

SECTION 42A REPORT

Report on submissions and further submissions

Topic: Appendix 5 Structure Plan Requirements

Report prepared by: Carolyn Wratt

Dated: 7 June 2024

TABLE OF CONTENTS

1.	Introduction	4
1.1	Qualifications and Experience.....	4
1.2	Code of Conduct.....	4
1.3	Conflict of Interest.....	4
1.4	Preparation of this report.....	4
2	Scope of Report	5
2.1	Matters addressed by this report	5
2.2	Overview of the chapter	5
2.3	Statutory Requirements	5
2.4	Procedural matters	6
3	Consideration of submissions received.....	6
3.1	Overview of submissions	6
3.2	Structure of this report.....	6
4	Appendix 5 – Structure Plan Requirements	7
4.1	Introduction.....	7
5	Conclusion.....	16
	APPENDIX 1 RECOMMENDED AMENDMENTS.....	17
	APPENDIX 2 SECTION 32AA EVALUATION.....	21
1	Introduction	21
1.1	Format of the report	21
2	Appropriateness of Objectives.....	21
2.1	Identification of Options to Achieve the Objectives.....	21
2.2	Preferred Option.....	21
2.3	Evaluation of Preferred Option Against Objective	22
	APPENDIX 3 ACCEPT / REJECT RECOMMENDATIONS	24

List of submitters and further submitters addressed in this report

Submission No	Submitter
10	Waikato Regional Council
17	Waka Kotahi
47	Royal Forest and Bird Protection Society of New Zealand
FS23	Te Nehenehenui

1. Introduction

1.1 Qualifications and Experience

1. My name is Carolyn Wratt. I am a Principal Policy Planner and Director of the consultancy firm Wratt Resource Management Planning Ltd. I am contracted by Waitomo District Council (**WDC**) to assist with the Proposed Waitomo District Plan
2. I hold the degrees of Bachelor of Science (Geography and Resource Management) (1997) and Masters of Science (Hons) in Coastal Geomorphology and Resource Management (1999), both from the University of Auckland. I am a full member of the New Zealand Planning Institute and an accredited Resource Management Commissioner under the Ministry for the Environment programme Making Good Decisions.
3. I have over 25 years experience in planning – both regulatory and policy, including working primarily for local and regional authorities around New Zealand. In my capacity as both a consultant and council planner, I have provided policy advice to a number of clients. Of most relevance I have assisted various councils with their district plan reviews including Hamilton City Council, Auckland Council, Kapiti Coast District Council, Selwyn District Council, Taupo District Council, Kaipara District Council and Christchurch City Council. Most recently I have been involved in all of the processes associated with the Proposed Waikato District Council, which has now progressed to the stage of working through appeals.

1.2 Code of Conduct

4. I confirm that I have read the Code of Conduct for Expert Witness in the Environment Court Practice Note 2014 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
5. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners.

1.3 Conflict of Interest

6. I confirm that I have no real or perceived conflict of interest.

1.4 Preparation of this report

7. I am the author of this report.

8. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

2 Scope of Report

2.1 Matters addressed by this report

9. The scope of this Section 42A report relates to the evaluation of submissions and further submissions received in relation to the details to be provided under Appendix 5 Structure Plan Requirements of the Waitomo Proposed District Plan (**PDP**) and make recommendations. Appendix 5 outlines the information to accompany a structure plan prior to rezoning land from Future urban zone (**FUZ**) to a live zone that enables increased density of development. Submissions relating to the FUZ are addressed in the section 42A report for the Future urban zone.
10. This report is prepared in accordance with section 42A of the Resource Management Act (**RMA**). The purpose of a section 42A report such as this is to guide submitters and the independent hearings panel, but the contents are just the recommendations of the author. The decision ultimately lies with the independent hearings panel.

2.2 Overview of the chapter

11. The FUZ is essentially an interim zone to signal that increased development may occur on the land at some point in the future. In order to enable development to occur, a structure plan must be developed and Appendix 5 sets out the matters that the structure plan must address. A plan change using the process set out in Schedule 1 of the RMA can then be promulgated in order to change the zoning.
12. Appendix 5 is therefore important as it establishes a checklist for the structure plan, which then informs the plan change to change the zoning. The structure plan must be comprehensively designed and coordinate with infrastructure where this is available. Appendix 5 Structure Plan Requirements pertains to all areas subject to FUZ.

