikato River**

Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River is the primary direction-setting document for the Waikato and Waipa Rivers and their catchments which include the lower reaches of the Waipa River. The Vision and Strategy is deemed, in its entirety, to be part of the RPS. The RPS cannot be inconsistent with the Vision and Strategy.

The Vision and Strategy seeks to make substantial progress in restoring the Waikato River within the next 20 years and to protect it from further degradation. The Vision and Strategy contains a suite of objectives to be pursued in order to realise the Vision along with a series of implementation strategies to achieve the objectives.

The Vision and Strategy is deemed, in its entirety, to be part of the RPS. The RPS cannot be inconsistent with the Vision and Strategy. Accordingly, given that the District Plan must give effect to the RPS it must also give effect to the Vision and Strategy.

The proposed Plan takes into account the principles of the Vision and Strategy in that it gives effect to Plan Change I Healthy Rivers Wai Ora. Methods in the plan will control new and proposed development when planning infrastructure and how activities operate within the catchment.

### **2.3.8 Tai Tumu Tai Pari Tai Ao - Waikato-Tainui Environmental Plan**

Waikato-Tainui Environmental Plan 2013 is designed to enhance Waikato-Tainui participation in resource and environmental management. The strategic objectives of



the Plan include tribal identity and integrity, and how to grow the tribal estate and manage Waikato-Tainui natural resources. Through the Plan Waikato-Tainui seeks to achieve a consistent approach to environmental management across the Waikato-Tainui rohe.

The Plan also provides clear high level guidance to external agencies regarding Waikato-Tainui values, principles, knowledge and perspectives on, relationship with, and objectives for natural resources and the environment.

Council must take into account any aspect of the Plan that have a bearing on the resource management issues of the District.

The Joint Management Agreement (JMA) Waikato District Council has with Waikato-Tainui via Waikato Raupatu River Trust provides for an enduring relationship between the two parties through the shared exercise of functions, duties and powers under the Local Government Act 2002, where appropriate the Resource Management Act 1991 and the Waikato-Tainui Deed of settlement in relation to the Waikato River and enabling Legislation.

In exercising a power or performing a function or duty, under the JMA Waikato District Council and Waikato-Tainui will work together to achieve the overarching purpose of this settlement, being

- to restore and protect the health and wellbeing of the Waikato River, and
- respect the mana whakahaere rights and responsibilities of the Waikato-Tainui in accordance with tikanga to ensure the balance and mauri of the Waikato River are maintained.

Council must take into account the relevant components of the Waikato-Tainui Environmental Plan and the integrated Management Plan as it relates to the Waikato River within the geographic jurisdiction of Waikato District Council. In doing so Council must respect the independence of the parties and their individual mandates, roles and responsibilities in relation to the Waikato River.

### **2.3.9 Ko Ta Maniapoto Mahere Taiao – Maniapoto Environmental Management Plan**

The Maniapoto Environmental Management Plan 2016 is a direction setting document and describes issues, objectives, policies and actions to protect, restore and enhance the relationship of Maniapoto with the environment including economic, social, cultural and spiritual relationships.

The relevance of this Plan to the District Plan review is through the Vision and Strategy for the Waikato River and its tributaries, particularly the Waipa River which flows through the Waikato District's southern boundaries to meet the Waikato River in Ngaruawahia. In giving effect to the Vision and Strategy through the District Plan review will ensure that Council has taken into account the Maniapoto Environmental Management Plan.

### **2.3.10 Future Proof Strategy**

The Future Proof Strategy, Planning for Growth, November 2017 is a 30 year growth management and implementation plan specific to the Hamilton, Waipa and Waikato sub-region. Future Proof establishes a settlement pattern to provide for

growth and development and aims to achieve a more compact and concentrated urban form over time. Future Proof is focussed on ensuring a greater percentage of growth within the District is in the existing towns. Future Proof aims to ensure that over the next 30 years approximately 80% of growth in the Waikato District will be in Te Kauwhata, Huntly, Pokeno, Tuakau, Ngaruawahia, Raglan and various villages. It also sets density targets for Waikato District of:

- 12-15 households/ha for greenfield in growth areas; and
- 8-10 households/ha for greenfield in villages

Future Proof proposes new (indicative) urban limits for major townships to make provision for future urban growth. It also proposes indicative village limits for the villages on Hamilton's periphery including Taupiri, Gordonton, Whatawhata, Te Kowhai, Matangi, Tamahere and Horotiu. The expectation is that land within an indicative village limit may be developed to a rural-residential density only, unless reticulated wastewater is available, with a single commercial centre to service residents in the immediate area.

The proposed District Plan has implemented the Future Proof Strategy by:

- Implementing settlement patterns around towns and villages
- Catering for growth projections
- Restricting rural residential development
- Retaining strategic industrial nodes
- Retaining rural land for productive rural use
- Providing for a choice of housing typologies
- Providing for papakaainga housing
- Providing for the indigenous biodiversity

### **2.3.11 Sea Change – Tai Timu Tai Pari (Hauraki Gulf Marine Spatial Plan)**

Hauraki Gulf Marine Spatial Plan lays the foundation for an integrated approach to managing the Hauraki Gulf. It aims to secure a healthy, productive and sustainable future for the Gulf.

The Plan's recommendations are intended to guide the development of policies and processes of various councils and agencies with a view to safeguarding the Hauraki Gulf's core cultural, environmental, social and economic values. The proposed District Plan has a role in assisting with the implementation of the Spatial Plan in those parts of the District with catchments that drain into the Hauraki Gulf.

### **2.3.12 National Environmental Standards**

National Environmental Standards are regulations issued under sections 43 and 44 of the RMA and apply nationally. They prescribe technical standards, methods or other requirements for environmental matters. Council must enforce the standards

by including provisions within its RMA Plans. The current National Environmental Standards in force are:

- National Environmental Standards for Air Quality
- National Environmental Standard for Sources of Human Drinking Water
- National Environmental Standards for Telecommunication Facilities
- National Environmental Standards for Electricity Transmission
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health
- National Environmental Standards for Plantation Forestry

Council must enforce the standards set in the National Environmental Standards. In some circumstances where specified in a National Environmental Standard, councils can impose stricter or more lenient standards. The proposed Plan implements the National Environmental Standards as they stand and does not seek to vary these standards.

## **2.4 Other legislation**

- Building Act 2004
- Reserves Act 1977
- Heritage New Zealand Pouhere Taonga Act 2014
- Land Transport Act 2003
- Local Government Act 2002
- Hazardous Substances and New Organisms Act 1996
- Health and Safety at Work Act 2015
- Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010
- Nga Wai o Maniapoto (Waipa River) Act 2012
- Hauraki Gulf Marine Park Act 2000

The proposed Plan gives effect to these acts by rules that implement the appropriate standards of the relevant acts.

