

Section 32 Report – Volume 2

Qualifying Matters

prepared for

Variation 3 to the Proposed Waikato District Plan

September 2022



Table of Contents

1	Introduction	3
2	Natural character of the waterbodies and their margins - Section 6(a)	9
3	Outstanding natural features and landscapes – Section 6(b)	17
4	Areas of significant indigenous vegetation and significant habitats of indigenous fauna – Section 6(c)	22
5	Relationship of Maaori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga – Section 6(e)	29
6	Historic heritage – Section 6(f)	33
7	Natural hazards – Section 6(h).....	40
8	Matters required to give effect to National Policy Statement.....	49
9	Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River.....	57
10	Safe or efficient operation of nationally significant infrastructure	68
11	Urban Fringe	76
12	Reverse sensitivity	96
13	Notable trees.....	107
14	Summary of qualifying matters	114

I Introduction

This volume focuses on Qualifying Matters (QM) as identified under section 77I of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021. As this Act has now been incorporated into the Resource Management Act 1991 (RMA), any references will be to those sections of the RMA. This report should be read together with the text of Variation 3 itself. This volume of the section 32 evaluation report steps through:

- a. Explanation of each QM relied on under section 77I of the Act; and
- b. Assessment of individual QMs as required by section 77J and, where applicable, section 77L of the Act.

Council has assessed a total of 12 QMs in this volume.

The QMs have been assessed in Sections 2-13, with each section being classified as a matter identified under section 77I of the RMA. Where relevant, legislation and/or consultation specific to a particular QM has been included in that section.

Section 77J sets out the requirements for the section 32 evaluation report in regards to QMs.

Section 77K(3) of the Act provides the distinction that an “existing” QM is one that is operative in the relevant district plan when the Intensification Planning Instrument (IPI) is notified. Because Variation 3 is to the Proposed Waikato District Plan rather than the Operative Waikato District Plan, each QM is deemed to be “new” rather than “existing”. This means that each QM is required to meet the evaluation requirements set out in section 77J and, where applicable, section 77L of the RMA.

Variation 3 proposes the following QMs:

- a. a matter of national importance that decision makers are required to recognise and provide for under section 6:
 - i. Natural character of the wetlands, lakes and rivers and their margins - Section 6(a)
 - ii. Outstanding natural features and landscapes – Section 6(b)
 - iii. Areas of significant indigenous vegetation and significant habitats of indigenous fauna – Section 6(c)
 - iv. The maintenance and enhancement of public access to and along lakes, and rivers – Section 6(d)
 - v. Relationship of Maaori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga – Section 6(e)
 - vi. Protection of historic heritage from inappropriate subdivision, use and development – Section 6(f)
 - vii. Management of significant risks from natural hazards – Section 6(h)
- b. a matter required in order to give effect to a national policy statement (other than the NPS-UD) or the New Zealand Coastal Policy Statement 2010:
 - i. National Policy Statement for Electricity Transmission
- c. a matter required to give effect to Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River (section 77I(c))
- d. a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure with respect to the state highway, North Island Main Trunk rail and the gas transmission line (section 77I(e))
- e. any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area (section 77I(j)). The three QMs under this part of the Act include:
 - i. Urban fringe;

- ii. Reverse sensitivity; and
- iii. Notable trees.

The assessment of the QMs has considered the relevant residential zones of all four towns which are the subject of Variation 3, being Tuakau, Pookeno, Huntly and Ngaaruawaahia. The relevant residential zones in these towns constitute the General residential zone and Medium density residential zone as they appear in the decision version of the Proposed District Plan (PDP).

1.1 What is a Qualifying Matter?

The RMA and NPS-UD provide for QMs, where Council may make the relevant building height or density requirements less enabling but only to the extent necessary to accommodate one or more of the ten QMs specified in section 771. Council may manage a QM through the IPI or through a subsequent separate plan change.

Applying a QM does not prevent development from occurring. QMs may reduce development and/or require a resource consent to assess the impact of the development to ensure that what is being protected or managed is not compromised.

1.2 Relevant Legislation, Strategies and Policies

For clarity, the discussion in this section relates only to QMs. Legislation, strategies and policies relevant to Variation 3 generally has been discussed in Volume 1 of this s32 evaluation report.

1.2.1 Resource Management Act

Sections of the RMA which are considered relevant to QMs, in addition to the sections discussed in Volume 1, are set out below:

Section 771 – Qualifying matters in applying medium density residential standards and policy 3 to relevant residential zones

Section 771 provide that a specified territorial authority may make the Medium Density Residential Standards (MDRS) and requirements under Policy 3 in the NPS-UD less enabling, to the extent necessary to accommodate 1 or more of the following qualifying matters:

- (a) a matter of national importance that decision makers are required to recognise and provide for under section 6:*
- (b) a matter required in order to give effect to a national policy statement (other than the NPS-UD) or the New Zealand Coastal Policy Statement 2010:*
- (c) a matter required to give effect to Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River:*
- (d) a matter required to give effect to the Hauraki Gulf Marine Park Act 2000 or the Waitakere Ranges Heritage Area Act 2008:*
- (e) a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure:*
- (f) open space provided for public use, but only in relation to land that is open space:*
- (g) the need to give effect to a designation or heritage order, but only in relation to land that is subject to the designation or heritage order:*
- (h) a matter necessary to implement, or to ensure consistency with, iwi participation legislation:*
- (i) the requirement in the NPS-UD to provide sufficient business land suitable for low density uses to meet expected demand:*

(j) any other matter that makes higher density development as provided for by policy 3, as the case requires, inappropriate in an area, but only if section 77L is satisfied.

Section 77J Requirements in relation to evaluation report

Section 77J identifies the evaluation that must be undertaken as part of the s32, with respect to amending the district plan to accommodate a new QM.

In addition to the usual s32 requirements, the evaluation report must also examine why the new QM is incompatible with the MDRS or as provided for by Policy 3. The s32 report must assess the impacts of imposing height and/or density limits on development capacity, including the assessment of costs and broader impacts of those limits. Section 77J provides:

- (1) This section applies if a territorial authority is amending its district plan (as provided for in section 77G).*
- (2) The evaluation report from the specified territorial authority referred to in section 32 must, in addition to the matters in that section, consider the matters in subsections (3) and (4).*
- (3) The evaluation report must, in relation to the proposed amendment to accommodate a qualifying matter,—*
 - (a) demonstrate why the territorial authority considers—*
 - (i) that the area is subject to a qualifying matter; and*
 - (ii) that the qualifying matter is incompatible with the level of development permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 for that area; and*
 - (b) assess the impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity; and*
 - (c) assess the costs and broader impacts of imposing those limits.*
- (4) The evaluation report must include, in relation to the provisions implementing the MDRS,—*
 - (a) a description of how the provisions of the district plan allow the same or a greater level of development than the MDRS:*
 - (b) a description of how modifications to the MDRS as applied to the relevant residential zones are limited to only those modifications necessary to accommodate qualifying matters and, in particular, how they apply to any spatial layers relating to overlays, precincts, specific controls, and development areas, including—*
 - (i) any operative district plan spatial layers; and*
 - (ii) any new spatial layers proposed for the district plan.*
- (5) The requirements set out in subsection (3)(a) apply only in the area for which the territorial authority is proposing to make an allowance for a qualifying matter.*
- (6) The evaluation report may for the purposes of subsection (4) describe any modifications to the requirements of section 32 necessary to achieve the development objectives of the MDRS.*

Section 77K - Alternative process for existing qualifying matters

Section 77K requires evaluation that must be undertaken as part of the s32, with respect to an existing QM that is operative in the relevant district plan when the IPI was notified. As this is a

variation to the Proposed Waikato District Plan rather than a plan change to the Operative Waikato District Plan, section 77J does not apply.

Section 77L - Further requirement about application of section 77I(j)

Section 77L identifies the evaluation that must be undertaken as part of the s32, specifically where a QM is applied and identified as “any other matter” under section 77I(j).

The evaluation of an ‘other’ QM must identify and justify why the specific characteristic of that QM makes the MDRS level of development inappropriate in light of the national significance of urban development and the objectives of the National Policy Statement on Urban Development (NPSUD). Additionally, the evaluation report must include a site-specific analysis that determines the geographic area where intensification needs to be compatible with the ‘other’ QM and undertake an options analysis to achieve the greatest heights and densities permitted by the MDRS or as provided for by Policy 3, while managing the specific characteristics. Section 77L provides:

A matter is not a qualifying matter under section 77I(j) in relation to an area unless the evaluation report referred to in section 32 also—

(a) identifies the specific characteristic that makes the level of development provided by the MDRS (as specified in Schedule 3A or as provided for by policy 3) inappropriate in the area; and

(b) justifies why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD; and

(c) includes a site-specific analysis that—

(i) identifies the site to which the matter relates; and

(ii) evaluates the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter; and

(iii) evaluates an appropriate range of options to achieve the greatest heights and densities permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 while managing the specific characteristics.

1.2.2 National Policy Statement on Urban Development 2020

Subpart 6 – Intensification in tier 1 urban environments - sets out QMs which largely aligns with those in s77I of the RMA.

3.32 Qualifying matters:

(1) In this National Policy Statement, qualifying matter means any of the following:

a) matter of national importance that decision-makers are required to recognise and provide for under section 6 of the Act

b) a matter required in order to give effect to any other National Policy Statement, including the New Zealand Coastal Policy Statement

c) any matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure

d) open space provided for public use, but only in relation to the land that is open space

e) an area subject to a designation or heritage order, but only in relation to the land that is subject to the designation or heritage order

- f) a matter necessary to implement, or ensure consistency with, iwi participation legislation
- g) the requirement to provide sufficient business land suitable for low density uses to meet expected demand under this National Policy Statement
- h) any other matter that makes higher density development as directed by Policy 3 inappropriate in an area, but only if the requirements of clause 3.33(3) are met.

Clause 3.33 of the NPSUD sets out the requirements if a qualifying matter applies:

(1) This clause applies if a territorial authority is amending its district plan and intends to rely on Policy 4 to justify a modification to the direction in Policy 3 in relation to a specific area.

(2) The evaluation report prepared under section 32 of the Act in relation to the proposed amendment must:

(a) demonstrate why the territorial authority considers that:

(i) the area is subject to a qualifying matter; and

(ii) the qualifying matter is incompatible with the level of development directed by Policy 3 for that area; and

(b) assess the impact that limiting development capacity, building height or density (as relevant) will have on the provision of development capacity; and

(c) assess the costs and broader impacts of imposing those limits.

(3) A matter is not a qualifying matter under clause 3.32(1)(h) in relation to an area unless the evaluation report also:

(a) identifies the specific characteristic that makes the level of development directed by Policy 3 inappropriate in the area, and justifies why that is inappropriate in light of the national significance of urban development and the objectives of this National Policy Statement; and

(b) includes a site-specific analysis that:

(i) identifies the site to which the matter relates; and

(ii) evaluates the specific characteristics on a site-specific basis to determine the spatial extent where intensification needs to be compatible with the specific matter; and

(iii) evaluates an appropriate range of options to achieve the greatest heights and densities directed by Policy 3, while managing the specific characteristics.

1.2.3 National Policy Statement for Freshwater Management 2020

The objective of the National Policy Statement for Freshwater Management 2020 (NPS-FM) is that natural and physical resources are managed to prioritise:

- The health and well-being of water bodies and freshwater ecosystems;
- The health needs of people; and
- The ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

Although provisions within the NPS-FM are largely directed towards regional councils, Policy 3 requires the following:

Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.

The QMs attributed to the NPS-FM (identified by s771(b)) can also be attributed to a matter required to give effect to Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River, which is a QM identified by section 771(c).

1.2.4 National Policy Statement for Electricity Transmission

The National Policy Statement for Electricity Transmission (NPSET) identifies the need to operate, maintain, develop and upgrade the electricity transmission network as a matter of national significance. The sole objective of the NPSET is:

To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- *managing the adverse environmental effects of the network; and*
- *managing the adverse effects of other activities on the network.*

NPSET Policies 1 and 2 require decision-makers to recognise and provide for the National Grid in two complementary ways:

- a. recognise and provide for the national, regional and local benefits of sustainable, secure and efficient electricity transmission (Policy 1); and
- b. recognise and provide for the effective operation, maintenance, upgrading and development of the electricity transmission network (Policy 2).

Policies 10 and 11 seek to achieve the second limb of the NPSET objective - managing the adverse effects of third parties' activities on the transmission network:

POLICY 10

In achieving the purpose of the Act, decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.

POLICY 11

Local authorities must consult with the operator of the national grid, to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent. To assist local authorities to identify these corridors, they may request the operator of the national grid to provide local authorities with its medium to long-term plans for the alteration or upgrading of each affected section of the national grid (so as to facilitate the long-term strategic planning of the grid).

Policy 10 of the NPSET addresses both:

- a. reverse sensitivity effects on the National Grid (the management of activities to avoid reverse sensitivity effects on the electricity transmission network) and
- b. direct effects on the National Grid (the management of activities to ensure that operation, maintenance, upgrading, and development of the National Grid is not compromised).

The presence of the National Grid through Pookeno and Huntly is a QM. This means that sites in close proximity to the National Grid are unable to develop to the full potential of the Medium Density Residential Standards.

1.3 General approach to qualifying matters

Sections 2-13 of this report assess each of the QMs in accordance with the relevant tests in sections 77J and 77L.

2 Natural character of the waterbodies and their margins - Section 6(a)

2.1 Introduction

Section 77I(a) identifies a matter of national importance that decision makers are required to recognise and provide for under section 6 as a qualifying matter. Section 6(a) of the RMA identifies the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development as a matter of national importance.

While the four towns which are the subject of Variation 3 are located outside the coastal environment, there are wetlands, and lakes and rivers and their margins present within the urban areas of Pookeno, Tuakau, Ngaaruawaahia and Huntly. In particular, Ngaaruawaahia and Huntly are situated on the banks of the Waikato and Waipa Rivers.

Variation 3 proposes to modify the medium density residential standards in response to section 6(a) of the RMA. In this regard the modification of the provisions is a QM. The modification of the provisions for this QM overlaps with the QM for Te Ture Whaimana which is addressed in section 9 of this report.

This QM is also inherently linked to s6(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers. Because Variation 3 addresses the QM for section 6(a) and 6(d) matters in the same way, the analysis set out in this section of the report is for both section 6 matters.

The following objective in the PDP provides the policy framework for this QM:

NATC-O1 Natural character

(2) The natural character of wetlands, and lakes and rivers and their margins are protected from inappropriate subdivision, use and development.

2.2 What is the effect of the QM?

The provisions amended by the QM require setback of buildings from waterbodies in the Medium density residential zone 2 and General residential zone

The rule requiring buildings to be setback from waterbodies already exists in the decision version of the PDP (for example MRZ-S11), however Variation 3 proposes the following setbacks for the Medium density residential zone 2:

- a. 20m the margin of any lake;
- b. 20m from the margin of any wetland (this is 23m in the General residential zone);
- c. 21.5m from the bank of any river (other than the Waikato River and Waipa River) (this is 23m in the General residential zone);
- d. 26.5m from the margin of either the Waikato River and the Waipa River (this is 28m for the General residential zone); and

- e. 23m from mean high water springs.

The PDP decision version of Medium density residential zone has a 38m setback from the margin of either the Waikato River and the Waipa River, however this is a transcription error when converting from the Hearing Panel's decision in Decision Report 15: Medium Density Residential Zone (17 January 2022) to the National Planning Standards format. The Hearing Panel's decision report states 28m, however MRZ-SI 1(1)(a)(iv) states 38m which is clearly an error.

These standards are in addition to the building setback applied through the MDRS. The difference between the standards for the General residential zone and Medium density residential zone 2 is because the general building setback rule for the General residential zone is larger. For example, PDP generally adopts the approach that the setbacks from the bank of the Waikato River is 25m + the normal setback for a building. Non-compliance with this rule results in a restricted discretionary activity status, and the rule sets out specified matters over which Council restricts its discretion.

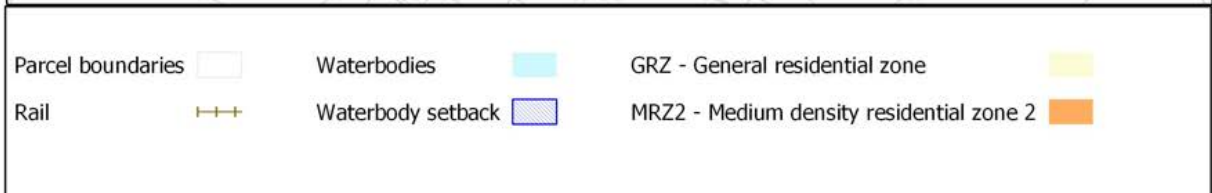
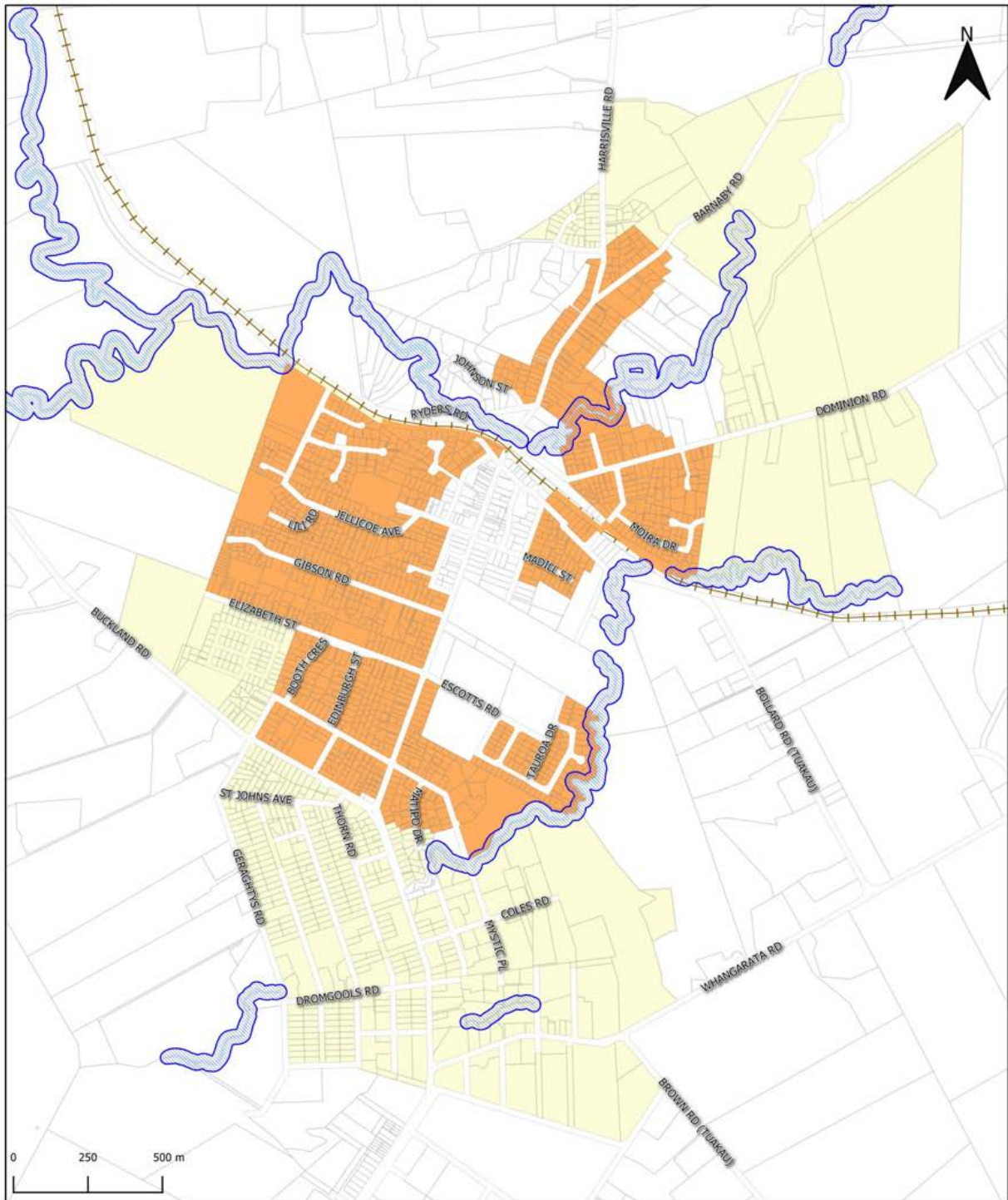
There is also a site in Huntly between East Mine Road and Russell Road that was rezoned by the PDP as General residential zone with a specific wetland rule. This is managed by GRZ-R15 which makes any new building within the Huntly North Wetland specific control identified on the planning maps a non-complying activity.

2.3 What area does this QM apply to?

This QM (and the provisions which relate to it) applies to both Medium density residential zone as well as General residential zone within the four towns. The rules requiring setbacks from waterbodies only apply to those sites in close proximity to a lake, wetland or river.

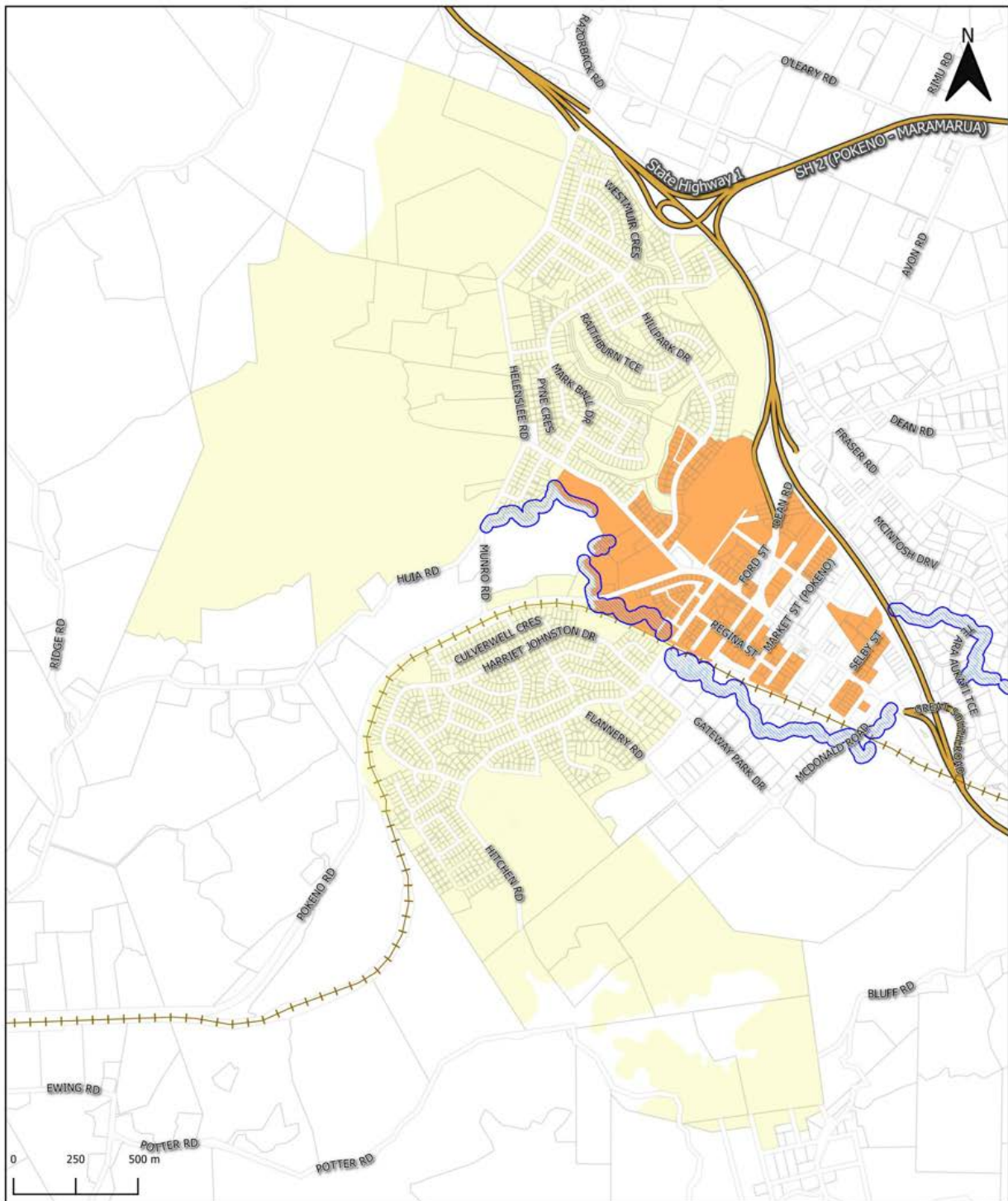
The QM affects 136 parcels zoned as General residential zone and 133 parcels proposed as Medium density residential zone 2.

Figure I: Properties affected by the qualifying matter for natural character of the waterbodies and their margins - Section 6(a)



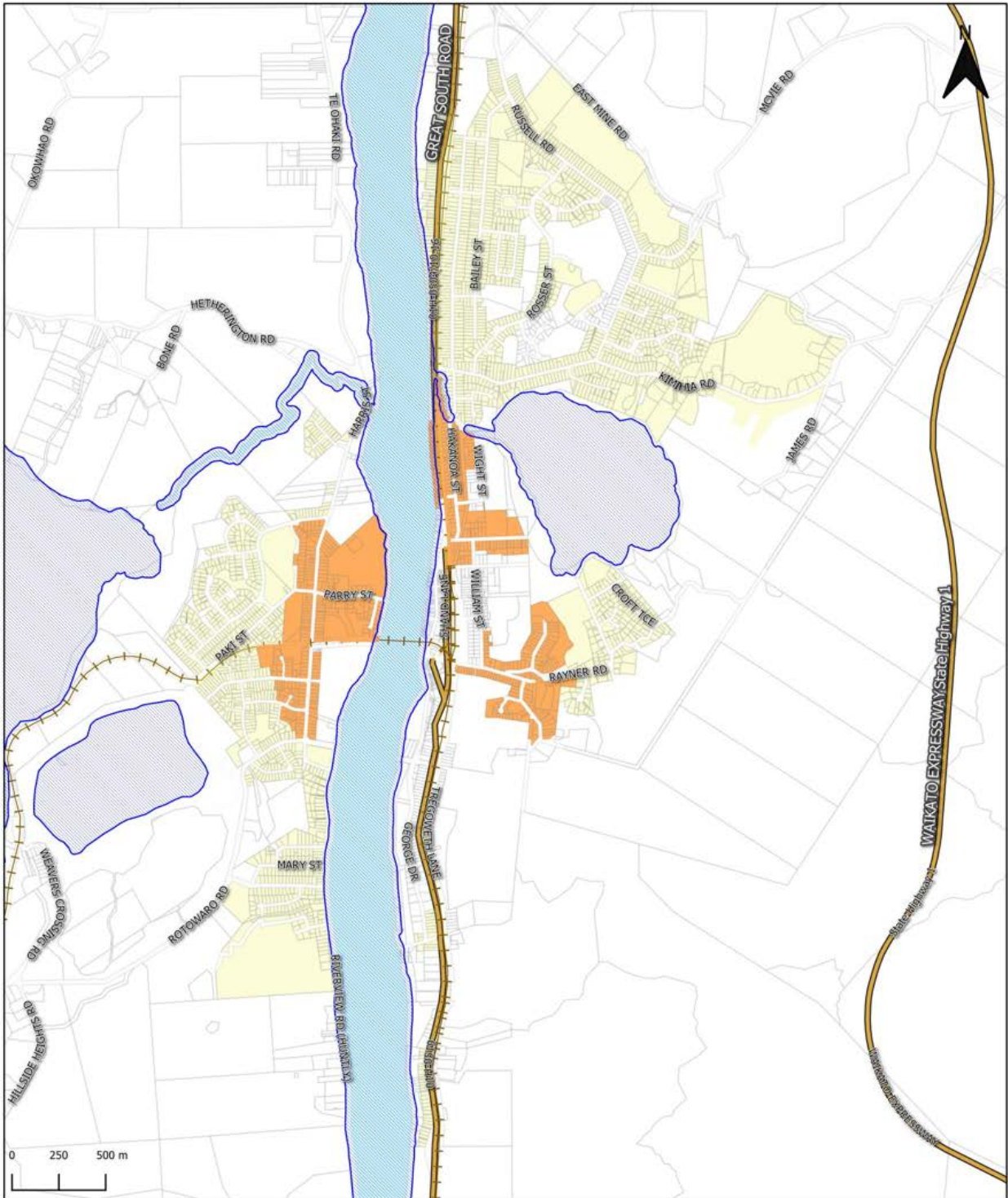
Waterbody setbacks Tuakau

Waikato District Council
 Prepared 12 Sep 2022
 Cadastre Boundaries and addresses
 Land Information New Zealand
 Projection: NZTM2000
 Ref: ME 37806 V1



Waterbody setbacks Pokeno

Waikato District Council
 Prepared 12 Sep 2022
 Cadastre Boundaries and addresses
 Land Information New Zealand
 Projection: NZTM2000
 Ref: ME 37806 V1

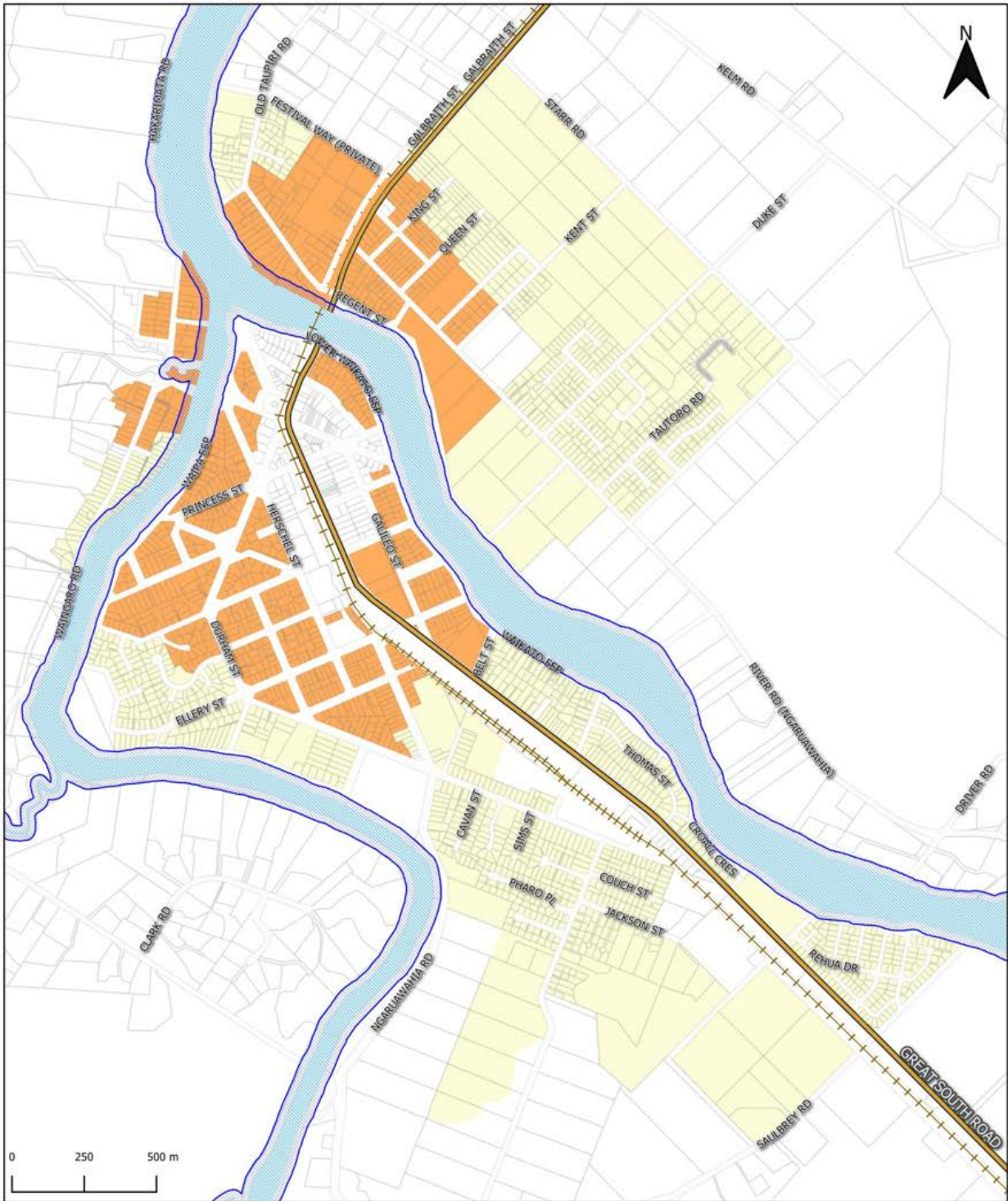


GRZ - General residential zone		Parcel boundaries		Waterbodies	
MRZ2 - Medium density residential zone 2		Rail		Waterbody setback	
		Main Roads			



Waterbody setbacks Huntly

Waikato District Council
 Prepared 13 Sep 2022
 Cadastre Boundaries and addresses
 Land Information New Zealand
 Projection: NZTM2000
 Ref: ME 37806 V1

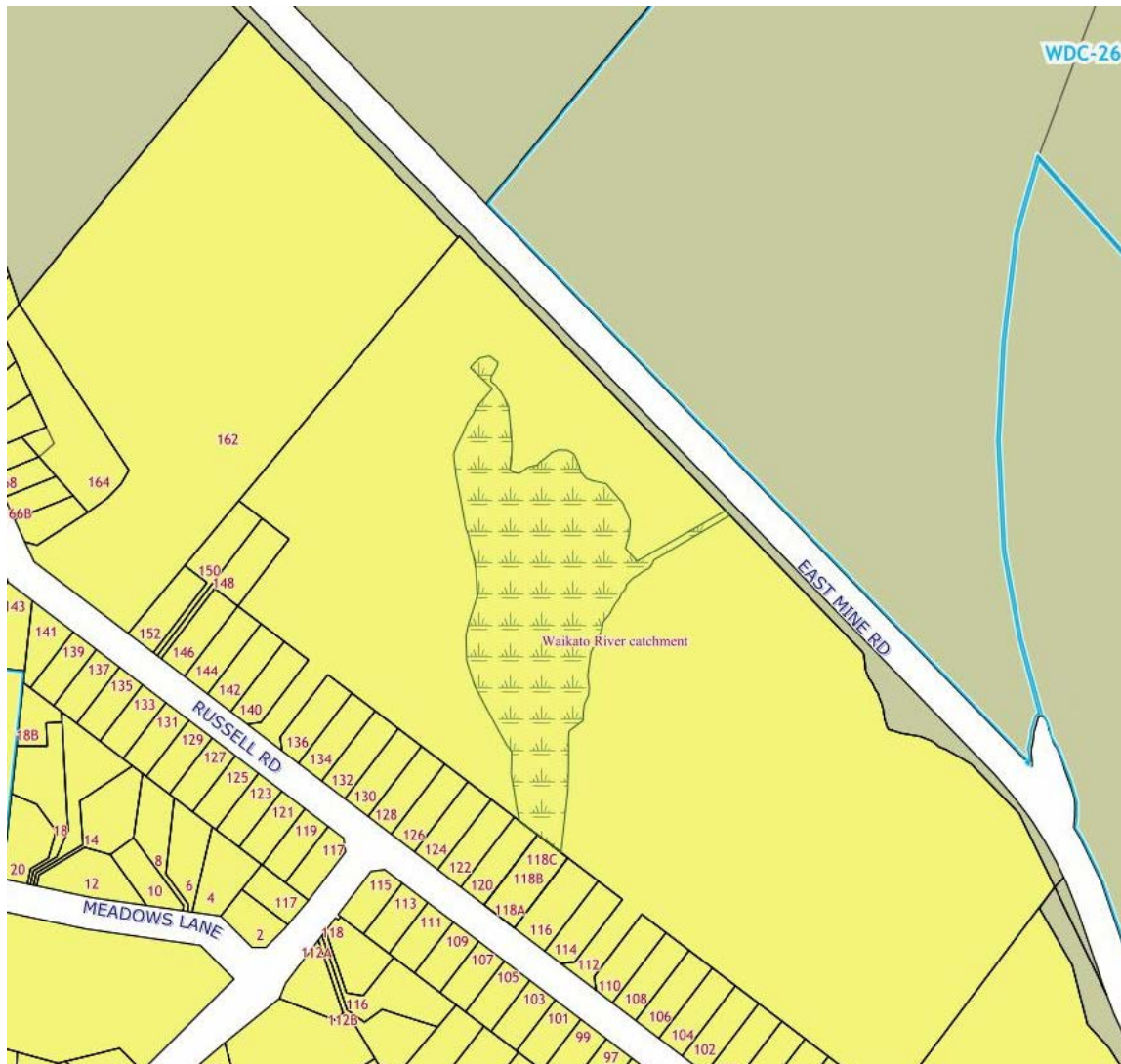


Waterbody setbacks Ngaruawahia

Waikato District Council
 Prepared 12 Sep 2022
 Cadastre Boundaries and addresses
 Land Information New Zealand
 Projection: NZTM2000
 Ref: ME 37806 V1

The wetland site in Huntly between East Mine Road and Russell Road is also affected by this QM.

Figure 2: Extent of the Huntly North Wetland specific control



2.4 Why is the area subject to the QM?

As the sites subject to this QM are all located in close proximity to a lake, wetland or river, a requirement to setback buildings from those waterbodies recognises the national importance of natural character of the waterbodies and their margins.

The setback for buildings also enables sufficient land to create esplanade reserves if / when a subdivision is undertaken, if public access to the waterbody is appropriate. Not all waterbodies will be suitable for public access due to topography, vegetation or public safety.

The Huntly North Wetland specific control was introduced by the PDP Hearing Panel to recognise the wetland and ensure development did not occur within it.

2.5 Why is the QM incompatible with the level of development permitted?

Applying building setbacks from waterbodies recognises the national importance of natural character of the waterbodies and their margins in accordance with section 6(a) of the RMA.

The setback also enables sufficient space to create esplanade reserves and public access to waterbodies in accordance with section 6(d) of the RMA.

In order to achieve section 6(a) of the RMA, development is not appropriate in the wetland on East Mine Road Huntly.

2.6 What is the impact of limiting development?

The QM is likely to limit development for sites in close proximity to a lake, wetland or river. The presence of the setback will mean a portion of the site is unable to be built upon as a permitted activity. The extent of the site unable to be built upon varies from 20m – 28m depending on the zone and the nature of the waterbody.

However, non-compliance with this standard is a restricted discretionary activity, so it may still be possible to achieve the MDRS level of development but will require a resource consent application. As it is a restricted discretionary activity, the consent application may be declined or granted.