2.3 Statutory Requirements

13. The PDP has been prepared in accordance with the Council's functions under the Resource Management Act (RMA), specifically section 31, Part 2 and the requirements of sections 74 and 75, and its obligation to prepare, and have particular regard to, an evaluation report under section 32. The section 32 report which addresses this zone sets out how the relevant national policy statements, national environmental standards, provisions of the Waikato Regional Policy Statement, the Manawatū-Whanganui One

Plan, the Maniapoto Environmental Management Plan, the Waikato Tainui Environment Management Plan 2018 and Te Ture Whaimana o Te Awa o Waikato - The Vision and Strategy for the Waikato River have been assessed and considered.

14. There are provisions in the Waikato Regional Policy Statement (**RPS**) which are particularly relevant to the management of growth areas. UFD-O1 seeks for the built environment to be developed in an integrated, sustainable and planned manner. The Urban form and development section and UFD-P1 in particular refers to subdivision, use and development occurring in a planned and co-ordinated manner. UFD-P18 applies to new urban development in Tier 3 local authority areas outside the Future Proof Strategy and of note is clause (3) which seeks to focus new urban development in and around existing settlements. All of the development principles in APP11 are relevant to rezoning of additional land for development. APP11 also sets out eight principles for new rural-residential development.

2.4 Procedural matters

15. No submitter, prehearing or Clause 8AA meetings have been undertaken.
16. There has been no further consultation undertaken since notification.

3 Consideration of submissions received

3.1 Overview of submissions

17. Seven primary submissions were received and one further submission. These covered additional information that submitters consider necessary to be included when considering the development of a structure plan.
18. Chapter 50 Future Urban Zone contains the provisions that relate to the underlying zoning of the FUZ, whereas this appendix deals with the process of conversion to the anticipated zone.
19. The submissions and further submission seek inclusion of additional matters which submitters consider should be addressed when developing a structure plan.

3.2 Structure of this report

20. Given the number, nature and extent of the submissions and further submissions received and as all submissions relate to App-5.1, I have structured the report under one topic but in 2 instances I have grouped submissions as the relief sought by the submitters is similar.

4 Appendix 5 – Structure Plan Requirements

4.1 Introduction

21. Appendix 5 provides details of what must be considered when undertaking a structure plan to enable all or part of a future urban zone to transition into re-zoned land. A comprehensive and integrated structure plan must address, as appropriate, all the matters contained under APP-5.1.

Submissions

22. The seven submission points received are seeking to either amend the matters to be addressed in order to be more consistent with higher order documents or are wanting additional matters to be included for consideration during the structure plan process.

Analysis and recommendations

23. Waikato Regional Council [10.162] considers that Method UFD-M1 of the RPS directs local authorities to have regard to the general development principles in RPS Appendix 11 when preparing structure plans. Waikato Regional Council consider that Appendix 5 of the PDP does not align with the development principles and seeks an additional 8 matters to be included. Further submitter Te Nehenehenui [FS23.53] oppose this.
24. Royal Forest & Bird Protection Society of NZ (**Forest and Bird**) [47.194] have submitted similar to Waikato Regional Council for the inclusion of four additional matters. Waikato Regional Council [10.163] seek to include reverse sensitivity.
25. The principles of RPS APP 11 informed the preparation of PDP Appendix 5 but it was considered that it was not appropriate to repeat these in Appendix 5 but rather to provide a 'how to' guide based on the higher order principles. Appendix 5 was drafted to provide a checklist to a proposed developer, along with guidance for council staff, as to how those principles will apply to individual sites.
26. I have compared RPS APP11 with PDP Appendix 5 with particular focus on the principles that Waikato Regional Council and Forest and Bird consider are absent. It is noted that Forest and Bird did not submit on all the principles as Waikato Regional Council did. For clarity of scope, I have identified in brackets where Forest and Bird's submission mirrors that of Waikato Regional Council.

RPS App 11 Development principles	PDP Appendix 5 Structure Plan Requirements
a. support existing urban areas in preference to creating new ones;	Not relevant as the location of FUZ is already established.

RPS App 11 Development principles	PDP Appendix 5 Structure Plan Requirements
b. occur in a manner that provides clear delineation between urban areas and rural areas;	Not explicitly addressed, but only two of the nine FUZ areas are identified for an urban zone. Potentially covered by: 7. The relationship of the structure plan area with surrounding areas and existing activities, and the way potential conflict will be managed as the area transitions to its new zoning; and
c. make use of opportunities for urban intensification and redevelopment to minimise the need for urban development in greenfield areas;	Not relevant as the location of FUZ is already established.
d. not compromise the safe, efficient and effective operation and use of existing and planned infrastructure, including transport infrastructure, and should allow for future infrastructure needs, including maintenance and upgrading, where these can be anticipated;	Not explicitly addressed. May be partly addressed through: 7. The relationship of the structure plan area with surrounding areas and existing activities, and the way potential conflict will be managed as the area transitions to its new zoning.
e. connect well with existing and planned development and infrastructure;	4. The future servicing needs of the area and the provision of adequate, coordinated and integrated infrastructure to serve those needs; and 5. The nature and timing of any necessary infrastructure, how this infrastructure is to be developed and funded and whether the infrastructure will be implemented prior to development or as part of the development process;
f. identify water requirements necessary to support development and ensure the availability of the volumes required;	Water is not explicitly addressed, but is inherent in: 4. The future servicing needs of the area and the provision of adequate, coordinated and integrated infrastructure to serve those needs; and 5. The nature and timing of any necessary infrastructure, how this infrastructure is to be developed and funded and whether the infrastructure will be implemented prior to development or as part of the development process;
g. be planned and designed to achieve the efficient use of water;	Not addressed, but given that seven of the nine sites are identified for rural