### **2.4.1 Council bylaws, plans and strategies**

Council has developed the following bylaws, strategies and plans:

- Waikato District Development Strategy
- Structure plans
- Design guides
- Public Places Bylaw
- Water Supply Bylaw
- Liquor Control Bylaw

- Trade Waste Bylaw
- Tree Policy
- Activity Management Policy
- Reserves Management Plans
- Asset Management Plans
- Waste Management and Minimisation Plan
- Catchment Management Plans
- Community Plans
- Economic Development Strategy
- Biodiversity Strategy
- Natural Hazard Risk Management

During the review process collaboration within Council has ensured that appropriate methods are included for rules or alternative methods to implement the above strategies. Care has been taken to ensure that the proposed Plan does not duplicate requirements within a bylaw.

## **3 APPROACH TO THE DISTRICT PLAN REVIEW**

### **3.1 Reason for undertaking the review**

Section 79 (1) of the RMA states that a local authority must commence a review of a provision of a district plan, if the provision has not been a subject of a review, or a change by the local authority during the previous 10 years.

Waikato District has experienced change over the last 10 years with the inclusion of the Franklin area via amalgamation and the ongoing growth pressures being experienced from both the northern and southern boundaries. The inclusion of the ex Franklin area has resulted in the current Plan consisting of two parts that provide two different planning regimes: the Waikato Section and the Franklin Section.

The current Waikato District Plan (Waikato Section) was notified in 2004 and became operative in 2012. A number of plan changes have been undertaken in intervening years to address particular issues, the most notable being PC 2 Rural Subdivision the purpose of which was to stem the indiscriminate loss of productive rural land. Other plan changes provided for development in areas experiencing rapid growth.

The Franklin District Plan became operative in February 2000. Plan Change 14 was notified in 2003 and addressed rural, coastal and village zoning and all land use and subdivision provisions for the entire district (Franklin) except for the main towns of Pukekohe, Waiuku and Tuakau and two spot zones (the Maoro Mining Zone and Timber Processing Zone which are now both in Waikato District).

PC14 did not technically constitute a DP review under s79 of the RMA. However, it had a profound impact on the operative document as the issues it addressed were just as extensive as a review. Various parts of PC14 were declared operative between 2006 and 2010 and the last remaining part being declared operative on 18 January 2016.

Since the 2010 local government transition which resulted in Franklin District being absorbed into Auckland, Waikato and Hauraki Councils, the Council has effectively been operating under 2 very different planning regimes. The review, while in line with the 10 year review as stated under s79, is being undertaken to provide one consolidated set of planning methods applicable to the entire district.

Along with providing one overall set of planning provisions, Council has been under considerable pressure resulting from growth. This has manifested in several plan changes being undertaken in both previous councils to provide for individual areas where these pressures are being felt, both in the north and south of the district.

As part of these growth pressures Council is required to give effect to higher order RMA planning instruments the main ones being the National Policy Statement on Urban Development Capacity and the Regional Policy Statement 2016. Both documents have come into effect in latter years and this review takes these changes into account.

Section 35 Duty to gather information, monitor, and keep records (1) states that

*Every local authority shall gather such information, and undertake or commission such research, as is necessary to carry out effectively its functions under this Act or regulations under this Act.*

*(2) Every local authority shall monitor—*

*(a) the state of the whole or any part of the environment of its region or district—*

*(i) to the extent that is appropriate to enable the local authority to effectively carry out its functions under this Act; and*

*(ii) in addition, by reference to any indicators or other matters prescribed by regulations made under this Act, and in accordance with the regulations; and*

*(b) the efficiency and effectiveness of policies, rules, or other methods in its policy statement or its plan; and*

In line with the changes and pressures the district has been experiencing the effectiveness and efficiency of provisions needs to be reviewed.

### **3.2 Summary of the key issues the proposed Plan seeks to address**

#### *Tangata Whenua*

Tangata Whenua are an important part of the Waikato district and both sections of the current plan recognise this but Council's commitment to working in a partnership with Tangata Whenua in all its dealings means that the current approach of the district plan needs to be reviewed. This plan builds on the previous holistic approach for Maaori aspirations by strengthening the holistic cultural and ethical approach to resource management and the principles of the Treaty of Waitangi, in particular the

idea of active involvement. The introduction of a Tangata Whenua section is to provide background and better understanding of Maaori issues. It is thought that this approach will enable an improved presence of Tangata Whenua throughout the plan and the relevant objectives, policies, rules and methods more specific to Maaori aspirations to be given more consideration. Partnership will be approached through the recognition of iwi plans and ongoing consultation.

#### *Rural resources*

Waikato district is in the middle of the 'golden triangle' between Auckland, Hamilton and Tauranga. Its location means that the Waikato benefits from the current and projected growth of these cities. The district experiences significant pressure for development - the south periphery area of Auckland and north periphery area of Hamilton. As such expansion is encroaching into the productive rural resources of the district.

The Waikato District is very diverse with approximately 34% of high class soils which are highly valued in order to sustain primary productive activities such as agriculture and horticulture. The district contains large coal deposits, gas resources, iron sand, limestone, sand resources and hard rock aggregates. The strategic location of the district means that these natural resources are important for a wide range of uses, both within our district and region, and for supplying our neighbouring regions of Auckland and the Bay of Plenty.

Subdivision and development must be carefully balanced to ensure that effects on our natural resources are minimised and do not compromise activities that are reliant on the productive soils. Equally, sustainable management of our district's non-renewable resources is critical, and ensures that continued access is available to the resources. The district contains regionally and nationally significant mineral resources including hard rock aggregate, sand, gravel and coal. Waikato district's strategic location means that its aggregate resources are vital not only to this district but also to the Waikato and Auckland Region. The location-specific and finite characteristics of minerals needs to be recognised, and access to, and utilisation of, these resources needs to be managed to enable the community to provide for its social, cultural and economic wellbeing

Rural land is a finite resource that is vulnerable to small scale changes that, cumulatively, can have a profound effect on the ability of land to be used efficiently for rural production and other rural activities. Council needs to ensure that the resource does not become so fragmented that its attraction for productive rural activities is diminished, including where land is already made up of smaller landholdings. Avoiding the repeated subdivision of land is a vital part of avoiding cumulative adverse effects on the rural environment. The two current planning regimes vary and a common regime needs to be established to ensure that the highly prized soil and the need for land based primary production and rural industries is maintained. Amendments will be in line with Policies 14.1 and 14.2 of the Regional Policy Statement which are directive in regard to the management and retention of high class soils, particularly Policy 14.2, which directs to "avoid a decline in the availability of high class soils for primary production due to inappropriate subdivision, use or development."

#### *Growth*

The district population is expected to double by 2061, with a consequent increase in the demand for land, infrastructure, services and amenities. A similar rate of growth is

anticipated across the wider sub-region consisting of the Waikato District, Waipa District and Hamilton City. A strategic approach is necessary to ensure that this level of development can be accommodated in a sustainable manner.