This standard will limit the building density and therefore the development capacity for permitted developments, but may not limit overall development if a consent is approved.

Any form of development in the Huntly North Wetland specific control would be a non-complying activity and any resource consent application is unlikely to be granted. As this site is within the General residential zone on the northern edge of Huntly, the reduction on the housing potential of Huntly in response to the wetland overlay will be small.

2.7 Costs and broader impacts of imposing the QM

	Costs	Benefits
Environmental	There are no environmental costs	<p>Separating development from waterbodies will result in less sediment entering the waterway from runoff</p> <p>Reduces erosion by setting development away from waterbodies</p> <p>Provides spaces for revegetation close to waterways</p> <p>Setbacks provide opportunities to enhance biodiversity close to waterways and biodiversity linkages with the setbacks from waterbodies</p> <p>Protects the natural character of the waterbodies and their margins</p> <p>Protects the Huntly wetland, and any ecological significance it may have</p>
Economic	<p>There is an opportunity cost to properties affected by this QM, who may be prevented from developing within 23-38m from a waterbody</p> <p>Reduced ability to utilise the full extent of the property</p>	Development close to a waterway may command a premium price for the additional amenity and outlook

	<p>Costs associated with obtaining a resource consent and supporting technical assessments</p> <p>May not result in optimising the existing urban land resource</p> <p>Increased time required to create new dwellings due to resource consents being required</p>	
Social	<p>Risk of unused unsafe areas adjoining waterbodies with no public or passive surveillance</p>	<p>Improved amenity close to waterbodies</p> <p>May result in more variety of living environments</p> <p>Enables sufficient space to create public access opportunities to waterbodies</p>
Cultural		<p>The mauri of the waterbodies will be protected</p> <p>Reduces the potential for degradation of the Waikato River</p> <p>Enables access to waterbodies for cultural practices</p>

3 Outstanding natural features and landscapes – Section 6(b)

3.1 Introduction

Section 771(a) identifies a matter of national importance that decision makers are required to recognise and provide for under section 6 as a qualifying matter. Section 6(b) of the RMA identifies the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development as a matter of national importance.

While the four towns which are the subject of Variation 3 are largely urban and therefore do not have large areas of outstanding landscape features or landscapes, there is an outstanding natural landscape located over the Waikato River in the decision version of the PDP. In particular, Ngaaruwaahia and Huntly are situated on the banks of the Waikato River and some of their residential zoned sites are located within this overlay.

The PDP decision included the margins along the whole length of the river as an outstanding natural landscape, recognising the inseparable cultural importance of the river channel and margins, and that the river cannot be protected from inappropriate development under the PDP without controls on development along the margins. The river is mapped as a single outstanding natural landscape overlay along the length of the river, extending landward over the margins on both sides, set at 28 metres from the riverbank. The Hearings Panel for the PDP considered that this margin width is necessary to protect the attributes of the ONL from inappropriate land use, subdivision and development.

While the topography around the river varies, the Hearings Panel took a pragmatic approach, bearing in mind a number of matters, including: the evidence it heard about the cultural landscape; the need to manage the adverse effects of land use, subdivision and development for a reasonable distance set back from the river; and the likely perceptions of landowners regarding any new compliance requirements.

The response of Variation 3 to this QM does somewhat overlap with Te Ture Whaimana and will support the vision and objectives expressed in Te Ture Whaimana.

The following objectives in the PDP provide the policy framework for identification of this QM:

SD-O12 Natural environment.

Outstanding natural features and landscapes, and significant indigenous terrestrial flora and fauna are protected.

NFL-O1 Outstanding natural features and landscapes

Outstanding Natural Features and Outstanding Natural Landscapes and their attributes are recognised and protected from inappropriate subdivision, use and development.

3.2 What is the effect of the QM?

The provisions of the Natural Features and Landscapes chapter of the PDP decisions version will continue to apply to those sites within the outstanding natural landscape overlay. This means that:

- a. earthworks is limited to 50m² and 250m³ as a permitted activity in NFL-R2; and
- b. subdivision is a discretionary activity in NFL-R3.

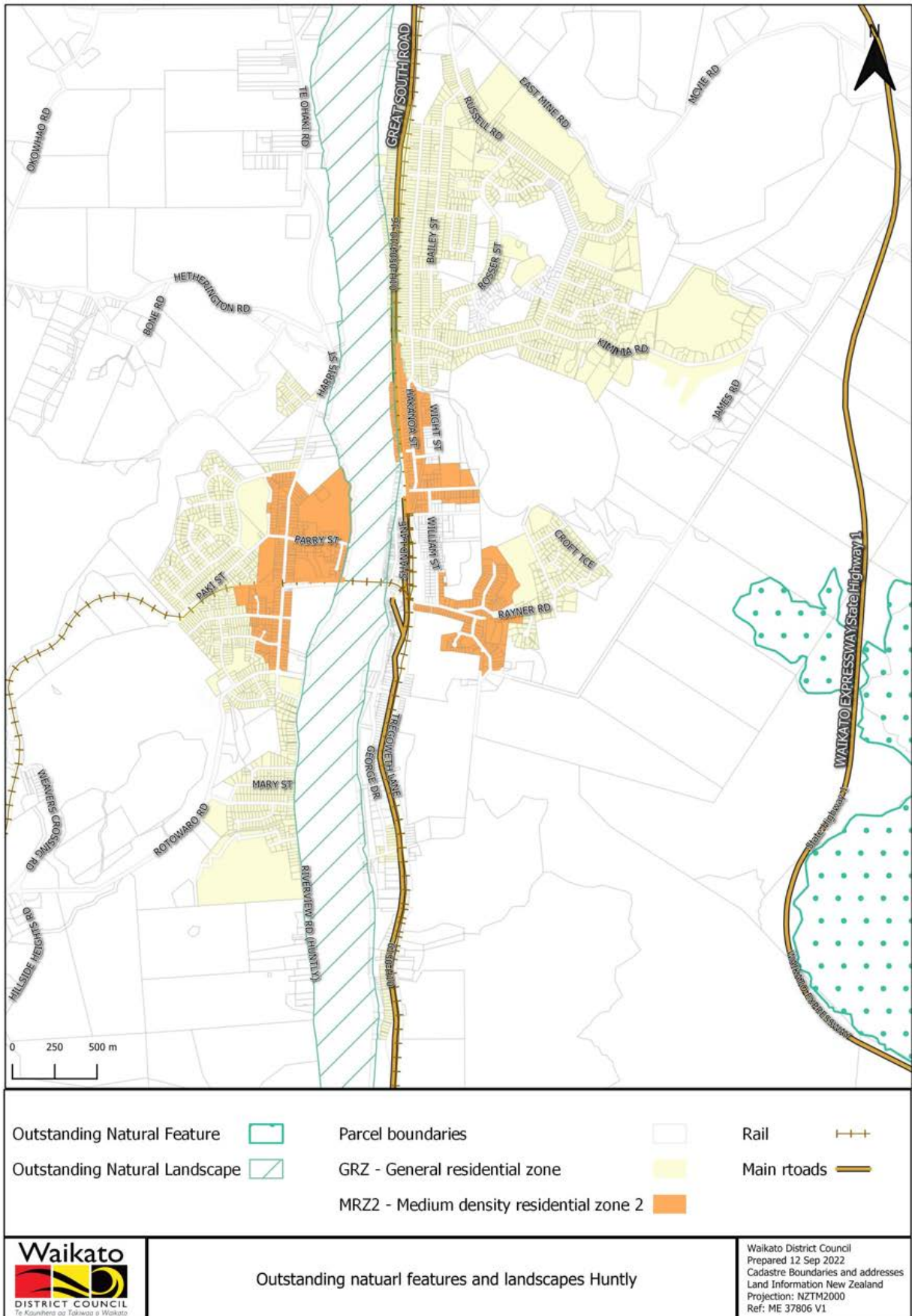
While there are no rules limiting buildings within an outstanding natural landscape overlay in the General residential zone or Medium density residential zone, the waterbodies setback rule limits buildings within the outstanding natural landscape of the Waikato River.

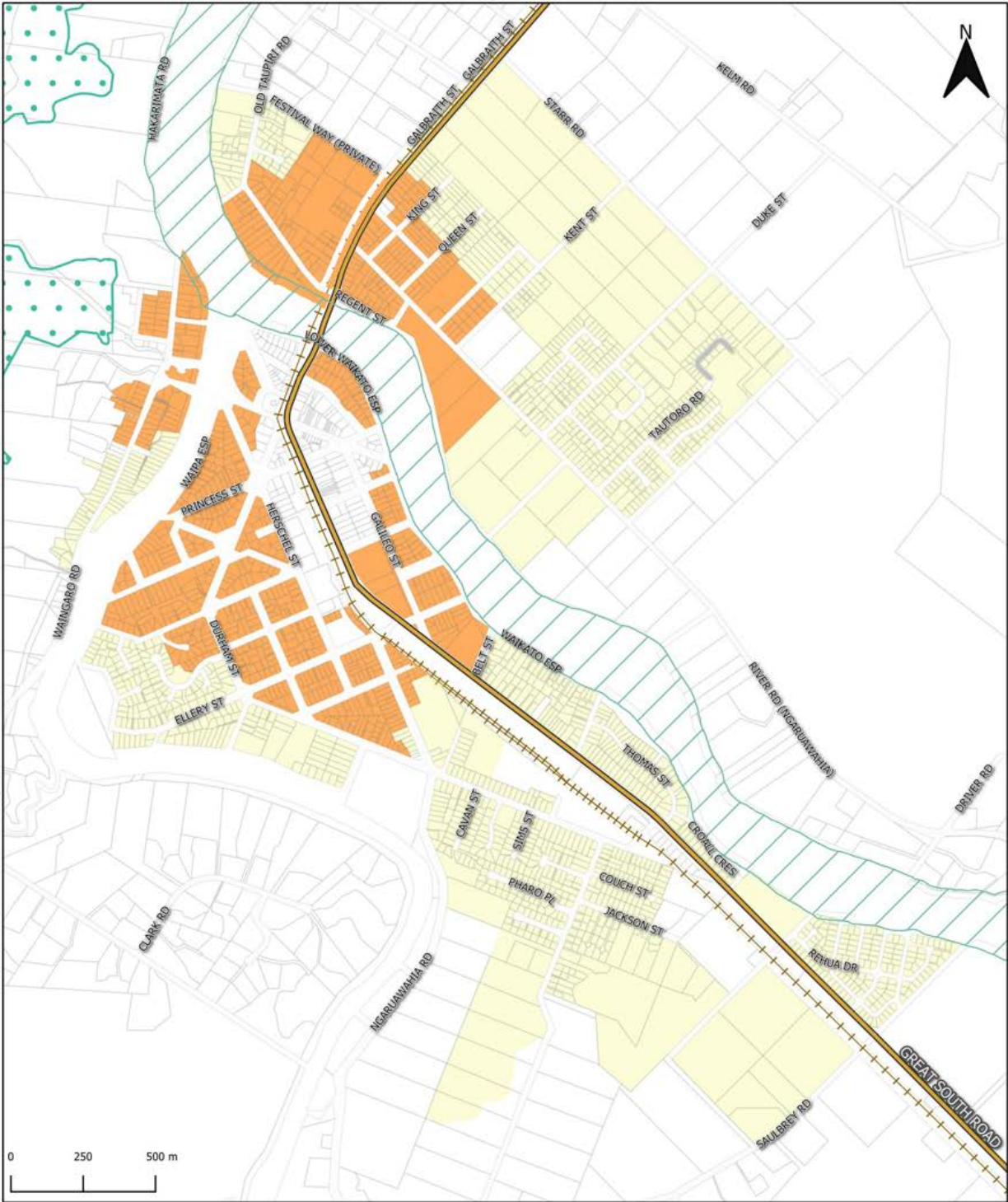
The response of Variation 3 to this QM is to rely on the existing rules in the NFL Natural features and landscapes provisions for the sites located within the outstanding natural landscape overlay.

3.3 What area does this QM apply to?

This QM applies to the residential zoned sites that are located within the outstanding natural landscape overlay. Of the four towns, this is only relevant to Ngaaruawaahia and Huntly. The QM applies to both the Medium density residential zone 2 as well as General residential zone within the four towns. The rules requiring setbacks from waterbodies only apply to those sites in close proximity to a lake, wetland or river. The QM applies to 61 parcels zoned as General residential zone and 55 parcels proposed to be zoned Medium density residential zone 2.

Figure 3: Properties in for Huntly and Ngaaruawaahia showing the effect of the qualifying matter: outstanding natural landscape





Outstanding Natural Feature		Parcel boundaries		Rail	
Outstanding Natural Landscape		GRZ - General residential zone		Main roads	
		MRZ2 - Medium density residential zone 2			



Outstanding natural features and landscapes Ngaruawahia

Waikato District Council
 Prepared 12 Sep 2022
 Cadastre Boundaries and addresses
 Land Information New Zealand
 Projection: NZTM2000
 Ref: ME 37806 V1

3.4 Why is the area subject to the QM?

The sites are located within an identified outstanding natural landscape in accordance with section 6(b) of the RMA.

3.5 Why is the QM incompatible with the level of development permitted?

Limiting the development potential through relying on the existing NFL provisions recognises the national importance of outstanding natural landscapes and features in accordance with section 6(b) of the RMA. Intensive residential development within an outstanding natural landscape is incompatible with protecting the values of the outstanding natural landscape.

3.6 What is the impact of limiting development?

The QM limits development by having a more stringent activity status for subdivision within the identified outstanding natural landscape. The existing rules in the NFL chapter of the PDP will further limit earthworks within the outstanding natural overlay to 50m² and 250m³. A consenting pathway is available where earthworks exceed this amount as a restricted discretionary activity.

The QM will potentially affect the development potential of 116 parcels in Huntly and Ngaaruwaahia and therefore the impact of limiting development is very small.

3.7 Costs and broader impacts of imposing the QM

	Costs	Benefits
Environmental	There are no environmental costs	Retains the outstanding natural landscape values of the Waikato River Separating development from waterbodies will result in less sediment entering the Waikato River from runoff
Economic	There is an opportunity cost to properties affected by this QM, who may be prevented from developing medium density residential developments Reduced ability to utilise the full extent of the property May not result in optimising the existing urban land resource Reduced ability to maximise the number of houses with views of the River	Development close to a waterway may command a premium price for the additional amenity and outlook
Social	Does not secure public access to the Waikato River	Improved amenity close to waterbodies Enables sufficient space to create public access opportunities to waterbodies" be included as a benefit
Cultural	There are no cultural costs	The mauri of the waterbodies will be protected

		Recognises the cultural values of the Waikato River
--	--	---

4 Areas of significant indigenous vegetation and significant habitats of indigenous fauna – Section 6(c)

4.1 Introduction

Section 771(a) identifies a matter of national importance that decision makers are required to recognise and provide for under section 6 as a qualifying matter. Section 6(c) of the RMA identifies the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna as a matter of national importance.

While the four towns which are the subject of Variation 3 are largely urban, there are some pockets of significant natural areas through Munro Block in Pookeno, Kimihia area (in Huntly) and along the River in Huntly. The PDP has taken the approach of mapping the significant natural areas on the planning maps, where those areas meet the criteria set out in APP2 Criteria for determining significance of indigenous biodiversity. More specifically, the PDP Hearings Panel intended to delete all the significant natural areas from the planning maps, except for the following¹:

- a. Those that have been visited and verified (in terms of consistency with Appendix 2 criteria and spatial extent);
- b. Submitters that have appeared at the hearing with clear photographs and evidence of their properties;
- c. Sites in public ownership such as Department of Conservation, WRC and Council; or
- d. QEII National Trust-covenanted sites.

The location of significant natural areas within the District is subject to a range of appeals seeking different outcomes. It is possible that through the resolution of the appeals the significant natural areas that form part of Variation 3 may be amended.

In addition to rules limiting the clearance of vegetation in mapped significant natural areas, the PDP contains rules limiting the clearance of vegetation from areas outside a significant natural areas.

The following objectives in the PDP provide the policy framework for identification of this QM:

SD-O12 Natural environment.

Outstanding natural features and landscapes, and significant indigenous terrestrial flora and fauna are protected.

ECO-O1 Significant Natural Areas.

Indigenous biodiversity in Significant Natural Areas is protected or enhanced.

ECO-O2 Biodiversity and ecosystems.

Indigenous biodiversity and the life-supporting capacity of indigenous ecosystems are maintained or enhanced.

¹ Report and Decisions of Independent Commissioners Decision Report 9: Significant Natural Areas, 17 January 2022, paragraph 5.4

4.2 What is the effect of the QM?

The provisions of the Ecosystems and Indigenous Biodiversity chapter of the PDP decision version will continue to apply to those areas identified on the planning maps as being a significant natural area. This means that within a significant natural area:

- a. Earthworks requires a resource consent as a restricted discretionary activity in ECO-R3;
- b. Indigenous vegetation clearance for building, access, parking and manoeuvring areas is a controlled activity if there is no practicable alternative development area on the site outside the Significant Natural Area, and the total indigenous vegetation clearance does not exceed 250m² (ECO-R8); and
- c. Clearance of indigenous vegetation that does not comply with these standards is a discretionary activity.

In addition, the ECO chapter sets out rules limiting the clearance of indigenous vegetation outside a significant natural area as follows:

- a. For the purposes of building platform and associated access, parking and manoeuvring up to a total of 500m² clearance of indigenous vegetation and there is no practicable alternative development area on the site outside of the area of indigenous vegetation clearance is a permitted activity (ECO-R11). Clearance in excess of this permitted standard is a restricted discretionary activity; and
- b. For any other reason not specified in ECO-R11 to ECO-R15 is a restricted discretionary activity.

The response of Variation 3 to this QM is to rely on the existing rules in the ECO chapter of the PDP.

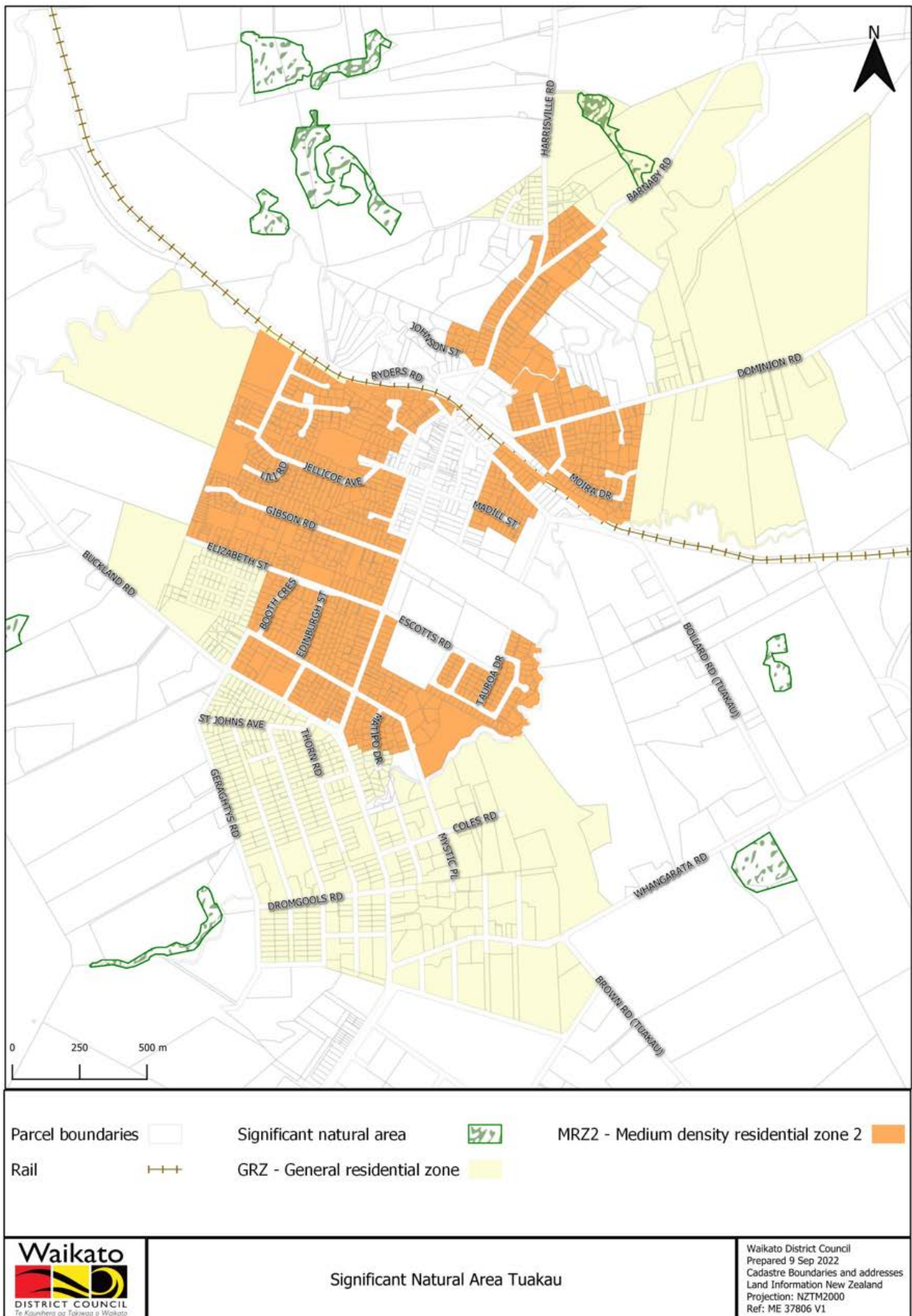
4.3 What area does this QM apply to?

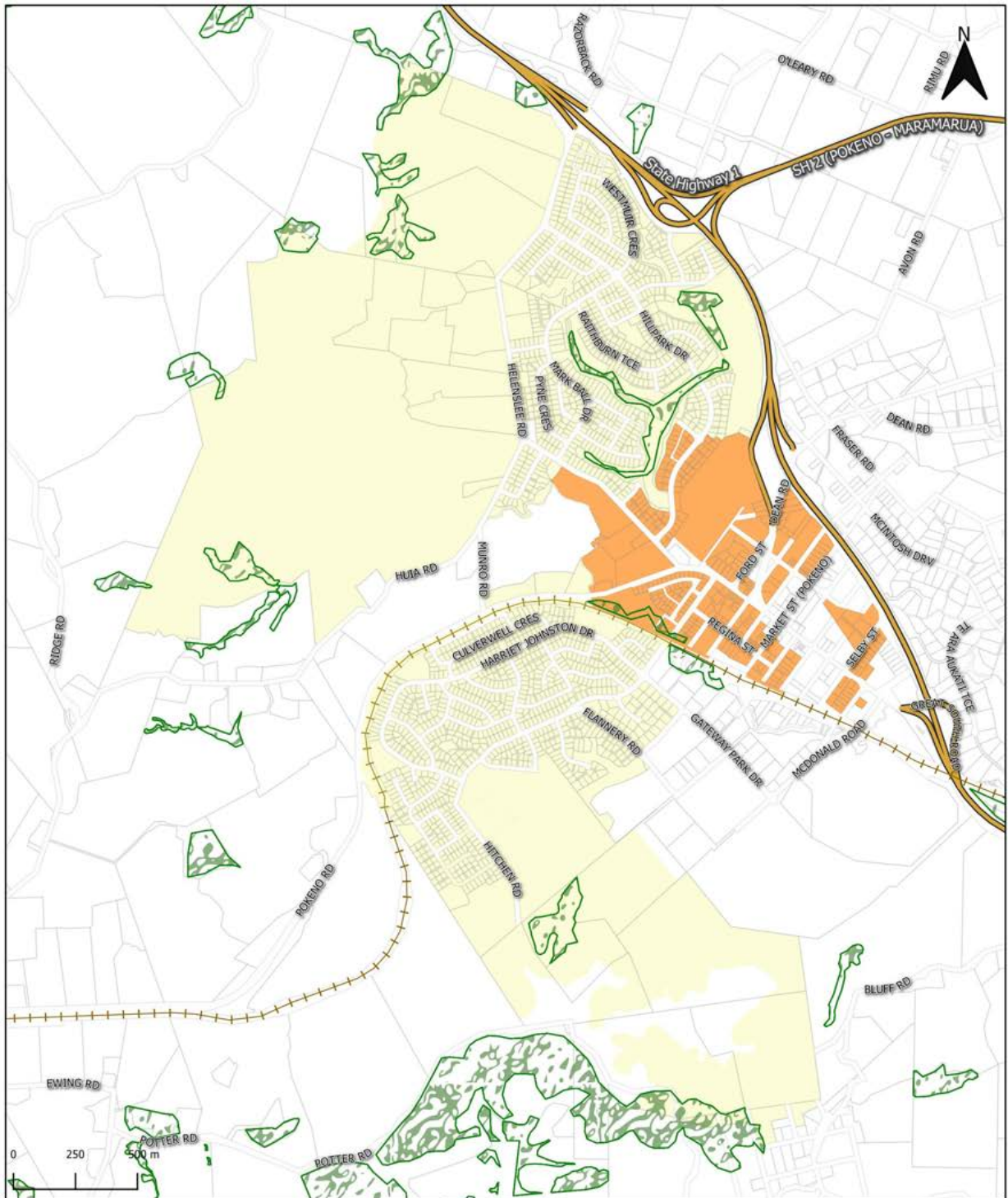
This QM applies to 42 residential zoned sites that have a significant natural area identified on the planning maps. They are located mostly along the edges of the towns:

- 32 in Pookeno in Havelock and Munro
- 7 in Tuakau on Harrisville Road
- 3 in Huntly around Rayner Road / Kimihia Lakes

In terms of the distribution of significant natural areas identified on the PDP maps, 33 are located on parcels zoned General residential zone, while 15 are located on parcels proposed to be zoned Medium density residential zone 2.

Figure 4: Sites identified as having a Significant Natural Area in the PDP



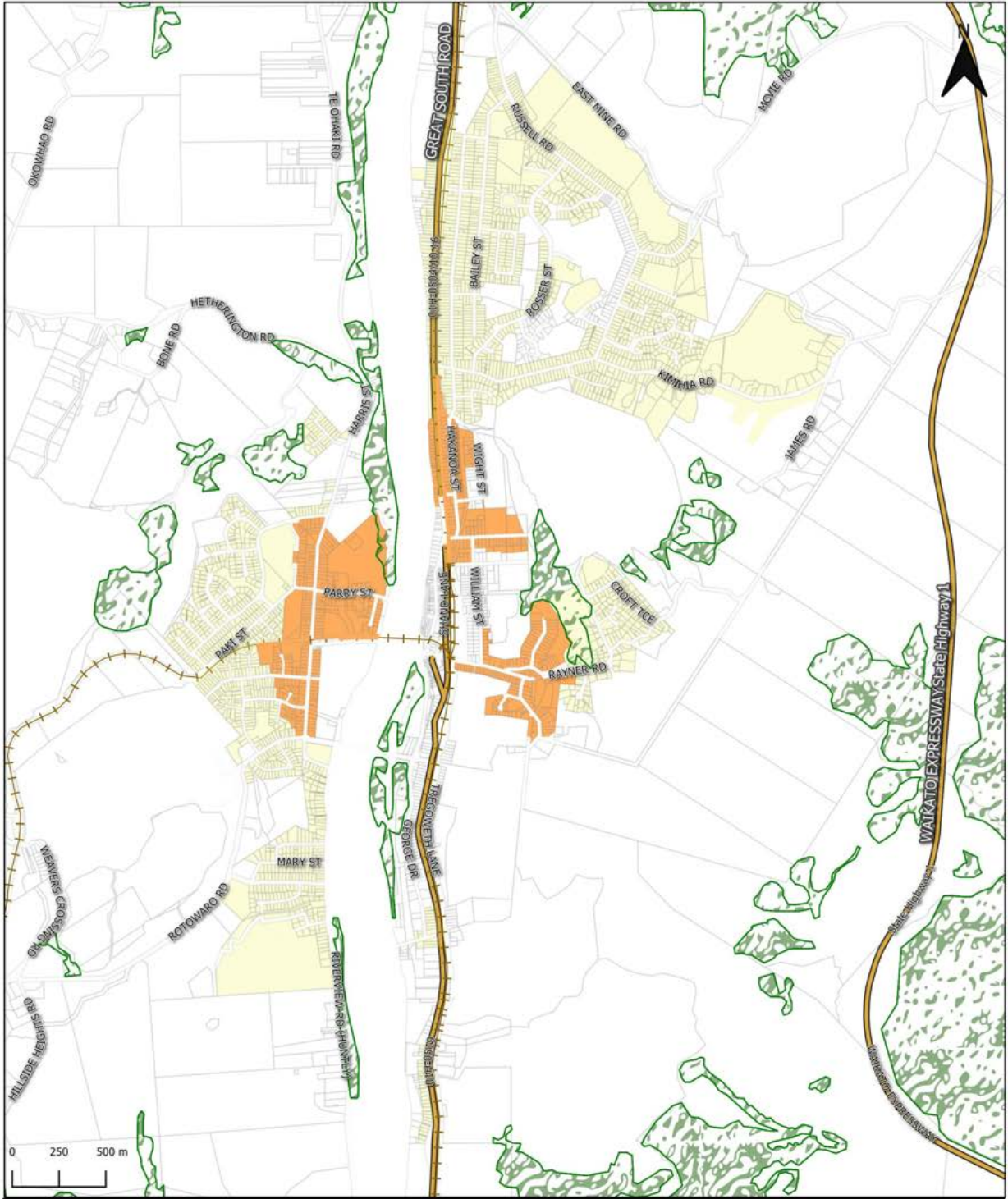


Parcel boundaries		Rail		GRZ - General residential zone	
Roads		Significant natural area		MR22 - Medium density residential zone 2	



Significant Natural Area Pokeno

Waikato District Council
 Prepared 9 Sep 2022
 Cadastre Boundaries and addresses
 Land Information New Zealand
 Projection: NZTM2000
 Ref: ME 37806 V1

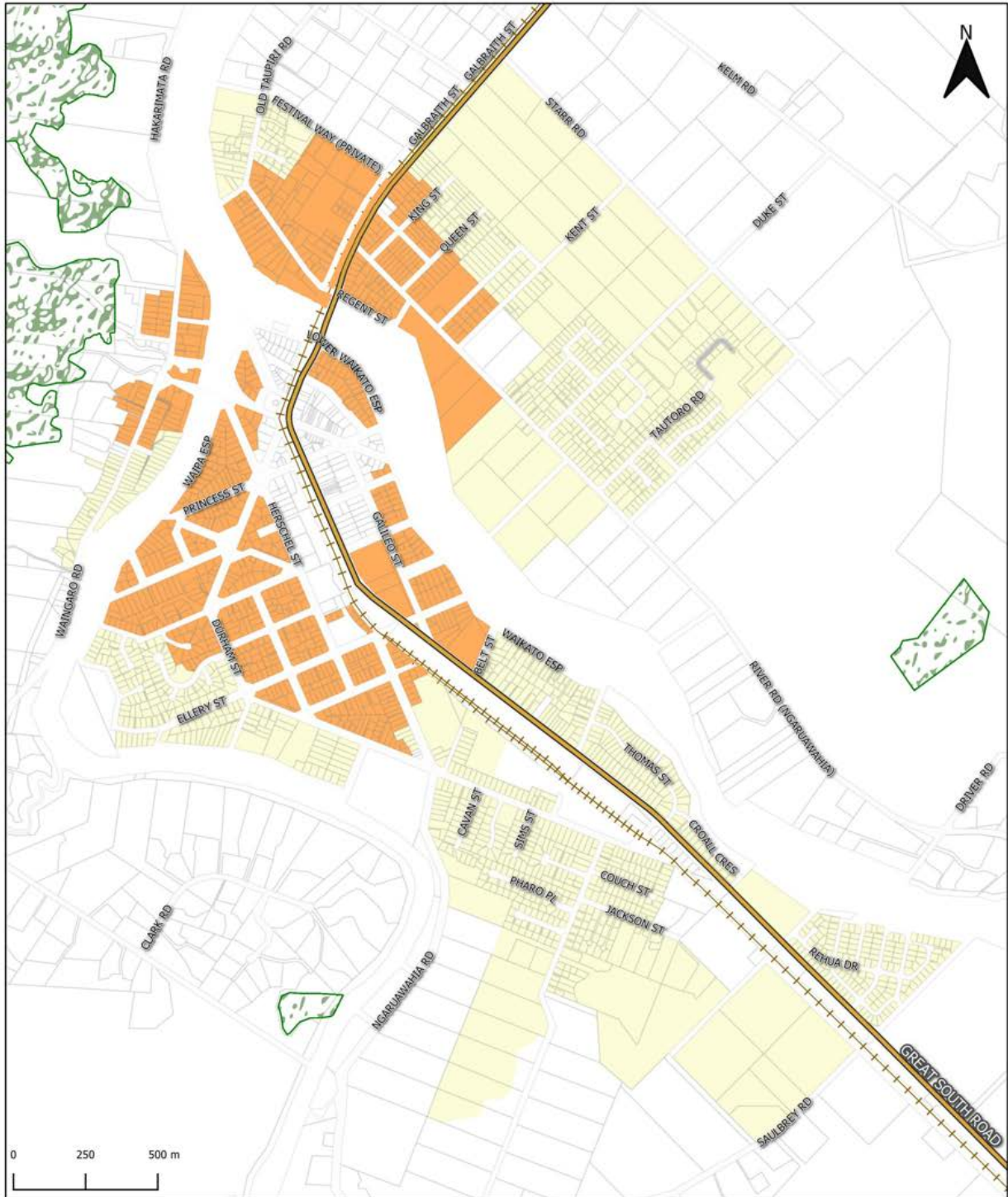


Parcel boundaries		Rail		GRZ - General residential zone	
Roads		Significant natural area		MRZ2 - Medium density residential zone 2	



Significant Natural Area Huntly

Waikato District Council
 Prepared 9 Sep 2022
 Cadastre Boundaries and addresses
 Land Information New Zealand
 Projection: NZTM2000
 Ref: ME 37806 V1



Significant Natural Area Ngaruawahia

Waikato District Council
Prepared 9 Sep 2022
Cadastral Boundaries and addresses
Land Information New Zealand
Projection: NZTM2000
Ref: ME 37806 V1

4.4 Why is the area subject to the QM?

The sites have a significant natural area in accordance with section 6(c) of the RMA. There could well be other pockets of indigenous vegetation that are not identified as a significant natural area that would require a resource consent in order to clear the vegetation to enable development. The presence of indigenous vegetation may mean that development is unable to be maximised.

4.5 Why is the QM incompatible with the level of development permitted?

Development on the sites which have a significant natural area may necessitate clearance of all or part of the indigenous vegetation. Thus, the development potential of sites with a significant natural area is limited, as indigenous vegetation clearance is not a permitted activity. Similarly, if clearance of indigenous vegetation in excess of 500m² is required in order to develop a site, a resource consent for a restricted discretionary activity will be required in accordance with ECO-R11. This rule applies to all indigenous vegetation, not just those that are identified as a significant natural area.

Limiting the development potential through applying the ECO rules recognises the national importance of indigenous vegetation in accordance with section 6(c) of the RMA.

4.6 What is the impact of limiting development?

The QM limits development by relying on the existing rules in the ECO chapter of the PDP to limit earthworks and clearance of indigenous vegetation (both inside and outside a significant natural area). This QM applies to a limited number of sites; therefore, the impact is very small.

A consent pathway is still available if indigenous vegetation clearance is required to enable development. Within a significant natural area, the activity status is restricted discretionary. Similarly, clearance of greater than 500m² of indigenous vegetation outside a significant natural area is also restricted discretionary.

4.7 Costs and broader impacts of imposing the QM

	Costs	Benefits
Environmental	There are no environmental costs	The protection of indigenous vegetation and fauna will have positive benefits to the natural environment, which have impacts on ecosystem services and biodiversity Protects the habitats of indigenous fauna that inhabit the vegetation
Economic	There is an opportunity cost to properties affected by this QM, who may be prevented from developing medium density residential developments Reduced ability to utilise the full extent of the property May not result in optimising the existing urban land resource Additional costs involved in obtaining a resource consent	There are no economic benefits

Social	There may be conflict between parts of the community with different opinions over the value of biodiversity or the significance of an area.	Benefits to the community in terms of amenity and cultural values
Cultural	May limit the development of Maaori land if there is a significant natural area present	Recognition of cultural values as a part of the biodiversity assessment process

5 Relationship of Maaori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga – Section 6(e)

5.1 Introduction

Section 771(a) identifies a matter of national importance that decision makers are required to recognise and provide for under section 6 as a qualifying matter. Section 6(e) of the RMA identifies the relationship of Maaori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga as a matter of national importance.

The approach of the PDP to this section 6 matter is largely through two mechanisms:

- the identification of Sites and Areas of Significance to Maaori in Schedule 3 and the planning maps; and
- enabling development of Maaori owned land.

The QM is associated with identified sites of cultural significance identified on the planning maps and contained in Schedule 3. There are two identified Sites and Areas of Significance within the four towns subject to Variation 3 which span eight sites, and both are located within Ngaaruawaahia as follows:

PDP Identifier	Location	Significance
318	Corner of Eyre Street and Broadway Street The Point	Currently known as 'The Point'. A site of pre 1900 history that connects to the Hakarimata Range, Puke-i-aahua Paa to the naming of Ngaaruawaahia and the Kiingitanga movement, followed by European occupation.
294	5851 Great South Road	The horticultural soils, borrow pits and associated pa are of scale that makes them an outstanding and significant cultural and archaeological landscape in Aotearoa/New Zealand. It is an archaeological and cultural landscape created by the utilisation of the soils deposited by the Waikato River and is associated with Puke-i-aahua Paa. These are the most extensive complexes of Maaori gardens identified in any region of New Zealand

The following objectives in the PDP provide the policy framework for identification of this QM:

SD-02 Tangata whenua.

Tangata whenua's relationships, interests, including commercial interests, and associations with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes, and other taonga are recognised and provided for.

MV-O1 Recognition of Maaori values.

(1) Maaori values are recognised and mana whenua are able to exercise kaitiakitanga, manaakitanga tikanga and mana whakahaere.

(2) Recognise that only tangata whenua can determine effects on their values, traditions, resources, waters, sites of significance, wahi tapu, other taonga and taonga species.

MV-O2 and SAASM-O2 Hononga.

The connections between tangata whenua and their ancestral lands, water, sites of significance, wahi tapu, other taonga and taonga species are protected or enhanced.

MV-O3 Kaitiakitanga.

The exercise of kaitiakitanga by mana whenua is recognised and maintained.

MV-O4 and SASM-O3 Whakaute ahuraa.