RPS App 11 Development principles	PDP Appendix 5 Structure Plan Requirements
	zones and will be unreticulated this is not a significant gap.
<p>h. be directed away from identified significant mineral resources and their access routes, natural hazard areas, energy and transmission corridors, locations identified as likely renewable energy generation sites and their associated energy resources, regionally significant industry, high class soils, and primary production activities on those high class soils;</p>	<p>While each of the matters are not explicitly listed, this is covered by:</p> <p>7. The relationship of the structure plan area with surrounding areas and existing activities, and the way potential conflict will be managed as the area transitions to its new zoning; and</p>
<p>i. promote compact urban form, design and location to:</p> <p>i. minimise energy and carbon use;</p> <p>ii. minimise the need for private motor vehicle use;</p> <p>iii. maximise opportunities to support and take advantage of public transport in particular by encouraging employment activities in locations that are or can in the future be served efficiently by public transport;</p> <p>iv. encourage walking, cycling and multi-modal transport connections; and</p> <p>v. maximise opportunities for people to live, work and play within their local area;</p>	<p>Covered by multiple matters:</p> <p>2. How consolidation/intensification will be achieved to support a quality compact urban form; and</p> <p>8. The provision of an integrated transport network (including pedestrian and cycle links); and</p> <p>9. The provision of open space networks, esplanade strips, parks and reserves;</p>
<p>j. maintain or enhance landscape values and provide for the protection of historic and cultural heritage;</p>	<p>10. Consideration of the potential impact of development on any cultural, spiritual and/or historic heritage values of importance, and the outcomes of any consultation with and/or cultural advice provided by mana whenua;</p>
<p>k. promote positive indigenous biodiversity outcomes and protect significant indigenous vegetation and significant habitats of indigenous fauna. Development which can enhance ecological integrity, such as by improving the maintenance, enhancement or</p>	<p>11. The protection, maintenance or enhancement of scheduled sites or features, landscapes, overlays, natural waterbodies and indigenous vegetation;</p>

RPS App 11 Development principles	PDP Appendix 5 Structure Plan Requirements
development of ecological corridors, should be encouraged;	
l. maintain and enhance public access to and along the coastal marine area, lakes, and rivers;	9. The provision of open space networks, esplanade strips, parks and reserves;
m. avoid as far as practicable adverse effects on natural hydrological characteristics and processes (including aquifer recharge and flooding patterns), soil stability, water quality and aquatic ecosystems including through methods such as low impact urban design and development (LIUDD);	<p>Not addressed, however some of these matters are more appropriate to be managed through the regional plan.</p> <p>Natural hazards (which would include flooding) are addressed in multiple matters:</p> <p>3. The topography and natural and physical constraints of the site, including natural hazards and areas of contamination</p> <p>15. In Waitomo Caves Village, the provision of detailed investigations which fully identify the nature of natural hazards, particularly site suitability and the potential for river generated flooding and surface ponding;</p>
n. adopt sustainable design technologies, such as the incorporation of energy-efficient (including passive solar) design, low-energy street lighting, rain gardens, renewable energy technologies, rainwater harvesting and grey water recycling techniques where appropriate;	Not addressed, but also limited opportunities to address this through a structure plan.
o. not result in incompatible adjacent land uses (including those that may result in reverse sensitivity effects), such as industry, rural activities and existing or planned infrastructure;	<p>While each of the matters are not explicitly listed, this is covered by</p> <p>7. The relationship of the structure plan area with surrounding areas and existing activities, and the way potential conflict will be managed as the area transitions to its new zoning; and</p>
p. be appropriate with respect to current and projected future effects of climate change and be designed to allow adaptation to these changes and to support reductions in greenhouse gas emissions within urban environments;	Not addressed.
q. consider effects on the unique tangata whenua relationships,	10. Consideration of the potential impact of development on any