Development is framed by the need to achieve goals under the National Policy for Urban Development Capacity (NPS UDC). A strategy will be developed to direct the majority of growth into settlements, with the expected significant growth of the larger towns and expansion of existing villages that are supported by services and facilities. Increasing the density of development within these towns and village will ensure that the most efficient use is made of infrastructure, services and facilities, and in turn reduce the demand for rural land, as well as reducing the need for travel.

A key issue with population growth and associated built development is making sure that it is managed in a way that results in efficient and high amenity urban areas and avoids compromising the characteristics of rural areas, including the productive capacity of the rural resource. Future development within urban areas requires particularly careful management.

The current planning framework does not take into account the goals required under the NPS UDC and a change of policy direction and therefore necessary amendments to the district plan are necessary to meet these requirements.

Council has a vision to provide Liveable, thriving and connected communities which are sustainable, efficient and co-ordinated. Currently both sections of the plan are reactive to this new vision and the current policies and objectives are not supporting this vision. Liveable, thriving and connected communities encompasses the need to meet the new standards required under the NPC UDC not achievable under the current provisions.

#### *Landscapes, Natural Character and Biodiversity*

The landscape of the Waikato district is diverse in character, ranging from river plains, peat lakes and wetlands, to rolling hill country, steep hill country and the distinct volcanic features. The district has an exposed cliff coastline for much of its west coast that provides the wild and scenic experience of a high energy coastline, the two harbours of Raglan, and Aotea in the south of the district and the Waikato River delta in the north. The Waikato River meanders inland through the district from south to north with towns and settlements along the banks. Productive land use dominates much of district and comprises agriculture farming, horticulture, cropping, and forestry along with wind farms.

The RPS identified Significant Natural Areas (SNA) and Significant Landscape Areas (SLA) in the 2016 review. Council is required to give effect to these SNA and SLA and current provisions do not identify these areas or provide the planning regime to apply the principles that implement that give effect to the RPS.

#### *Landscapes and Natural character.*

Natural character was identified through a regional council study in relation to the coastal environment only. There are areas in the coastal environment which have a high or outstanding state of natural character. Managing subdivision use and development in these areas through particular provisions assists in giving effect to the New Zealand Coastal Policy Statement 2010 and the Waikato Regional Policy Statement. Afforestation is a particular activity that would have significant impact on the values of these areas, and as such is controlled through land use provisions.

These have been shown in the Waikato District Landscape Study assessment from Boffa Miskell. (All detail and methodology is further explained in the Waikato District Landscape Study 2017)

Identified Outstanding Natural Features (ONF) and Outstanding Natural Landscapes (ONL) are shown on the planning maps from the criteria identified within the RPS. The PDP manages these areas through land use and subdivision controls. Significant Amenity Landscapes (SALs) which include locally distinctive hill country, dunes, wetlands, lakes and river margins are the second tier identified landscapes as these areas are generally less sensitive to development than ONFs and ONLs. The particular qualities and values of ONFs, ONLs are listed in Waikato District Landscape Study (2018) The natural character is also recognised in this study.

#### *Indigenous Biodiversity.*

The New Zealand Coastal Policy Statement (2010) and the Waikato Regional Policy Statement. (2016) introduced policies relating to the management of indigenous biodiversity and the current plan has not addressed this.

Significant Natural Areas addresses the specific biodiversity values of these identified areas. Significant Natural Areas within the coastal environment are specifically addressed, as well as offsetting the adverse effects of subdivision, land use and development. A key method in the PDP relates to conservation subdivision which provides an avenue for the legal protection of areas of Significant Natural Areas. Along with this there is a need to recognise sites which have a high proportion of vegetation cover by providing for clearance of vegetation where there is no alternative building platform.

### **3.3 Principles to guide the review**

At the outset of the review process the Council adopted the following principles to guide the development of the proposed Plan.

The proposed Plan should:

- express a clear purpose throughout its provisions
- be focussed on what can most appropriately be done under the RMA
- recognise that there are alternative methods outside the RMA that may be more effective in achieving desired outcomes rather than trying to do too much through the proposed Plan or potentially going beyond the ambit of the RMA
- be outcome-led i.e. it starts with the identification of objectives and then identifies policies and methods to achieve those objectives
- have a simple, clear and logical structure and be easy to use

The statutory purpose of the proposed Plan is to promote and achieve the sustainable management of natural and physical resources. In advancing that purpose the Council has adopted the following principles that recognises that:

- enabling people's well-being requires allowing for people's choices



- where the proposed Plan imposes constraints these have a clear evidential basis
- where the proposed Plan imposes a substantial burden on a private land owner it is because of a compelling public interest
- protecting resources, sustaining their potential to meet future needs, safeguarding the life-supporting capacity of the environment and addressing the adverse effects of human activities on the environment are as essential as enabling people's well-being.

### 3.4 Review process

Section 79 of the RMA states the time frames under which district plans are to be reviewed and the options on how this review can be undertaken. The current Waikato District Plan was notified in 2004 and became fully operative in 2012. Local Government amalgamation in 2010 saw the Waikato district grow considerably with the inclusion of the former Franklin area. The Franklin District Plan was made operative February 2000 although various plan changes from that date updated the plan without undergoing a comprehensive review. The amalgamation of the two councils resulted in development in the district effectively being driven by two differing sets of guidelines.

In addition the growth pressures from the areas north and south were causing impacts and a proliferation of plan changes was beginning to occur. To keep pace with development and have a consistent set of rules for the district it was necessary to review the plan.

The last State of the Environment Report (SoE) was completed in November 2013. It provides an analysis of focused areas relating to the District Plan with the issues of Indigenous Vegetation, Contaminated Land, Natural Hazards, Energy, Cultural Wellbeing, Hazardous Substances, Natural Features and Landscapes, Reserve and Natural Resources being reported on. The SoE also identified that there are a number of areas where improved information gathering is required. Council is currently reviewing its strategy for collecting information relating to the SoE and better alignment with the District Plan is expected to provide improved information on the efficiency and effectiveness of the policies and rules contained within it.

<https://www.waikatodistrict.govt.nz/your-council/plans-policies-and-bylaws/reports/state-of-the-environment>

In line with the above, the Council is required to give effect to higher order documents and a number of significant changes have come into effect which has not been reflected in the Operative District Plan. This review will bring the PDP into line with these higher order documents.

In considering issues facing the district these higher order documents were used as a basis and the issues reflected in these transposed into the local context amongst such issues as:

- Accommodating growth pressures
- Protection of landforms and natural areas
- Protection of productive soils and rural communities

- Community pressures for housing and liveability
- Responding to water reforms
- Protecting heritage
- Impacts of housing affordability
- Hazards and climate change
- Tangata whenua aspirations

The remaining sections of the s32 document deliver the evaluation by individual zone chapters. These documents have evaluated the issues and provide narrative on defining the issues; discussing the issue; proposals to address the issue and any feedback or review from interested parties. Refer to Part 2 of this document for full evaluation of issues and options by zone.