Cultural practices and beliefs of mana whenua are respected.

MV-O4 Tikanga aa-iwi o Waikato me te takiwaa o Waikato.

Recognise the cultural significance of Waikato Takiwaa (district).

SASM-O1 Strategic objective – Tautoko te Whakatupuranga.

To support Iwi aspirations to grow prosperous, healthy, vibrant, innovative and culturally strong people.

5.2 What is the effect of the QM?

The provisions of the Sites and Areas of Significance chapter of the PDP decision version will continue to apply to those areas identified on the planning maps as being a Site or Area of Significance to Maaori. This means that within each of these identified sites or areas:

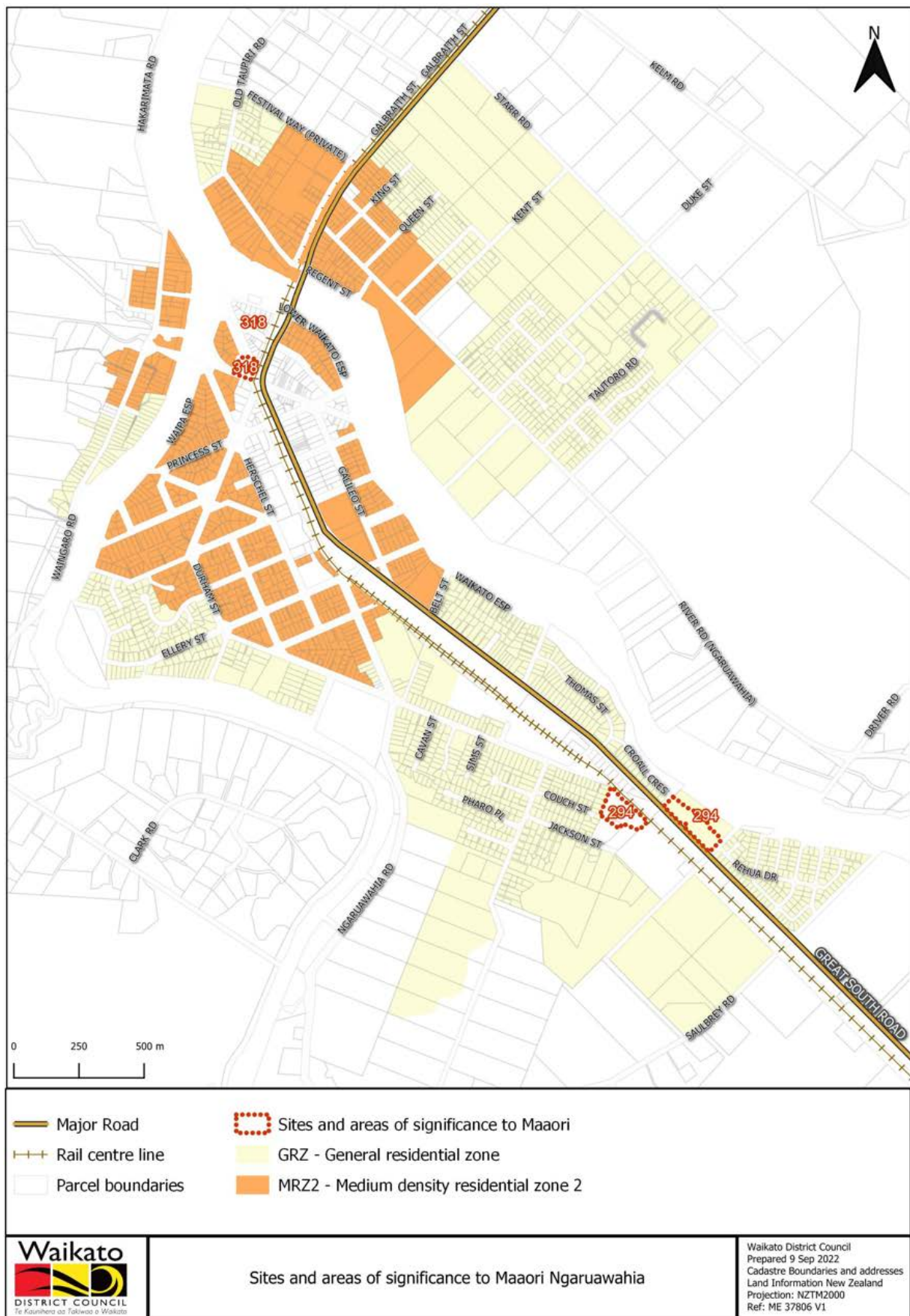
- a. Earthworks requires a resource consent as a restricted discretionary activity in SASM-R4; and
- b. Subdivision is a restricted discretionary activity where the site is wholly located within one proposed allotment (SASM-R5). The activity status cascades to a discretionary activity where subdivision does not comply with this standard.

The response of Variation 3 to this QM is that any works within a mapped Site or Area of Significance to Maaori is controlled by the relevant SASM rule. The activity status for subdivision of a site with a Site or Area of Significance to Maaori will be more restrictive than enabled by Schedule 3A of the Act which requires a controlled activity for subdivision.

5.3 What area does this QM apply to?

This QM applies to the residential zoned sites that have a Site or Area of Significance to Maaori identified on the planning maps.

Figure 5: Sites identified as having a Site or Area of Significance to Maori in the PDP



5.4 Why is the area subject to the QM?

The sites have a Site or Area of Significance to Maaori in accordance with section 6(e) of the RMA. The Sites or Areas of Significance have been identified through a cultural assessment undertaken by Dr Des Kahotea.

5.5 Why is the QM incompatible with the level of development permitted?

Development (including earthworks or construction) on an identified Site or Area of Significance to Maaori has the potential to adversely affect the historic and cultural values of the site.

Limiting the development potential through the existing SASM rules recognises the national importance of the relationship of Maaori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga in accordance with section 6(e) of the RMA.

5.6 What is the impact of limiting development?

The existing rules in the SASM chapter of the PDP will limit earthworks and subdivision within the Site or Area of Significance to Maaori. Sites with this notation will be unable to develop to the full potential of the Medium Density Residential Standards as contained in the RMA as either the full or part of the site where the Sites or Area of Significance is located will be unable to be built upon due to the limitations on earthworks. Only two sites are impacted by this QM, therefore the impact on development in the District is very limited.

5.7 Costs and broader impacts of imposing the QM

	Costs	Benefits
Environmental	There are no environmental costs	Protects the integrity of the culturally important sites
Economic	There is an opportunity cost to properties affected by this QM, who are prevented from developing medium density residential developments Reduced ability to utilise the full extent of the property May not result in optimising the existing urban land resource Additional costs involved in obtaining a resource consent	There are no economic benefits
Social	There may be conflict between parts of the community with different opinions over the value of sites and area identified.	Supports community identity Contributes to and enhances the character and amenity of the District for residents and visitors
Cultural	May limit the development of Maaori land if there is a Site or Area of Significance to Maaori present	Cultural historic heritage is protected and maintained for present and future generations Positive impacts on cultural capital to iwi, hapuu, ruunanga, mana whenua and the wider community

		Protects any artefacts that may be present Protects any Maori landforms that were created to support early civilisation such as borrow pits
--	--	--

6 Historic heritage – Section 6(f)

6.1 Introduction

Section 771(a) identifies a matter of national importance that decision makers are required to recognise and provide for under section 6 as a qualifying matter. Section 6(f) of the RMA identifies the protection of historic heritage from inappropriate subdivision, use, and development as a matter of national importance.

The approach of the PDP to this section 6 matter is through identification of features and structures that represent the heritage values important to the district’s identity. Those values are limited to:

- a. Archaeological;
- b. Architectural;
- c. Cultural;
- d. Historic;
- e. Scientific; and
- f. Technological.

The QM is associated with identified sites of historic heritage significance identified on the planning maps and contained in Schedule 1. There are 22 sites with historic heritage items or features within the four towns subject to Variation 3. Each of these historic heritage items or features has an “extent of setting” which limits development in close proximity to the item or feature.

In addition, there is a heritage area in Huntly which comprises eight railway cottages on Harris Street, of which six are identified historic heritage items. The Huntly rail cottages are already zoned Medium density residential in the decision version of the PDP.

The following objectives in the PDP provide the policy framework for identification of this QM:

SD-O11 Historic heritage.

Historic heritage contributes to the district's sense of place and identity.

HH-O1 Historic heritage.

A district that acknowledges its past by: recognising, identifying, protecting, conserving and promoting historic heritage.

6.2 What is the effect of the QM?

The provisions of the Historic Heritage chapter of the PDP decision version will continue to apply to those areas identified on the planning maps as being a Historic Heritage item. This means that within each of these identified sites or areas:

- a. Buildings must not be constructed within the extent of setting for the historic heritage item (HH-R2). Development that does not comply with this standard is a restricted discretionary activity;
- b. Alterations or additions to a historic heritage item in SCHED I-Historic heritage is a restricted discretionary activity (HH-R4);

- c. Demolition, removal or relocation of any B ranked historic heritage item listed in SCHED I – Historic heritage items is a discretionary activity (HH-R7);
- d. Demolition, removal or relocation of any A ranked historic heritage item listed in SCHED I – Historic heritage items is a non-complying activity (HH-R8);
- e. Construction of or alteration to a building in the Huntly heritage area identified as specific controls on the planning maps is a restricted discretionary activity (HH-R5); and
- f. Subdivision of land containing a historic heritage item listed in SCHED I – Historic heritage items is a restricted discretionary activity where the historic heritage item is wholly retained within one Record of Title (HH-R9). Subdivision that does not achieve this is a non-complying activity.

The response of Variation 3 to this QM is to rely on the existing Historic Heritage provisions in the HH chapter of the PDP for the sites that have an identified historic heritage item.

While the Huntly railway cottages are zoned Medium density residential zone 2, the rules in HH-R5 means that any construction of or alteration to a building on the site is a restricted discretionary activity.

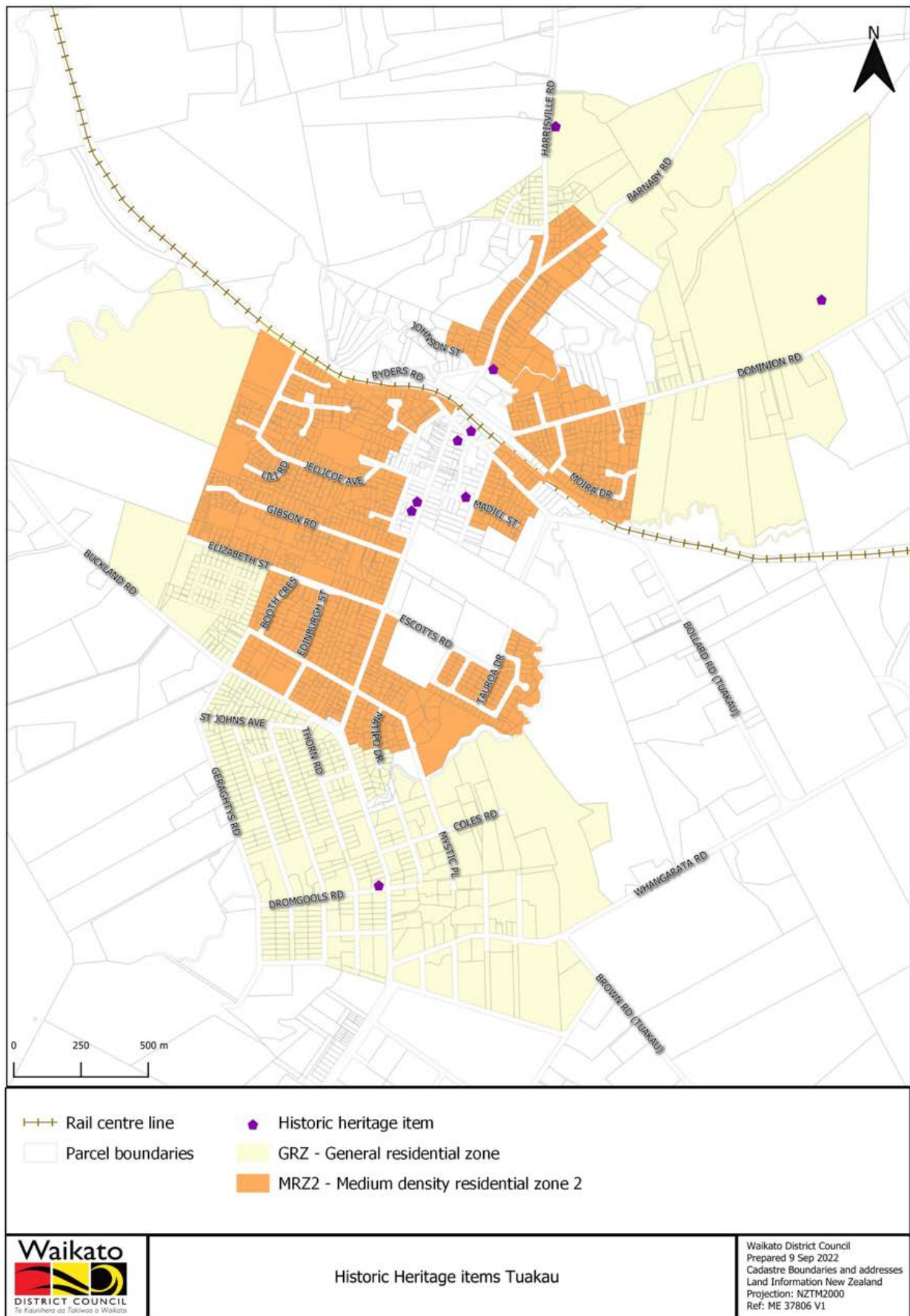
6.3 What area does this QM apply to?

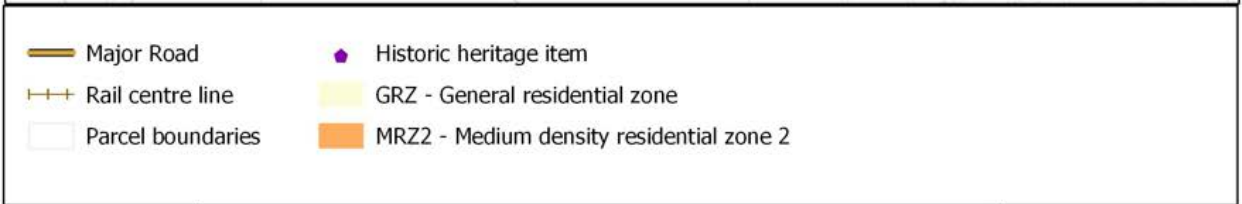
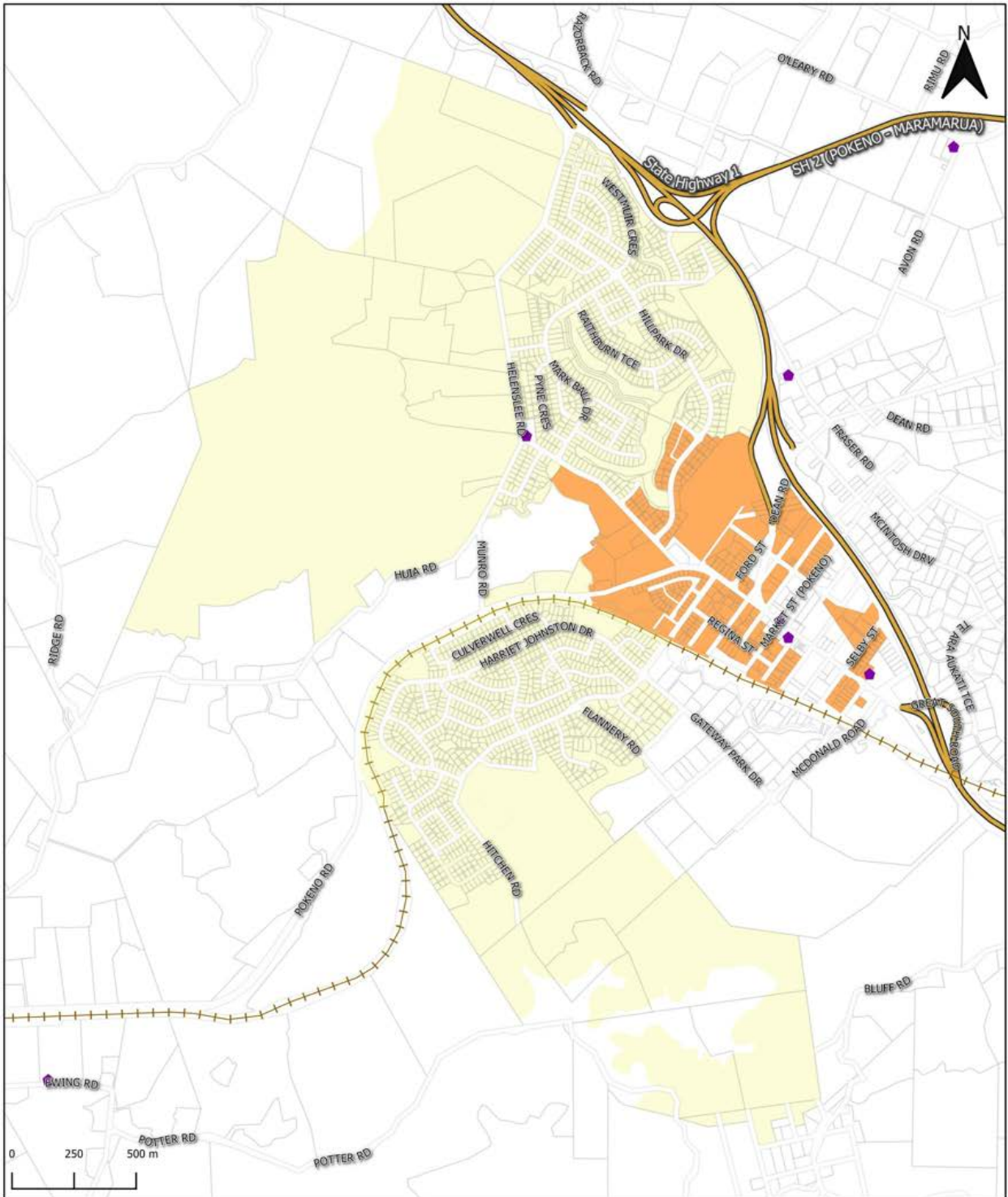
This QM applies to the residential zoned sites that have a Historic Heritage item identified on the PDP planning maps.

Historic heritage items or features are identified on 15 parcels zoned General residential zone, while there are 23 located on parcels proposed to be zoned Medium density residential zone 2.

Eight properties are included in the Huntly heritage area, and these are proposed to be zoned Medium density residential zone 2 (those sites are already zoned Medium density residential zone in the PDP).

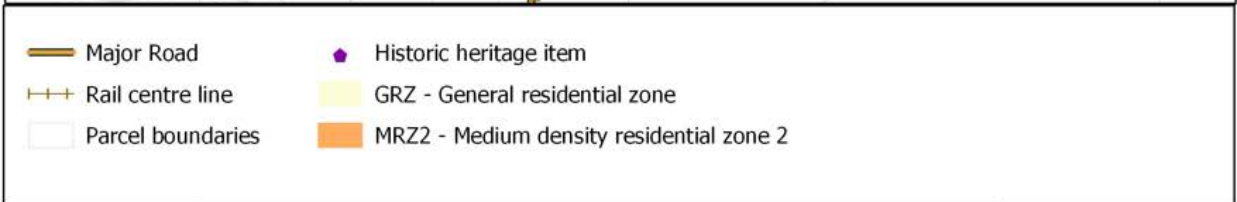
Figure 6: Sites identified as having a historic heritage feature in the PDP





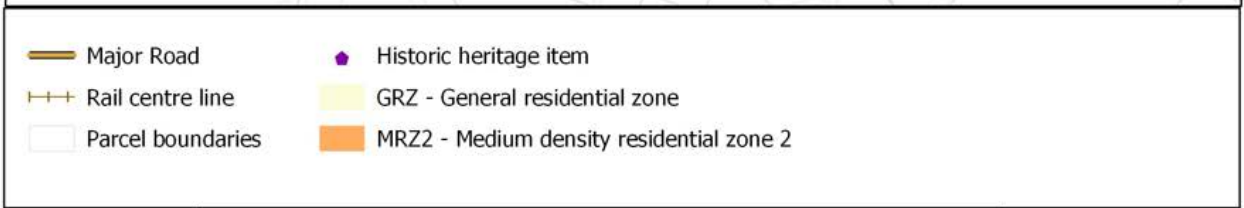
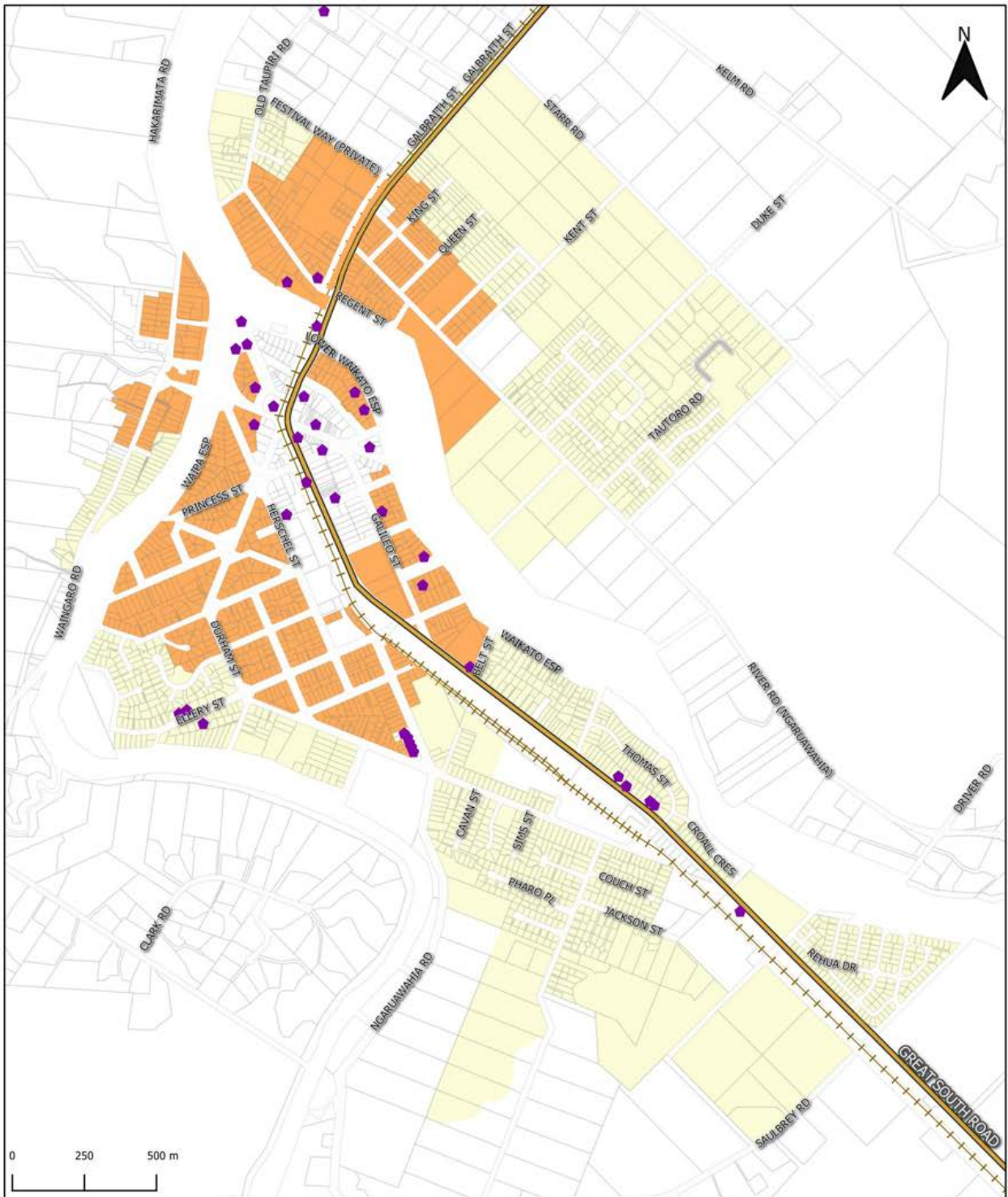
Historic Heritage items Pokeno

Waikato District Council
 Prepared 9 Sep 2022
 Cadastre Boundaries and addresses
 Land Information New Zealand
 Projection: NZTM2000
 Ref: ME 37806 V1



Historic Heritage items Huntly

Waikato District Council
 Prepared 9 Sep 2022
 Cadastre Boundaries and addresses
 Land Information New Zealand
 Projection: NZTM2000
 Ref: ME 37806 V1



Historic Heritage items Ngaruawahia

Waikato District Council
 Prepared 9 Sep 2022
 Cadastre Boundaries and addresses
 Land Information New Zealand
 Projection: NZTM2000
 Ref: ME 37806 V1

Figure 7: Huntly Heritage Area identified by hatching



6.4 Why is the area subject to the QM?

The sites have historic heritage in accordance with section 6(f) of the RMA. The historic heritage items have been identified through various heritage assessments in the Operative District Plan and Dr Ann McEwan’s evaluations that informed the Proposed District Plan.

6.5 Why is the QM incompatible with the level of development permitted?

Development within an identified historic heritage site has the potential to adversely affect the historic values of the site.

The presence of a historic heritage item which the PDP objectives seek to protect will limit the potential for the site to achieve Medium Density Residential Standards levels of development. Limiting the development potential through the HH rules recognises the national importance of historic heritage in accordance with section 6(f) of the RMA.

6.6 What is the impact of limiting development?

The QM limits development by protecting the historic heritage item and the extent of its heritage setting. It only applies to sites that have an historic heritage item identified on the planning maps. The existing rules in the Historic Heritage chapter of the PDP will limit the ability to develop the site to its maximum potential and subdivide. Sites with this notation will be unable to develop to the full potential of the Medium Density Residential Standards as contained in the RMA as either the full or part of the site where the historic heritage item is located will be unable to be built upon due to the

need to protect the item and its setting. The overall impact on development within the District is small as only 24 sites are impacted by this QM.

6.7 Costs and broader impacts of imposing the QM

	Costs	Benefits
Environmental	There are no environmental costs	Historic and cultural heritage contributes to maintaining and enhancing the quality of the District's environment
Economic	<p>There is an opportunity cost to properties affected by this QM, who are prevented from achieving medium density residential developments</p> <p>Reduced ability to utilise the full extent of the property</p> <p>May not result in optimising the existing urban land resource</p> <p>Additional costs involved in obtaining a resource consent</p>	The provisions may provide for a low level of development on the site depending on the spatial extent of the setting and location of the item on the site
Social	There may be conflict between parts of the community with different opinions over the value of items	<p>Supports community identity</p> <p>Protecting and maintaining historic and cultural heritage can have economic benefits including tourism opportunities</p> <p>Enables choice with different forms and densities of dwellings</p> <p>Social wellbeing benefits as recognition and protection of significant historic heritage will ensure that it remains for future generations to enjoy, learn from and identify with.</p>
Cultural	There are no cultural costs	<p>Historic heritage is protected and maintained for present and future generations</p> <p>Connection with the past is preserved</p>

7 Natural hazards – Section 6(h)

7.1 Introduction

Section 771(a) identifies a matter of national importance that decision makers are required to recognise and provide for under section 6 as a qualifying matter. Section 6(h) of the RMA identifies the management of significant risks from natural hazards as a matter of national importance.

The approach of the PDP to this section 6 matter is through identification of a variety of natural hazard overlays:

	Overlay	Description
Flood hazards	High flood risk area	Identifies areas within the floodplain where the depth of flood water in a 1% AEP flood event exceeds 1 metre and the speed of flood water exceeds 2 metres per second, or the flood depth multiplied by the flood speed exceeds one.
	Flood plain management area	Identifies the 1% Annual Exceedance Probability (AEP) floodplain and has been developed through both 1D and 2D modelling, depending on the level of information available.
	Flood ponding area	Identifies areas that experience floodwater ponding in a 1% AEP rainfall event.
	Residual risk areas / Defended areas	Identifies areas of land that would be at risk from a natural hazard event if it were not for a structural defence such as a stop bank.
Coastal hazards	High risk coastal inundation area / High risk coastal erosion area	Identify land where there is significant risk from either coastal inundation or coastal erosion with existing sea level and coastal processes.
	Coastal sensitivity area (Erosion) / Coastal sensitivity area (Inundation)	Identify land that is potentially vulnerable to either coastal erosion or coastal inundation over a 100 year period to 2120, assuming a sea level rise of 1.0 metre.
Subsidence Risk	Mine subsidence risk area	Identifies an area where subsidence has occurred at Huntly due to former underground coal mining.

The Natural Hazards and Climate Change chapter of the PDP sets out a two-tiered approach where natural hazard risk from subdivision, use and development is to be avoided within the following identified high risk natural hazard areas:

- a. High Risk Flood Area;
- b. High Risk Coastal Inundation Area; and
- c. High Risk Coastal Erosion Area.

Outside of these areas, subdivision, use and development is provided for where natural hazard risk can be adequately avoided, remedied or mitigated and the risk is not exacerbated or transferred to adjoining sites.

The QM is associated with sites that have a natural hazard identified on the planning maps. There are 1,662 sites with natural hazard overlays within the four towns subject to Variation 3 as follows:

	Overlay	Number of sites
Flood hazards	High flood risk area	133
	Flood plain management area	270
	Flood ponding area	67
	Residual risk areas / Defended areas	759
Subsidence Risk	Mine subsidence risk area	433

The following objectives in the PDP provide the policy framework for identification of this QM:

NH-01 High risk natural hazards areas.

In an identified high risk natural hazards area, the risks associated with natural hazards on people, property and infrastructure from subdivision, use and development of land are avoided.

NH-O2 Areas at risk from natural hazards.

Subdivision, use and development within areas at risk from natural hazards are managed so that natural hazard risks on people, property and infrastructure are avoided, remedied or mitigated.

NH-O3 Awareness of natural hazard risks.

Ensure communities respond effectively and efficiently to natural hazards.

7.2 What is the effect of the QM?

The provisions of the Natural Hazards and Climate Change chapter of the PDP decision version will continue to apply to those areas identified on the planning maps as being potentially affected by a natural hazard. The presence of a natural hazard overlay has a different effect depending on the nature of the natural hazard.

	Buildings	Earthworks	Subdivision
Flood plain management area and Flood ponding area	Construction of a building is not necessarily constrained, there is a requirement for a minimum floor level to be at least 0.5m above the 1% AEP flood level (NH-R1)	Filling height is only to the extent necessary to achieve compliance with the minimum floor level standard (NH-R8) NH-R9 limits the amount of earthworks	Discretionary activity (NH-R10)
High risk flood area	Construction of a new dwelling is a non-complying activity (NH-R20)	No specific rules	Subdivision that creates one or more additional vacant lot(s) is a discretionary activity under NH-R19 where: <ul style="list-style-type: none"> a. The additional lot(s) are located entirely outside the High risk flood area; or b. The additional lot(s) are partially within the High risk flood area and each additional lot(s) contains an area capable of containing a complying building platform entirely outside the High risk flood area
Defended area (Residual risk)	Construction of a new building, or reconstruction of, or new accessory	Earthworks located within 50m of the toe of a stop-bank where the stop-bank is under	Subdivision that creates one or more additional vacant lot(s) is a restricted

	building, located within 50m of the toe of a stop-bank where the stop-bank is under the responsibility of the Council, the Waikato Regional Council or the Crown is a discretionary activity (NH-R25)	the responsibility of the Council, the Waikato Regional Council or the Crown is a discretionary activity (NH-R26)	discretionary activity (NH-R24)
Mine subsidence risk area	<p>The construction or alteration of a building where a Consent Notice is registered against the Record of Title confirming that a geotechnical assessment has been approved at the time of subdivision and the approved geotechnical report confirms that the ground is suitable for building development and the building development is in accordance with any recommendations of the geotechnical report is a controlled activity (NH-R72)</p> <p>Construction of a building, or reconstruction of, or accessory building or the reconstruction of or additions to an existing building is a restricted discretionary activity (NH-R73)</p>	Earthworks is limited (NH-R71)	Subdivision to create one or more additional vacant lot(s) other than a utility allotment, access allotment or subdivision to create a reserve allotment is a discretionary activity (NH-R74)

The response of Variation 3 to this QM is to continue to apply the existing PDP provisions to residential development in the General residential zone and Medium density residential zone 2.

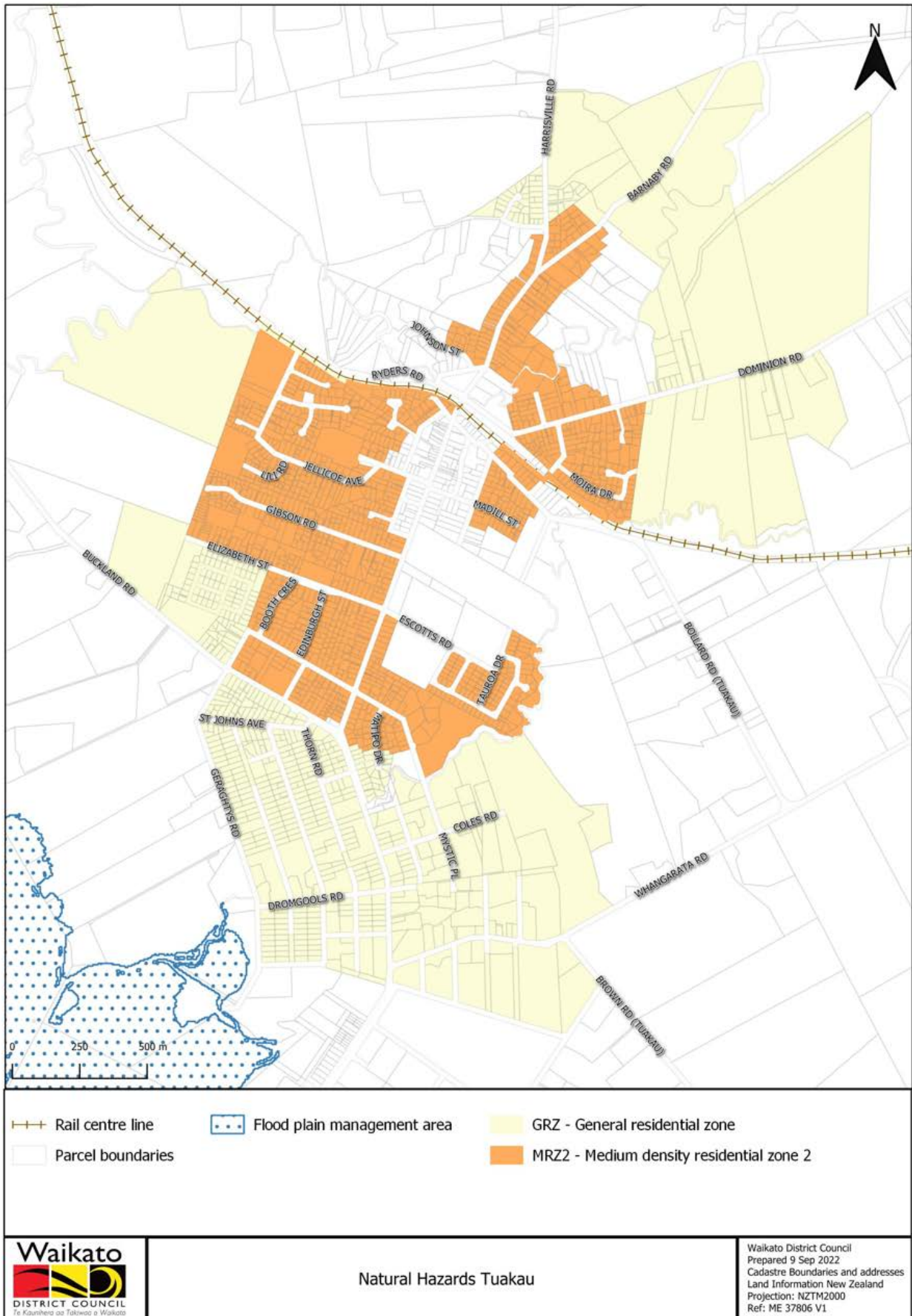
7.3 What area does this QM apply to?

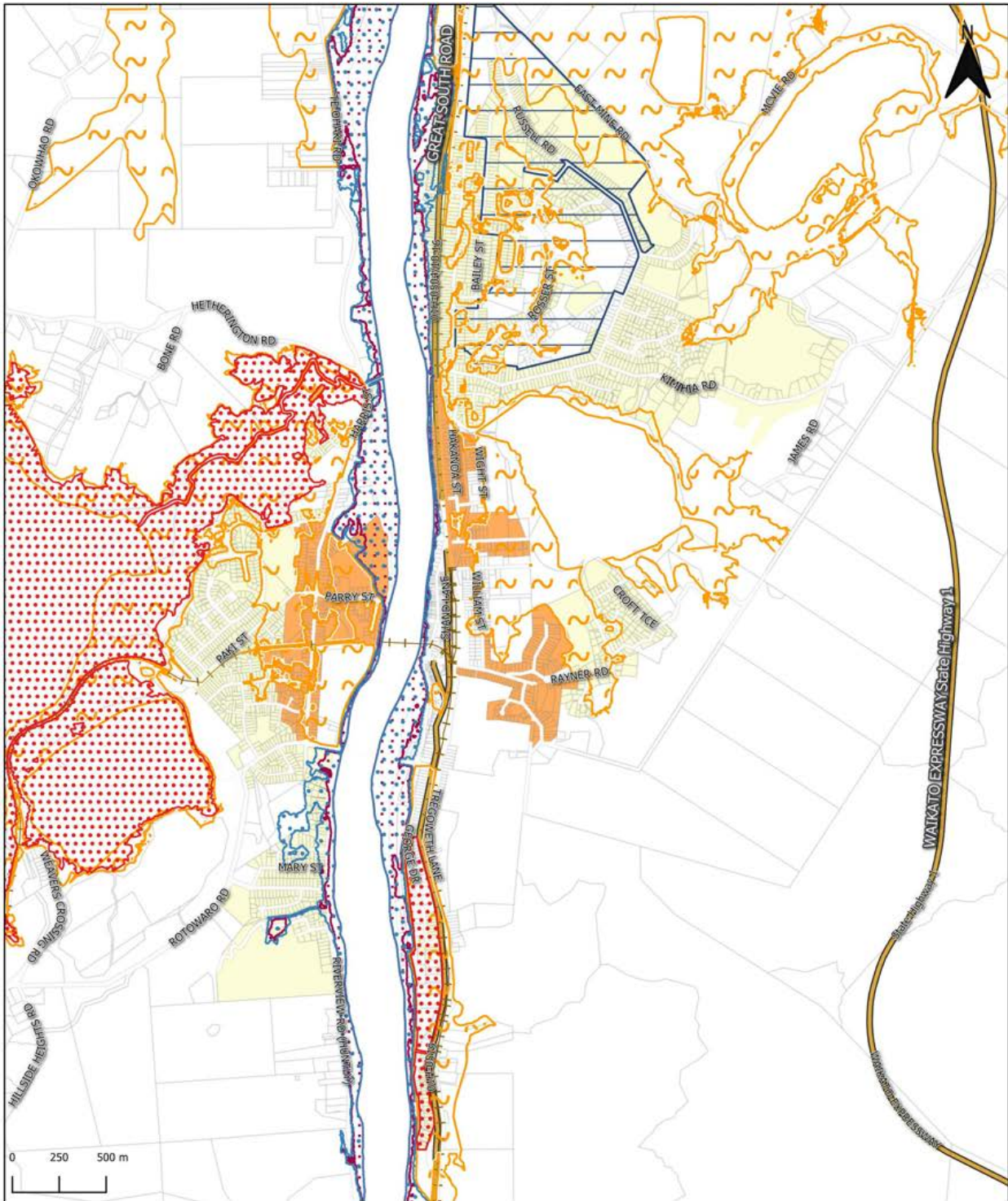
This QM applies to the residential zoned sites that have a natural hazard overlay identified on the planning maps. While the Proposed District Plan includes coastal hazards, there are no sites within the four towns which are subject to any of the coastal hazard overlays. The key natural hazards are those sites near the Waikato River in Huntly and Ngaaruawaahia and the mine subsidence area in Huntly.