RPS App 11 Development principles	PDP Appendix 5 Structure Plan Requirements
values, aspirations, roles and responsibilities with respect to an area. Where appropriate, opportunities to visually recognise tangata whenua connections within an area should be considered;	cultural, spiritual and/or historic heritage values of importance, and the outcomes of any consultation with and/or cultural advice provided by mana whenua;
r. support the Vision and Strategy for the Waikato River in the Waikato River catchment;	Limited relevance as only the FUZ in Te Kuiti drains into the Manga-o-Kewa Stream which is a tributary of the Waipa River, which eventually joins the Waikato River at Ngaruawahia.
s. encourage waste minimisation and efficient use of resources (such as through resource-efficient design and construction methods); and	Not addressed, but also not relevant for a structure plan.
t. recognise and maintain or enhance ecosystem services.	Not explicitly addressed, but indigenous biodiversity is covered in 11. The protection, maintenance or enhancement of scheduled sites or features, landscapes, overlays, natural waterbodies and indigenous vegetation;
Rural-residential principles	
a. be more strongly controlled where demand is high;	Not relevant as the location of FUZ is already established.
b. not conflict with foreseeable long-term needs for expansion of existing urban centres;	Not relevant as the location of FUZ is already established and this matter has already been addressed in the zoning.
c. avoid open landscapes largely free of urban and rural-residential development;	Not relevant as the location of FUZ is already established.
d. avoid ribbon development and, where practicable, the need for additional access points and upgrades, along significant transport corridors and other arterial routes;	Not addressed, however the wider transport network is addressed by 8. The provision of an integrated transport network (including pedestrian and cycle links);
e. recognise the advantages of reducing fuel consumption by locating near employment centres or near current or likely future public transport routes;	1. The intended future use, type, location and density of development including proposed lot yields, to ensure it is suitable for the area and appropriately responds to growth demands; and 2. How consolidation/intensification will be achieved to support a quality compact urban form

RPS App 11 Development principles	PDP Appendix 5 Structure Plan Requirements
f. minimise visual effects and effects on rural character such as through locating development within appropriate topography and through landscaping;	3. The topography and natural and physical constraints of the site, including natural hazards and areas of contamination
g. be capable of being serviced by onsite water and wastewater services unless services are to be reticulated; and	4. The future servicing needs of the area and the provision of adequate, coordinated and integrated infrastructure to serve those needs; and 5. The nature and timing of any necessary infrastructure, how this infrastructure is to be developed and funded and whether the infrastructure will be implemented prior to development or as part of the development process;
h. be recognised as a potential method for protecting sensitive areas such as small water bodies, gully-systems and areas of indigenous biodiversity.	Not explicitly addressed, but indigenous biodiversity is covered in 11. The protection, maintenance or enhancement of scheduled sites or features, landscapes, overlays, natural waterbodies and indigenous vegetation;
Submission	
how development shows delineation between urban and rural areas	Not explicitly addressed, but only two of the nine FUZ areas are identified for an urban zone. 7. The relationship of the structure plan area with surrounding areas and existing activities, and the way potential conflict will be managed as the area transitions to its new zoning; and
water requirements and how development will use water efficiently	4. The future servicing needs of the area and the provision of adequate, coordinated and integrated infrastructure to serve those needs; and 5. The nature and timing of any necessary infrastructure, how this infrastructure is to be developed and funded and whether the infrastructure will be implemented prior to development or as part of the development process;
any alternatives considered where development cannot be directed away from high class soils (F&B)	Not addressed

RPS App 11 Development principles	PDP Appendix 5 Structure Plan Requirements
how development avoids adverse effects on natural hydrological characteristics and processes, soil stability, water quality and aquatic ecosystems (F&B)	Not explicitly addressed, but partially covered by the following: 3. The topography and natural and physical constraints of the site, including natural hazards and areas of contamination; and
any sustainable design technologies adopted or considered (F&B)	Not addressed
climate change mitigation and adaptation (F&B)	Not addressed
reference to the Te Ture Whaimana – the Vision and Strategy for the Waikato River	Limited relevance as only the FUZ in Te Kuiti drains into the Manga-o-Kewa Stream which is a tributary of the Waipa River, which eventually joins the Waikato River at Ngaruawahia.
plans for waste and waste minimisation	Not addressed, but also not appropriate to be addressed in a structure plan.
Connect with existing or planned infrastructure	4. The future servicing needs of the area and the provision of adequate, coordinated and integrated infrastructure to serve those needs; and 5. The nature and timing of any necessary infrastructure, how this infrastructure is to be developed and funded and whether the infrastructure will be implemented prior to development or as part of the development process;
Promote positive biodiversity outcomes	11. The protection, maintenance or enhancement of scheduled sites or features, landscapes, overlays, natural waterbodies and indigenous vegetation;
Reverse sensitivity	7. The relationship of the structure plan area with surrounding areas and existing activities, and the way potential conflict will be managed as the area transitions to its new zoning;