## 4 CONSULTATION

### 4.1 Community and stakeholder engagement

The remaining sections of the s32 document deliver the evaluation by individual zone chapters. These documents provide narrative on community and stakeholder engagement that has been undertaken. Refer to the Part 2 Section 32 reports for the for full evaluation of issues and options by zone.

### Iwi Authority Consultation and Advice

#### 4.1.1 Consultation Clause 3

Clause 3 of Schedule 1 of the RMA set out the requirements for local authorities to consult with Tangata whenua through and iwi authorities. Clause 3 also requires Local Authorities to consult with any person, group or ministry that may be affected by changes made to the District Plan.

Council used the following methods to create an Iwi Reference Group.

- Joint Management Agreement
- Tai Tumu Tai Pari Tai Ao (Waikato Tainui Environmental Plan)
- Partnerships
- Collaboration

The purpose of the Iwi Reference Group was to provide Council with a single forum to socialise the proposed changes to the Operative District Plan.

The Iwi Reference group was made up of all iwi and hapuu within the district that council currently consults with via the Resource Consent Process.

Engagement and consultation with the Iwi Reference group took place between December 2009 and December 2018.

Date	Group	Subject Matter	Feedback
2009-2018	Groups, individuals and Trusts	Specific issue/s, objective/s and/or provisions discussed; Papakaainga Housing Maaori Land Paa zone	General inability to utilise Maaori land. Need for whanau housing
2009-2018	Groups, individuals and Trusts	Specific issue/s, objective/s and/or provisions discussed; Heritage Sites of Significance Areas of Significance	The ongoing destruction of Maaori sites. Identification of Maaori sites Protection and celebration of Maaori sites.

This is attached as Appendix 2.

#### 4.1.2 Consultation Clause 4A

Under Clause 4A of Schedule 1 of the RMA sets out the requirements for local authorities to consult with iwi authorities before notifying a proposed plan. Clause 4A(1)(b) requires Council to have particular regard to any advice received on a draft proposed policy statement or plan from those iwi authorities.

Council engaged with the relevant Iwi and Hapuu and through Te Kahui Mangai website:

Iwi authorities within Waikato District:

- Waikato Tainui
- Ngaati Tamaoho

Iwi for the purpose of RMA list on Te Kahui Mangai

- Tainui o Tainui

Iwi that have relationship from other districts

- Hauraki
- Ngaati Maniapoto
- Ngaati Paoa - Hauraki

#### 4.2 Summary of advice received from iwi authorities

Section 32(4A)(a) requires Council to include in the Evaluation Report a summary of all the advice received from iwi authorities on the District Plan review. This is appended to this report as Appendix I.

### **4.3 Summary of Council's response to the advice received from iwi authorities**

Section 32(4A)(b) requires Council to include in the Evaluation Report a summary of how Council has responded to the advice received from iwi authorities on the District Plan review including any provisions included in the proposed Plan that are intended to give effect to the advice.

This section should also document how the advice has been used in the s32 evaluation process. This is appended to this report as Appendix I.

### **4.4 Summary of feedback on draft proposed District Plan**

During the course of plan preparation Council has undertaken extensive consultation with key stakeholders and with local communities as to how the plan should reflect all the individual aspirations. Stakeholder engagement feedback mirrored the following themes:

**Amenity:** signs, noise, glare and lighting, building size, building setbacks.

**Biodiversity:** indigenous vegetation, protection of SNA, effects of earthworks, productive use of the land while protecting biodiversity.

**Built environment:** affordable housing, subdivision particularly lot sizes and connections, earthworks, housing diversity, urban design guides and building – height, setbacks, coverage, living and service courts, minor dwellings, building size.

**Definitions:**

**Earthworks:** general and within SNA, ONFL , flooding and filling.

**GMOs:** restricting release of GMO.

**Hazardous Substances:** Duplication of NAZNO Act.

**Heritage:** definitions, activity status for rules, opposing registration of building, protection of archaeology.

**Indigenous biodiversity:** management of non-significant biodiversity, strengthen to ensure no net loss.

**Industrial:** specific rules for scheduled areas, amendments for non renewable resources.

**Infrastructure:** provision for walking/cycling, low impact design features, requirements for emergency services, definitions, setbacks and reverse sensitivity, continuing operation of network infrastructure, indicative roads.

**Natural Hazards:** coastal environment, flood ponding areas, climate change, buildings in flood risk areas, flood mapping.

**Natural resources and rural subdivision:** earthworks, gully protection and planting, filling, definitions, reverse sensitivity from subdivision, minerals, prohibition of subdivision, conservation lots, rural hamlets, provision of Retirement villages in rural areas, boundary relocation.

Outstanding Natural Features and Landscapes: protection of views, threats from pests, incorrect mapping.

Reserves: identify walkways, esplanade strips.

Special activity area: Mercer

Strategic growth: alignment with cross boundary councils.

General subdivision: clarity of rules.

Tangata whenua: clarification of use of Maori land.

Zoning: Amendments to zones.

As a result of feedback a number of changes have been made to the draft chapters by incorporating minor amendments to clarify rules, definitions or policies. In some instances rules have been deleted as a response.

While all feedback and consultation processes have been resulted in valuable information, Council made a draft Proposed District Plan available for public feedback in November 2016. In parallel to this, Council held open days and drop-in days which enabled the community to talk to the planners and examine the draft Proposed District plan. The following open days were held within the District:

- 02/06/2015 – Open day Raglan
- 03/06/2015 – Open day Te Uku
- 04/06/2015 – Open day Te Kowhai
- 09/06/2015 – Open day Tamahere
- 10/06/2015 – Open day Puketaha
- 11/06/2015 – Open day Ngaruawahia
- 16/06/2015 – Open day Whitiakahu
- 17/06/2015 – Open day Orini
- 18/06/2015 – Open day Te Akau
- 23/06/2015 – Open day Matangi
- 24/06/2015 – Open day Huntly
- 25/06/2015 – Open day Tuakau
- 30/06/2015 – Open day Waerenga
- 01/07/2015 – Open day Mangatani
- 02/07/2015 – Open day Pokeno
- 07/07/2015 – Open day Te Kauwhata
- 08/07/2015 – Open day Port Waikato
- 09/07/2015 – Open day Otara
- 23/07/2015 – Extended working group workshop
- 25/07/2015 – Extended working group workshop
- 27/08/2015 – Consultants workshop
- 19/01/2017 – Presentation to Extended Working Group
- 17/10/2017 – Stakeholder information day in Ngaruawahia town hall;
- 19/10/2017 – Stakeholder information day in Tuakau town hall;
- 20/11/2017 – Open day Tuakau;
- 22/11/2017 – Open day Mangatani;
- 23/11/2017 – Open day Pokeno;

- 28/11/2017 – Open day Te Kauwhata;
- 29/11/2017 – Open day Huntly;
- 30/11/2017 – Open day Raglan;
- 05/12/2017 – Open day Te Kowhai;
- 06/12/2017 – Open day Tamahere; and
- 07/12/2017 – Open day Ngaruawahia.