The zoning of parcels affected by the natural hazard overlays in the PDP is as follows:

	Overlay	General residential zone	Medium density residential zone 2
Flood hazards	High flood risk area	103	95
	Flood plain management area	233	121
	Flood ponding area	67	0
	Residual risk areas / Defended areas	759	257
Subsidence Risk	Mine subsidence risk area	433	0

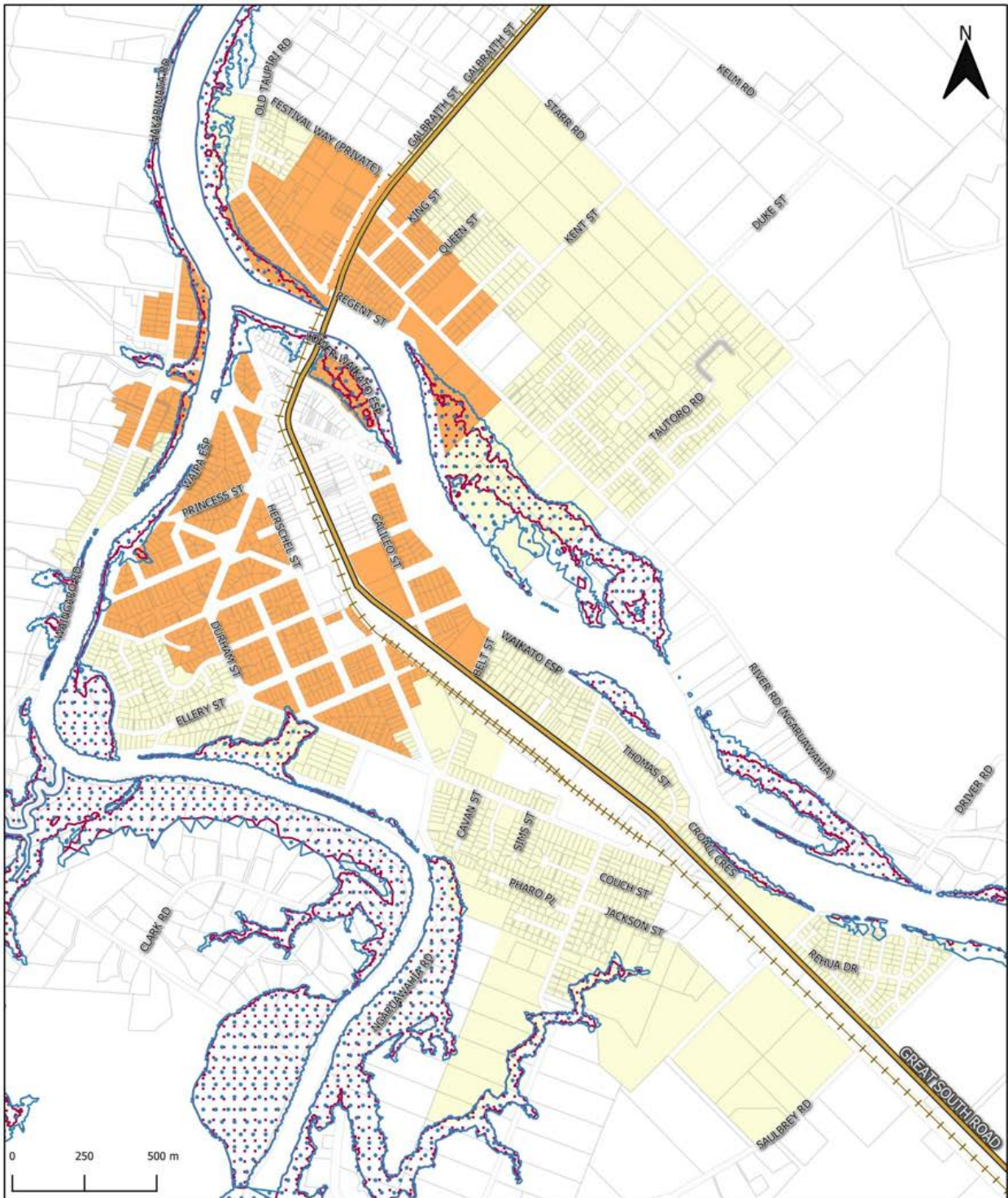
Figure 8: Sites identified as being subject to a natural hazard in the PDP





Natural Hazards Huntly

Waikato District Council
 Prepared 9 Sep 2022
 Cadastre Boundaries and addresses
 Land Information New Zealand
 Projection: NZTM2000
 Ref: ME 37806 V1



Natural Hazards Ngaruawahia

Waikato District Council
Prepared 9 Sep 2022
Cadastral Boundaries and addresses
Land Information New Zealand
Projection: NZTM2000
Ref: ME 37806 V1

7.4 Why is the area subject to the QM?

The sites have a natural hazard in accordance with section 6(h) of the RMA. The natural hazards items have been identified through various technical assessments as part of the Proposed District Plan process. The 1% AEP floodplain extent for the Waipa and Waikato Rivers has been identified by either 1D or 2D modelling (key risk areas). The 2D modelling also enabled high-risk flooding areas and two flood ponding areas to be identified on the planning maps in the key risk areas. The analysis that underpinned the mapping of the flood hazard was undertaken by DHI and Waikato Regional Council.

While land stability and liquefaction risk were assessed on a site-by-site basis, the Proposed District Plan retained the existing 'Mine Subsidence Risk Area' overlay in Huntly East to identify the sites with possible subsidence risk, where associated land use rules and restrictions will apply. There were a number of technical assessments undertaken by Ian R Brown Associates Ltd (IRBA), TerraFirma Mining Limited and Resource Development Consultants Ltd (RDCL). These were reviewed by Doug Johnson (Tonkin + Taylor).

7.5 Why is the QM incompatible with the level of development permitted?

Natural hazards pose a risk to people and property, and it would be inappropriate to enable medium density residential development in areas that have been identified as being at higher risk to natural hazards.

The presence of a natural hazard overlay will limit the potential for the site to achieve Medium Density Residential Standards levels of development. Limiting the development potential through the NH provisions recognises the national importance of managing significant risks from natural hazards in accordance with section 6(h) of the RMA.

7.6 What is the impact of limiting development?

The existing rules in the Natural Hazards and Climate Change chapter of the PDP will limit the ability to develop the site to its maximum potential and subdivide. Sites with this notation will be unable to develop to the full potential of the Medium Density Residential Standards as contained in the RMA as either the full or part of the site where the natural hazard overlay is located will be unable to be built upon due to the need to minimise the risk to people and property. The QM will affect the development potential of 1,662 sites within the four towns which are the subject of Variation 3.

7.7 Costs and broader impacts of imposing the QM

	Costs	Benefits
Environmental	There are no environmental costs	The risk of natural hazards is not increased
Economic	<p>There is an opportunity cost to properties affected by this QM, who are prevented from achieving medium density residential developments</p> <p>Reduced ability to utilise the full extent of the property</p> <p>May not result in optimising the existing urban land resource</p>	<p>The provisions may provide for a low level of development on the site depending on the spatial extent of the setting and location of the natural hazard overlay on the site</p> <p>Areas not identified in the Flood Plain Management Area and High Risk Flood Areas have certainty and have minimal expectation to investigate flood hazard</p>

	<p>Additional costs involved in obtaining a resource consent</p> <p>There are different levels of risk within each natural hazard overlay but the overlays do not reflect this nuance</p> <p>Increased cost of developing land</p> <p>Negative perception on land values for those identified in the flood plain area of the planning maps and more so for those areas identified as High Risk Flood Area.</p> <p>There is also the potential for impact on insurance premiums or ability to obtain insurance.</p>	<p>The actual cost of loss of life (less likely in flood risk) and damage to property and infrastructure will be minimised</p>
Social	<p>Dwellings in these areas are more likely to be lower cost housing, and attract lower socio-economic parts of the community</p>	<p>Damages to property are avoided by requiring new subdivision, use and development to be avoided in areas of significant risk</p> <p>Avoiding development in areas with significant risk of flooding (high risk) will help build resilience, and potentially help reduce the need for costly remediation/retreat after an event.</p> <p>Flooding of floors bears a high cost in house and contents repair, high personal disruption and increased health risks (mould, rising damp and cleaning up contaminated water under homes). Restricting development in these areas to an event is therefore beneficial, enabling such damage and disruption to be prevented.</p>
Cultural	<p>Development on Maori owned land may be constrained</p>	<p>There are no cultural benefits</p>

8 Matters required to give effect to National Policy Statement

8.1 Introduction

Section 771(b) identifies a matter required in order to give effect to a national policy statement (other than the NPS-UD) or the New Zealand Coastal Policy Statement 2010 as a qualifying matter. There are two National Policy Statements of relevance to the four towns subject to Variation 3:

- a. National Policy Statement for Electricity Transmission (NPSET) as the National Grid passes over the urban areas of Pookeno and Huntly; and
- b. National Policy Statement for Freshwater Management (NPS-FM).

The QM associated with the National Grid falls under both section 771(b) and section 771(e) a matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure. To avoid repetition, the National Grid is only evaluated once.

The QMs attributed to the NPS-FM (identified by s771(b)) can also be attributed to a matter required to give effect to Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River, which is a QM identified by section 771(c). To avoid repetition, this QM is evaluated under section 9 of this report.

The National Grid passes over a portion of the urban environments of Pookeno and Huntly. The BOB-MER-A line is a 110kV line supported by steel towers which overlays a small portion of the eastern edge of the Pookeno urban area, close to State Highway 1.

Figure 9: Location of the National Grid through Pookeno



The HAM-MER-B line runs through the western edge of Huntly’s urban environment and is a double circuit 110kV line, supported by steel towers. It is depicted below with the white squares for towers. The HAM-MER-A line runs generally parallel to this and is a single circuit 110kV line supported on single poles (identified by yellow circles indicating poles).

Figure 10: Location of the National Grid through Huntly



Policy 10 of the NPSET requires decision-makers to manage activities to avoid reverse sensitivity effects on the electricity transmission network. One of the most effective ways is set out in Policy 11 of the NPSET which is to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent. The PDP identifies the National Grid and has objectives, policies and rules which focus on the following activities:

- a. Earthworks;
- b. Subdivision;
- c. Buildings; and
- d. Sensitive land use.

Sensitive activities are defined in the PDP and includes residential activity.

The National Grid subdivision corridor is an area that applies either side of the National Grid and is defined in the PDP as:

Means the area measured either side of the centre line of any above-ground electricity transmission line as follows:

- (a) 14m for the 110kV national grid lines on single poles;*
- (b) 32m for 110kV national grid lines on towers; and*
- (c) 37m for the 220kV transmission lines.*

The National Grid subdivision corridor does not apply to underground cables or any transmission line (or sections of lines) that are designated by Transpower. The measurement of setback distances from National Grid lines shall be taken from the centre line of the transmission line and the outer edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.

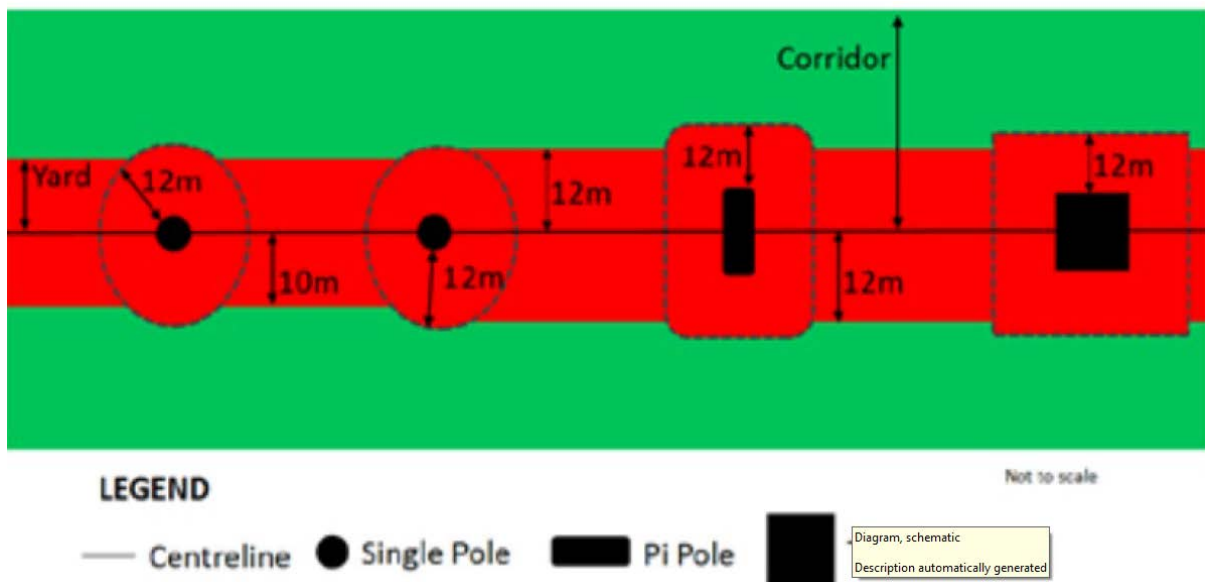
As the name suggests, this term is of relevance where subdivision is proposed in close proximity to the National Grid.

The National Grid yard is relevant to earthworks, buildings and the establishment or extension of sensitive activities. It is defined in the PDP as:

Means the area located within:

- (a) 12 metres in any direction from the visible outer edge of a national grid support structure foundations; and
- (b) 10 metres either side of the centre line of any above-ground 110kV national grid line on single poles; and
- (c) 12 metres either side of the centre line of any above-ground national grid line on towers.

The National Grid yard does not apply to underground cables or any transmission line (or sections of lines) that are designated by Transpower. The measurement of setback distances from National Grid lines shall be taken from the centre line of the transmission line and the outer edge of any support structure. The centre line at any point is a straight line between the centre points of the two support structures at each end of the span.



The presence of the National Grid means that residential buildings, activities and subdivision will be limited for sites in close proximity to the National Grid, and will not be able to achieve the Medium density residential densities or height.

The following objectives in the PDP provide the policy framework for identification of this QM:

SD-07 Regionally significant infrastructure and industry.

Recognise the importance of regionally significant infrastructure and regionally significant industry.

SD-010 Reverse sensitivity.

Existing activities are protected from reverse sensitivity effects.

AINF-02 Adverse effects on infrastructure.

Infrastructure is protected from reverse sensitivity effects, and its construction, operation, maintenance, repair, replacement and upgrading is not compromised

AINF-O4 National Grid.

The national significance of the National Grid is recognised, and protected and provided for.

What is the effect of the QM?

The following rules limit development in close proximity to the National Grid:

- a. The establishment of any new sensitive land use within the National Grid Yard is a non-complying activity in the General residential zone (GRZ-R14);
- b. Earthworks is limited by rule EW-R2 to the following standards:
 - i. Do not exceed a depth (measured vertically) of 300mm within 12m of the outer visible edge of any National Grid support structure foundation.
 - ii. Do not compromise the stability of a National Grid support structure;
 - iii. Do not result in the loss of access to any National Grid support structure; and
 - iv. Do not result in a reduction in the ground to conductor clearance distances of less than 6.5m (measured vertically) from a 110kV National Grid transmission line, or 7.5m (measured vertically) from a 220kV National Grid transmission line.Non-compliance with these standards is a restricted discretionary activity.
- c. Subdivision in the General residential zone is a restricted discretionary activity in SUB-R26 where it complies with the following standards:
 - i. All resulting allotments must be able to demonstrate that they are capable of accommodating a building platform for the likely principal building(s) and any building(s) for a sensitive land use outside of the National Grid Yard, other than where the allotments are for roads, access ways or infrastructure; and
 - ii. The layout of allotments and any enabling earthworks must ensure that physical access is maintained to any National Grid support structures located on the allotments, including any balance area.
- d. Non-compliance with these standards is a non-complying activity.

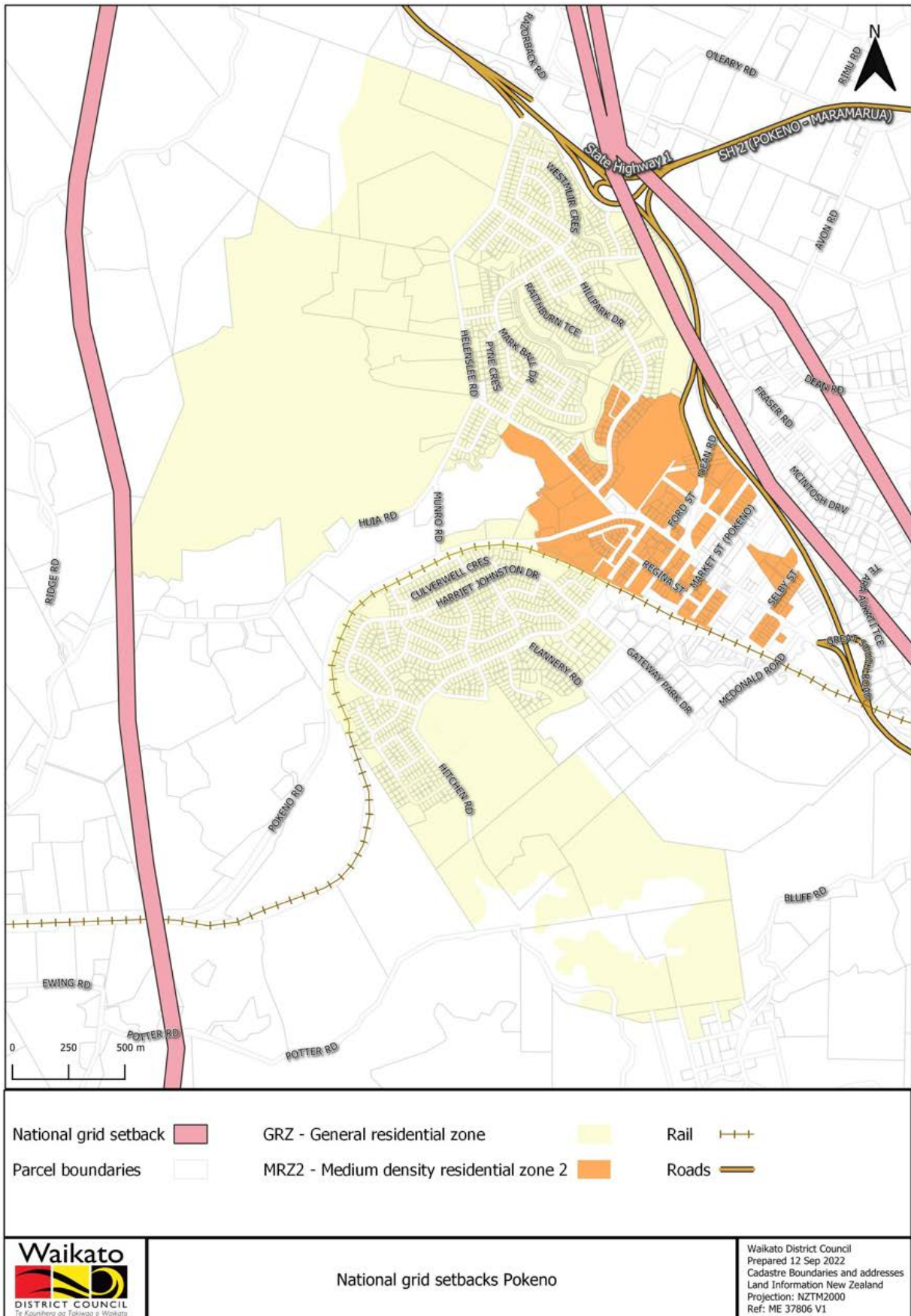
As the Medium density residential zone is not currently located around the National Grid, there is no corresponding rules for medium density residential zone in the PDP, however this rule is proposed to be inserted in the Medium density residential zone 2 provisions as rules MRZ2-R10, MRZ2-R11 and SUB-R162.

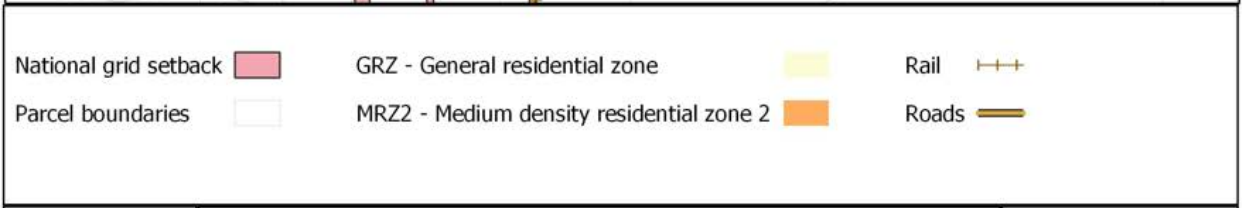
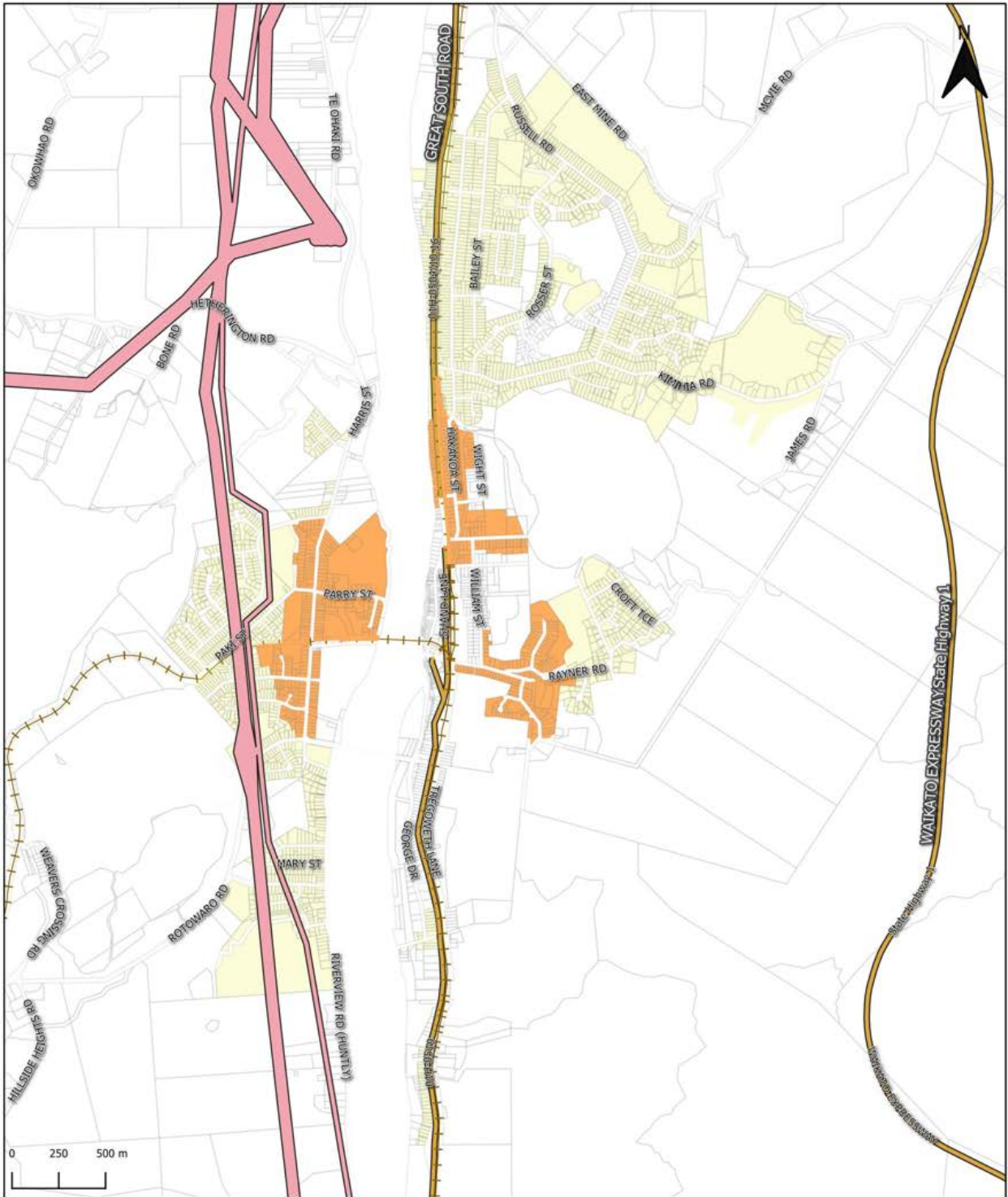
The response of Variation 3 to this QM is to continue to manage development in close proximity to the National Grid through the National Grid Yard and National Grid Subdivision Corridor and their associated provisions. This is to reflect the approach that residential development is not appropriate within the National Grid Yard. This is for safety of the dwelling occupants as well as security of the National Grid. Buildings in close proximity to the National Grid increase the potential for flashovers to occur.

What area does this QM apply to?

This QM applies to 235 parcels zoned General residential zone (using the definition of the National Grid Subdivision Corridor measurements in the PDP), located on the western edge of Huntly and the eastern edge of Pookeno. The National Grid itself passes through 98 parcels.

Figure 11: Location of the National Grid and extent of properties affected by the qualifying matter (based on the National Grid Yard definition in the PDP)





National grid setbacks Huntly

Waikato District Council
 Prepared 12 Sep 2022
 Cadastre Boundaries and addresses
 Land Information New Zealand
 Projection: NZTM2000
 Ref: ME 37806 V1

Why is the area subject to the QM?

The sites are in close proximity to the National Grid, and development in close proximity has the potential to compromise the safety and security of the National Grid.

Why is the QM incompatible with the level of development permitted?

Policy 10 of the NPSET requires decision-makers to manage activities to avoid reverse sensitivity effects on the electricity transmission network. Policy 11 of the NPSET which is to identify an appropriate buffer corridor within which it can be expected that sensitive activities will generally not be provided for in plans and/or given resource consent. The QM is applied to sites where more intensive residential development would compromise the National Grid, increase the risk to people and property and not give effect to the NPSET.

Limiting the development potential through the National Grid Yard and National Grid Subdivision Corridor recognises the national importance of the National Grid and gives effect to the NPSET.

What is the impact of limiting development?

The QM limits development by including rules for sensitive activities within the National Grid Yard and for subdivision within the National Grid Subdivision Corridor. The existing rules in the General residential zone, earthworks chapter and subdivision chapter of the PDP will further limit residential buildings, earthworks and subdivision within the National Grid yard / corridor in the General residential zone.

Costs and broader impacts of imposing the QM

	Costs	Benefits
Environmental	No environmental costs	Reduced chance of flashovers.
Economic	<p>Reduced value of properties in close proximity to the National Grid.</p> <p>Reduced development options in terms of land uses.</p> <p>Decreases the subdivision potential of properties within the corridor.</p>	<p>Protects the integrity of the National Grid and ensures continuous electricity supply which is essential for economic activity</p> <p>Retained ease of access for inspection, operation and maintenance for the network provider.</p> <p>Increased security of the towers and supporting structures by limiting earthworks in close proximity.</p> <p>Security of electricity supply is a significant benefit to business in Waikato District and nationally.</p>
Social	<p>Sub-optimal arrangement of a site in terms of location of buildings</p> <p>In the case of brownfield development, is likely to create unusable “dead space” on sites.</p> <p>Allowing public open space within the corridor could potentially result in increased numbers of people carrying out recreational activities in close proximity to the lines.</p>	<p>Protects buildings and structures from flashovers.</p> <p>Public safety is better maintained.</p> <p>An increased level of amenity for those living in close proximity to lines.</p> <p>Raises public awareness of the location of high voltage lines.</p> <p>In the case of greenfield development, the corridor can be used for other</p>

		purposes such as roading or public open space. Security of electricity supply is a significant benefit to residents in Waikato District and NZ
Cultural	May constrain the development of Maori Freehold or Customary Land	

9 Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River

9.1 Introduction

The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 (River Settlement Act) states that the Vision and Strategy is intended by Parliament to be the primary direction-setting document for the Waikato River and activities within its catchment affecting the Waikato River. The Vision and Strategy's central focus is on restoring and protecting the health and wellbeing of the Waikato River for future generations. Two of the key mechanisms arising out of the settlement that are particularly relevant to this application, are:

- a. The establishment of the Waikato River Authority; and
- b. Te Ture Whaimana – the Vision and Strategy for the Waikato River.

Schedule 2 of The River Settlement Act sets out Te Ture Whaimana which applies to the Waikato River and activities within the catchment affecting the Waikato River.

Section 12 of the River Settlement Act states that Te Ture Whaimana prevails over any inconsistent provision in a national policy statement [s12(1)(a)], a New Zealand coastal policy statement [s12(1)(b)] and a national planning standard [s12(1)(c)]. The importance of Te Ture Whaimana has been articulated in several Environment Court decisions on designations, plan changes, regional and district resource consent applications and road stopping applications. Section 11 of the River Settlement Act directs the Vision and Strategy in its entirety to be part of the Regional Policy Statement, and accordingly it is included in Section 2.5 of the Waikato Regional Policy Statement.

Te Ture Whaimana sets the following vision:

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

From this flow thirteen objectives and twelve strategies to achieve those objectives. In order to realise the Vision, the following Objectives will be pursued:

- a. The restoration and protection of the health and wellbeing of the Waikato River.
- b. The restoration and protection of the relationship of Waikato-Tainui with the Waikato River, including their economic, social, cultural, and spiritual relationships.
- c. The restoration and protection of the relationship of Waikato River iwi according to their tikanga and kawa, with the Waikato River, including their economic, social, cultural and spiritual relationships.
- d. The restoration and protection of the relationship of the Waikato region's communities with the Waikato River including their economic, social, cultural and spiritual relationships.
- e. The integrated, holistic and coordinated approach to management of the natural, physical, cultural and historic resources of the Waikato River.

- f. The adoption of a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River, and in particular those effects that threaten serious or irreversible damage to the Waikato River.
- g. The recognition and avoidance of adverse cumulative effects, and potential cumulative effects, of activities undertaken both on the Waikato River and within its catchments on the health and wellbeing of the Waikato River.
- h. The recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities.
- i. The protection and enhancement of significant sites, fisheries, flora and fauna.
- j. The recognition that the strategic importance of the Waikato River to New Zealand's social, cultural, environmental and economic wellbeing requires the restoration and protection of the health and wellbeing of the Waikato River.
- k. The restoration of water quality within the Waikato River so that it is safe for people to swim in and take food from over its entire length.
- l. The promotion of improved access to the Waikato River to better enable sporting, recreational, and cultural opportunities.
- m. The application to the above of both maatauranga Maaori and latest available scientific methods.

Section 771(c) of the RMA identifies as a QM, a matter required to give effect to Te Ture Whaimana o Te Awa o Waikato—the Vision and Strategy for the Waikato River.

The decision version of the PDP contains a district-wide chapter TETW Te Ture Whaimana – Vision and Strategy. The provisions in this chapter will continue to apply to Variation 3. Of particular note is TETW-PI which sets out the ways in which Te Ture Whaimana is given effect to:

TETW-P1 Implementing Te Ture Whaimana (Vision and Strategy for the Waikato River).

(1) To restore and protect the health and wellbeing of the Waikato River including by;

(a) Identifying and recognising the Waikato River as an Outstanding Natural Cultural Landscape;

(b) Acquiring appropriate public access to and along the Waikato River at time of subdivision;

(c) Protecting and restoring significant natural areas, riparian margins and wetlands within the catchment;

(d) Providing for conservation activities;

(e) Protecting waahi tapu, sites and areas of significance to Maaori;

(f) Recognising and providing for application of maatauranga Maaori; and

(g) Managing the effects of subdivision, use and development including those associated with:

(i) Building in river setbacks;

(ii) Intensive farming;

(iii) Earthworks and land disturbance; and

(iv) Subdivision.

The following objectives in the PDP provide the policy framework for identification of this QM:

SD-02 Tangata whenua.

Tangata whenua's relationships, interests, including commercial interests, and associations with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes, and other taonga are recognised and provided for.

TETW-01 Achieving Te Ture Whaimana (Vision and Strategy for the Waikato River).

The health and well-being of the Waikato River is restored and protected and Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River) is achieved.

9.2 What is the effect of the QM?

The provisions amended by the QM concentrate on three main areas in the Medium density residential zone 2 and General residential zone:

- a. Setback of buildings from waterbodies;
- b. Impervious surface standard; and
- c. Ensuring subdivisions can be appropriately serviced for water, wastewater and stormwater.

It should be noted that the impervious surface and servicing standards do not actually limit the height or density of development and therefore are not technically QMs. However, for completeness they are addressed here, as the inclusion of these standards are directly relevant to achieving the objectives of Te Ture Whaimana.

These provisions apply to both Medium density residential zone 2 as well as General residential zone within the four towns. Each of these matters are addressed in more detail below.

Setback of buildings from waterbodies

The rule requiring buildings to be setback from waterbodies already exists in the decision version of the PDP (MRZ-S11), and this is brought over into the Medium density residential zone 2 (as MRZ2-S13) as follows:

- a. 20m the margin of any lake;
- b. 20m from the margin of any wetland;
- c. 21.5m from the bank of any river (other than the Waikato River and Waipa River); and
- d. 26.5m from the margin of either the Waikato River and the Waipa River (this is 28m for the General residential zone);

Non-compliance with this rule results in a restricted discretionary activity status, and the rule sets out specified matters over which Council restricts its discretion.

Impervious surface standard

The impervious surface standard also exists in the decision version of the PDP, and on a Medium density residential and General residential zone site must not exceed 70%. Non-compliance of this standard results in a restricted discretionary activity with Council's discretion restricted to two matters being:

- a. site design, layout and amenity; and
- b. the risk of flooding, nuisance or damage to the site or other buildings and sites.

Subdivision

The three waters (being water supply, wastewater and stormwater) all have the potential to affect the mauri of the Waikato River.

Vacant lot subdivision and subdivision for any reason other than residential development in the Medium density residential zone 2 have a standard that proposed vacant lots must be able to connect to public-reticulated water supply and wastewater. Provision of infrastructure is specified as a matter of discretion. Any failure to comply with the standard will result in subdivision being a discretionary activity.

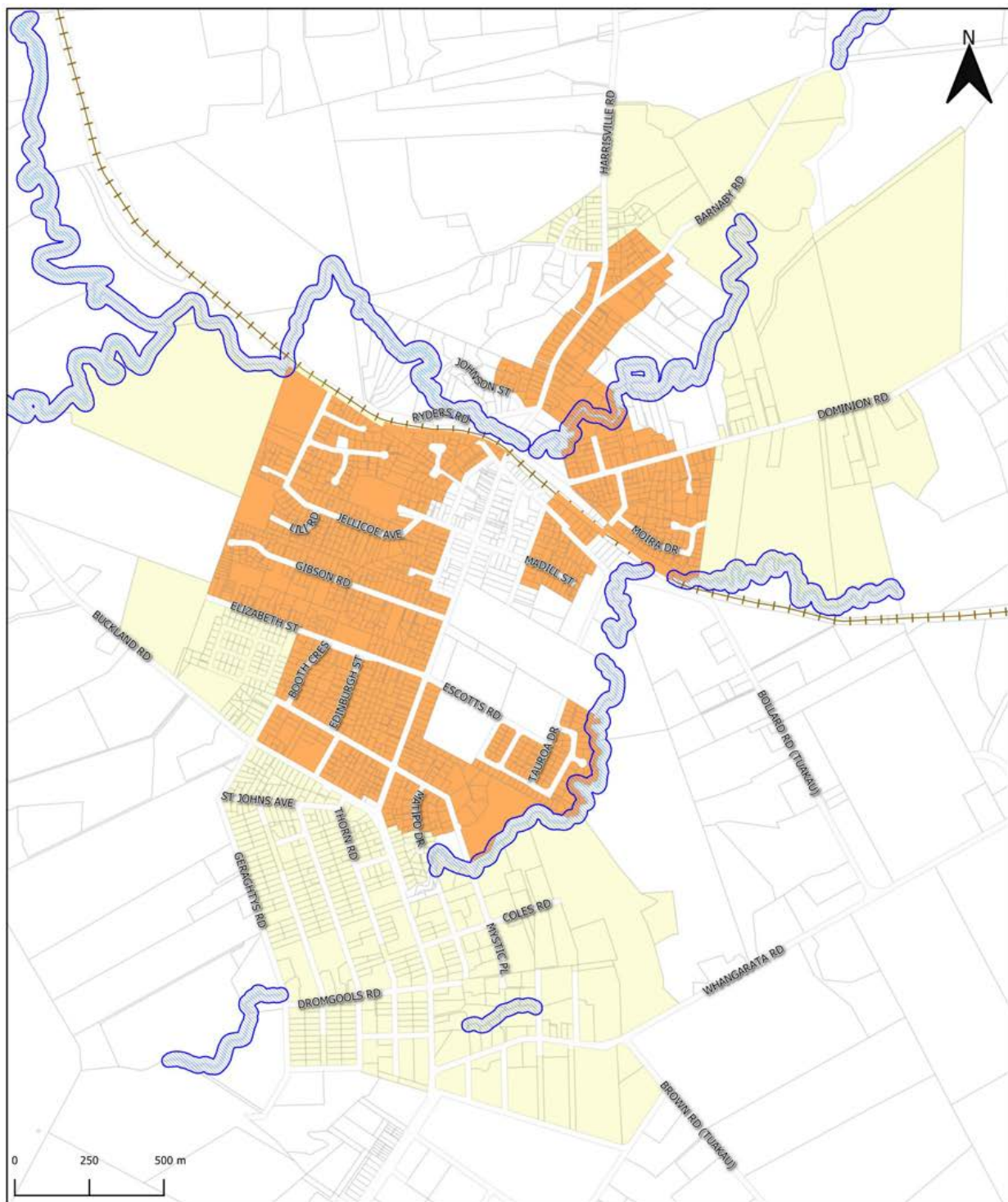
9.3 What area does this QM apply to?