27. Taking the analysis in the table above into account, there are some areas where the matters in Appendix 5 do not align with the principles in RPS APP11:

- a. not compromise the safe, efficient and effective operation and use of existing and planned infrastructure, including transport infrastructure, and should allow for future infrastructure needs, including maintenance and upgrading, where these can be anticipated;
 - b. Efficient use of water;
 - c. avoid as far as practicable adverse effects on natural hydrological characteristics and processes (including aquifer recharge and flooding patterns), soil stability, water quality and aquatic ecosystems including through methods such as low impact urban design and development (LIUDD);
 - d. Use of sustainable design technologies;
 - e. Climate change mitigation and adaptation;
 - f. support the Vision and Strategy for the Waikato River in the Waikato River catchment;
 - g. encourage waste minimisation and efficient use of resources;
 - h. recognise and maintain or enhance ecosystem services;
 - i. avoid ribbon development and, where practicable, the need for additional access points and upgrades, along significant transport corridors and other arterial routes;
 - j. how development shows delineation between urban and rural areas; and
 - k. any alternatives considered where development cannot be directed away from high class soils.
28. There are two courses of action open to the Panel: include additional matters in Appendix 5 to be addressed by structure plans, or rely on the assessment of the eventual plan change to change the zoning to undertake an assessment against the RPS APP11. Either way, Section 75(3)(c) requires district plans to give effect to the RPS. For this reason I recommend the inclusion of the following matters in Appendix 5:
- 12. How development will retain the safe, efficient and effective operation and use of existing and planned infrastructure; and
 - 13. How development avoids adverse effects on natural hydrological characteristics and processes, soil stability, water quality and aquatic ecosystems and supports Te Ture Whaimana – the Vision and Strategy for the Waikato River; and
 - 14. How the development responds to climate change; and
 - 15. The pattern of development and whether ribbon development is avoided, including limiting the need for additional access points and upgrades along significant transport corridors; and

16. How development shows delineation between urban and rural areas.

29. I have not included all the matters where there are gaps. For instance, the efficient use of water is simply not relevant when seven of the nine FUZ areas will not have access to a reticulated water system. The most efficient use of water often comes from people managing their own water supply, storage and usage onsite. There are other matters which are not appropriate to be addressed through structure plans such as plans for waste and waste minimisation, and sustainable design technologies. I have not included alternatives considered where development cannot be directed away from high class soils because this is a decision that should occur at the point of zoning a site FUZ, not the subsequent structure plan process.
30. I therefore recommend accepting in part the submissions from Waikato Regional Council [10.162], Forest and Bird [47.194] and the further submission from Te Nehenehenui [FS23.53].
31. Waikato Regional Council [10.163] seek to include reference to reverse sensitivity. This is inherent in #7 in Appendix 5, but I consider it could be strengthened with the following amendment:
7. The relationship of the structure plan area with surrounding areas and existing activities, and the way potential conflict will be managed as the area transitions to its new zoning and management of potential reverse sensitivity; and
32. I therefore recommend accepting the submission point from Waikato Regional Council [10.163].
33. Waikato Regional Council [10.164] seeks to have included a provision or note that requires consultation with Waikato Regional Council and other parties as stated in methods within the RPS. Waka Kotahi [17.172] also seek inclusion of a provision in regards to consultation with the agency when integrated transport assessments are undertaken.
34. Points 1 to 11 focus on the detail that is to be provided and I note that there is no disclosure for the result of any consultation that has been undertaken between any stakeholders. I consider this to be oversight. Therefore I recommend an amendment for wording to reflect outcomes of consultation. It is considered that along with the submission from Waikato Regional Council that the Waka Kotahi submission is addressed in the recommended amendment as follows:

17. The outcome of consultation with affected parties, infrastructure providers and mana whenua.

35. Waka Kotahi also seeks inclusion of requirement to provide an Integrated Transport Assessment. While it is inherent in #4, 5 and 8, I consider the following amendment would make it clear as to the information required:
4. The future servicing needs of the area and the provision of adequate, coordinated and integrated infrastructure to serve those needs; and