Specific consultation commenced on biodiversity, landscapes, natural character and historic heritage with affected landowners in May and June 2018 with letters sent to property owners who would be directly affected by provisions on these matters. Discussions were had with landowners to discuss the draft provisions and what this would mean for them.

The details of the feedback received are outlined in each of the relevant Section 32 reports.

## **5 APPROACH TO SECTION 32 EVALUATION**

### **5.1 Section 32 requirements**

Section 32(1) requires the evaluation to:

- Examine whether the objectives of the proposed Plan are the most appropriate way to achieve the purpose of the RMA.
- Examine whether the provisions within the proposed Plan are the most appropriate way of achieving the objectives, including:
  - identifying other reasonably practicable options for achieving the objectives
  - assessing the efficiency and effectiveness of the provisions in achieving the objectives
  - summarising the reasons for deciding on the provisions
- 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 implementation of the proposed Plan.

When assessing the efficiency and effectiveness of the proposed Plan's provisions s32(2) requires the assessment to:

- Identify and assess anticipated benefits and costs of the environmental, economic, social, and cultural effects, including the opportunities for:
  - economic growth that are anticipated to be provided or reduced
  - employment that are anticipated to be provided or reduced
- If practicable, quantify the benefits and costs referred to in above.
- Assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

## 5.2 Guidance from recent case law

Key points from relevant case law on s32 evaluations that have influenced Council's approach to the evaluation are:

- 'most appropriate' means "suitable, but not necessarily superior"<sup>2</sup>
- it is not necessary for each objective individually to be the most appropriate way of achieving the purpose of the Act. This is because objectives may interrelate and have overlapping ways of achieving sustainable management<sup>3</sup>
- a "holistic" approach should be taken rather than a more focused, vertical or "silo" approach to objectives, policies and methods<sup>4</sup>

## 5.3 Evaluation steps

The following sections set out the process that the Council has followed to ensure that it has undertaken a transparent, robust decision-making process when reviewing the District Plan. Comprehensive detail on how each of the steps under the following sections has been undertaken is included in each of the evaluations per zone. Refer to the s32 chapters by zone for details.

There are section 32 evaluation reports on the following topics:

1. Strategic direction and growth
2. Infrastructure:
  - a. Infrastructure
  - b. National Grid
  - c. Renewable electricity generation
  - d. Water supply, stormwater and wastewater
  - e. Transport
3. Biodiversity
4. Landscapes and natural character
5. Historic heritage
6. Tangata whenua
7. Residential Zone
8. Village Zone
9. Country Living Zone
10. Rural Zone
11. Business and Business Town Centre Zone
12. Industrial and Heavy Industrial Zone

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<sup>2</sup> Rational Transport Soc Inc v New Zealand Transport Agency HC Wellington CIV-2011-485-2259, 15 December 2011.

<sup>3</sup> Rational Transport Soc Inc v New Zealand Transport Agency [2012] NZRMA 298 (HC).

<sup>4</sup> Art Deco Soc (Auckland) Inc v Auckland Council [2012] NZEnvC 125, [2012] NZRMA 451

- 13. Hazardous substances
- 14. Contaminated land
- 15. Reserves Zone
- 16. Tamahere Business Zone
- 17. Rangitahi Peninsula Zone
- 18. Motorsport and Recreation Zone
- 19. Te Kowhai Airpark Zone

### **5.3.1 Defining the issues**

This section will set out the process Council followed to:

- identify key issues e.g. outcomes from monitoring, audits, feedback from Council staff, outputs from engagement processes, etc.
- determine the baseline / status quo against which other options will be assessed e.g. Discussion Documents
- identify intended outcomes and ensure these are achievable and within Council's powers under s31 of the RMA

### **5.3.2 Matters considered throughout the evaluation process**

This section will describe the key matters that need to be considered throughout the evaluation process e.g.

- Process adopted to determine the level of information required to enable evidence based analysis
- Criteria adopted to assess scale and significance
- How the outputs from community engagement and the advice from iwi authorities has been incorporated into the evaluation
- Feedback loops developed to confirm and reconfirm decision making throughout the process

### **5.3.3 Identification and assessment of objectives**

This section of each Section 32 report will describe:

- How the objectives have been developed to resolve the issues and promote the purpose of the RMA
- The approach to assessing the objectives e.g.
  - Holistic / grouping rather than assessing objectives individually
  - Qualitative evaluation against criteria
  - Linking objectives with intended outcomes



### 5.3.4 Identification and screening of options for achieving objectives

This section of each Section 32 report will describe:

- How Council developed the options for achieving the objectives e.g.
  - As part of examining the provisions, reasonably practicable options for achieving the proposed objectives must be identified (s32(1)(b)(i)). Council has adopted the approach recommended in the MfE Guidance<sup>5</sup> being to include options that:
    - are both regulatory and non-regulatory
    - are targeted towards achieving the objective/outcome
    - are within the Council's resources, duties and powers
    - represent a reasonable range of possible alternatives and are not simply the status quo versus change
- The process followed for the high level screening of the options and determining the provisions to be assessed for appropriateness e.g. Issues and Options reports

### 5.3.5 Assessing appropriateness of provisions

This section will outline the methodology adopted to ensure the provisions that have been adopted are the most appropriate way to achieve the objectives including

- the environmental, economic, social and cultural effects of the provisions compared to the effects of no change/status quo have been assessed
- the considerations for assessing scale and significance and the approach adopted for provisions of high scale and significance
- the methods for collecting qualitative information
- the assumptions, limitations and the scope of quantitative information
- the rationale for the level of quantification of costs and benefits
- the methods used to estimate costs and benefits and why these were chosen
- steps and approaches for assessing risk and uncertainty

## 5.4 Conclusion and reasons

The review of the Waikato District Plan has been undertaken in line with Section 74(1) of the RMA in that it has taken into account:

- Council's functions under s31 of the RMA;
- Part 2 of the RMA;
- Council's obligations under s32 of the RMA;
- national policy statements and the New Zealand coastal policy statement; and

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<sup>5</sup> A guide to section 32 of the Resource Management Act 1991, Ministry for the Environment 2017, page 17

- regulations.

In addition the review has given regard to:

- management plans and strategies prepared under other Acts; and
- the New Zealand Heritage List/Rarangi Korero;

as well as

- taken into account any relevant planning document recognised by an iwi authority.

The Proposed Plan addresses section 75 -Contents of district plans in that it states :

- (a) the objectives for the district; and
- (b) the policies to implement the objectives; and
- (c) the rules to implement the policies; and

that it gives effect to the:

- (a) current national policy statements; and
- (b) New Zealand coastal policy statement; and
- (c) Waikato Regional Policy Statement.