In terms of three waters servicing and impervious surfaces, these standards apply to both Medium density residential zone 2 as well as General residential zone within the four towns.

The rules requiring setbacks from waterbodies only apply to those sites in close proximity to a lake, wetland or river.

The QM affects 136 parcels zoned as General residential zone and 133 parcels proposed as Medium density residential zone 2.

Figure 12: Extent of properties affected by the qualifying matter: Te Ture Whaimana

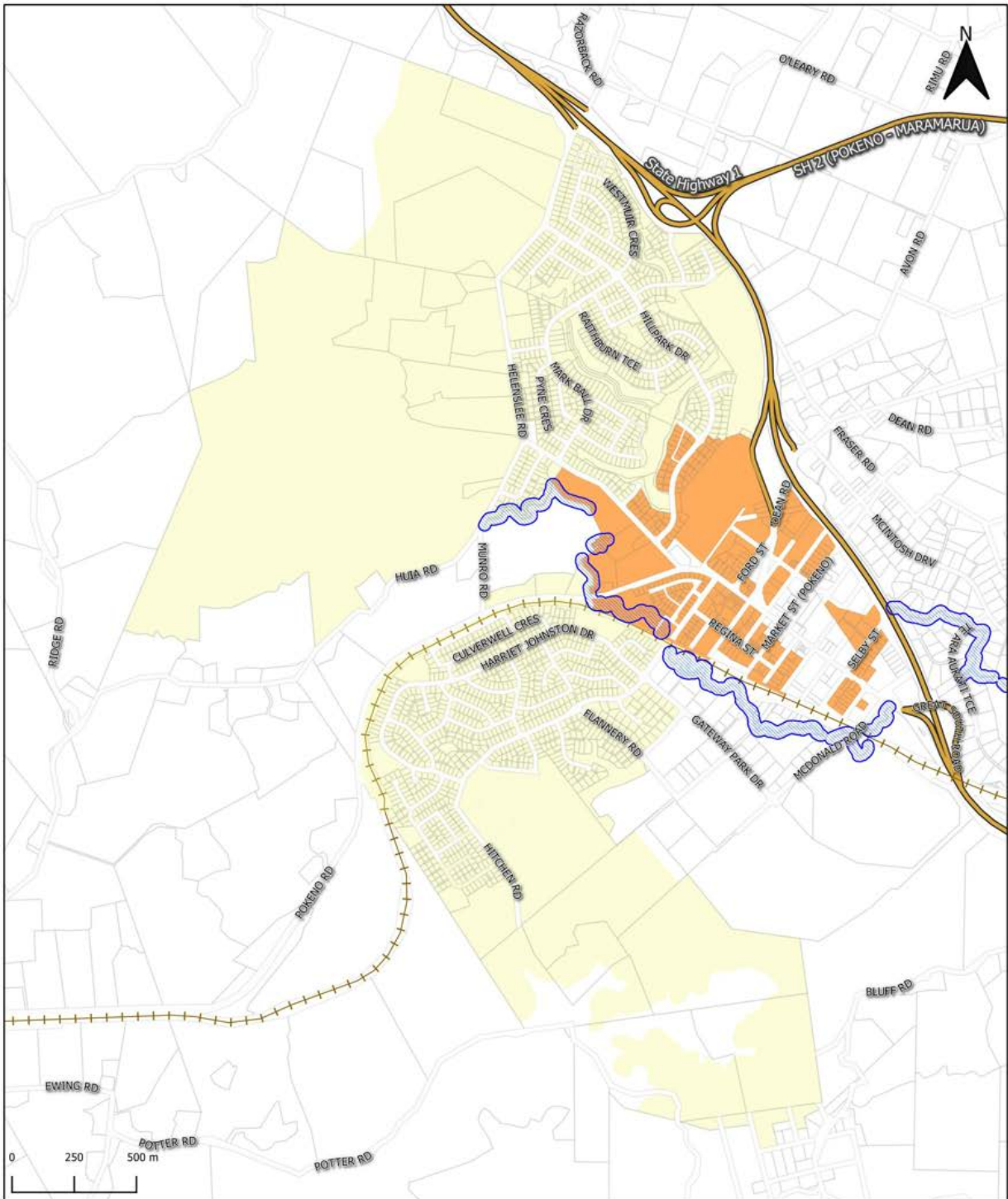


Parcel boundaries		Waterbodies		GRZ - General residential zone	
Rail		Waterbody setback		MRZ2 - Medium density residential zone 2	



Te Ture Whaimana Tuakau

Waikato District Council
Prepared 12 Sep 2022
Cadastral Boundaries and addresses
Land Information New Zealand
Projection: NZTM2000
Ref: ME 37806 V1

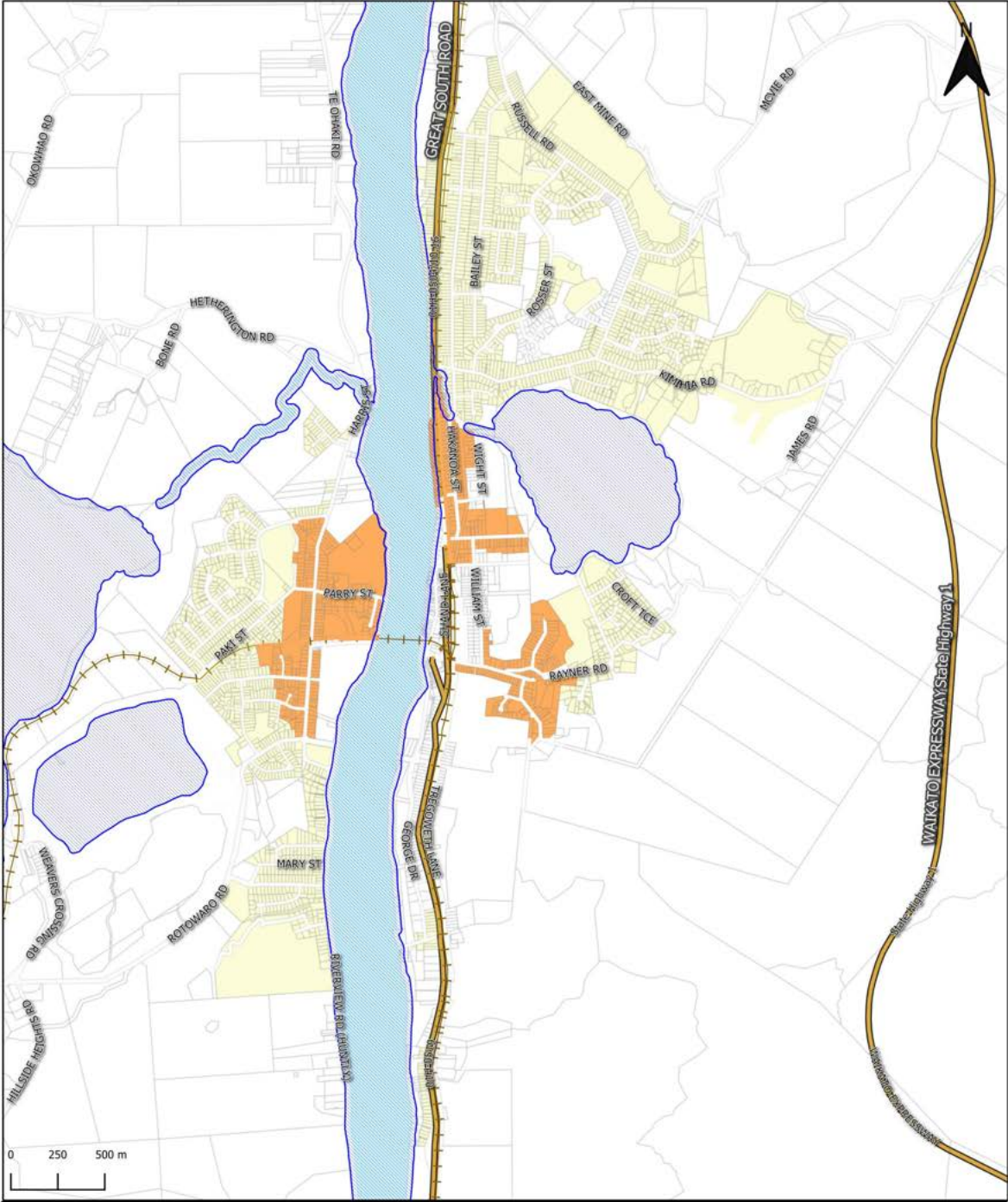


Parcel boundaries		Rail		GRZ - General residential zone	
Roads		Waterbodies		MR22 - Medium density residential zone 2	
		Waterbody setback			

Waikato
DISTRICT COUNCIL
Te Kaitiaki o Te Kōwhiri o Waikato

Te Ture Whaimana Pokero

Waikato District Council
Prepared 12 Sep 2022
Cadastral Boundaries and addresses
Land Information New Zealand
Projection: NZTM2000
Ref: ME 37806 V1

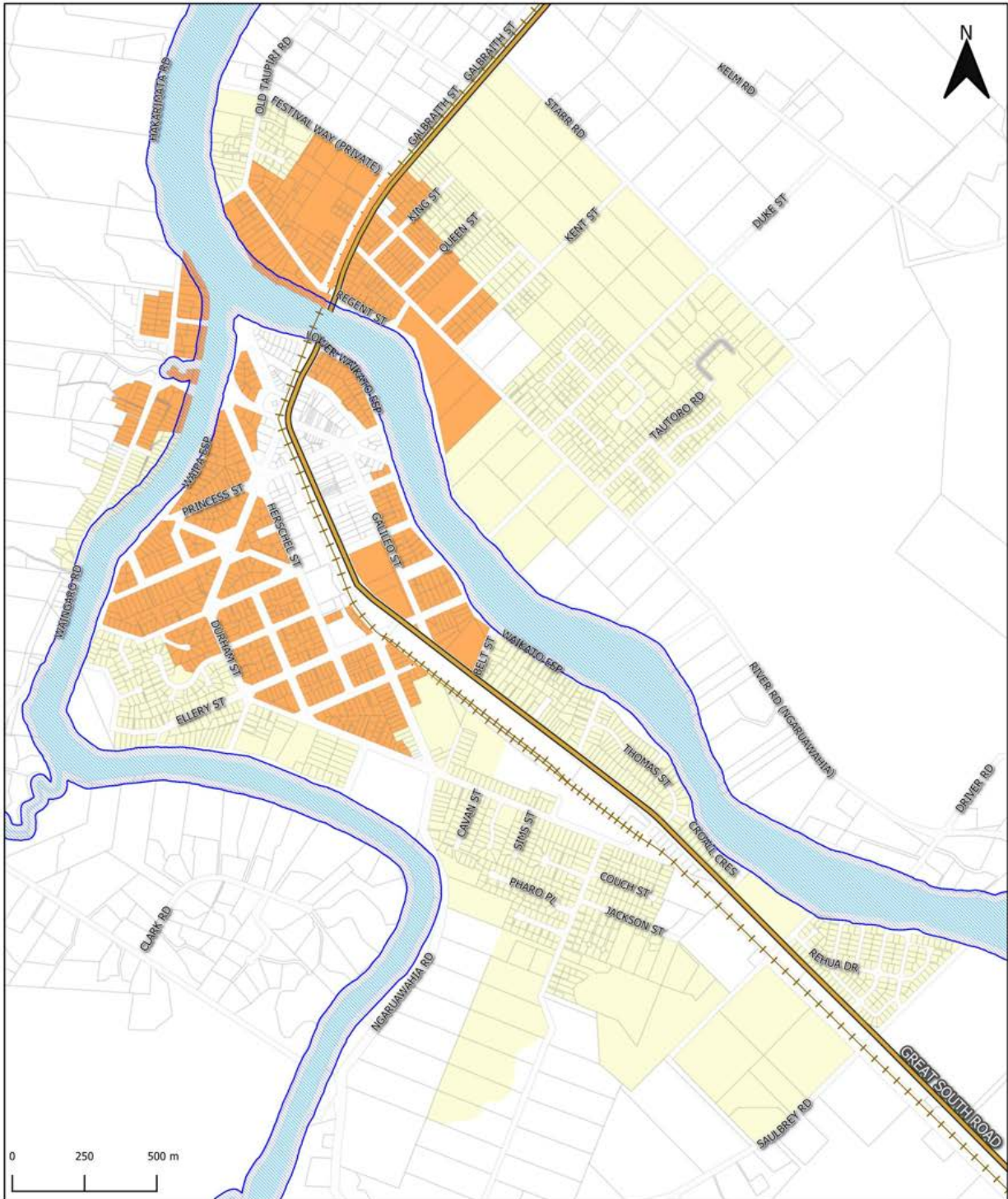


GRZ - General residential zone		Parcel boundaries		Waterbodies	
MRZ2 - Medium density residential zone 2		Rail		Waterbody setback	
		Main Roads			



Te Ture Whaimana Huntly

Waikato District Council
 Prepared 13 Sep 2022
 Cadastre Boundaries and addresses
 Land Information New Zealand
 Projection: NZTM2000
 Ref: ME 37806 V1



Te Ture Whaimana Ngaruawahia

Waikato District Council
 Prepared 12 Sep 2022
 Cadastre Boundaries and addresses
 Land Information New Zealand
 Projection: NZTM2000
 Ref: ME 37806 V1

9.4 Why is the area subject to the QM?

All four towns are located within the catchment of the Waikato River, to which Te Ture Whaimana applies. Additional residential development within the catchment has the potential to affect the water quantity and/or quality of the Waikato River through increased loading on the three waters network.

The health and well-being of the Waikato River is expressly reflected in both the vision for the Waikato River as well as the Te Ture Whaimana objectives. In particular, Te Ture Whaimana Objective (g) seeks to avoid adverse cumulative effects, and potential cumulative effects, of activities undertaken both on the Waikato River and within its catchments on the health and wellbeing of the Waikato River. Enabling additional residential development without consideration of whether there is sufficient capacity in the three waters network could lead to a decrease in the water quality through wastewater overflows and additional stormwater, and a reduction in quantity through increased takes for water supply.

Te Ture Whaimana Objective (h) recognises that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities. If appropriate three waters infrastructure is not available to service new residential subdivision, there is the potential for further degradation of the Waikato River. Untreated wastewater discharges cause significant adverse effects to the ecology and biochemical environment of the Waikato River. In addition, untreated wastewater discharges significantly affect the mauri of the waterbody. Similarly, water takes over and above the allocation limit of the river have the potential to degrade the water quality, particularly during low flow seasons.

The management of stormwater is important for two reasons. Firstly, an increase in impermeable surface leads to increased runoff, resulting in flooding and erosion. Secondly, stormwater often entrains contaminants and is a vehicle for transporting contaminants into the Waikato River, rather than retaining contaminants on land through soakage.

Requiring development to be setback from waterbodies results in multiple advantages. It provides space for public access if / when this is appropriate. This is particularly relevant where subdivision enables land to be set aside for esplanade reserves. The setback will result in earthworks being carried out further away from the waterbody, with less runoff of sediment. Setting buildings back from the edge of waterbodies will assist in preserving the natural character.

9.5 Why is the QM incompatible with the level of development permitted?

The level of development permitted by the MDRS is not compatible with protecting the Waikato River to give effect to Te Ture Whaimana because increased loading on the 3 waters network can have direct effects on the protection and enhancement of the Waikato River. If the level of housing permitted by the MDRS was allowed to occur in the district without the proposed standard for building setbacks and impervious surfaces, there is a risk of unacceptable adverse effects to the Waikato River. This would fail to give effect to Te Ture Whaimana.

The modified density standards protect the Waikato River by enabling an increase in the supply and choice of housing where the potential impacts on the river can be managed.

Ensuring the potential adverse effects of housing on the Waikato River are managed, and applying building setbacks from waterbodies and controlling impervious surfaces gives effect to Te Ture Whaimana.

9.6 What is the impact of limiting development?

Setback of buildings from waterbodies

The QM is likely to limit development for sites in close proximity to a lake, wetland or river. The presence of the setback will mean a portion of the site is unable to be built upon as a permitted activity. The extent of the site unable to be built upon varies from 23m – 28m depending on the zone and the nature of the waterbody.

However, non-compliance with this standard is a restricted discretionary activity, so it may still be possible to achieve the MDRS level of development but will require a resource consent application. As it is a restricted discretionary activity, the consent application may be declined or granted.

This standard will limit the building density and therefore the development capacity for permitted developments, but may not limit development if a consent is approved.

Impervious surface standard

The impervious surface standards are unlikely to affect the level of development permitted on a site. The permitted standard of maximum 70% impervious surface is larger than that of the building coverage and therefore will not affect the development of buildings. The building coverage standard is maximum 40% in the General residential zone in the four towns, and maximum 50% in the Medium density residential zone. The impervious surface standard is likely to only affect paved areas such as driveways, impervious decks and layers engineered to be impervious such as highly compacted soil.²

Servicing for three waters

Connection to public-reticulated water supply and wastewater is a standard for subdivision in the General residential zone and vacant sites subdivision for the Medium density residential zone 2 for the four towns. Non-compliance with this standard will result in a more stringent discretionary activity. This may have the effect of discouraging subdivisions that cannot meet this standard. This standard has the potential to limit development if a proposed subdivision for a vacant lot or subdivision for reasons other than residential dwellings cannot be connected to the Council's reticulated water supply, wastewater and stormwater network. The consent application may be declined or granted. This standard may limit the building density and therefore the development capacity depending on the availability of servicing for three waters and the capacity of the network.

9.7 Costs and broader impacts of imposing the QM

	Costs	Benefits
Environmental	There are no environmental costs	<p>The setbacks from the waterbodies will result in less sediment entering the waterway from runoff</p> <p>Setbacks reduces erosion by setting development away from waterbodies</p> <p>Setbacks provides spaces for revegetation close to waterways</p> <p>Setbacks provide opportunities to enhance biodiversity close to</p>

² Using the definition of “impervious surfaces” from the PDP decision version.

		<p>waterways and biodiversity linkages with the setbacks from waterbodies</p> <p>Maintaining water quality of the Waikato River and its tributaries through managing three waters</p> <p>Maintaining water quantity through managing water supply</p> <p>Supporting the aquatic ecosystems of the Waikato River and its tributaries</p> <p>Impervious surface standards minimises the severity of flooding</p> <p>Impervious surface standards reduce the level of contaminants entering the Waikato River</p> <p>Efficient use of existing infrastructure</p>
Economic	<p>Some sites may be limited in their ability to develop due to lack of servicing for three waters</p> <p>There is an opportunity cost to properties affected by this QM, who are prevented from developing within 23-38m from a waterbody</p> <p>Uncertainty as to whether a site can intensify due to lack of readily available information on three waters infrastructure</p> <p>Reduced ability to utilise the full extent of the property</p> <p>Costs associated with obtaining a resource consent and supporting technical assessments</p> <p>May not result in optimising the existing urban land resource</p> <p>May limit housing stock with no opportunities for infill due to lack of available servicing which will increase the costs for purchasers</p> <p>Increased time required to create new dwellings due to resource consents being required</p>	<p>Certainty for purchasers of a house that it has servicing for three waters</p>
Social	<p>May result in a reduction of housing opportunities</p> <p>May not enable people to meet their housing needs for their family</p>	<p>Improved amenity close to waterbodies</p> <p>May result in more variety of living choices if intensification cannot occur in all areas</p>

	May result in a lack of diversity of housing typology if development is not enabled	Public health is protected by ensuring houses can be serviced for wastewater and water supply Opportunity to increase housing supply where it can be serviced
Cultural	Development of Maaori owned sites may be limited if there is insufficient servicing for three waters	The mauri of the Waikato River will be protected Supports the vision and objectives of Te Ture Whaimana Reduces the potential for degradation of the Waikato River

10 Safe or efficient operation of nationally significant infrastructure

10.1 Introduction

Section 771(e) identifies a matter required in order to give effect to the safe or efficient operation of nationally significant infrastructure. Nationally significant infrastructure is defined in the NPS-UD as:

nationally significant infrastructure means all of the following:

- a. State highways
- b. the national grid electricity transmission network
- c. renewable electricity generation facilities that connect with the national grid
- d. the high-pressure gas transmission pipeline network operating in the North Island
- e. the refinery pipeline between Marsden Point and Wiri
- f. the New Zealand rail network (including light rail)
- g. rapid transit services (as defined in this clause)
- h. any airport (but not its ancillary commercial activities) used for regular air transport services by aeroplanes capable of carrying more than 30 passengers
- i. the port facilities (but not the facilities of any ancillary commercial activities) of each port company referred to in item 6 of Part A of Schedule 1 of the Civil Defence Emergency Management Act 2002

The four towns have the following nationally significant infrastructure passing through or near the urban environment:

- a. State highway 1 (Pookeno)
- b. National Grid (Pookeno and Huntly)
- c. Gas transmission line (Tuakau and Huntly)
- d. North Island Main Trunk rail line (Pookeno, Tuakau and Huntly)

The National Grid is addressed in section 8 above and is therefore not repeated here. Increased residential density can have two different effects on regionally significant infrastructure. While there may be increased safety risk of residential activities, this is mainly if there is a problem with the network e.g., motor vehicle accident on the state highway, train derailment, spark from the rail network causing a scrub fire or gas explosion.

The gas network is a little different from the transport networks as it is largely underground. Third party interference is one of the main risks to the safety and integrity of the underground gas pipelines. Activities in the vicinity of gas transmission pipeline and ancillary equipment should be

carried out in such a way so as not to compromise the safe and efficient operation of the gas transmission network.

The more common risk to the nationally significant infrastructure is the potential for reverse sensitivity, and residential activities are widely accepted as being sensitive to the adverse effects of large infrastructure. Activities carried out on the state highways and the rail network can create objectionable noise, vibration and odour (particularly from diesel emissions but also maintenance operations). Activities in the vicinity of gas transmission pipeline and ancillary equipment have the potential to compromise the safe and efficient operation of the gas transmission network.

The following objectives in the PDP provide the policy framework for identification of this QM:

SD-07 Regionally significant infrastructure and industry.

Recognise the importance of regionally significant infrastructure and regionally significant industry.

SD-010 Reverse sensitivity.

Existing activities are protected from reverse sensitivity effects.

AINF-02 Adverse effects on infrastructure.

Infrastructure is protected from reverse sensitivity effects, and its construction, operation, maintenance, repair, replacement and upgrading is not compromised.

AINF-08 Land transport network.

(1) An integrated land transport network where:

(a) All transport modes are accessible, safe and efficient; and

(b) Adverse effects from the construction, maintenance, upgrading and operation of the transport network are avoided, remedied or mitigated;

(c) Strategic road and rail corridors play an important role in the district for facilitating the movement of inter and intra-regional freight; and

(d) There is an effective and efficient land transport system that enhances economic well-being, and supports growth and productivity within the Waikato region and upper North Island.

What is the effect of the QM?

The effect of the QM is to limit residential intensification near the state highway, North Island Main Trunk Rail line and the gas transmission line. The key mechanism employed by Variation 3 is to require any new building or alteration to an existing building for a sensitive land use to be set back the following minimum distance from the infrastructure:

- a. 15m from the boundary of a national route or regional arterial and 25m from the designated boundary of the Waikato Expressway
- b. 5m from the North Island Main Trunk Rail line
- c. 6m from the gas transmission line

The rules will have the effect of limiting development in close proximity to the nationally significant transport networks:

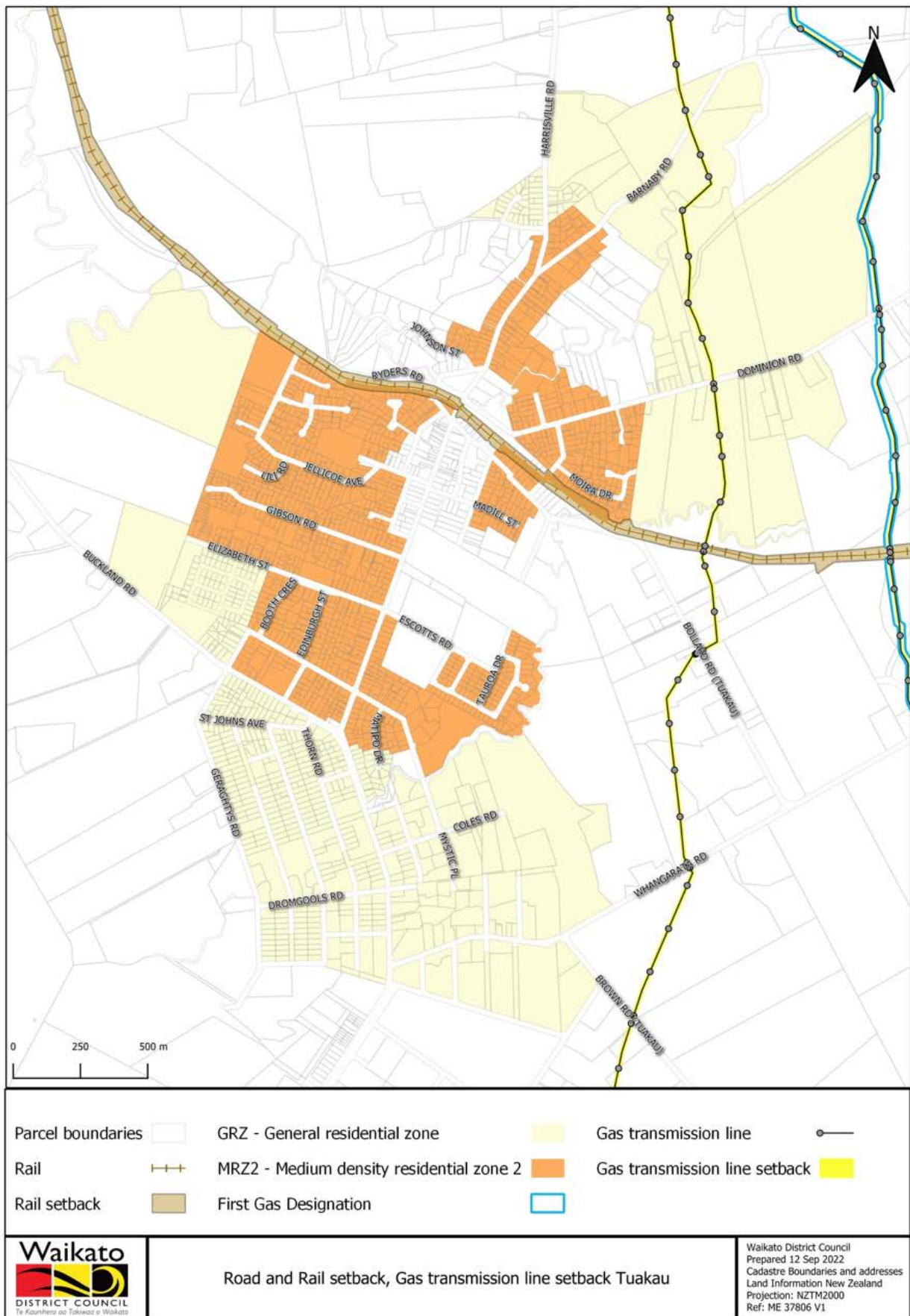
Similar setback rules already apply to the General residential zone (GRZ-S20), with the exception of setbacks from the gas transmission line. While there are currently no rules in the PDP regarding setbacks from the gas transmission line, this is the subject of an appeal to the PDP from First Gas.

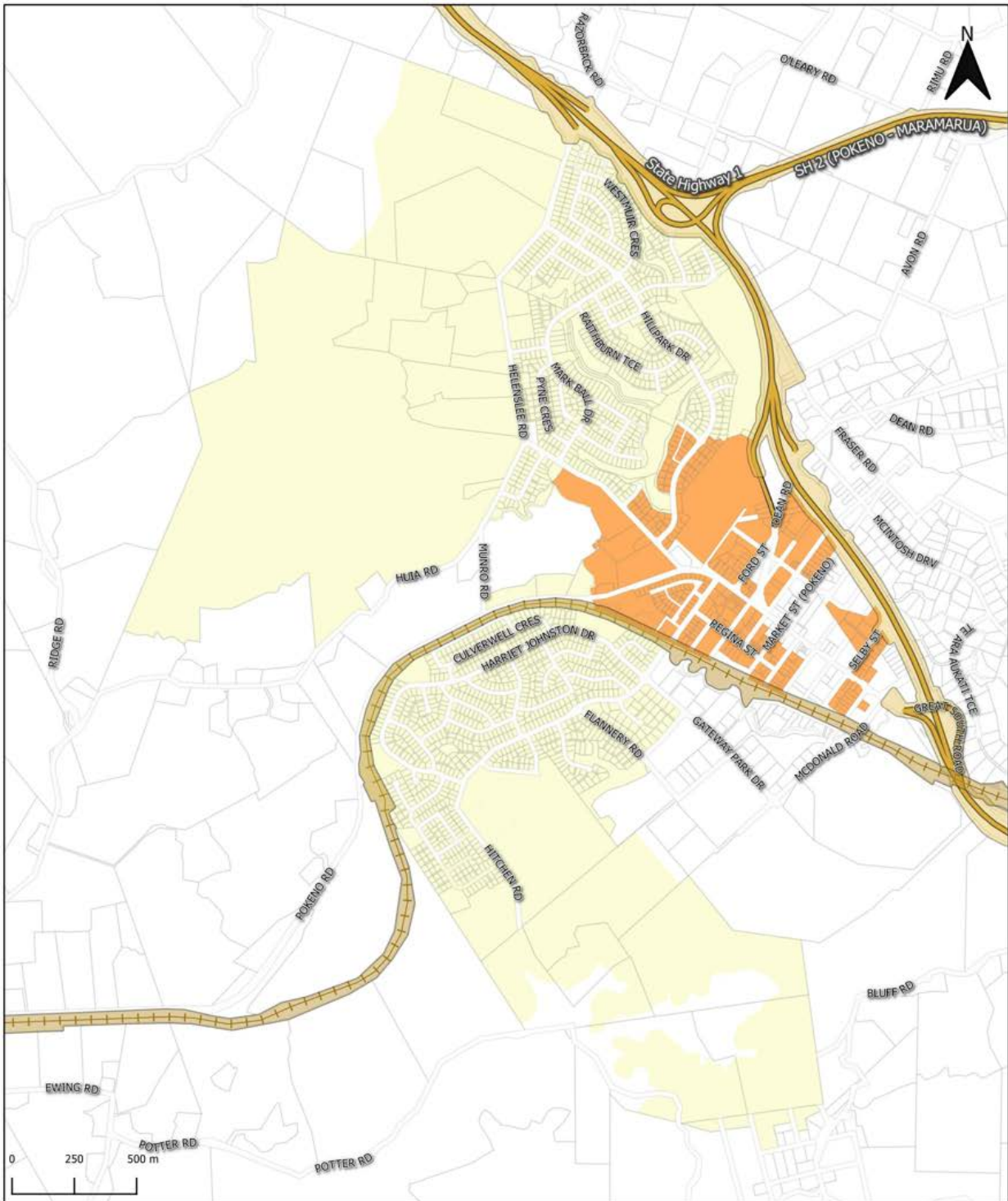
What area does this QM apply to?

This QM applies to 332 residential zoned parcels that are in close proximity to the state highway, North Island Main Trunk Rail line and the gas transmission line. More specifically, the following parcels are affected by the QM:

Nationally significant infrastructure	General residential zone	Medium density residential zone 2
State highway	48	13
Rail	146	118
Gas transmission line	7	0

Figure 13: Properties affected by the qualifying matter: nationally significant infrastructure



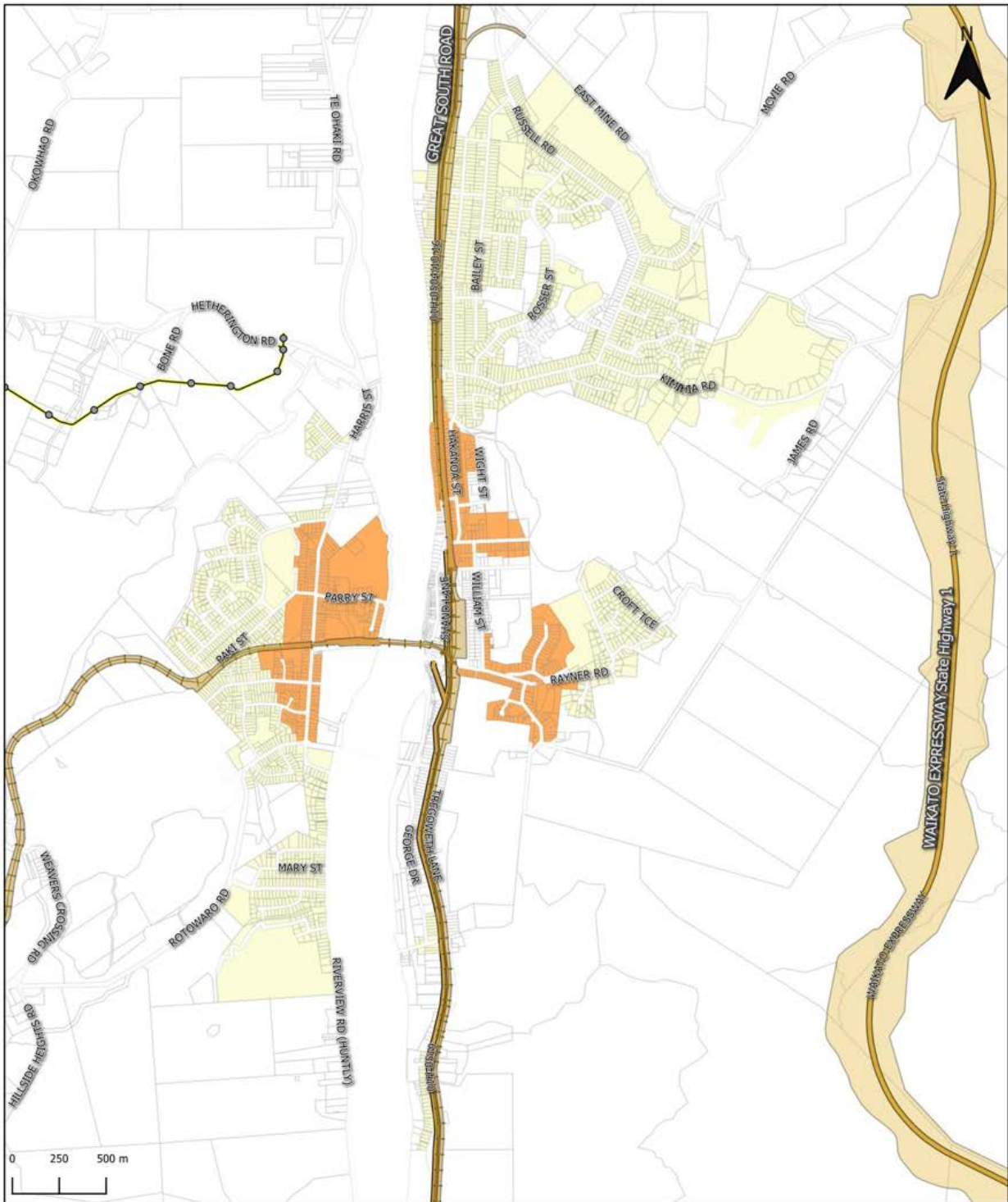


Parcel boundaries		Rail setback		MR22 - Medium density residential zone 2	
Roads		Road setback		Road setback	
Rail		GRZ - General residential zone			



Road and Rail setback, Gas transmission line setback Pokeno

Waikato District Council
 Prepared 12 Sep 2022
 Cadastre Boundaries and addresses
 Land Information New Zealand
 Projection: NZTM2000
 Ref: ME 37806 V1

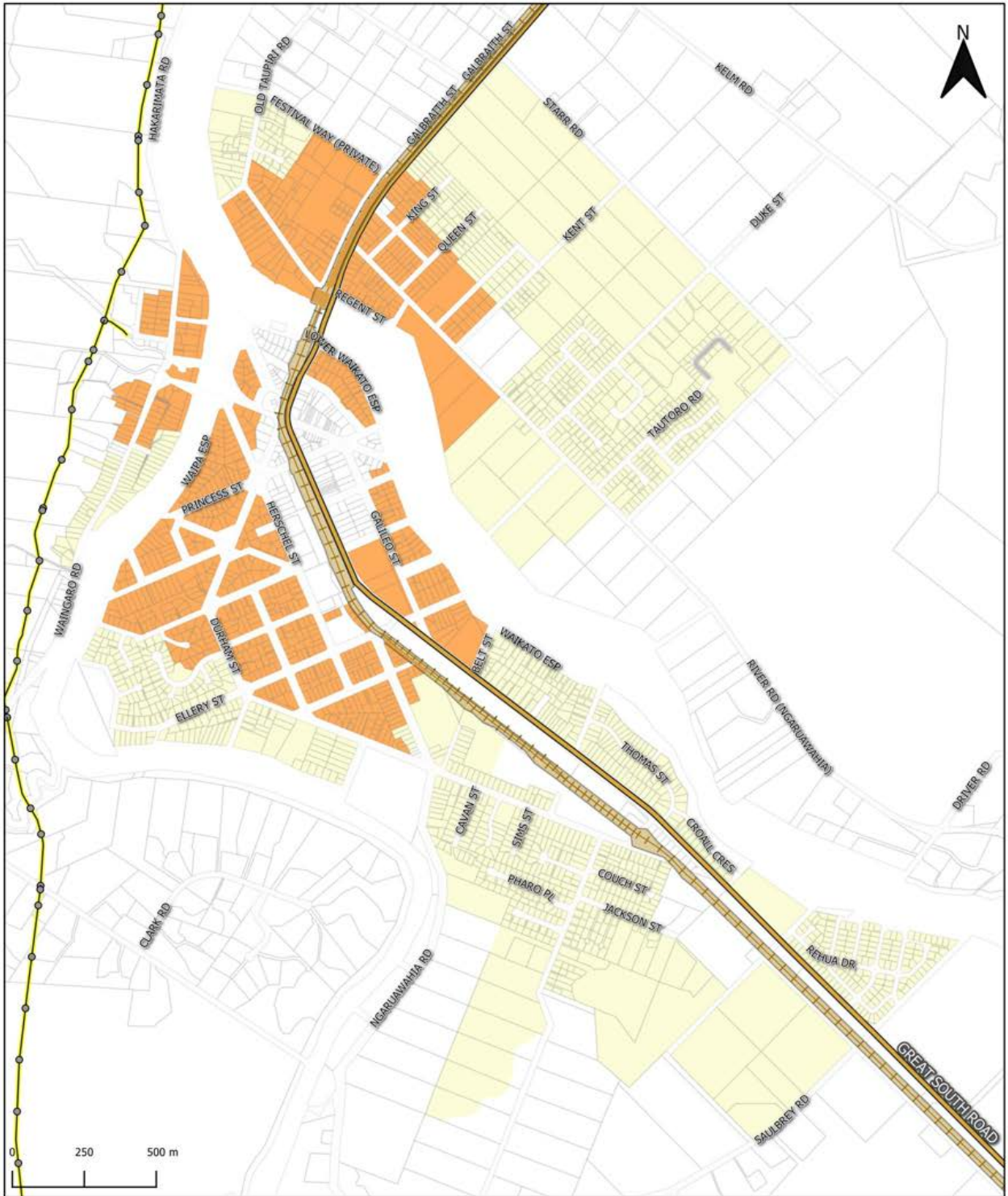


Parcel boundaries		Rail setback		Gas transmission line		
Roads		Road setback		Gas transmission line setback		
Rail		GRZ - General residential zone		Road setback		
		MRZ2 - Medium density residential zone 2				



Road and Rail setback, Gas transmission line setback Huntly

Waikato District Council
 Prepared 12 Sep 2022
 Cadastre Boundaries and addresses
 Land Information New Zealand
 Projection: NZTM2000
 Ref: ME 37806 V1



Parcel boundaries		Rail setback		Gas transmission line		
Roads		GRZ - General residential zone		Gas transmission line setback		
Rail		MRZ2 - Medium density residential zone 2				



Road and Rail setback, Gas transmission line setback Ngaruawahia

Waikato District Council
Prepared 12 Sep 2022
Cadastre Boundaries and addresses
Land Information New Zealand
Projection: NZTM2000
Ref: ME 37806 V1

The QM is applied within 6m of the gas transmission line, as evidence from First Gas to the PDP clarified that the transmission network (both the designated and undesignated pipeline) has a 12m wide easement (6m either side of the centre of the pipeline). A 6m setback has been adopted in Variation 3 to reflect the width of the easement and provide protection for the gas network, while not unreasonably constraining development of residential zoned sites.