5. The nature and timing of any necessary infrastructure, how this infrastructure is to be developed and funded and whether the infrastructure will be implemented prior to development or as part of the development process; and
8. The provision of an integrated transport network (including pedestrian and cycle links) [and an Integrated Transport Assessment](#).
36. Waikato Regional Council [10.165] consider that a structure plan should give effect to RPS Policy CE-P1 for areas within Waitomo District where the site/area is within the coastal environment. Mokau and Awakino are two of the areas where FUZ is proposed and both areas are subject to the Coastal Environment overlay. This has been acknowledged within APP-5.1 in #17 which requires the provision of detailed geotechnical investigations which fully identify the risks and associated constraints for these two areas. RPS CE-P1 contains 15 matters which include natural hazards, setbacks, hydrological processes, character, outstanding landscapes and features, sea level rise, servicing, public access etc. I consider that all of these matters are already covered in Appendix 5 irrespective of whether the site is within the coastal environment. I consider Appendix 5 already gives effect to WRPS CE-P1 and no amendments are needed. I recommend rejecting the submission from Waikato Regional Council [10.165].
37. Forest and Bird [47.193] have submitted for an amendment to #11 in respect of protecting indigenous fauna for species such as long-tailed bats that use habitats other than indigenous vegetation. Long-tailed bats have the highest threat ranking of Nationally Critical assessed under Conservation status of plants and animals issued by Department of Conservation. While the submitter has referenced long-tail bats specifically, other species are not precluded. As section 6(c) includes significant habitats of indigenous fauna, I recommend accepting the submission point from Forest and Bird [47.193] and make the following amendment:
11. The protection, maintenance or enhancement of scheduled sites or features, landscapes, overlays, natural waterbodies, ~~and~~ indigenous vegetation [and significant habitats of indigenous fauna](#);
38. The amendments to APP-5.1 are contained in Appendix 1. The amendments outlined above will necessitate consequential renumbering of the matters in APP5.

5 Conclusion

39. For the reasons included in this report, I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of this plan and other relevant statutory documents.
40. Appendix 1 contains recommended amendments to Appendix 5 – Structure Plan Requirements and Appendix 2 contains the s32AA evaluation.

APPENDIX 1 RECOMMENDED AMENDMENTS

Appendix 5 – Structure Plan Requirements

In the future urban zone, the rules require that development occurs in a planned and integrated manner through a plan change and structure plan process. The structure plan must be comprehensively designed and coordinate with infrastructure where this is available.

This plan specifies the final zoning of each future urban area, and where this zoning is not proposed to be amended, there is a further expectation that a limited notified plan change process will be sufficient.

APP-5.1. To enable all or part of a future urban zone to transition into re-zoned land, a comprehensive and integrated structure plan must be developed which addresses, as appropriate, the following matters:

1. The intended future use, type, location and density of development including proposed lot yields, to ensure it is suitable for the area and appropriately responds to growth demands; and
2. How consolidation/intensification will be achieved to support a quality compact urban form; and
3. The topography and natural and physical constraints of the site, including natural hazards and areas of contamination; and
4. The future servicing needs of the area and the provision of adequate, coordinated and integrated infrastructure to serve those needs; and
5. The nature and timing of any necessary infrastructure, how this infrastructure is to be developed and funded and whether the infrastructure will be implemented prior to development or as part of the development process; and
6. Whether staging is appropriate to ensure development occurs logically and achieves good urban form; and
7. The relationship of the structure plan area with surrounding areas and existing activities, and the way potential conflict will be managed as the area transitions to its new zoning and management of potential reverse sensitivity¹; and
8. The provision of an integrated transport network (including pedestrian and cycle links) and an Integrated Transport Assessment²; and
9. The provision of open space networks, esplanade strips, parks and reserves; and

¹ Waikato Regional Council [10.163]

² Waka Kotahi [17.172]

10. Consideration of the potential impact of development on any cultural, spiritual and/or historic heritage values of importance, and the outcomes of any consultation with and/or cultural advice provided by mana whenua; and
11. The protection, maintenance or enhancement of scheduled sites or features, landscapes, overlays, natural waterbodies, ~~and~~ indigenous vegetation and significant habitats of indigenous fauna³;
12. How development will retain the safe, efficient and effective operation and use of existing and planned infrastructure; and
13. How development avoids adverse effects on natural hydrological characteristics and processes, soil stability, water quality and aquatic ecosystems and supports Te Ture Whaimana – the Vision and Strategy for the Waikato River; and
14. How the development responds to climate change; and
15. The pattern of development and whether ribbon development is avoided, including limiting the need for additional access points and upgrades along significant transport corridors; and
16. How development shows delineation between urban and rural areas.⁴
17. The outcome of consultation with affected parties, infrastructure providers and mana whenua.⁵

AND

~~1812~~ In Te Kūiti, the provision of coordinated development that provides for integrated and efficient expansion of the residential and rural lifestyle zones; and