This section 32 report has:

- (a)examined the extent to which the objectives are the most appropriate way to achieve the purpose of this Act; and
- (b)examined whether the provisions in the proposal are the most appropriate way to achieve the objectives by—
  - (i)identifying other reasonably practicable options for achieving the objectives; and
  - (ii)assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
  - (iii)summarising the reasons for deciding on the provisions; and
- (c)contains a sufficient level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

Each assessment has:

- (a)identified and assessed the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for -

- (i) economic growth that are anticipated to be provided or reduced; and
- (ii) employment that are anticipated to be provided or reduced; and
- (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and
- (c) assessed the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

All advice concerning the proposal received from iwi authorities; and the response to the advice are detailed in Appendix 2 to this report.

## 5.5 Overarching Summary

Part of sustainable development is enabling people and communities to provide for their economic wellbeing. Economic development makes an important contribution to delivering a thriving and resilient future for the Waikato District. There is a need however, to achieve a balance between social, economic, cultural and environmental wellbeing in the sustainable development of the district. The local economy and economic growth should, as far as possible, avoid environmental harm and develop within the basic capacity and thresholds of natural resources to support such growth.

The district has been divided into zones for environmental, social and culture enjoyment and these zones are all encompassing in that not one zone can exist in isolation. Together all zones contribute significantly to the well-being of the community –in the provision of goods and services, providing vital employment opportunities and ensuring rural production is maintained. All zones needs to be carefully managed to provide these opportunities but in an efficient and sustainable manner.

### *District wide*

The proposed objectives recognise the importance of strengthening the local economy while taking into account the expected growth within the district. One of the key mechanisms for this is supporting a compact and consolidated urban form supported by an integrated transport network. An efficient urban form is also one which is easily accessed by active, public and private transport modes. A centre which is easily accessed ensures that the community and catchment it serves is able to access and support the businesses and facilities within the centre. In achieving these district wide objectives Council's vision of creating Liveable, thriving connected communities which are sustainable, efficient and co-ordinated will be achieved.

The suite of objectives recognises that the holistic design of the plan at both a micro and macro scale is essential to economic success. For example, every town within the District has its own distinct character. This is a product of its location, history and current population and needs to be retained so that each centre is unique. Incorporation of Crime Prevention through Environmental Design principles ensures the commercial centres of the district areas are safe and pleasant places to live, work and play.

These objectives will be effectively delivered by a number of policies. The policies provide greater detail on the towns and villages and the range of activities that are appropriate for each. The policies reinforce the importance of subdivision and development design in the function and viability of centres. The policies also recognise

the importance of providing suitable locations for every sort of economic activity. For example the location of industrial activities needs to be carefully managed to avoid reverse sensitivity effects and complaints. It would be inappropriate to locate industrial next to sensitive activities.

These policies are further implemented by zones, structure plans, activity classification and standards.

The proposed provisions give effect to the direction given through the regional policy statement. The use of zones is considered to provide clear objectives that address need for an economically viable working environment. This in turn enables an efficient and effective framework of policies and rules to be established. This approach enables the Council to fulfil its statutory obligations of the RMA in a way that provides for the social, economic and cultural well-being of current and future generations. This sentiment will be achieved through effective and efficient policies, rules and methods

*Rural and Natural Environments:*

The approach undertaken in the Rural Environment gives effect to the direction given through the Waikato Regional Policy Statement. Soils, particularly high class soils, are a finite resource due to their versatility and contribution to productive land use activities such as horticulture and agriculture. High class soils comprise approximately 34% of the soils of the district, noting that 2% are Land Use Capability I, being the best soils in New Zealand. There are limited areas of high class soils found within the district, however most of the high class soils are located within close proximity to Pukekohe (volcanic soils), as well as on relatively flat and well drained areas with favourable climatic conditions.

Rural land is a finite resource that is vulnerable to small scale changes that, cumulatively, can have a profound effect on the ability of land to be used efficiently for rural production and other rural activities. A key focus is to ensure that the rural environment does not become so fragmented that it can no longer be used effectively for productive rural activities.

Avoiding the repeated subdivision of land is a vital part of avoiding cumulative adverse effects on the rural environment. Landbased primary production and rural industries make a vital contribution to sustainable management, especially towards the social, cultural and economic wellbeing of the community. Adverse effects on these activities need to be carefully managed to ensure continuing future economic wellbeing. Subdivision needs to be managed, and rural character and amenity needs to be retained, in ways that provide for the efficient utilisation of natural and physical resources (including built facilities such as transport networks, mineral resources and ongoing rural production) and that enable the community to provide for its wellbeing, both now and in the long term.

The Regional Policy Statement is directive in regard to the management and retention of high class soils and this directive has been reflected in the prohibited activity status for rural subdivision and the more rigorous assessment required for subdivision locating on high class soils. Locating residential, village, business or industrial uses on high class soils can destroy the soils or prevent their most efficient and best uses, especially for food production. A more sustainable use of the soils of the district would be to locate these activities on land with poorer soils. Activities that do not utilise the productive capacity of high class soil should be limited to circumstances where other positive effects for the community are significant, or where the loss, including the

cumulative loss, of the productive capacity of high class soils is minor. Some activities (i.e. earthworks) affect the properties of soil to the extent that they can no longer be used for other purposes, e.g. through removal or degradation. High standards of rehabilitation and reinstatement of soil properties are required to ensure that the versatility of soils is retained and that water edge environments are maintained or enhanced following disturbance.

The district contains regionally and nationally significant mineral resources including hard rock aggregate, sand, gravel and coal. Waikato district's strategic location means that its aggregate resources are vital not only to this district but also to the Waikato and Auckland Region. The location-specific and finite characteristics of minerals needs to be recognised, and access to, and utilisation of, these resources needs to be managed to enable the community to provide for its social, cultural and economic wellbeing. Long-term opportunities to access aggregate resources need to be secured, to ensure the community can meet its needs and as a means of minimising the adverse effects associated with aggregate extraction. Consideration should be given to the adverse effects of subdivision and development upon the ability to commence aggregate extraction in the future where a combination of factors indicate that extraction may be viable and appropriate. An Aggregate Extraction Resource Area annotation is designed to retain access opportunities to aggregate resources by ensuring consideration is given to the density and location of new lots being created through subdivision and the consequential development of new dwellings or other sensitive activities. Within this policy area, subdivision should be managed so that it does not constrain access to the aggregate resource in terms of both its extraction and its haulage.

The proposed rural and natural environments chapters are considered to provide a clear objective that addresses the issue of rural production which in turn enables an efficient and effective framework of policies and rules to be established. This approach enables the Council to fulfil its statutory obligations of the RMA in a way that provides for the social, economic and cultural well being of current and future generations. This will be achieved through effective and efficient policies, rules and methods.