Why is the area subject to the QM?

The sites are in close proximity to nationally significant infrastructure. It is appropriate to limit residential development to firstly protect the integrity and safety of the infrastructure, but secondly to minimise the potential for reverse sensitivity effects. Given that residential development is widely accepted as being sensitive to noise, vibration and odour, it makes sense to limit residential intensification near infrastructure that generates such effects.

Why is the QM incompatible with the level of development permitted?

The QM is applied to sites where more intensive residential development would compromise the nationally significant infrastructure, increase the risk to people and property and increase the potential for reverse sensitivity effects.

Limiting the development potential through setbacks recognises the national importance of this infrastructure.

What is the impact of limiting development?

The QM limits development by requiring residential development on sites that are within close proximity to the state highway, North Island Main Trunk Rail line and the gas transmission line to be set back a minimum distance from that infrastructure. Where development is proposed to be located within this setback, a resource consent application for a restricted discretionary activity is required.

Costs and broader impacts of imposing the QM

	Costs	Benefits
Environmental	No environmental costs	Reduced effect of significant events such as accidents, fire or explosions from the infrastructure
Economic	Reduced value of properties in close proximity to the infrastructure. Reduced development options in terms of land uses. Decreases the subdivision potential of properties in close proximity to the infrastructure.	Protects the integrity of the infrastructure and ensures continuous transport routes and gas supply Retained ease of access for inspection, operation and maintenance for the network provider. Security of critical transport routes is a significant benefit to business in Waikato District and nationally.
Social	Sub-optimal arrangement of a site in terms of location of buildings In the case of brownfield development, is likely to create unusable “dead space” on sites.	Protects buildings and structures from accidents and significant events. Public safety is better maintained. An increased level of amenity for those living in close proximity to nationally significant infrastructure.

		Security of transport routes and gas supply is a significant benefit to residents in Waikato District and NZ
Cultural	May constrain the development of Maori Freehold or Customary Land	No cultural costs

11 Urban Fringe

11.1 Introduction

While s77G(1) of the Amendment Act requires every relevant residential zone of a specified territorial authority to incorporate the MDRS into that zone, Variation 3 does not apply MDRS to all of the residential zones within the four towns (being Pookeno, Tuakau, Huntly and Ngaaruawaahia). A QM known as 'Urban Fringe' is proposed to apply to those areas on the fringe of the four towns located beyond the 800m walkable catchments from the town centres. The effect of the Urban Fringe QM is that the MDRS do not apply to the General residential zones within the four towns. Instead, the General residential zone in those four towns has been retained unmodified from the decisions version of the Waikato Proposed District Plan (PDP), except where specified sites in that zone have been up zoned to Medium density residential zone 2 (a total of 444) though further refinement of the 800m walkable catchment area.

The Urban Fringe QM is applied in accordance with section 771(j) as 'any other matter' that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area.

While the QM applies to restrict the application of the MDRS to the General residential zones within the four towns, the justification for this QM can be described equally as either confining intensification as a permitted activity to within the walkable catchments of the town centres or limiting the intensification beyond that catchment into the General residential zone. The concepts are interchangeable. Accordingly, in the interests of clarity in explaining this QM, this assessment focusses on why limiting the MDRS to the Medium density residential zone 2 is appropriate rather than why the application of the MDRS to the General residential zone in the four towns is inappropriate.

11.2 Description of the qualifying matter

The Urban Fringe QM seeks to encourage intensive residential development to areas within the 800m walkable catchments of the four towns to support the development of an efficient public transport network and active modes of transport, vibrancy and economic viability of the town centres and commercial activity while retaining housing choice in the General residential zone. It also enables people to live in close proximity to employment opportunities. The use of an 800m walkable catchment as a basis for intensification is considered consistent with the overarching national, regional and district policy framework and good urban design practice.

Limiting the application of the MDRS to the Medium density residential zone 2 will result in the following planning outcomes:

- Reduction in pressure for residential development on the urban fringe and beyond;
- Relief of anticipated pressures on the road transport network by providing housing close to town and business centres where the use of both public and active modes of transport to access places of employment, retail and entertainment is readily achievable and/or viable;
- Provision of greater diversity / housing choice; and
- Coordination of the delivery of infrastructure and services.

11.3 Background for the qualifying matter

This QM has its genesis in the PDP decisions which were notified on 17 January 2022, following an extensive Schedule 1 process of consultation, submissions and hearings by an independent Hearings Panel.

The PDP decisions introduced a new Medium density residential zone in Huntly, Ngaaruawaahia, Raglan, Te Kauwhata, Pookeno and Tuakau. The zone statement for the new zone states its purpose as being to “enable more efficient use of residentially zoned land and infrastructure by providing a higher density of residential development than typically found in the General residential zone”.

The Hearings Panel determined that the inclusion of a Medium density residential zone would give effect to both the NPS-UD and the Waikato Regional Policy Statement, both being higher order planning documents³.

Of direct relevance to Variation 3, the Hearings Panel foreshadowed the legislative changes being implemented through the Amendment Act and acknowledged that its decision would “provide a cohesive planning framework upon which the Council can later promulgate a plan change to align the district plan with the new medium density residential standards”⁴.

Part 2 of the PDP provides strategic directions which provide the overarching direction for growth and development within the district. Included in those strategic directions are the following strategic objectives:

SD-04 Housing Variety

A variety of housing types are available to meet the community’s housing needs

SD-05 Integration of infrastructure and land use

New development is integrated with the provision of infrastructure

Part 2 also includes a strategic direction objective for Urban form and development:

UFD-01 Urban environment

A compact urban form that provides for connected, liveable communities.

In developing this QM, Council seeks to give effect to Policy 3(d) of the NPS-UD which states that

(d) within and adjacent to neighbourhood centre zones, local centre zones, and town centre zones (or equivalent), building heights and densities of urban form commensurate with the level of commercial activity and community services

Variation 3 gives effect to Policy 3(d) in two ways. Firstly, it enables higher densities and building heights adjacent to town centre zones by retaining Medium density residential 2 zone within the 800m walkable catchment of the Town Centre Zone in the four towns.

Secondly, Variation 3 reduces the buildings heights and densities of urban form outside the 800m walkable catchment of the Town Centre Zone in the four towns by retaining the General residential zone. This approach is commensurate with the modest level of commercial activity and commercial services available in the four towns.

³ Decision Report 14: Residential Zone; Report and Decisions of the Waikato District Plan Hearings Panel, Waikato District Council. (17 January 2022), page 16

⁴ Ibid page 14

The recent Future Proof Strategy 2022 update was also relevant to the development of this QM. This is discussed further below but in essence, concentrating higher residential density around the town centres will assist in meeting the outcomes expressed in the updated strategy.

11.4 Rationale for the qualifying matter

The concept of centralising higher density development around town centres is well-established. There are a number of benefits that accompany a move away from vehicle-oriented development towards a “walkable community” which include:⁵

- a. Improved accessibility to amenities, particularly for non-drivers and those who are transport disadvantaged;
- b. Reduced transportation costs for households;
- c. Potentially more affordable housing in areas of intensification;
- d. Greater variety of living choices;
- e. Increased parking efficiency (benefiting local businesses) through more people walking or using alternate modes to the private vehicle;
- f. Possibility to increase local business activity and employment;
- g. Support / increased patronage for public transport and other alternate transport modes;
- h. Health cost savings to wider community and individuals;
- i. Reduced external transportation costs, e.g., pollution, safety risks;
- j. Increased neighbourhood interaction and community cohesion;
- k. Improved opportunities to preserve cultural resources;
- l. Increased exercise, improving personal wellbeing; and
- m. Increased passive surveillance, through increased use of public realm.

In essence, a walkable urban form will result in a reduction of vehicle trips and reduced vehicle kilometres travelled (i.e., fewer / shorter car trips).

A five-minute walk equates to approximately 400m, with a ten-minute walk equating to approximately 800m. It is not sufficient to simply draw an 800m circle from the town centre however, as this is not a realistic representation of a walkable catchment. Therefore, the delineation of the walkable distance from the edge of the Town centre zone (which is the extent of the Medium density residential zone) has taken into consideration walking routes including footpaths. People are generally willing to walk to local amenities such as schools, local shops and open space. The greater the level of service, the more willing people are likely to be to walk to a destination (acknowledging other environmental factors will also play a role such as weather/ climate, the quality of the pedestrian environment, the presence / mix / attractiveness of destinations and topography). There are two readings of this:

- a. the level of service as in the attractiveness of the pedestrian environment; and
- b. the attractiveness of the destination being walked to.

The propensity to walk varies according to what people are walking *to* and *through*.

A literature review⁶ concludes that appropriate walking distances to amenities supporting medium density residential living are as follows:

⁵ Economic Value of Walkability, Litman, T. (2014), Victoria Transport Policy Institute.

⁶ For example:

Litman, T. (2014). Economic Value of Walkability. Victoria Transport Policy Institute.

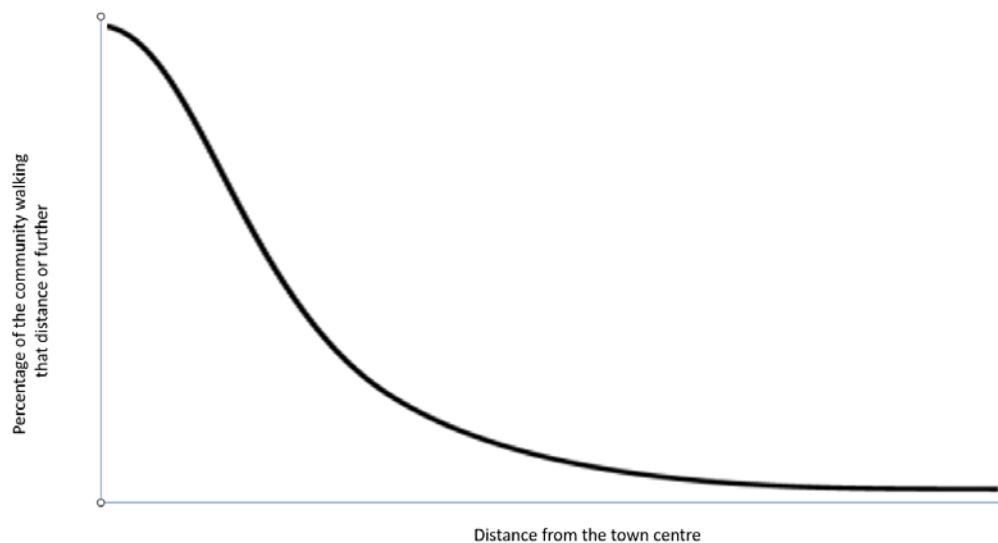
Wedderburn M. (2013). “Improving the cost-benefit analysis of integrated PT, walking and cycling”, NZ Transport Agency Research Report 537, Sinclair Knight Merz Ltd.

- a. Primary schools and preschools will ideally be located within a ten-minute walking distance (800m) from households. Anecdotal evidence shows that local communities are willing to walk more or cycle school utilised.
- b. Playgrounds, local reserves and parks will ideally be provided for within a five-minute walking distance (400m) of medium density housing. This provides the opportunity for families and children (with limited or no supervision depending on age) to access them safely on a regular basis (e.g., daily) by foot.
- c. Destinations for active recreation and physical activity such as sports fields, clubs, courts, and large open space and fields suitable for running, dog walking and similar activities will ideally be provided for within a ten-minute walking distance (800m) of medium density housing.
- d. Local convenience stores provide opportunity for daily household needs to be obtained in a fast, convenient manner. Accordingly, these are ideally located within a five-minute walk (400m) from medium density housing.
- e. Local centres or nodes incorporating larger supermarkets, cafes, primary healthcare services, pharmacies, banks, libraries and similar activities / service hubs are generally accessed two to three times a week by households. For medium density housing, where reduced reliance on vehicle travel should be an aim, such activities will ideally be located within a ten-minute walking distance (800m).

In using the above 'rules of thumb' for planning purposes, it is also important to consider the difference between the distance a person will walk to a given destination as compared with the distance *most* people will walk to access them. Many studies on the subject show a pattern of 'distance decay' whereby the proportion of people walking to a given destination decreases the further away it is. This can be illustrated below.

Taylor, N., Baines, J. & Perkins, H. (2010). Strategic SIA for urban retail development: Paper presented to the International Association for Impact Assessment Annual Conference, Geneva, 2010. Source: Taylor Baines & Associates. www.tba.co.nz

Figure 14: Walkability



Given the above, the QM seeks to consolidate intensification opportunities around the services and amenities provided in the centre of each of the four towns, by limiting the Medium density residential zone 2 to walkable catchments around the centre of each town.

Centres with greater population density show greater vibrancy and intensity of commercial land use, while local amenities such as appropriate open space will see more use and, subsequently, investment over time. Concentrating development into smaller catchments surrounding centres and public transport nodes is more likely to result in the full benefits of these centres and public transport infrastructure being realised.

Correlation to vehicle usage and public transport

Research based on New Zealand examples showed that people living within walking distance of local centres have lower vehicle ownership than the NZ population average and travel to work by non-vehicle means more than the NZ population average.⁷ Not surprisingly, it indicates that people living within an easy walking distance of local centres are less dependent on vehicles.

Greater concentrations of people generated by local shopping and co-located activities (including residential living and open space) will support public transport, leading to less requirement for car parking, more efficient land use and reductions in CO₂ emissions.⁸ Locating Medium density residential zone around the Town centre zone will have the effect of enabling greater intensification of land use – in terms of residential, community and business activities.

There is a strong correlation between public transport provision and the intensity land use; increased numbers of residents / residential density supports development of public transport which is important for the Waikato towns that do not yet have those services available, or only limited / sporadic services. The link between density and transit can work in both directions with residential density driving public transport services and public transport stimulating residential density. Public transport can influence people's choices as to where to live, and thus results in more demand for areas where there is a public transport service. These areas naturally lend themselves to increasing levels of urban intensification, provided that the necessary supporting amenities and opportunities

⁷ Strategic SIA for urban retail development: Paper presented to the International Association for Impact Assessment Annual Conference, Taylor, N., Baines, J. & Perkins, H. (2010). Geneva, 2010.

⁸ Town centres or just places to shop? Troy, L. (2007), Planning Quarterly 166, pages 4-9.

are provided. Typically, the greater the density of population, the higher frequency and specification in services. Thus, concentrating residential development around the town centre will better support public transport services and make them more viable.

More generally, a significant body of international research has sought to empirically link travel behaviour to urban form characteristics, and in doing so provide an evidence base for planning strategies premised on controlling travel demand through land use. Such studies tend to link specific measures of travel behaviour to a range of urban form characteristics which are often expressed as 'D'-variables⁹:

- **Density** – that is, the density of housing/employment in a given location;
- **Diversity** – that is, the variability of land use mix in a given location;
- **Design** – that is, the level of connectivity in the street network of a given location;
- **Destination Accessibility** – that is, the destinations accessible in a given period of time from a given location; and
- **Distance to public transport** – that is, the distance to a public transport node from a given location.

A series of meta-analyses¹⁰ dating back to 2010 best summarises the general findings of studies over the last twenty years, and is summarised in the table below which expresses the responsiveness of travel behaviour to urban form characteristics as elasticities. The table measured the impact that specific urban form characteristics (listed on the left) have on people's travel behaviour/mode choices (listed along the top). The responsiveness of travel behaviour to changes in urban form is expressed in the table as an elasticity showing the percentage change in the outcome variable (i.e., travel behaviour) in relation to a 1% increase in the independent variable (i.e., the urban form characteristic). For example, the top-left box showing '-0.04' indicates that a 1% increase in population density is linked with a -0.04% decrease in vehicle kilometres travelled (VKT) in the Ewing & Cervero (2010) study and that a 10% increase in density is linked with a 4% decrease in VKT, and so-on. With some exceptions, this summary broadly confirms the conventional wisdom that a reduction in driving is more likely in areas that are denser, have a higher land use mix, a more highly connected urban form, and higher levels of accessibility to key destinations. Very simply, the elasticities show that individual D-variables are negatively associated with driving, and positively associated with walking, cycling, and public transport use. While the magnitude of some elasticities appears modest, the combined effect of multiple variables is likely to be more significant – in other words combining increased density with increased destination accessibility for instance could be expected to have a correspondingly larger effect on reduced driving.

While the majority of studies comprising these meta-analyses are from large metropolitan areas [primarily in the United States], the generalisable findings are such that they provide an evidence base of sorts for the approach of the QM. In short, the vehicle trip degeneration and mode shift benefits of medium density residential living are far more likely to be realised where spatially applied to areas that have greater land use diversity, destination accessibility, and street network connectivity in particular. Conversely, increased residential density in areas without these accompanying urban form attributes are less likely to result in more sustainable travel behaviour. These issues are addressed further below.

⁹ First coined in Cervero & Kockelman, 1997.

¹⁰ Ewing & Cervero, 2010; Stevens, 2017; Yang et al., 2019, Aston et al., 2020.

Table 1: Relationship between changes in urban form and transport modes

		Driving (VKT) ¹¹		Walking ¹²	Cycling ¹³	PT use ¹⁴	
Density	Household / Population density	-0.04	-0.22	0.07	<0.01	0.07	0.10
	Job density	0.00	-0.07	0.04	-	0.01	0.08
Diversity	Land use mix	-0.09	0.11	0.15	0.09	0.12	0.26
	Jobs-housing balance	-0.02	0.00	0.19	-	-	0.16
Design	Intersection / Street density	-0.12	-0.14	0.39	-	0.23	-
	% 4-way intersections	-0.12	-0.06	-0.06	-	0.29	-
	Connectivity	-	-	-	0.08	-	0.17
Destination Accessibility	Job accessibility by car	-0.20	-0.20	-	-	-	-
	Job accessibility by PT	-0.05	0.00	-	-	-	-
	Distance to downtown	-0.22	-0.63	-	-	-	-
Distance to PT	Distance to nearest PT stop	-0.05	-0.05	0.15	-	0.29	-

Medium density on the fringes

There are a number of reasons why medium density development on the outer fringes of the towns can occur more easily which will result in a “ring” of higher density on the periphery. For a start the sites are larger on the periphery which makes implementing the full potential of medium density development easier. Roads and features can be planned comprehensively to maximise yield of the sites. Secondly, in places such as Pookeno, there are restrictive covenants on a very high proportion of the existing sites such as limitations on having more than one storey, the number of dwellings and subsequent subdivision. This means that further development on these sites is limited as the amendments to the RMA do not over-ride private covenants on titles.

Both of these factors means that medium density will more readily be promoted on the outer fringes of towns resulting in an inefficient and poor urban form.

The purpose of the Medium density residential zone is to enable more efficient use of residentially zoned land and infrastructure by providing for a higher intensity of residential development than typically found in the General residential zone. The Medium density residential zone provides for this

¹¹ Ewing & Cervero (2010) and Stevens (2017)

¹² Ewing & Cervero (2010)

¹³ Yang et al. (2019)

¹⁴ Ewing & Cervero (2010) and Aston et al. (2020)

form of development within a walkable catchment of town centres, strategic transport corridors and community facilities.

Future Proof Strategy 2022

One of the key principles of the 2022 update of the Future Proof Strategy is to enable well-functioning and quality environments, based around transit-oriented development and connected centres. The Strategy notes that urban centres are not just about providing development capacity – they must do so in a way that enables all people to provide for their social, economic, and cultural well-being, and for their health and safety, now and into the future. One of the transformational moves / place shaping elements expressed in the Future Proof Strategy is a multi-modal transport network facilitating a radical shift to using public transport and active travel modes through the establishment of rapid and frequent public transport network and comprehensive walking and cycling network shaped around where and how our communities will grow.¹⁵

The updated Future Proof Strategy has a strong focus on achieving a more compact and concentrated urban form by building on existing growth patterns and providing a mix of development opportunities in infill, brownfield and greenfield development. The Strategy seeks to focus communities and jobs in and around centres in locations which are supported by public transport and walking and cycling transport options so that people have choice and opportunity to live close to where they work and play.¹⁶

Concentrating higher density residential development around the core of the towns will assist in achieving these outcomes expressed in the Future Proof Strategy, and in doing so will contribute towards well-functioning urban environments as set out in the NPS-UD.

Waikato 2070

Waikato 2070 also envisages and seeks a compact urban form and urban consolidation, focusing development within existing town centres at increased densities. For example, 3.1(2), (5) and (6)

Setting a walkable catchment

The spatial extent of the Medium density residential zone 2 is limited to an 800m walking catchment from the edge of the Town centre zone. The NPS-UD and RPS create a clear policy framework which seeks to promote increased travel via active modes. A major driver in encouraging uptake of active modes is minimising journey times. The lower the journey time, the more convenient/ viable it is perceived to be. Enabling medium density residential development within walking distance of the Town centre zone enables more sustainable options for transport. Highly connected, permeable urban environments are more resilient in responding to future change than those that depend on private vehicles.

The proclivity to walk/not drive is not just related to distance, but also related to the urban form attributes of land use diversity and destination accessibility, which are most apparent in the centres of towns.

The use of an 800m walk catchment as a basis for intensification is consistent with the overarching national, regional and district policy framework and good urban design practice which seek to promote the use of active travel modes, reduce private vehicle use and support centre vibrancy. Whilst there is no precise figure for setting an appropriate catchment threshold there is clear consensus from a range of local and international studies that people are more likely to walk to destinations the closer they are located to them. Previous analysis undertaken by Waka Kotahi /

¹⁵ Future Proof Strategy, 2022, page 36-37

¹⁶ Future Proof Strategy, 2022, page 59

NZTA found that the majority of walking trips are between 1 – 10 minutes (800m). More recently, the NZ Household Travel Survey (2015-2018) identifies that the average walking trip is 11-minutes which is equivalent to a distance of 1km.¹⁷ NPS-UD guidance states that “walkable catchments can be determined either using a simple, radial pedshed analysis or a more detailed GIS (geographic information systems) network analysis.”¹⁸ For the purposes of this assessment, a detailed network analysis using GIS software has been undertaken.

11.5 Area subject to this qualifying matter

Section 77(3)(a)(i) requires territorial authorities to demonstrate why the area is subject to a QM. The areas subject to this QM are the General residential zones of the four towns of Ngaaruawaahia, Huntly, Pookeno and Tuakau, as this area is located outside the 800m walkable catchment from the town centres. The retention of the General residential zone on the outer fringes of the towns is a QM for urban design and planning reasons.

The delineation of the Medium density residential zone responds to the established town centres and roading pattern and is based on a realistic walking catchment. The zone boundary between General residential zone and Medium density residential zone 2 is based primarily on the 800m walking catchment measured from the edge of the Town centre zone. The Town centre zone has been used as the proxy for the “town” as the provisions provides for a range of commercial, community, recreational and residential activities. In essence, the Town centre zone enables the types of activities to be expected in a town. The Commercial zone by comparison provides for larger scale commercial activities, and are less likely to be suitable for accessing on foot (such as large format retail).

While the zone boundary between General residential zone and Medium density residential zone 2 is not an exact science, it is based on a realistic 800m walking distance from the Town centre zone that takes into account barriers to walkability. These include features that cannot be readily crossed such as railway lines, state highways and rivers. The basis for the 800m are the titles which have road frontage within 800m from Town centre zone, however the entire title may not be within 800m. The edges between the zones have been rationalised to parcel boundaries to avoid the situation of a site with a split zone. Precise boundaries for the zone have been refined on a site by site basis in order to create a coherent zoning pattern and reduce potential edge/ transition effects between varying density of uses.

In accordance with the Act definition of “relevant residential zone”, the Medium density residential zone 2 has not been applied to a large lot residential zone or a settlement zone, even when sites with these zones sit within the 800m catchment.

There are minor differences between the spatial extent of the Medium density residential zone in the decision version of the PDP and Variation 3. The inclusion of the Medium density residential zone in the PDP decision was in response to a submission from Kainga Ora to the PDP in 2018. The evidence presented by Kainga Ora outlined a complex overlaying of attributes such as walkable distance from the town centre, slope, soils and natural hazards. However, the delineation of the Medium density residential zone was always going to be constrained by the scope of the submission. The analysis from Barker and Associates on behalf of Kainga Ora to the PDP hearings identified a number of sites that were suitable to be included as Medium density residential zone but were unable to be due to the scope of the Kainga Ora submission. Variation 3 is not constrained in such a way, and hence the walkable catchment analysis has produced a slightly different zoning pattern.

¹⁷ <https://www.transport.govt.nz/statistics-and-insights/household-travel/>

¹⁸ Section 5.5, pg. 20.

In addition to promoting a range of transport options, the application of Medium density residential zone in close proximity to the Town centre zone will also support the economic development of the town centre. Providing medium density residential development close to employment, shopping, community, recreation and leisure opportunities encourages a safer more vibrant centre, with more activity and opportunities. It creates a well-functioning urban environment and gives effect to Objective 1 of the NPS-UD. It also supports reductions in greenhouse gas emissions by limiting the dependence on private vehicles (NPS-UD Policy 1(e)).

In comparison, allowing medium density residential development in the General residential zone located on the fringes of the towns increases the risk of reverse sensitivity effects with the rural zone and the primary production activities that take place therein. It also encourages a dispersed urban form and does not support the development of the town centre or creating a sense of place. As noted above, applying increased residential density in areas without the necessary accompanying urban form attributes (i.e., diversity, design, destination accessibility), is less likely to result in more sustainable travel behaviour being achieved from such development.

Retaining the General residential zone on the outer edges of the towns enables living choice and a variety of homes. This enables people to meet their needs in terms of type, price, and location, of different households and gives effect to Policy 1(a) of the NPS-UD.

11.6 Why is the qualifying matter incompatible with the level of development permitted by the MDRS?

Section 77J(3)(a)(ii) requires the territorial authority to demonstrate why it considers that the qualifying matter is incompatible with the level of development permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 for that area.

The intent of Variation 3 is to enable and encourage more intensive residential development in close proximity to the Town centre zones in the four towns. This is to support good urban design outcomes such as supporting public transport, reducing the need for private vehicles for short trips and to create vibrant and economically viable towns. If the MDRS were to be applied across the entire residential area of the four towns, these outcomes would not be realised.

The extent of the Medium density residential zone 2 is commensurate with the modest scale and location of the level of commercial activity and community services available in each of the four towns in accordance with NPS-UD Policy 3(d). The level of development permitted by the MDRS is not appropriate on the outer fringes of the towns because the Urban Fringe QM seeks to encourage intensive residential development to areas within the 800m walkable catchments of the four towns to support the development of an efficient public transport network and active modes of transport, vibrancy and economic viability of the town centres and commercial activity while retaining housing choice in the General residential zone. It also enables people to live in close proximity to employment opportunities. Applying the MDRS to this area is incompatible with those outcomes.

11.7 Impact of limiting development capacity

Section 77J(3)(b) requires an assessment of the impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity. The retention of the General residential zone for the sites outside the walkable catchment of the four towns will result in only a modest reduction of development ability. The differences between the zones are set out below.

Feature	Medium density residential zone 2	General residential zone	Effect of the different rule for the sites zoned General residential zone
SUBDIVISION			
Vacant lot	Minimum 200m ²	Minimum 450m ²	Reduces the subdivision potential
Where a dwelling precedes or accompanies subdivision	No minimum lot size	Minimum 450m ²	Reduces the subdivision potential
DEVELOPMENT STANDARDS			
Number of residential units as a permitted activity	3 residential units per site as a permitted activity	1 + minor dwelling up to 70m ²	Could achieve 2 dwellings as opposed to 3, but the minor dwelling cannot be subdivided from the primary dwelling
Maximum height	11m	8m	The maximum height is reduced by 3m
Height in relation to boundary	4 metres + 60°	2.5 metres + 45°	Buildings must be located further from the boundary
Minimum setbacks	Front: 1.5 m Side and rear: 1 m	Front: 3 m Side and rear: 1.5 m	Buildings must be located further from the boundary
Maximum building coverage	50%	40%	Less of each site can be covered by buildings
Outdoor living space	Residential unit at ground floor level: at least 20m ² , ground level no dimension less than 3 m. Balcony, patio, or roof terrace, is at least 8 square metres and has a minimum dimension of 1.8m Residential unit above ground floor level: at least 8m ² , no dimension less than 1.8m	Ground floor: 80m ² and a minimum dimension of 4m in any direction Balcony: minimum area of 15m ² and a minimum dimension of 2m in any direction.	More space is required for outdoor living space
Outlook space	Principal living room: minimum dimension of 4 metres in depth and 4 metres in width All other habitable rooms: minimum dimension of 1 metre	N/A	More flexibility about the outlook from windows. As the sites and setbacks are larger, this may not make any material difference.

Feature	Medium density residential zone 2	General residential zone	Effect of the different rule for the sites zoned General residential zone
	in depth and 1 metre in width		
Windows to street	Any residential unit facing the street must have a minimum of 20% of the street-facing façade in glazing	N/A	More flexibility of design and location of windows
Landscaped area	Residential unit at ground floor level must have a landscaped area of a minimum of 20% of a developed site with grass or plants	N/A	More flexibility of design and landscaping
Maximum impervious surface	70%	70%	No difference
Service court	N/A	Storage of waste and recycling bins: minimum area of 3m ² and minimum dimension of 1.5m Washing line: minimum area of 5m ² and minimum dimension of 2m	Space is required to be set aside for this
Garages	Garages must occupy less than 50% of the ground floor space internal to buildings on the site	Set back behind the front façade of the residential unit where the residential unit and garage are on a site that has frontage to a road.	Less flexibility of design as to where a garage is located (if one is provided)

The overall effect of the QM is that sites with a General residential zone have more limited development potential as a permitted activity due to the lesser number of residential units per site and the larger minimum lot size for subdivision. Having said that, increased subdivision or housing density in the General residential zone beyond the standards specified is a discretionary activity, so it is not impossible to achieve increased levels of development in that zone but will require a resource consent.

The Market Economic analysis demonstrated that there was sufficient feasible plan-enabled residential development without needing to apply the MDRS to any of the areas in the district. However, Variation 3 does propose to up-zone 444 sites in the District to MRZ2 and will apply the MDRS to this zone in the four towns

11.8 Costs and broader impacts

Section 77J(3)(c) requires that the costs and broader impacts of imposing those limits is assessed.

	Costs	Benefits
Environmental	Less efficient use of the urban environment as less houses can be accommodated.	Less runoff generated due to lower levels of development and impermeable surfaces. Less pressure on roading and three waters infrastructure at the outer edges of the towns. Larger sites enable higher levels of landscaping and planting (green space and amenity).
Economic	Less development potential. Reduced value of the larger sites due to limited ability for further development.	These sites may be worth more due to the larger site.
Social	May not be as supportive of public transport due to lack of density of development. Reduces the number of houses per town that can be built as of right. Larger sites generally require more maintenance.	Provides housing choice and a range of living options. Provides flexible living opportunities. More flexibility with the design of the dwelling. Limited immediate changes in character. Reduced potential for reverse sensitivity on the residential-rural interface due to larger sites. Accommodates larger families. Creates a more logical urban design pattern of development with higher densities nearer the town centres.
Cultural		Provides people to meet their cultural needs and way of living e.g., multi-generational living.

11.9 Modification to MDRS

Section 77J(4)(b) requires a description of how modifications to the MDRS are limited to only those modifications necessary to accommodate qualifying matters. The MDRS works as a package, and to focus intensification within the walkable catchment of the towns requires a lower intensity on the fringes. This outcome is delivered by the General residential zone, which has a comprehensive suite of provisions that deliver a slightly lower density residential outcome. While it is possible to insert some of the MDRS into the General residential zone such as maximum height, height in relation to boundary and windows to the street, it is considered appropriate to retain the General residential zone intact as a comprehensive package. This will result in a different urban form from the Medium density residential zone 2. This approach aligns with the PDP decision and the strategic direction of Future Proof, and gives effect to Policy 3(d) of the NPS-UD.

11.10 Specific characteristics that make the MDRS inappropriate

Section 77L(a) requires identification of the specific characteristic that makes the level of development provided by the MDRS (as specified in Schedule 3A or as provided for by policy 3) inappropriate in the area.

The predominant characteristic of the QM is distance from the Town centre zone that is outside a walkable catchment of 400-800m. The extent of the walkable catchment is not a radial catchment, but is instead reflective of the physical characteristics of each town and routes which are realistically walkable.

Policy 3(d) of the NPS-UD requires district plans to enable building heights and densities of urban form commensurate with the level of commercial activity and community services. Given the modest level of commercial activity and community services in the four towns, it is appropriate to concentrate residential development around the town centre. This approach will support development of the public transport network, walkability of the town, vibrancy of the town centre and economic viability of commercial activity.

11.11 Justification as to why the characteristic makes the level of development inappropriate

Section 77L(b) requires justification as to why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD. The distance from the Town centre zone in combination with the scale of the towns means that applying the Medium density residential standards to the outer fringes of the towns would result in sub-optimal urban design outcomes. The QM will have two main outcomes: centralising and consolidating residential development close to the town centre, and reducing the chance of higher densities on the fringe of each town.

11.12 Site specific analysis

Section 77L(c) requires a site-specific analysis that identifies the site to which the matter relates; and evaluates the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter. The identification of the extent of the Medium density residential zone and the consequential extent of the General residential zone has been undertaken primarily based on the realistic 800m walkable catchment from the edge of the Town centre zone in each of the four towns. This realistic scenario uses existing routes and pedestrian routes, rather than assuming an 800m blanket radius. Where it would result in a property being split zone, the zone boundary has been taken to a logical point such as a site boundary or a road. No properties have been down-zoned from their current zoning, but due to differences in the way Kainga Ora undertook its analysis in the PDP hearings (and the fact it was constrained by its own submission), and Council has undertaken its analysis for Variation 3, some properties have changed from General residential zone to Medium density residential zone.

The extent of the Medium density residential zone has been aligned to ensure streets and/ or public space form natural boundaries where possible to create a logical zoning pattern.

Tuakau

The most significant constraint to the 800m walking catching is the location of the railway line as there are limited places where it can be safely crossed. For this reason, the Medium density residential zone 2 is located largely to the west of the Town centre zone, with areas extending north up Buckland Road and along the lower parts of Dominion Road. Conversely the areas proposed to be retained as General residential zone are on the outer edges of Tuakau outside the 800m walkable catchment. On the south-eastern edge the industrial zones form the urban edge.

Pookeno

The 800m walking catchment is concentrated north and west of the Town centre zone. The most significant constraints to the realistic walking catchment for Pookeno is State highway 1 and the North Island Main Trunk Rail line. These constrain the application of the Medium density residential

zone due to the limited locations where people can safely cross the state highway and rail line. The presence of a walkway following the Helenslee Stream results in good walking access north of the town centre and around the Pookeno School. These areas are already zoned Medium density residential zone in the PDP.

Huntly

A large area of land in Huntly, west of the town centre, is already zoned as Medium density residential zone in the PDP decision as this is within 800m of the Town centre zone. Other areas within the walkable catchment are located north and south-east where the pedestrian routes allow easy access by foot. In any event, the steep topography east of the town centre, in combination with the location of public open spaces and reserves limits the logical extent of the Medium density residential zone towards the east.