~~1913~~ In Te Kūiti the provision of detailed geotechnical investigations which fully identify the nature of natural hazards, particularly landslide susceptibility and liquefaction; and

~~2014~~ In Waitomo Caves Village, whether there will be opportunities for the provision of residential, business and tourism activities which are complementary to the proposed new tourism zoning; and

~~2115~~ In Waitomo Caves Village, the provision of detailed investigations which fully identify the nature of natural hazards, particularly site suitability and the potential for river generated flooding and surface ponding; and

~~2216~~ In Mokau and Awakino an understanding of how development of the area might assist with the provision of land for dwellings requiring relocation as a result of coastal erosion hazards; and

~~2317~~ In Mokau and Awakino the provision of detailed geotechnical investigations which fully identify the risks and associated constraints;

AND

³ Forest and Bird [47.193]

⁴ Waikato Regional Council [10.162], Forest and Bird [47.194]

⁵ Waikato Regional Council [10.164], Waka Kotahi [17.172]

~~1.~~ 24. The structure plan may stage development, but it must apply to the entire individual future urban zone (each individual future urban zone is listed in (i) to (ix) below); and

~~2.~~ 25. The entire individual future urban zone area identified on the planning maps must comply with the following assigned new zoning:

- (i) Mangarino Road South, Te Kūiti – rural lifestyle zone
- (ii) Mangarino Road North, Te Kūiti – rural lifestyle zone
- (iii) Pukenui Road, Te Kūiti – residential zone
- (iv) William Street, Te Kūiti – residential zone
- (v) State Highway 3, Mokau – rural lifestyle zone
- (vi) Te Mahoe Road, Mokau – rural lifestyle zone
- (vii) North Street, Mokau - settlement zone
- (viii) Awakino - settlement zone
- (ix) Waitomo Caves Village – tourism zone

APPENDIX 2 SECTION 32AA EVALUATION

1 Introduction

This section 32AA evaluation relates to the recommended amendments to the Industrial zone and supports the discussion, analysis and recommendation in the section 42A report. A section 32AA evaluation is only required for changes recommended since notification; if there is no change to the notified version, a section 32AA evaluation is not required. The level of detail in this report needs to be at a level of detail that corresponds to the scale and significance of the changes recommended.

1.1 Format of the report

The section 32AA evaluation report is structured in a similar order to the topics in the s42A to enable the reports to be read together. In accordance with the requirements of section 32, the tests for objectives are different from provisions.

2 Appropriateness of Objectives

Objective FUZ-03 is relevant to this topic. The appropriateness of this objective has been assessed previously, and no changes are proposed through the s42A recommendations.

2.1 Identification of Options to Achieve the Objectives

The following reasonably practicable options have been identified for guiding the development of comprehensive and integrated structure plans:

Option 1 – Retain Appendix 5 as notified

Option 2 – Add matters to Appendix 5 to give effect to the relevant considerations in APP11 of the Regional Policy Statement.

2.2 Preferred Option

Option 2 is preferred. There are two courses of action open to the Panel: include additional matters in Appendix 5 to be addressed by structure plans, or rely on the assessment of the eventual plan change to change the zoning to undertake an assessment against the RPS APP11. Either way, Section 75(3)(c) requires district plans to give effect to the RPS. It is more efficient for the plans to be aligned from the start.

2.3 Evaluation of Preferred Option Against Objective

This section contains an evaluation of the preferred option identified above.

Evaluation of Preferred Option Against Objective(s)		
	Costs	Benefits
Environmental	There are no environmental costs.	<p>Reduces the risk of reverse sensitivity</p> <p>Avoids adverse effects on natural hydrological characteristics and processes, soil stability, water quality and aquatic ecosystems</p> <p>Supports Te Ture Whaimana – the Vision and Strategy for the Waikato River</p> <p>Ensures development responds to climate change</p> <p>Retains the efficiency and safety of the transport network</p> <p>Protects, maintains or enhances significant habitats of indigenous fauna.</p>
Economic	<p>Increases costs with the additional matters which must be considered in a structure plan</p> <p>May reduce the area of developable land</p> <p>Increases the cost of development</p>	Retains the safe, efficient and effective operation and use of existing and planned infrastructure
Social	There are no social costs.	Clearly delineates between urban and rural areas.
Cultural	There are no cultural costs.	Supports Te Ture Whaimana – the Vision and Strategy for the Waikato River
Economic growth	The provisions may have the effect of reducing the developable land and thus marginally decrease any economic growth.	