#### *Urban Environments:*

Part of sustainable development is enabling people and communities to provide for their social, economic and cultural wellbeing. The proposed objectives and policies seek to provide a variety of living environments in a manner which enforces the function and vitality of the district's towns and villages. This directly enables people to provide for their social, economic and cultural well-being. The proposed provisions also ensure an adequate supply of housing and recognise the need for housing in different forms which assists in the well-being of people and the community.

Residential areas are vital for the community's well-being, but locating these close to income, transport networks and employment opportunities ensures the economic well-being. Town centres provide opportunities for people to meet their social and cultural needs. Locating housing in close proximity further enables people to meet their needs. Housing affordability encompasses the full costs associated with housing, including such things as housing payments (rent/mortgage), operating costs (heating/electricity) and transport costs. As a result, housing affordability is affected by factors including the operating energy efficiency, location in relation to employment and services and size and design relative to the needs of the household. Recognising

the need for affordable housing will assist in people's economic well-being. The District's centres are where the exchange of goods and services and associated land use effects are concentrated. They also have a significant social component as a focus of many community activities, and the physical amenity and character of these areas is crucial to the perceptions people have of the urban communities and district as a whole. This includes the visual appearance, convenience and safety of buildings and physical setting and variety of activities/mixed uses in close proximity in each centre.

These provisions will enable people and communities to provide for their health and safety and is achieved through the proposed provisions. This includes consolidating and focussing work and live opportunities into centres. This allows people to easily access their day-to-day needs while reducing reliance on private vehicles. The urban form is very important in terms of safety as is demonstrated by Crime Prevention Through Environmental Design principles. People will only live, work and shop in areas where they feel safe. The level of amenity provided by developments can influence the success of a residential area and town centre as a destination for the local and wider community.

These policies are further implemented by zones, structure plans, activity classification, standards and assessment criteria.

The proposed provisions give effect to the direction given through the regional policy statement. The proposed Urban chapter and zone chapters are considered to provide clear objectives, policies and associated rules/standards that address matters included in the Regional Policy Statement and NPC UDC including ensuring a high level of environmental quality in urban areas by encouraging good urban design, enhancing and protecting amenity values and maintaining and enhancing natural areas and protecting those places, features or buildings with significant heritage, ecological, cultural or landscape values.

The proposed approach enables the Council to fulfil its statutory obligations of the RMA in a way that provides for the social, economic and cultural well being of current and future generations. This sentiment will be achieved through effective and efficient policies, rules and methods.

## APPENDIX I: IWI CONSULTATION AND ADVICE

This section outlines the feedback received from iwi as part of the Clause 4 of Schedule 1 of the RMA processes.

Date	Iwi Authority	Subject Matter	Advice Received	Consideration of Advice
December 2014 to December 2017	Iwi Reference Group – schedule 1 Section 3 of the RMA – <b>Consultation:</b> Council shall consult with any person, group or ministry that may be affected by changes to the District Plan.	The iwi reference group was formed by the following methods: <ul style="list-style-type: none"> <li>Using the Joint Management Agreement</li> <li>Tai Tumu Tai Pari Tai Ao (Waikato Tainui Environmental Plan)</li> <li>Partnerships</li> <li>Collaboration</li> </ul>	Discussions took place on the following topics between December 2014 and May 2015: <ul style="list-style-type: none"> <li>Initial engagement and what this will look like – iwi representation – initial issues with operative District Plan</li> <li>Multi stakeholders workshops</li> <li>Package of District Plan issues</li> <li>Core District Plan topics</li> </ul>	The Project will be broken up into the following phases: <ul style="list-style-type: none"> <li>Phase 1: Project Inception (Sept - Dec 2014)</li> <li>Phase 2: Operative Plan Audit (Nov 2014 - March 2015)</li> <li>Phase 3: Issue and Topic Identification (March - July 2015)</li> <li>Phase 4: Draft District Plan Development (July 2015 - Nov 2016)</li> <li>Phase 5: Notification and Hearing (2017)</li> <li>Phase 6: Appeals (2018)</li> <li>Phase 7: Operative District Plan (2020)</li> </ul>
19 April 2017	Introduction of schedule 1 section 4A of the RMA – <b>Consultation with Iwi Authorities:</b> <ul style="list-style-type: none"> <li>Council must provide a draft copy of the proposed district plan to iwi authorities.</li> <li>Must allow adequate time and opportunity for iwi authorities to consider the draft plan</li> <li>Council must have particular regard to the advice received</li> </ul>	Council has identified the following with consultation with the relevant Iwi, Hapuu and Te Kahui Mangai website: <p>iwi authorities within Waikato District:</p> <ul style="list-style-type: none"> <li>Waikato Tainui</li> <li>Ngaati Tamaoho</li> </ul> <p>Iwi for the purpose of RMA list on Te Kahui Mangai</p> <ul style="list-style-type: none"> <li>Tainui o Tainui</li> </ul> <p>Iwi that have relationship from other districts</p> <ul style="list-style-type: none"> <li>Hauraki</li> <li>Ngaati Maniapoto</li> <li>Ngaati Paoa - Hauraki</li> </ul>	<p><b>Waikato Tainui</b></p> <ul style="list-style-type: none"> <li>There was alignment of the Objectives and Policies from Waikato Tainui Environmental Plan to the draft Proposed Plan</li> <li>To include with steward, stewardship the words guardian, guardianship</li> <li>There are additional wording and amendments that will need to be considered as a submission</li> <li>Protection of heritage sites to be observed by all owners</li> <li>Buffer area around site to require a cultural Impact Assessment</li> <li>The inclusion of a cultural impact assessment with every resource consent</li> <li>A blanket overlay approach to some significant and sensitive areas</li> </ul> <p><b>Ngaati Tamaoho</b></p> <ul style="list-style-type: none"> <li>There were some concerns around the management of stormwater prior to discharge</li> <li>Push for maintain and enhancement of natural environment</li> <li>Low impact design for infrastructure</li> <li>Earth bunds around cropping activities</li> <li>Recharge of groundwater</li> <li>Consultation with iwi / hapuu</li> </ul> <p><b>Tainui o Tainui</b></p> <ul style="list-style-type: none"> <li>Additional wording around how the plan seeks to acknowledge the use of Maaori freehold and customary land.</li> <li>The inclusion of Hapuu Management Plan in the objectives and policies</li> <li>The inclusion of guardian and guardianship</li> <li>Encourage the use of water tanks to meet demand</li> <li>Kiingitanga is an institution rather than a value, however it is valued by Waikato and other iwi,</li> <li>Iwi relationships with Council</li> </ul> <p><b>Hauraki</b></p> <ul style="list-style-type: none"> <li>Council to include a new definition for “Settlement land” and potential provisions to suit their</li> </ul>	<p><b>Council made the following amendments:</b></p> <p><b>Waikato Tainui</b></p> <ul style="list-style-type: none"> <li>Council to include additional wording (as below under Tainui o Tainui)</li> <li>Earthworks rule for Maaori sites and areas will apply to all land including Maaori Freehold</li> <li>The rule no longer has a requirement for a Cultural Impact Assessment. Instead, matters of discretion include heritage and cultural values</li> <li>Include a check sheet for cultural impact assessment to accompany resource application</li> <li>Blanket overlay approach for significant and sensitive site is not supported by council</li> </ul> <p><b>Ngaati Tamaoho</b></p> <ul style="list-style-type: none"> <li>Amendments to include the following (additional text is underlined)</li> </ul> <p>1.4.2.3 Challenges (ix) <u>With growth pressure in both the Urban and Rural sectors, maintaining and enhancing the natural environment.</u></p> <p>1.4.4 The urban environment (b) <u>Costs and inefficiencies can increase significantly, where development patterns are dispersed. For example, unplanned development, which increases vehicle traffic, may reduce roading efficiency and road safety, compromise rail operations and result in unplanned roading upgrades. Costs can be minimised, and better performance of infrastructure and services achieved, where infrastructure provision is timely in relation to demand, and optimally-sized and located. This may mean that it is necessary to stage infrastructure provision relative to growth in demand as well as ensuring that the natural environment is maintained and enhanced through Low Impact Design infrastructure.</u></p> <p>1.5.5 Services and General Infrastructure (e) <u>In considering cross-boundary issues, Council will encourage consultation between the organisations responsible for the infrastructure, developers, the adjoining landowners, and iwi and the adjoining consent authorities</u></p> <p>6.4.5 Policy – Roading Infrastructure (a) <u>Ensure that roading infrastructure is developed so that:</u> I. <u>the design, location, alignment and dimensions of new roads provide safe vehicle, pedestrian and cycling access and manoeuvring to every site;</u> II. <u>the roading pattern provides good connectivity to the site and integrates with adjacent land identified as future growth areas including public transport such as bus stops;</u> III. <u>there is adequate provision of on-site parking and manoeuvring for land use activities; and</u> IV. <u>contaminants generated, are appropriately mitigated</u></p> <p>6.4.7 Policies – Stormwater (a) <u>Ensure that stormwater and drainage infrastructure for subdivision, land use and development:</u> (i) <u>Adopts, where appropriate, a best-practice low impact design approach to the management of stormwater;</u> (ii) <u>Manages stormwater in accordance with a drainage hierarchy, with a preference for on-site treatment;</u> (iii) <u>Minimises impervious surfaces to reduce stormwater run-off;</u> (iv) <u>Retains pre-development hydrological conditions as far as practicable;</u> (v) <u>Does not increase the flow of stormwater runoff onto adjoining properties or flood plains, or reduce storage capacity on-site;</u> (vi) <u>Provides a stormwater catchment management plan for future urban development; and</u></p>