Ngaaruawaahia

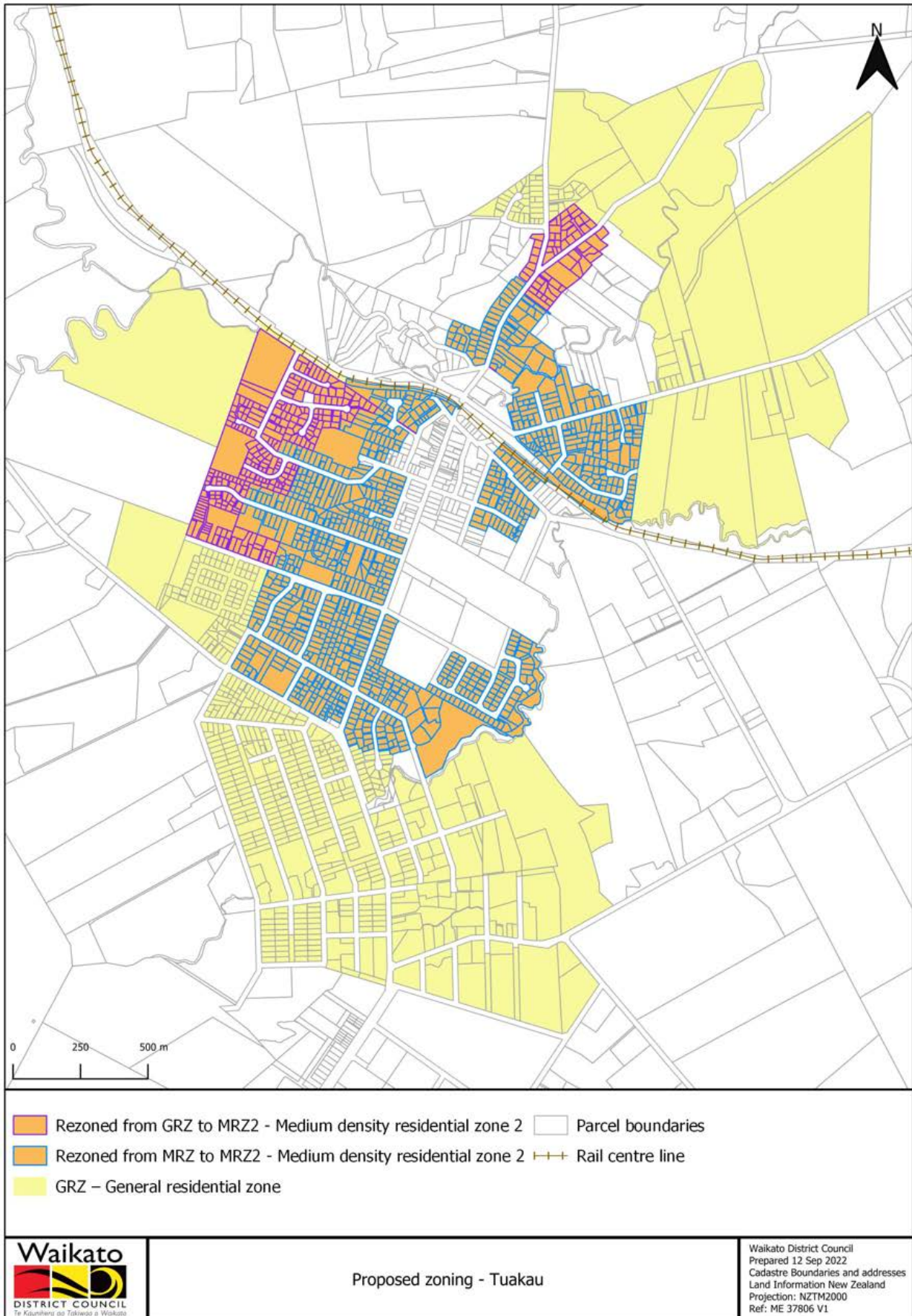
Due to nature of the street pattern north of the Waipa River with a series of cul-de-sacs or very long roads extending north from River Road, the northern extent of the Medium density residential is Festival Way. While the North Island Main Trunk Rail line and rivers are barriers to a walkable route from the town centre, there are a number of railway crossings and the bridges across the rivers results in Medium density residential zone 2 extending over the western side of the town, and crossing both rivers.

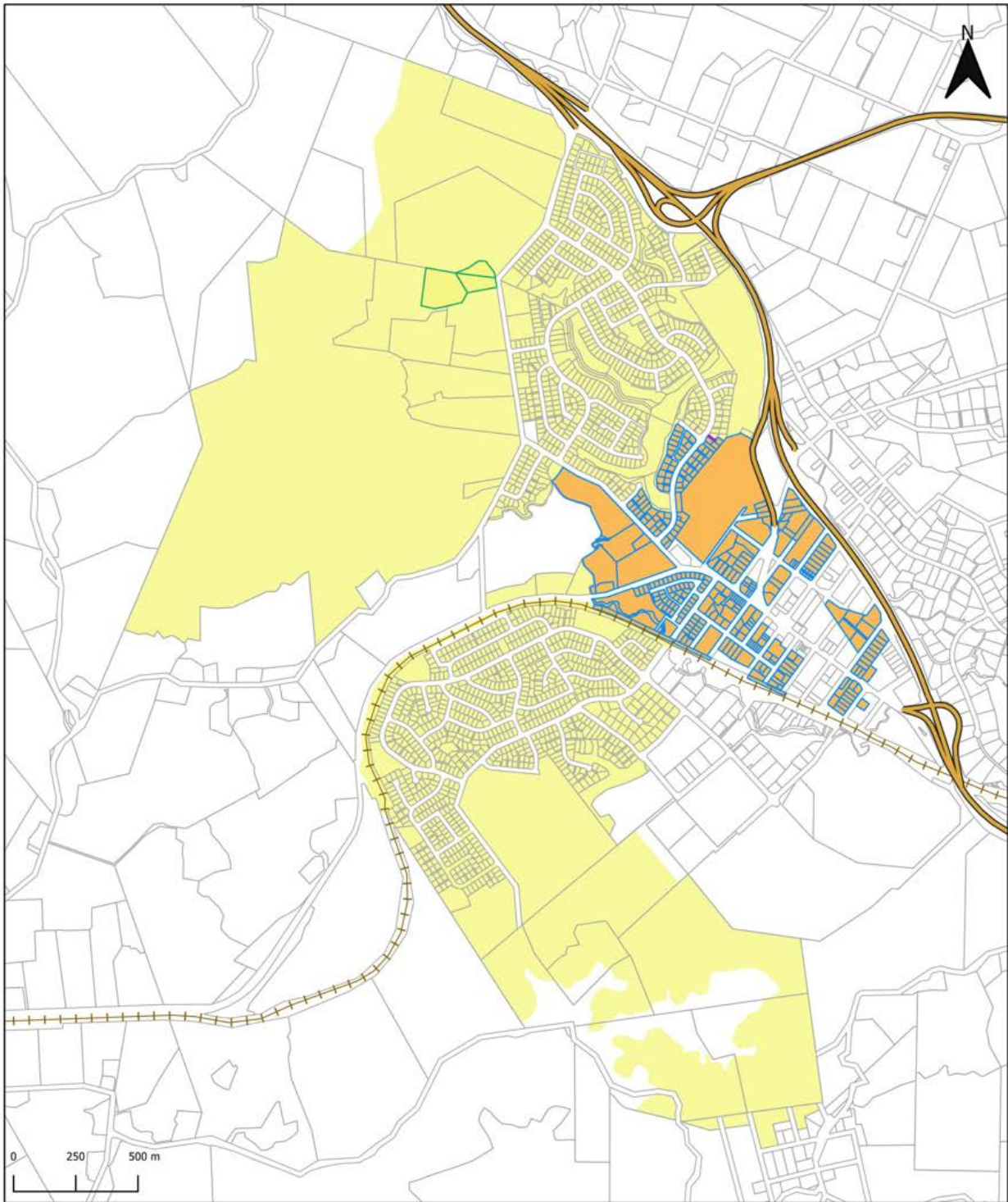
Changes in zoning to enable intensification

In addition to changing the zone of the properties currently zoned Medium density residential zone to Medium density residential zone 2 within the four towns, Variation 3 proposes to amend the zoning of the following properties:

Town	Proposed change in zone	Number of properties
Pookeno	General residential zone to Medium residential zone 2	3
	General rural zone to General residential zone	2
Tuakau	General residential zone to Medium residential zone 2	307
Huntly	General residential zone to Medium residential zone 2	68
Ngaaruawaahia	General residential zone to Medium residential zone 2	66

Figure 15: Proposed zones in response to the qualifying matter: urban fringe



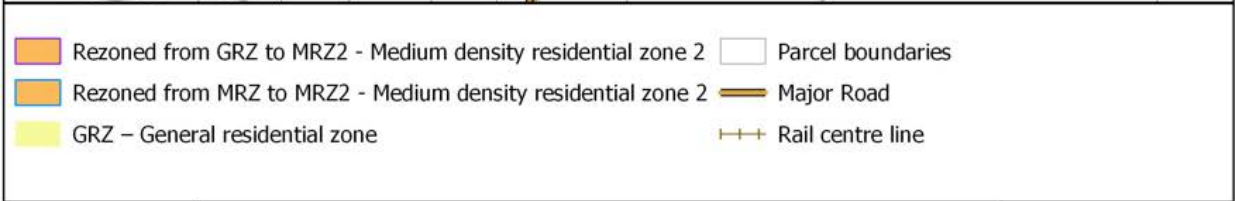
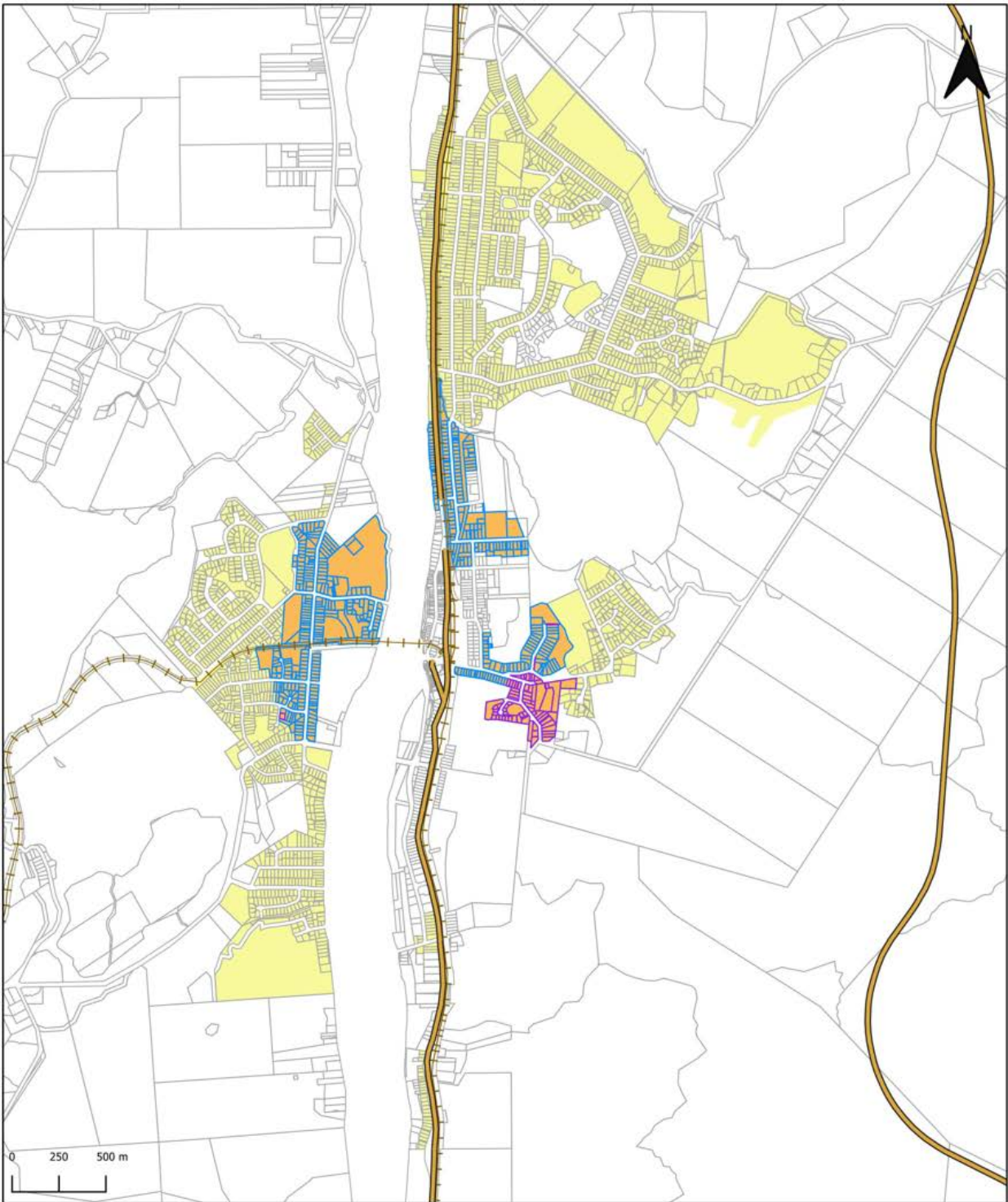


- Rezoned from GRZ to MRZ2 - Medium density residential zone 2
- Rezoned from MRZ to MRZ2 - Medium density residential zone 2
- Rezoned from GRUZ to GRZ - General residential zone
- GRZ – General residential zone
- Parcel boundaries
- Major Road
- Rail centre line



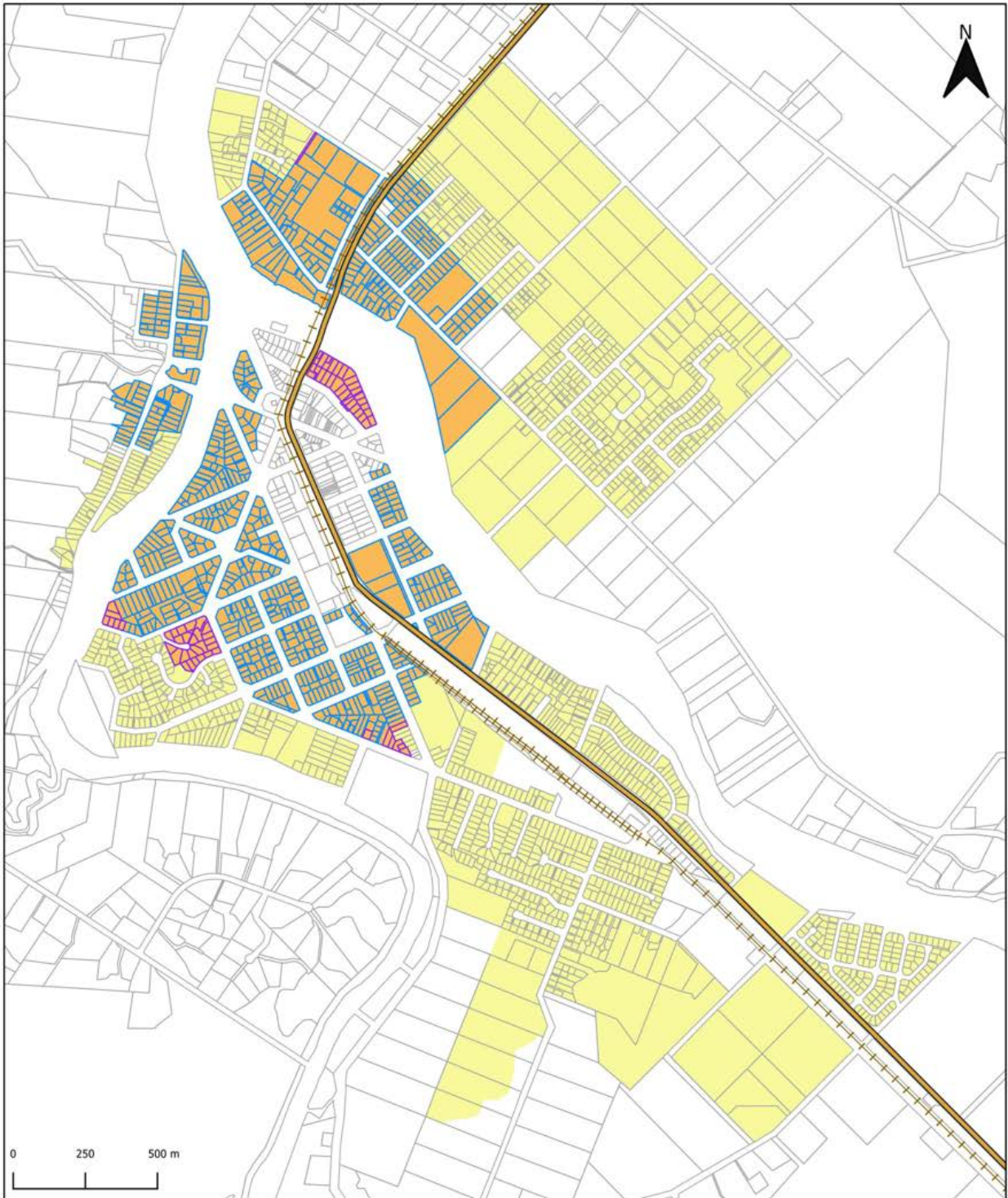
Proposed zoning - Pokeno

Waikato District Council
 Prepared 12 Sep 2022
 Cadastre Boundaries and addresses
 Land Information New Zealand
 Projection: NZTM2000
 Ref: ME 37806 V1



Proposed zoning - Huntly

Waikato District Council
 Prepared 12 Sep 2022
 Cadastre Boundaries and addresses
 Land Information New Zealand
 Projection: NZTM2000
 Ref: ME 37806 V1



- Rezoned from GRZ to MRZ2 - Medium density residential zone 2
- Rezoned from MRZ to MRZ2 - Medium density residential zone 2
- GRZ – General residential zone
- Parcel boundaries
- Major Road
- Rail centre line



Proposed zoning - Ngaruawahia

Waikato District Council
 Prepared 12 Sep 2022
 Cadastre Boundaries and addresses
 Land Information New Zealand
 Projection: NZTM2000
 Ref: ME 37806 V1

11.13 Options

Section 77L(c)(iii) requires evaluation of a range of options to achieve the greatest heights and densities permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 while managing the specific characteristics. At a broad level, the options are:

Option 1: Apply the medium density residential standards to the entire residential environment of each town.

Option 2: Limit the application of the medium density residential standards to the 800m walkable catchment around the Town centre zone.

Option 3: Modify the medium density residential standards outside the 800m walkable catchment around the Town centre zone to result in an intermediary density somewhere between what the Medium density residential zone will enable and General residential zone.

The advantages and disadvantages of each option are set out below.

Option	Advantages	Disadvantages
<p>Option 1: Apply the medium density residential standards to the entire residential environment of each town.</p>	<p>Gives full effect to the RMA amendments.</p> <p>Enables growth.</p> <p>Efficient use of the urban environment by enabling more dwellings, as of right, on land already zoned for urban development.</p> <p>Provides choice as not all sites will develop to the maximum within a short time span.</p> <p>May result in more affordable housing due to an increase in supply.</p>	<p>May result in higher density on the outer edges where the sites are bigger.</p> <p>There could be significant changes to neighbourhood character and amenity.</p> <p>Increases automobile dependency by not focusing density within walkable catchments around centres or public transport nodes.</p> <p>Results in a sub-optimal urban form with higher density some distance from the town centre.</p>
<p>Option 2: Limit the application of the medium density residential standards to the 800m walkable catchment around the Town centre zone.</p>	<p>May avoid the donut effect with higher density on the outer edges.</p> <p>Supports centres and public transport nodes and walkability.</p> <p>Less immediate change to neighbourhood character and amenity.</p> <p>Does not limit ability for higher density to be applied in the General residential zone with the effects being managed through a resource consent process.</p>	<p>Inefficient use of the urban environment by not maximising development as of right.</p>

Option	Advantages	Disadvantages
	<p>Ensures the creation of larger sites.</p> <p>Provides choice</p>	
<p>Option 3: Modify the medium density residential standards outside the 800m walkable catchment around the Town centre zone so produce an intermediary density</p>	<p>May avoid the donut effect with higher density on the outer edges.</p> <p>Less immediate change to neighbourhood character and amenity.</p> <p>Ensures the creation of larger sites.</p> <p>Supports centres and public transport nodes and walkability.</p> <p>Provides choice.</p>	<p>The MDRS bulk and location standards may not be necessary for larger sites.</p>

12 Reverse sensitivity

12.1 Introduction

This QM is applied in accordance with section 771(j) as any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area. The PDP contains existing setbacks or buffers where residential activity may have reverse sensitivity effects on existing lawfully established activities. In particular:

- a. Within 300m of oxidation ponds that are part of a municipal wastewater treatment facility;
- b. Within 30m of a municipal wastewater treatment facility where the treatment process is fully enclosed;
- c. Within the Amenity Setback specific control in Tuakau;
- d. Within the Pokeno Industry Buffer;
- e. Within 300m from the boundary of the Alstra Poultry intensive farming activities located on River Road and Great South Road, Ngaaruwaahia.

Variation 3 does not propose changes to the above provisions. However, Variation 3 does propose that the above provisions in the PDP be applied to both the General residential zone and Medium density residential zone 2 where sites fall within the overlays or distances specified.

The following objectives in the PDP provide the policy framework for identification of this QM:

SD-O10 Reverse sensitivity.

Existing activities are protected from reverse sensitivity effects.

In addition, Variation 3 proposes to include the following objective:

MRZ2-O6 Reverse sensitivity.

- (1) *Avoid or minimise the potential for reverse sensitivity by managing the location and design of sensitive activities through:*
 - (a) *The use of building setbacks; and*
 - (b) *The design of subdivisions and development*

12.2 Why is the area subject to this qualifying matter?

Residential activities are sensitive to effects arising from other activities such as noise, odour, dust, vibration and lighting. The facilities listed above have the potential to create effects which cannot be controlled within the boundary of their site. Enabling residential activities in close proximity to these sites is likely to result in reverse sensitivity effects. The boundary setbacks required by the medium density residential standards is 1m, which means that there may be very little spatial separation between the activity and residential activities.

The inclusion of these provisions in the PDP recognises that there is also the potential for reverse sensitivity effects to arise from the adjoining residential uses.

In particular, the building setbacks and design requirements imposed by GRZ-S20(iv) wastewater oxidation ponds, (v) wastewater treatment facility and (vi) Alstra poultry, GRZ-S21 Tuakau Amenity Setback, PREC4-S2 Pookeno industry buffer are used to minimise the potential for reverse sensitivity effects on existing intensive activities.

Accordingly, the retention of these provisions, and the inclusion of them in the Medium density residential zone 2 where this zone falls within the overlay or within the prescribed distance from the activity enables Council and plan users to minimise the potential for reverse sensitivity. The rules achieve this by managing the location of sensitive activities primarily through the use of building setbacks.

12.3 Why is the qualifying matter incompatible with the level of development permitted by the MDRS?

The level of development permitted by the MDRS is inappropriate because it may result in medium density residential development 1m from the boundary of these activities which is likely to result in reverse sensitivity effects.

The decisions on the PDP supported the PDP enabling residential development, while managing reverse sensitivity effects. It is important to note that the PDP Hearing Panel considered submissions and evidence on these matters addressed by this QM.

It is considered that this QM is necessary to provide for residential development while reducing the proximity of medium density residential development to intensive activities that are incompatible with the level of development permitted by the MDRS. In the absence of the provisions, residential development would not be appropriate due to the incompatibility of the existing activities with residential activities.

12.4 Impact of limiting development capacity

The QM is likely to limit development for sites located:

- a. Within 300m from the boundary of the Alstra Poultry intensive farming activities located on River Road and Great South Road, Ngaaruawaahia;
- b. Within the Amenity Setback specific control in Tuakau;
- c. Within the Pookeno Industry Buffer on the planning maps;
- d. Within 300m of oxidation ponds that are part of a municipal wastewater treatment facility; and
- e. Within 30m of a municipal wastewater treatment facility where the treatment process is fully enclosed.

The impact of limiting the application of the MDRS through activity specific controls will reduce development capacity, however Variation 3 reduces the risk that residential development will have reverse sensitivity effects on existing intensive activities. Accordingly, any impact is considered to be

outweighed by the need for intensive activities and the economic and employment benefits which they provide.

The presence of this QM will mean that portions of surrounding residential sites may be unable to be built upon to the intensification intended by the MDRS as a permitted activity. However, non-compliance with the majority of these provisions is a restricted discretionary activity, so it may still be possible to achieve the MDRS level of development, but will require a resource consent application. Non-compliance with the building setback for sites located in the Pookeno Industry Buffer is a non-complying activity. In all cases, any consent application for failing to comply with the above provisions, subject to the relevant assessments, may be declined or granted. Accordingly, this QM will limit the development capacity for permitted developments but may not limit overall development if a consent is approved.

Further, it is considered that the application of this QM will not have a significant impact given plan enabled capacity without the application of the MDRS is sufficient to meet the projected demand for the Waikato District. The number of affected sites are few.

12.5 Costs and broader impacts

Section 77(3)(c) requires that the costs and broader impacts of imposing those limits is assessed.

	Costs	Benefits
Environmental	Intensive activities which generate adverse effects can continue to operate.	Intensive activities are protected from incompatible uses. Provides a framework to manage reverse sensitivity.
Economic	There is an opportunity cost to properties affected by this QM where development area is constrained. Reduced ability to utilise the full extent of the property. Costs associated with obtaining a resource consent and supporting technical assessments. May not result in optimising the existing urban land resource. Increased time required to create new dwellings due to resource consents being required.	Provides for more intensive residential development than is enabled by the PDP. Continued benefits for the community including local employment. Continued operation of the activities.
Social	Reduced housing supply available.	Continued local employment. Addresses public health and safety. Provision of benefits to the community.
Cultural	Development on Maori owned land may be constrained.	There are no cultural benefits.

12.6 Modification to MDRS

Section 77(4)(b) requires a description of how modifications to the MDRS are limited to only those modifications necessary to accommodate qualifying matters. The MDRS is modified in terms of the

setbacks for this QM, and this is to minimise the potential for reverse sensitivity by increasing the distance between the activity generating the adverse effects and residential activities.

12.7 Specific characteristics that make the MDRS inappropriate

Section 77L(a) requires identification of the specific characteristic that makes the level of development provided by the MDRS (as specified in Schedule 3A or as provided for by policy 3) inappropriate in the area. The specific characteristics that relate to each setback or overlay are set out below.

Alstra Poultry

GRZ-S20 Building setback – sensitive land use and MRZ2-S14 imposes a setback of 300m from the boundary of the Alstra Poultry intensive farming activities located on River Road and Great South Road, Ngaaruawaahia.

The Alstra Poultry setback is applied to two properties, located on River Road and on Great South Road, Ngaaruawaahia. The PDP Hearing Panel considered submissions which addressed the zoning surrounding the poultry farm, which raised concerns about reverse sensitivity effects on adjacent properties. The Hearing Panel determined that applying a 300m setback from those properties would appropriately mitigate any potential reverse sensitivity effects.

Tuakau Industrial area

GRZ-S21 Building setback – sensitive land use located outside the Amenity Setback specific control in Tuakau requires residential development to be located outside the setback as identified on the planning maps.

The PDP panel considered a concept plan for residential development of the area, and implications of a residential zone for the properties in the area. The area was re-zoned to residential, and the setback rules was included to address reverse sensitivity effects on the existing industrial zone.

Pookeno Industry Buffer

PREC4-S2 Building setback – sensitive land use within PREC4 – Havelock precinct requires residential development to be located outside the Pookeno Industry Buffer as identified on the planning maps.

The PDP Hearing Panel examined the potential effects of locating a residential development in proximity to Heavy Industrial activities, particularly in Pookeno, and considered mitigation measures. The Hearing Panel considered that the presence of nearby residential activities has the potential to influence the consideration of future industrial expansions during the consenting process. There was a package of mitigation methods offered in submissions and evidence. The Hearing Panel determined that the provisions would provide a suitable framework for managing growth within Pookeno for the lifespan of the PDP.

Municipal wastewater treatment facility

Municipal wastewater treatment facilities are necessary in order to provide healthy communities. However, wastewater treatment does often result in odour and insects. Residential development is particularly sensitive to these kind of effects. It is therefore appropriate to provide a suitable buffer around these activities, both to limit effects on residential activities, and to ensure the continued operation of the wastewater treatment facilities.

12.8 Justification as to why the characteristic makes the level of development inappropriate

Section 77L(b) requires justification as to why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD.

Objectives and policies

The PDP includes objectives, policies, and provisions to achieve such principles outlined above, including managing both the positive and adverse effects of intensive activities. Failure to implement those objectives and policies with the aforementioned provisions could risk Council's function in giving effect to the purpose of the RMA.

Local employment

This QM recognises intensive activities which provide employment opportunities or provide a public service while also providing for the health, safety, and wellbeing of the community.

Failure to implement the aforementioned provisions has the potential to compromise the existing industrial and intensive farming activities which will have a negative impact on the associated local employment opportunities which these activities provide.

On-site amenity values

The use and operation of industrial facilities and intensive farming activities can adversely affect adjacent properties. These issues can arise due to residential developments incompatible with existing intensive activities being located adjacent to those businesses. This QM enables existing intensive activities to continue.

The provisions will help protect the amenity for the residential sites.

Odour, dust, and noise

The provisions maintain appropriate setback distances between residential development and existing activities that may generate objectionable odour, dust, and noise. Further, the provisions ensure that the potential effects of objectionable odour, excess dust and noise do not detract from the amenity of other sites.

Potential for reverse sensitivity effects

This QM is necessary to protect those activities from reverse sensitivity effects to ensure the intensification of residential development does not result in operational constraints and supports the ongoing operation.

Overall, it would be inappropriate to enable medium density residential development in areas that have been identified as being incompatible for this level of residential use.

12.9 Site specific analysis

Section 77L(c) requires a site-specific analysis that identifies the site to which the matter relates; and evaluates the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter.

This QM applies to both Medium density residential zone 2 as well as the General residential zone within Huntly, Ngaaruawaahia, Pookeno and Tuakau. The provisions apply to specific circumstances, mapped below. It is important to note that the PDP Hearings Panel gave specific consideration to the

appropriate zoning of areas for development in this respect and added the provisions in order to manage the potential adverse effects as much as considered practicable.

The Hearings Panel considered the implications of locating a residential zone near existing intensive activities and outlined that the residential zone is appropriate provided that the potential effect on the existing intensive activities is managed with the appropriate building setback provisions.

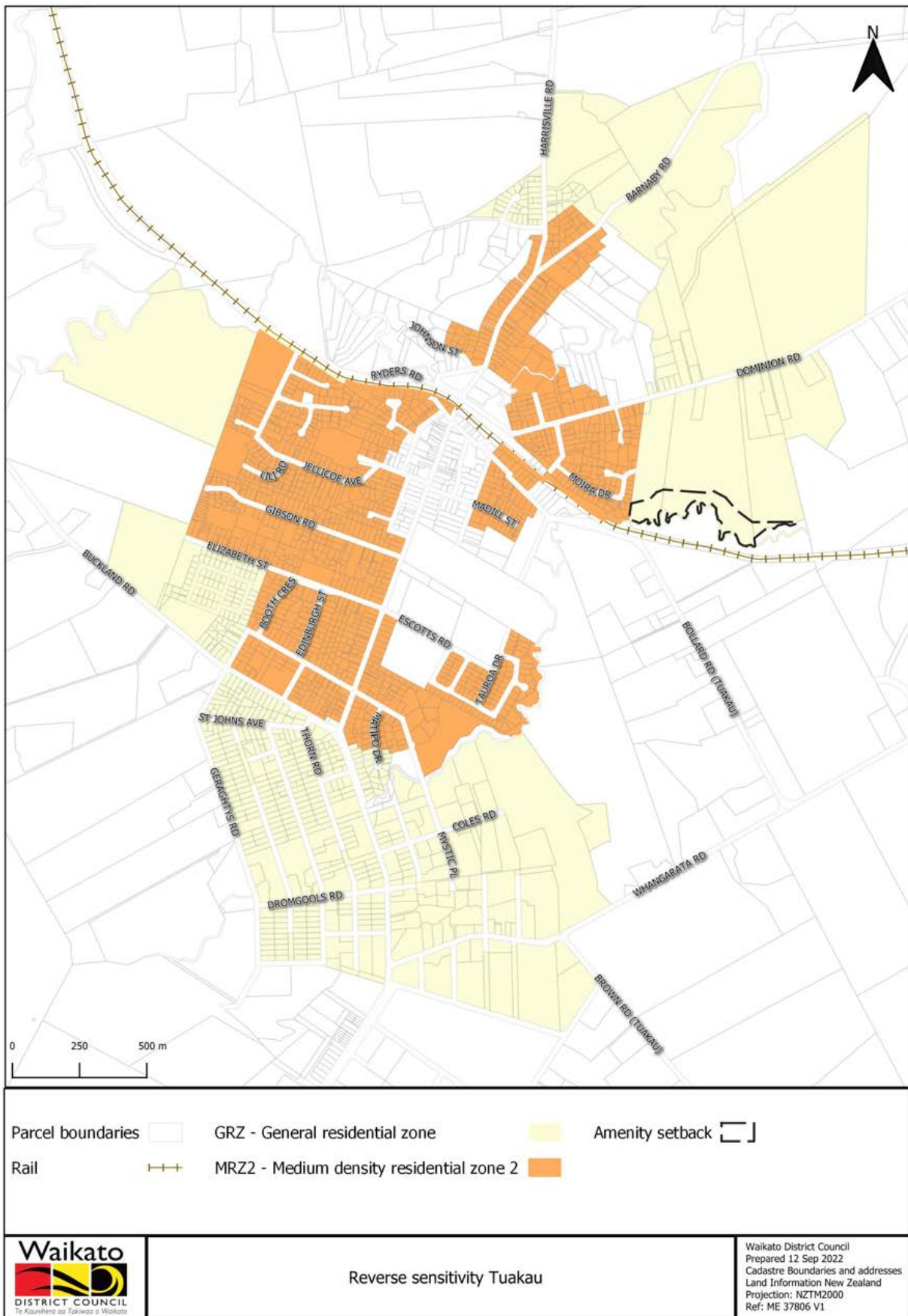
GRZ-S20 requires a 300m setback from the boundary of the Alstra Poultry intensive farming activities which will only apply to those sites located in close proximity to River Road and Great South Road, Ngaaruawaahia. This QM affects 249 parcels zoned General residential zone and 63 parcels proposed to be zoned Medium density residential zone 2.

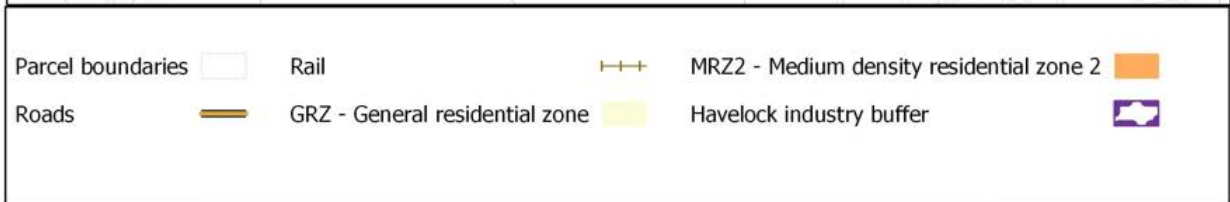
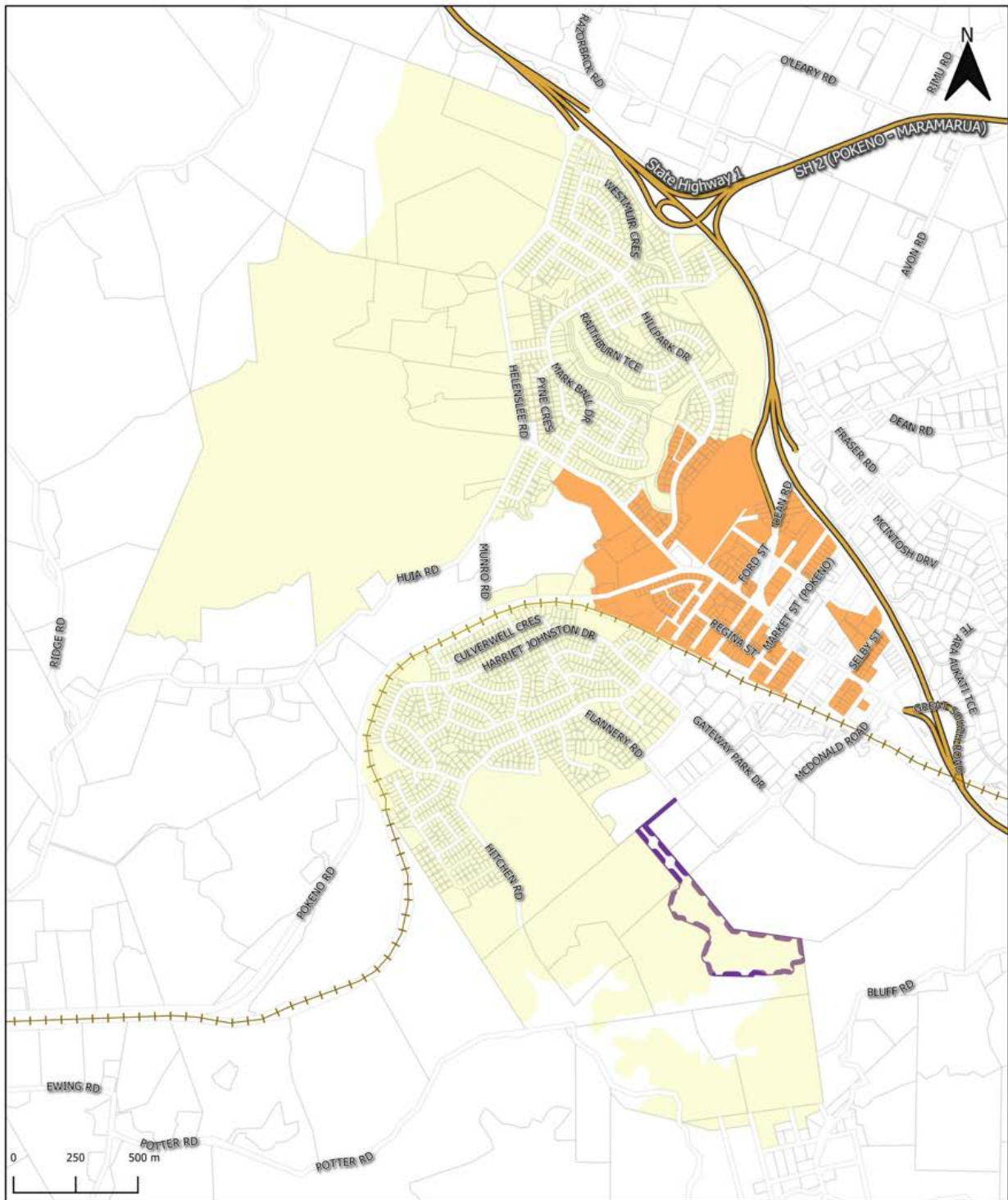
GRZ-S21 requires setbacks from the applicable industrial area in Tuakau which will only apply to those sites within the Amenity Setback as identified on the planning maps of which there are 3 which are all zoned General residential zone. There are currently no sites zoned for medium density residential development within the setback, however MRZ2 is in close proximity. Should any sites be rezoned in the future it is intended that this provision be applied.