provided or reduced	
Employment opportunities	The provisions are not likely to have any effect on employment opportunities.
Uncertain or insufficient info	There is sufficient information to support the proposed changes.
Risk of acting or not acting	There is sufficient information to act.
Effectiveness	
The proposed provisions are the most effective method of meeting the FUZ-O3. The amendments will be effective in achieving high quality, compact urban form and coordinated infrastructure provision.	
Efficiency	
The proposed provisions are the most efficient method of meeting the objectives given the benefits identified above. The amendments will ensure that the structure plan gives effects to the matters listed in APP11 of the Regional Policy Statement and thus enable a most cost efficient process through the Schedule 1 plan change process.	
Summary	
<p>This option is the most appropriate way to achieve the objective, mostly because they</p> <ul style="list-style-type: none"> • enables the Council to effectively administer its District Plan and to monitor the outcomes of the proposed provisions in a clear and consistent manner. • Sets out a comprehensive framework for identifying land suitable for urban development and the requirements for urbanisation to occur. • gives effect to the RPS. • enables the Council to fulfil its statutory obligations. • achieves Part 2 of the RMA, particularly section 5 in providing for the economic and social wellbeing of the community, and the current and future needs of the community. 	

**APPENDIX 3 ACCEPT / REJECT
RECOMMENDATIONS**

Submission no	Submitter	Support / in part / oppose	Plan section	Plan provision	Relief sought	Accept, Accept in part, Reject
10.162	WRC	Oppose	Appendix 5 – Structure Plan Requirements	APP-5.1	<p>Amend the matters to be addressed as part of a structure plan to include:</p> <ul style="list-style-type: none"> • how development shows delineation between urban and rural areas • water requirements and how development will use water efficiently • any alternatives considered where development cannot be directed away from high class soils • how development avoids adverse effects on natural hydrological characteristics and processes, soil stability, water quality and aquatic ecosystems • any sustainable design technologies adopted or considered • climate change mitigation • reference to the Te Ture Whaimana – the Vision and Strategy for the Waikato River • plans for waste and waste minimisation. 	Accept in part
FS23.53	Te Nehenehenui	Oppose			<p>Te Nehenehenui seeks to enhance the protection and maintenance of its people and taonga within the taiao as guided by Ko Tā Maniapoto Mahere Taiao – Maniapoto’s Environmental Management Plan.</p> <p>Where submission points do not align with this, or have the potential to negatively impact on iwi, hapu, whanau cultural values, sites, the taiao and all taonga within TNN area of interest, TNN opposes and requests that Waitomo District Council consider this when finalising the review.</p>	Accept in part

Submission no	Submitter	Support / in part / oppose	Plan section	Plan provision	Relief sought	Accept, Accept in part, Reject
10.163	WRC	Amend	Appendix 5 – Structure Plan Requirements	APP-5.1	Amend the matters to be addressed as part of a structure plan to include reverse sensitivity.	Accept
10.164	WRC	Oppose	Appendix 5 – Structure Plan Requirements	APP-5.1	Amend Appendix 5 to include a provision or note that requires consultation with WRC and other parties referenced in WRPS Method UFD-M9 when preparing a structure plan.	Accept
10.165	WRC	Amend	Appendix 5 – Structure Plan Requirements	APP-5.1	Amend the matters to be addressed as part of a structure plan to include a reference to policy CE-P1 of the WRPS, in circumstances where the site/area is within the coastal environment.	Reject
17.172	Waka Kotahi	Support in part	Appendix 5: Structure Plan Requirements	APP-5.1	Amend APP-5.1 to include specific provision for an ITA to be provided at structure plan stage and amendment as follows: 8. The provision of an integrated transport network (including pedestrian and cycle links) <u>and the outcome of consultation with Waka Kotahi New Zealand Transport Agency;</u> and	Accept
47.193	F&B	Support with amendment	Appendix 5 – Structure Plan Requirements	APP-5.1.11	Amend APP-5.1(11) as follows: ... and indigenous vegetation, <u>and significant habitats of indigenous fauna</u> ...; And Any consequential changes or alternative relief to achieve the relief sought.	Accept

Submission no	Submitter	Support / in part / oppose	Plan section	Plan provision	Relief sought	Accept, Accept in part, Reject
47.194	F&B	Support with amendment	Appendix 5 – Structure Plan Requirements	APP-5.1	<p>Add the following matters to be addressed as part of a structure plan in APP-5.1:</p> <ul style="list-style-type: none"> • <u>any alternatives considered where development cannot be directed away from high class soils</u> • <u>how the development will avoid adverse effects on natural hydrological characteristics and processes, soil stability, water quality and aquatic ecosystems</u> • <u>any design technologies adopted or considered which will reduce environmental impacts or enhance biodiversity outcomes</u> • <u>climate change mitigation and adaptation</u> <p>And</p> <p>Any consequential changes or alternative relief to achieve the relief sought.</p>	Accept in part