			<p>aspirations</p> <ul style="list-style-type: none"> <li>• Current involved in some outstanding claims within the district</li> </ul> <p><b>Ngaati Maniapoto</b></p> <ul style="list-style-type: none"> <li>• Been involved with the Iwi Reference Group from the start</li> <li>• Organisation has had significant changes</li> </ul> <p><b>Ngaati Paoa – Hauraki</b></p> <ul style="list-style-type: none"> <li>• Have an interest in Maramarua</li> <li>• Would like to have the ability to share Council provisions with other councils in their area.</li> </ul>	<p><u>(vii) Promotes clean water reuse and groundwater recharge where practicable.</u></p> <p><b>Tainui o Tainui</b></p> <ul style="list-style-type: none"> <li>• Amendments to include the following (additional text is underlined)</li> </ul> <p><i>1.7.3.3 Consultation</i></p> <p><u>(d) According to Section 35A a local authority has a duty to keep records about iwi and hapuu, this information can be sourced from the Te Kahui Mangai website.</u></p> <p><u>1.4.5 The plan seeks to acknowledge Maori Freehold and Maori Customary Land. The Maori Land Court has the authority under the Te Ture Whenua Act to determine activity use and status of Maori land.</u></p> <p><i>1.4.2.2 Advantages</i></p> <p>(a) <u>Revocation of parts of State Highway 1 will offer opportunities for some town centre improvements and cycle/walk ways. It is important to note that there is a strong cultural identity in the district and the emergence of Te Whakakitenga o Waikato Incorporated – (Waikato-Tainui) as a major economic player is an advantage. Further advantages will become evident with the emergence of other post settlement iwi.</u></p> <p><i>2.14 Objective –Kaitiaki (steward/guardian)</i></p> <p><i>2.14.1 Policy Kaitiakitanga (stewardship/guardianship)</i></p> <p><i>2.16 Objective-Tikanga aa-iwi o te takiwaa o Waikato</i></p> <p><i>1.5.7.3</i></p> <p><u>(e) Water for industry located outside municipal supply areas is sourced from a combination of surface water (mostly the Waikato River catchment) and groundwater. Recently, new allocation limits and minimum flows have been set for surface water resources across the whole Waikato region (as a result of a change to the Waikato Regional Plan). Greater scrutiny of, and restrictions on, groundwater takes have also been introduced. While the availability of surface water will depend on the point of abstraction, the level of allocation at the bottom of the Waikato catchment is the overriding constraint on water availability. The majority of Waikato district is within the Waikato catchment. As at the beginning of 2015, 87% of the flow that was able to be allocated at the river mouth was already allocated for the summer months. Although more water is available in winter, demand for water is either year round for industrial processing and municipal supply, or for the summer season for irrigation. Therefore, unless winter water can be stored, the use of water tanks should be encouraged as the available winter water is practically unavailable for economic use.</u></p> <p>Chapter 2: Tangata Whenua</p> <p>2.2 Background</p> <p><u>(c) These taniwha represent a chief or person of tremendous influence. It underlines the ‘mana’ of the Waikato people. Usually at every bend of the river was a paa with its own chief. Today, Tangata Whenua play a large partnership role in the lifeline of district issues and goals. Important relationships have been formed through the River Settlement Acts: The Waikato River Settlement Act 2010, the Vision and Strategy (Te Ture Whaimana o Te Awa o Waikato) and the Joint Management Agreement, which are redress instruments of a Treaty of Waitangi settlement, so have significant meaning and status for Waikato Tainui. Other hapuu and iwi, including those of the harbours and coastal communities bordering the western boundary of Waikato District have also developed relationships with the District Council.</u></p> <p><b>Hauraki</b></p> <ul style="list-style-type: none"> <li>• Any changes will be made as a submission</li> </ul> <p><b>Ngaati Maniapoto</b></p> <ul style="list-style-type: none"> <li>• Any changes will be made as a submission</li> </ul> <p><b>Ngaati Paoa – Hauraki</b></p> <ul style="list-style-type: none"> <li>• Any additional changes to be made as a submission</li> </ul>
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## **APPENDIX 2 IWI CONSULTATION**

## **APPENDIX 3 ACOUSTIC ADVICE**