PREC4-S2 requiring setbacks for sensitive land use within the Havelock precinct will only apply to those sites within the Pookeno Industry Buffer as identified on the planning maps. This overlay applies to 1 parcel zoned General residential zone.

In Ngaaruawaahia, the wastewater treatment plant is located on Old Taupiri Road. In Huntly, the wastewater treatment plant is located on the northern side of East Mine Road. The setbacks will affect 2 parcels zoned General residential zone.

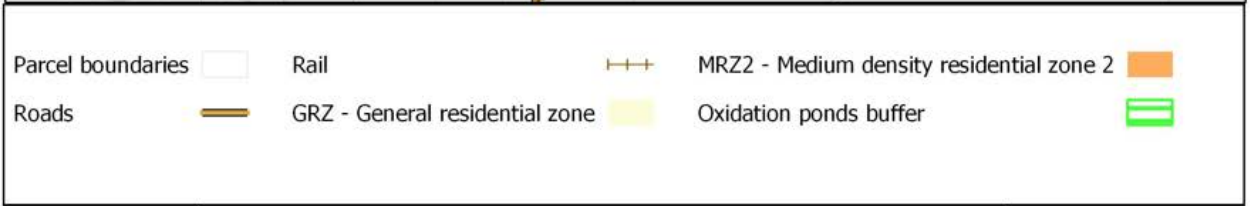
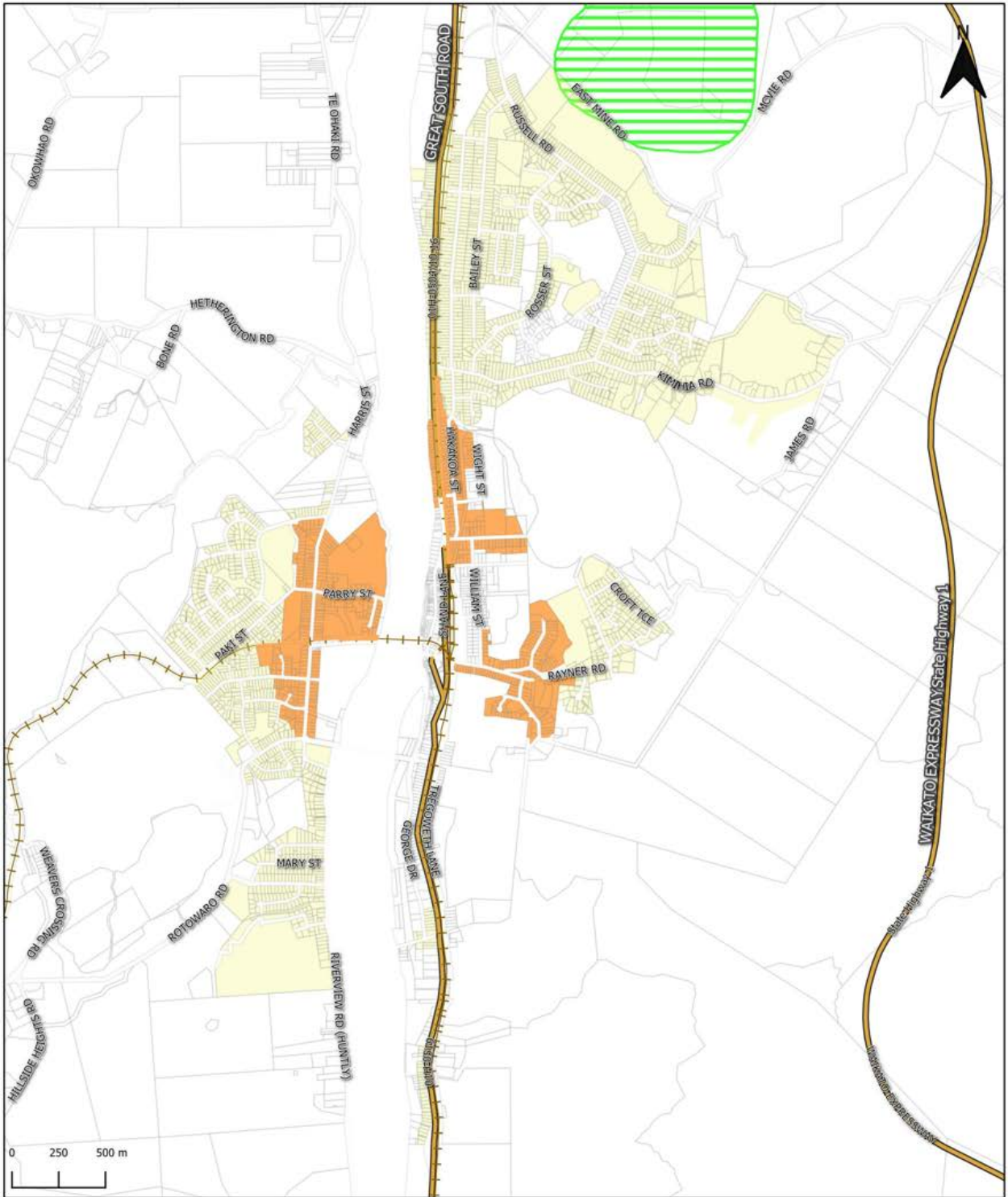
Figure 16: Properties affected by the qualifying matter: reverse sensitivity





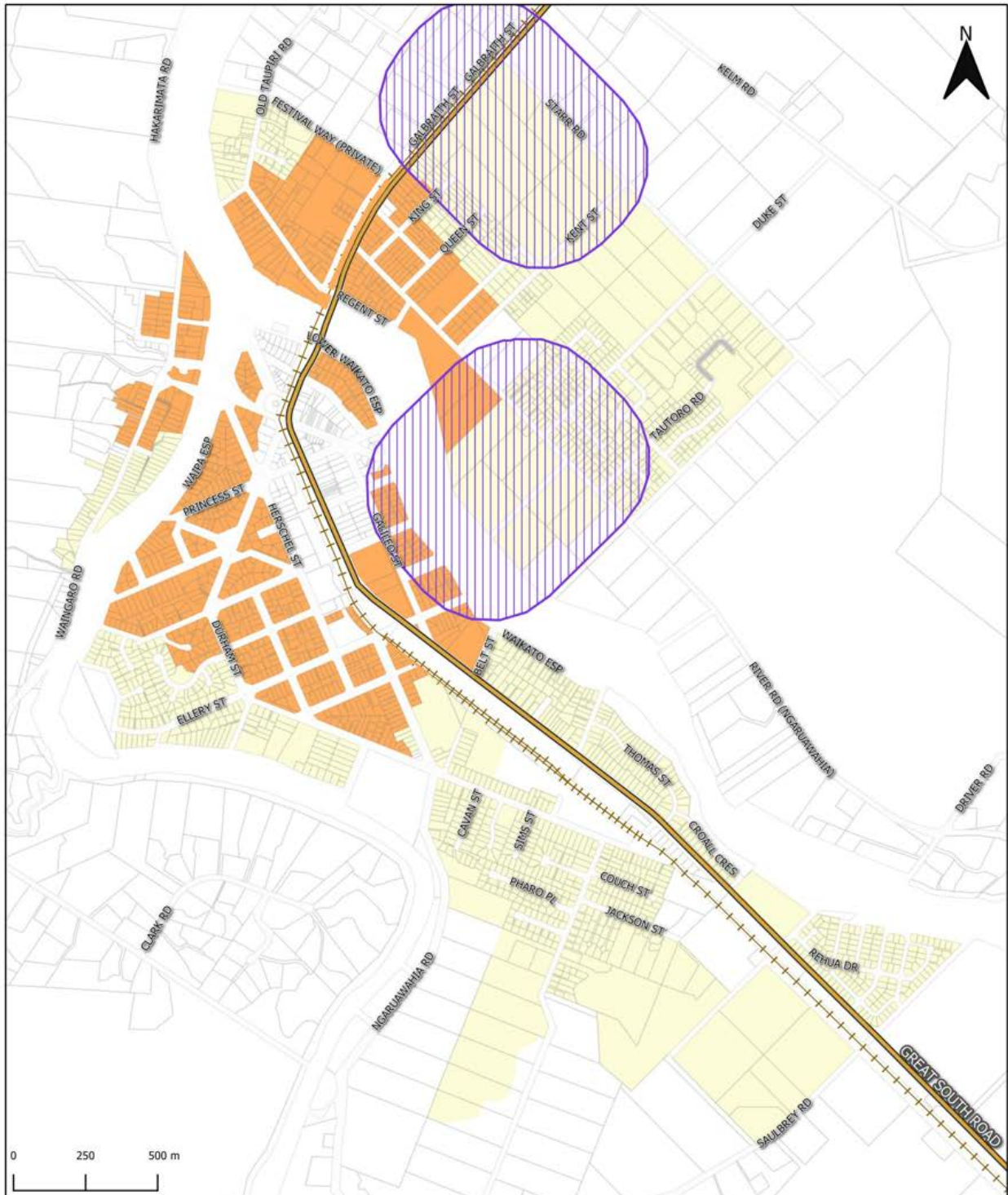
Reverse sensitivity Pokeno

Waikato District Council
 Prepared 12 Sep 2022
 Cadastre Boundaries and addresses
 Land Information New Zealand
 Projection: NZTM2000
 Ref: ME 37806 V1



Reverse sensitivity Huntly

Waikato District Council
 Prepared 12 Sep 2022
 Cadastre Boundaries and addresses
 Land Information New Zealand
 Projection: NZTM2000
 Ref: ME 37806 V1



Reverse sensitivity Ngaruawhia

Waikato District Council
 Prepared 12 Sep 2022
 Cadastre Boundaries and addresses
 Land Information New Zealand
 Projection: NZTM2000
 Ref: ME 37806 V1

12.10 Options

Section 77L(c)(iii) requires evaluation of a range of options to achieve the greatest heights and densities permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 while managing the specific characteristics. At a broad level, the options are:

Option 1: Apply the MDRS to the sites near these activities or within the overlays irrespective of the potential for reverse sensitivity.

Option 2: Apply a zone which results in a lower level of development to the sites near these activities or within the overlays.

Option 3: Limit development in close proximity to the activities through setbacks or applying overlays

The advantages and disadvantages of each option are set out below.

Option	Disadvantages	Advantages
<p>Option 1: Apply the MDRS to the sites near these activities or within the overlays irrespective of the potential for reverse sensitivity</p>	<p>The potential to generate adverse effects that cross property boundaries causing public health and safety concerns</p> <p>High potential for complaints</p> <p>Increased development could create operational and expansion constraints for existing activities</p> <p>Does not manage reverse sensitivity and adverse effects</p> <p>By not providing a framework for intensive activities to be undertaken in proximity to residential development there is a risk that Council would fail to implement the PDP objectives</p> <p>Will not result in a well-functioning urban environment in accordance with Objective 1 of the NPS-UD</p>	<p>Increased residential development opportunities</p> <p>Enables medium density development intended by the MDRS</p> <p>Fulfils Councils obligation to implement the MDRS</p> <p>Gives effect to the NPS-UD in relevant residential zones</p>
<p>Option 2: Apply a zone which results in a lower level of development to the sites near these activities or within the overlays.</p>	<p>The potential to generate adverse effects that cross property boundaries causing public health and safety concerns</p> <p>Not an efficient use of the land resource</p> <p>May still result in complaints and reverse sensitivity effects</p>	<p>Continues to enable activities of this nature to operate and provide local employment</p> <p>Enables fewer residential dwellings in close proximity to the activities and therefore subjects less people to reverse sensitivity effects</p>

Option	Disadvantages	Advantages
Option 3: Limit development in close proximity to the activities through setbacks or applying overlays	<p>May result in “dead space” that is unable to be used</p> <p>Inability to maximise development of the sites</p>	<p>Minimises the potential for reverse sensitivity</p> <p>Enables continued operation of the activities</p> <p>Ensure public health is maintained</p> <p>Enables full use of the sites in close proximity if the activity ever ceases</p>

13 Notable trees

13.1 Introduction

This QM is applied in accordance with section 771(j) as any other matter that makes higher density, as provided for by the MDRS or policy 3, inappropriate in an area. The PDP identifies notable trees on the planning maps where these have particular values that makes them special. A notable tree is a tree or group of trees that a community or nation regards as being of special importance because they:

- commemorate important events in a nation’s history
- are an exceptional or unique example of a species
- are of such age, stature, character and visibility that they are regarded as the best in the district.

The following objective in the PDP provide the policy framework for identification of this QM:

TREE-O1 Notable trees.

Recognise and maintain the contribution of the district’s notable trees to the community.

13.2 Why is the area subject to this qualifying matter?

The identification of notable trees was undertaken through arborists assessments for both the Operative District Plan, and added to through the PDP process. All notable trees are scheduled in SCHED-2 of the PDP and identified on the planning maps.

13.3 Why is the qualifying matter incompatible with the level of development permitted by the MDRS?

The TREE provisions in the PDP apply the following rules where there is a notable tree identified on the planning maps:

- a. Removal or destruction is a permitted activity where certification is provided to Council from an arborist that states that the tree is dead, dying, diseased or unsafe in accordance with APP6 – Tree removal certificate (TREE-R1). Non-compliance with this standard is a restricted discretionary activity.
- b. Construction of buildings within the dripline is a restricted discretionary activity (TREE-R3)
- c. Subdivision of land where the notable tree is wholly retained within one Record of Title is a restricted discretionary activity (TREE-R4) however this becomes non-complying situations where the standard is not met.

13.4 Impact of limiting development capacity

The QM limits development by protecting notable trees. It only applies to sites that have a notable tree identified listed in SCHED-2 of the PDP and identified on the planning maps. The location of a notable tree on a site may constrain development. As this only applies to 19 parcels, the effect is not significant.

13.5 Costs and broader impacts

Section 77J(3)(c) requires that the costs and broader impacts of imposing those limits is assessed.

	Costs	Benefits
Environmental		<p>Notable trees may have ecosystem value.</p> <p>Notable trees may represent an outstanding example of the species.</p>
Economic	<p>There is an opportunity cost to properties affected by this QM where development area is constrained.</p> <p>Reduced ability to utilise the full extent of the property.</p> <p>Costs associated with obtaining a resource consent and supporting technical assessments.</p> <p>May not result in optimising the existing urban land resource.</p> <p>Increased time required to create new dwellings due to resource consents being required.</p>	<p>The provisions may provide for a low level of development on the site depending on the location of the tree on the site and the root extent .</p>
Social	<p>Reduced housing supply available.</p>	<p>Notable trees add to the cultural landscape, particularly where they are significant in terms of an event or a person</p>
.Cultural	<p>Development on Maori owned land may be constrained.</p>	<p>Notable trees may have cultural significance .</p> <p>Connection with the past is preserved.</p>

13.6 Modification to MDRS

Section 77J(4)(b) requires a description of how modifications to the MDRS are limited to only those modifications necessary to accommodate qualifying matters. The level of development enabled by MDRS may be incompatible with the protection of notable trees, depending on the size of the tree, its canopy and how much of the site it occupies and its location on the site.

13.7 Specific characteristics that make the MDRS inappropriate

The protection of notable trees may make MDRS inappropriate on the sites where the tree is located.

13.8 Justification as to why the characteristic makes the level of development inappropriate

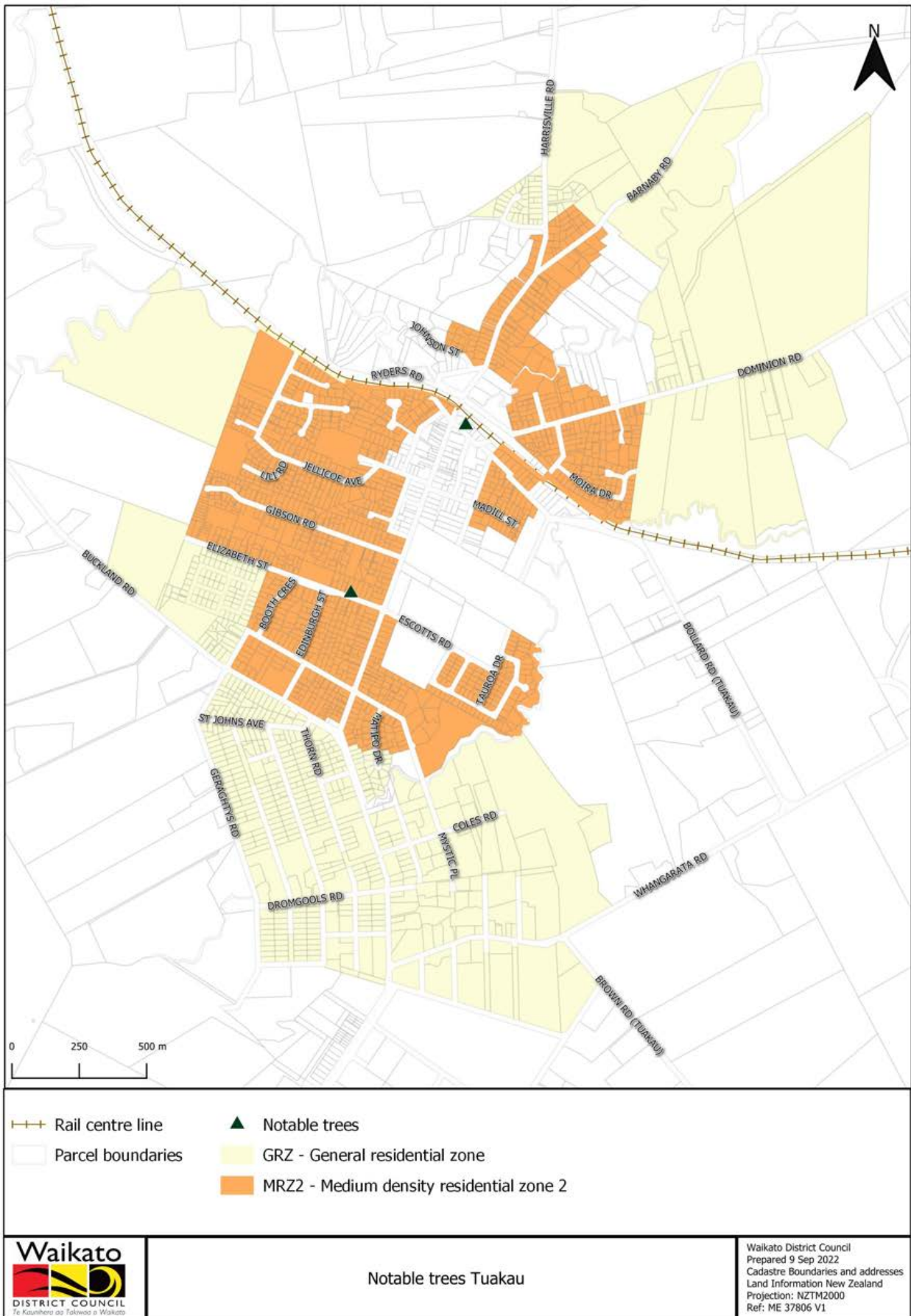
Section 77L(b) requires justification as to why that characteristic makes that level of development inappropriate in light of the national significance of urban development and the objectives of the NPS-UD. Notable trees represent certain values for the community, whether it be an outstanding example of a species or a tree with historic heritage significance. It is important that these trees are protected.

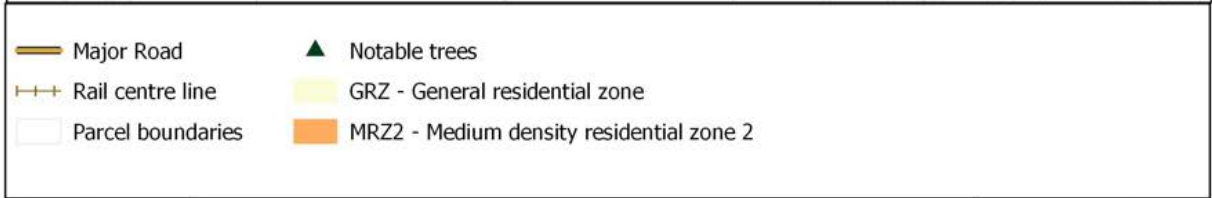
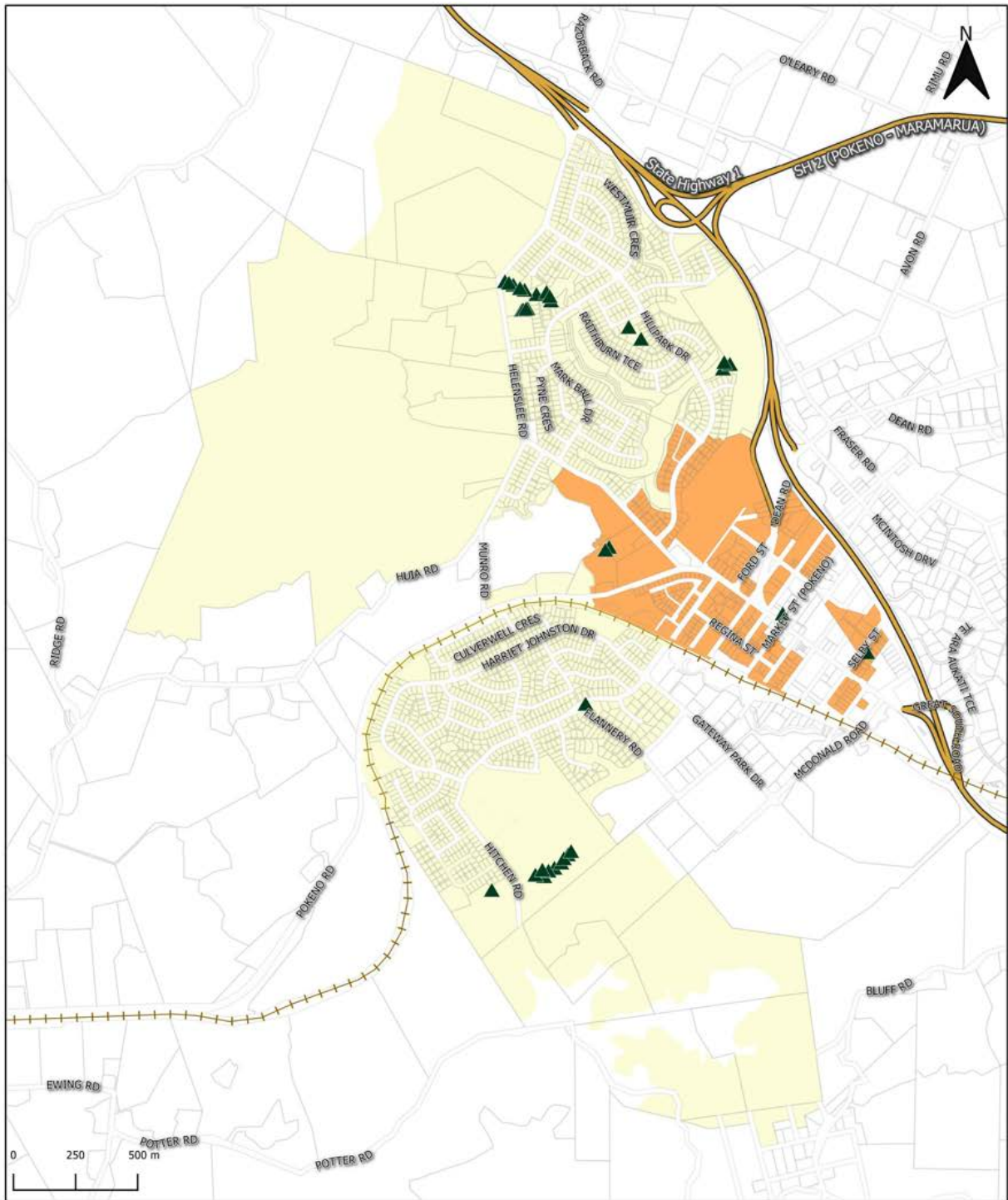
13.9 Site specific analysis

Section 77L(c) requires a site-specific analysis that identifies the site to which the matter relates; and evaluates the specific characteristic on a site-specific basis to determine the geographic area where intensification needs to be compatible with the specific matter.

This QM applies to both Medium density residential zone 2 as well as the General residential zone within Huntly, Ngaaruawaahia, Pookeno and Tuakau. The provisions apply to specific circumstances, mapped below. There are notable trees located on 12 parcels zoned General residential zone and 7 affecting parcels proposed to be zoned Medium density residential zone 2.

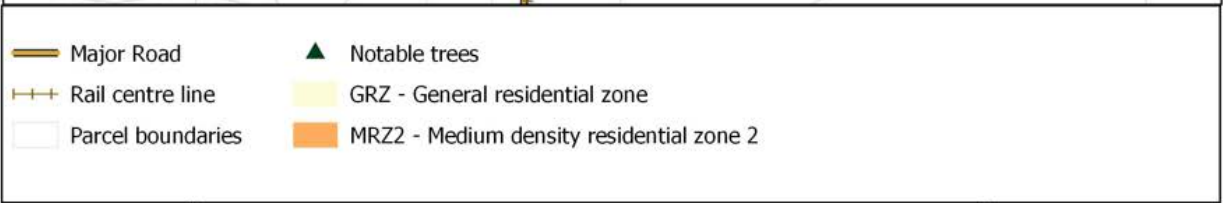
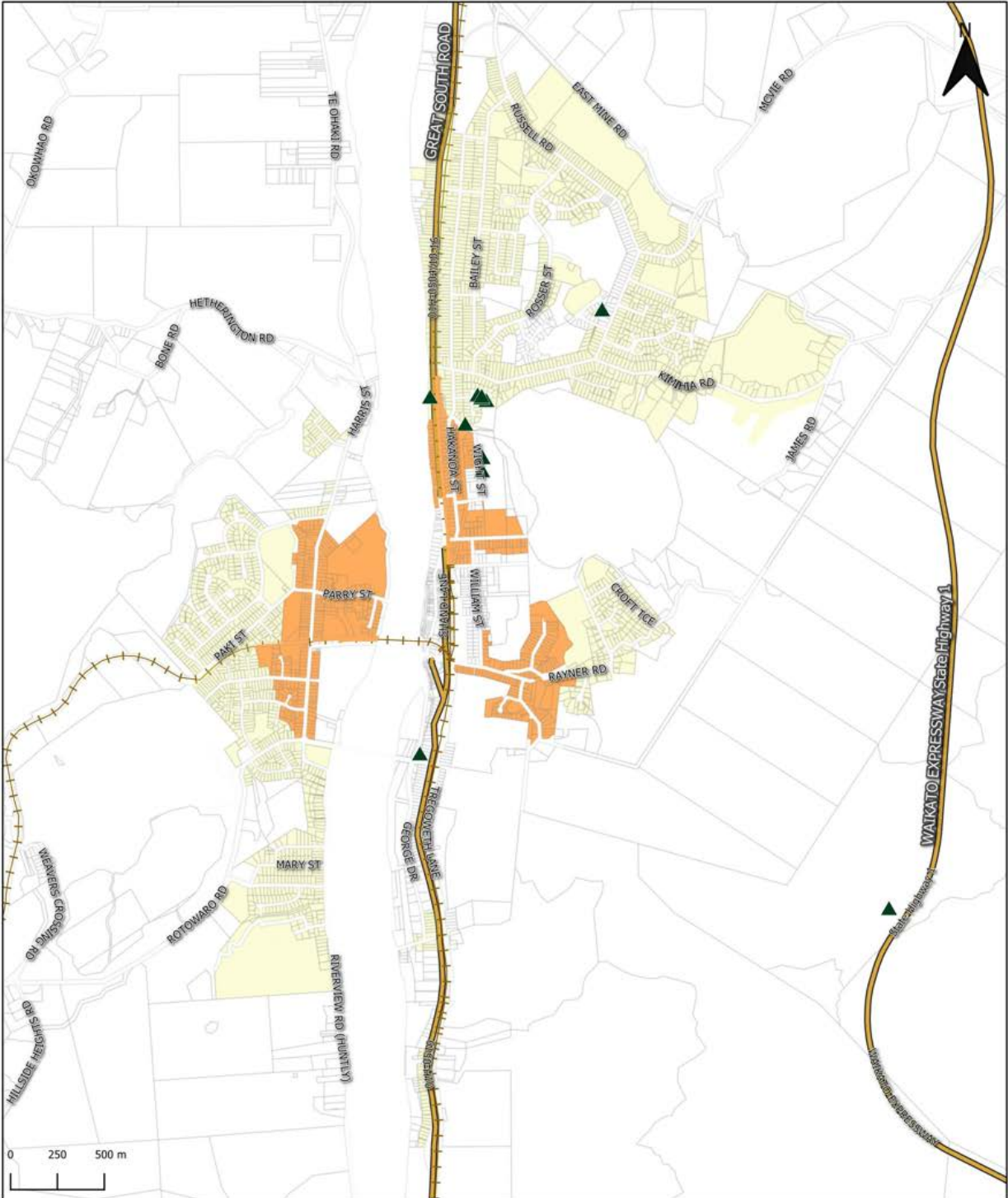
Figure 17: Properties affected by the qualifying matter: notable trees





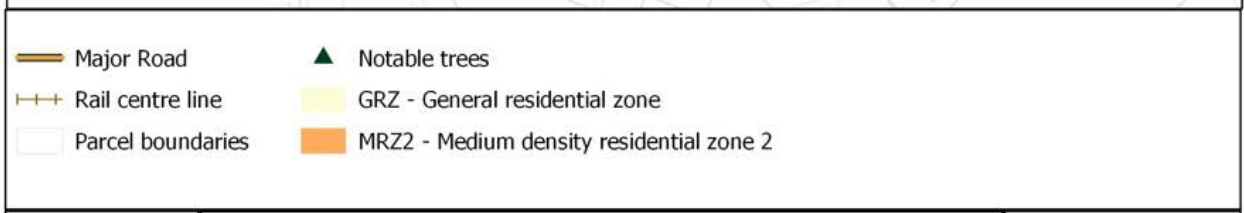
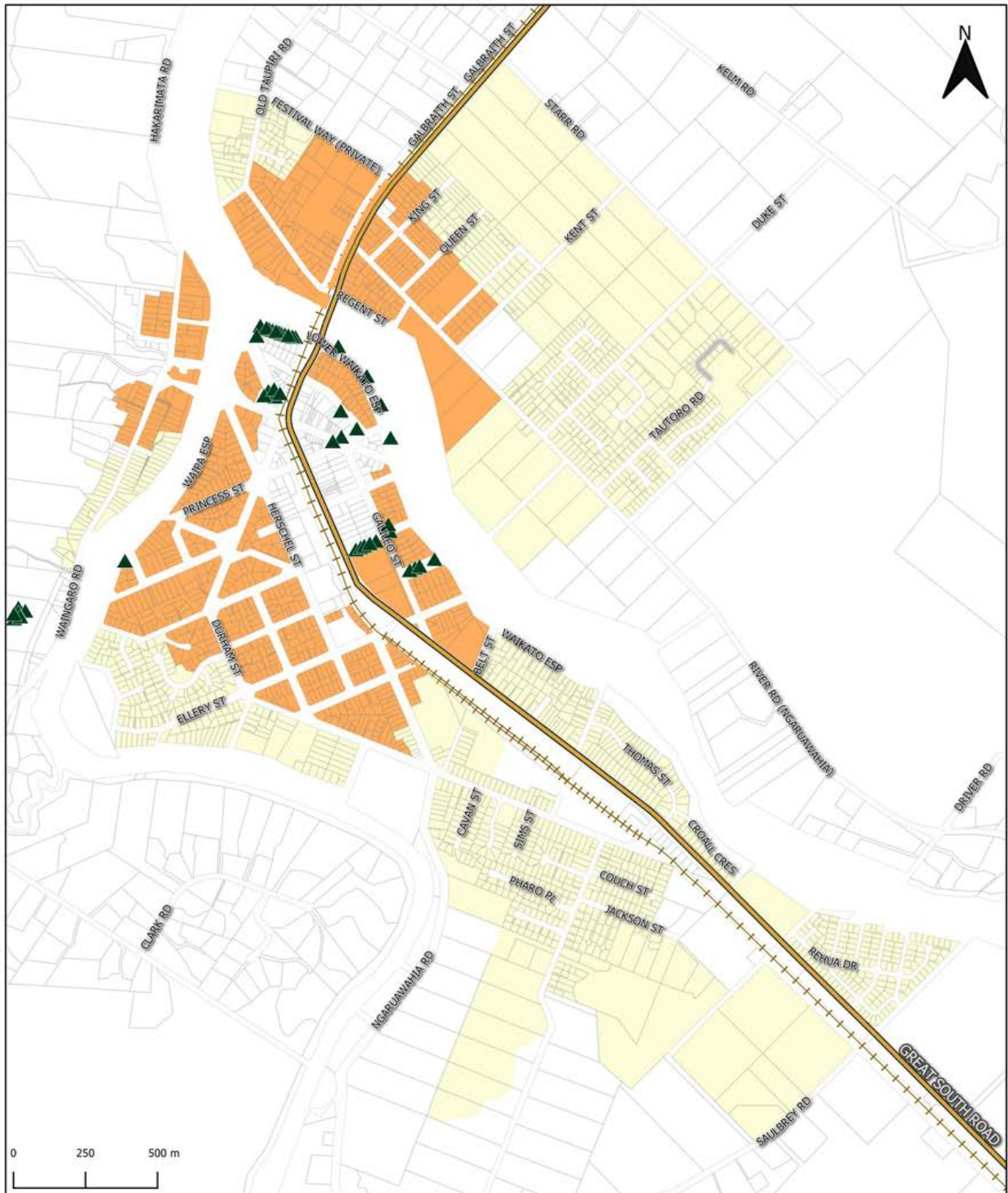
Notable trees Pokeno

Waikato District Council
 Prepared 9 Sep 2022
 Cadastre Boundaries and addresses
 Land Information New Zealand
 Projection: NZTM2000
 Ref: ME 37806 V1



Notable trees Huntly

Waikato District Council
 Prepared 9 Sep 2022
 Cadastre Boundaries and addresses
 Land Information New Zealand
 Projection: NZTM2000
 Ref: ME 37806 V1



Notable trees Ngaruawahia

Waikato District Council
Prepared 9 Sep 2022
Cadastre Boundaries and addresses
Land Information New Zealand
Projection: NZTM2000
Ref: ME 37806 V1

13.10 Options

Section 77L(c)(iii) requires evaluation of a range of options to achieve the greatest heights and densities permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 while managing the specific characteristics. At a broad level, the options are:

Option 1: Allow notable trees to be removed to enable intensive residential development

Option 2: Protect the identified notable trees through the TREE rules which has the effect of potentially limiting development of the site on which they are located.

The advantages and disadvantages of each option are set out below.

Option	Disadvantages	Advantages
Option 1: Allow notable trees to be removed to enable intensive residential development	<p>The historic heritage values and significance will be lost</p> <p>Exceptional or unique example of a species will be lost</p> <p>Important landmark trees will be lost</p> <p>The ecological function served by the tree will be lost (e.g., they may be a habitat for long tail bats)</p> <p>Adverse effects on the landscape values</p>	<p>Sites will be able to optimise development</p>
Option 2: Protect notable trees through application of the TREE rules	<p>The development of sites may be constrained</p>	<p>The historic heritage values and significance will be protected</p> <p>Exceptional or unique example of a species will be protected</p> <p>Important landmark trees will be protected</p> <p>The ecological function served by the tree will be retained</p>

14 Summary of qualifying matters

Qualifying matter	Topic	District wide rules	Zone rules
Matter of national importance under s6 (s771(a))	<p>Natural character of the lakes and rivers and their margins s6(a)</p> <p>Maintenance and enhancement of public access to and along lakes and rivers s6(d)</p>		<p>GRZ-S22 Building setbacks – water bodies</p> <p>MRZ2–S13 Building setbacks – water bodies</p> <p>GRZ-R15 Building within the Huntly North Wetland specific control</p>

Qualifying matter	Topic	District wide rules	Zone rules
	Outstanding natural features and landscapes s6(b)	NFL-R2 Earthworks within an ONF or ONL NFL-R3 Subdivision	GRZ-S22 Building setbacks – water bodies MRZ2–S13 Building Setbacks – water bodies
	Significant indigenous vegetation and significant habitats of indigenous fauna s6(c)	ECO–R3 Earthworks in an SNA ECO–R8 Vegetation clearance within an SNA ECO-R11 Vegetation clearance outside an SNA	
	Relationship of Maaori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga s6(e)	SASM–R4 Earthworks SASM–R5 Title boundaries	
	Protection of historic heritage from inappropriate subdivision, use and development s6(f)	HH-R2 All site development HH-R4 Additions and alterations to a historic heritage item HH-R5 Construction or alteration to a building in the Huntly heritage area HH-R7 Demolition, removal or relocation of any B ranked historic heritage item HH-R8 Demolition, removal or relocation of any A ranked historic heritage item HH-R9 Subdivision of land containing a historic heritage item	

Qualifying matter	Topic	District wide rules	Zone rules
	Management of significant risks from natural hazards s6(h)	Flood plain management area NH-R10 High risk flood area NH-R20, NH-R19 Defended area NH-R25, NH-R24 Mine subsidence risk area NH-R72, NH-R73, NH-R74	
Matter required to give effect to a national policy statement (s771(b))	National Policy Statement for Electricity Transmission	EW-R2 Earthworks activities within the National Grid Yard	GRZ-R14 New sensitive land use within National Grid Yard MRZ2-R10 Buildings, structures and sensitive land uses within the National Grid Yard MRZ2-R10 New sensitive land use within the National Grid Yard SUB-R26 Subdivision within the National Grid Corridor SUB-R162 Subdivision within National Grid Corridor
Matter required to give effect to Te Ture Whaimana (s771(c))			GRZ-S22 Building setbacks – water bodies MRZ2 – S13 Building setbacks – water bodies
Matter required for the purpose of ensuring the safe or efficient operation of nationally significant infrastructure (s771(e))	State Highways		GRZ-S20 Building setback – sensitive land use
	North Island Main Trunk rail		MRZ2-R14 Building setback – sensitive land use
	Gas transmission line		
Any other matter that makes higher density inappropriate in an area (s771(j))	Urban fringe		MDRS not proposed to apply to the GRZ
	Reverse sensitivity		GRZ-S20 Building setback – sensitive land use

Qualifying matter	Topic	District wide rules	Zone rules
			<p>GRZ-S2I Building setback – sensitive land use located outside Amenity Setback</p> <p>PREC4-S2 Building setback – sensitive land use within Havelock Precinct</p> <p>MRZ2-S14 Building setback – sensitive land use</p>
	Notable trees	<p>TREE-R1 Removal or destruction</p> <p>TREE-R3 Activities within the dripline</p> <p>TREE-R4 Subdivision of land containing a notable tree</p>	