matamata piako district council

Plan Change 43 – Transportation

and

Plan Change 44 – Works and Network Utilities

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Part A: Introduction

Part A: Introduction

1. Purpose and format of the report

This report explains the proposed changes to the transport and works/utilities sections of the District Plan and provides a summary of the evaluation of the costs, benefits, and options considered during the preparation of the plan change, as required under Section 32 of the Resource Management Act 1991 ("RMA").

Section 32(5) states:
"The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation".

Under the above provision, the Council is required to document the evaluation process and its reasons for selecting its preferred options as the most suitable means of dealing with the resource management issues and achieving the desired environmental outcomes.

Section 32(6) requires that the *"report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made".*

Therefore, this report will be available, alongside the new plan provisions, when the plan change is notified, to inform the public and stakeholders of the Council's reasoning and assessment.

The report is, however, a "living document". As the plan-making process progresses from here on, it is recognised that the public and stakeholders have an important contribution to make through the submissions and hearings process. The report, along with submissions received during notification, will assist the Council in its deliberations, prior to making its final decisions on the proposed plan change.

Ultimately, when the Council makes its decisions, a supplement to this report will be prepared to summarise the process undertaken by Council during its deliberations, and its rationale for any changes made to the proposed plan provisions as a result of the submissions that it has heard.

There are six parts to this report:

- Part A includes a summary of the District Plan "rolling review" process, and details the scope of the plan change.
- Part B provides an overview of the transport and utility networks that form the focus of the plan change.
- Part C is a summary of the legislative requirements for plan changes.
- Part D summarises the planning documents relevant to this plan change.
- Part E provides an overview of the section 32 cost/benefit analysis of the proposed plan change provisions.
- Part F summarises the consultation undertaken during the plan review process.

The proposed new plan provisions and changes to current provisions are summarised in Part C of the report, while Appendix 1 provides the full text of the changes proposed to the District Plan, and Appendix 2 provides the full text of the changes proposed to the Development Manual section of the District Plan. The s32 analysis in Part E of the report should therefore be read in conjunction with the full text of the proposed changes as shown in Appendices 1 and 2.

In Appendices 1 and 2, proposed additions to the District Plan are shown in green text. Deletions are shown in ~~green strikethrough~~. The parts of the recent rural subdivision plan change (Plan Change 42) that are still under appeal are shown in red text. The other provisions of the District Plan, shown in black text, are operative.

Also appended to this report is a specialist car parking assessment that informed the proposed changes to the current District Plan parking provisions (Appendix 3).

The changes to the District Plan proposed through this review are confined to matters relating to transportation and works/utility networks. Under this plan change process, the Council has no legislative authority to hear submissions or consider other District Plan matters not related to transport and utilities/networks.

Where other matters beyond the scope of this plan change have not been part of a recent District Plan review, they will be addressed in due course through subsequent review processes.

2. District Plan rolling review

Our District Plan determines the direction that the community wants to take to sustainably manage the District's natural and physical resources, within the framework provided by the RMA. The Plan describes the resource management issues for the District and determines how we deal with those issues through policies and methods, to meet our objectives. The methods include rules that determine when activities are permitted and when resource consents are required. Where activities require resource consents, the Plan provides guidance to ensure that we avoid, remedy, or mitigate adverse effects on the environment.

The RMA requires every District to have a District Plan which, once operative, has to be reviewed every ten years. Since our Plan was first notified, the population of our District has grown and we have experienced new development and land use change. There have been legislative changes and new policy guidance through national planning instruments such as national policy statements and national environmental standards that mandate us to make changes to our District Plan. The Waikato Regional Policy Statement[1] is also currently being reviewed and our District Plan needs to reflect these new policy directions.

[1] The Proposed Waikato Regional Policy Statement, Decisions Version, November 2012; is referred to in this document as the "RPS".

Our current District Plan became operative in 2005 meaning that the Plan needs to be reviewed by 2015. To this end, the Council is currently undertaking a rolling review of sections of the District Plan, through consecutive plan changes, rather than a full, one-off, review.

The option of a "rolling review" was enabled through legislative changes when the Resource Management (Simplifying and Streamlining) Amendment Act 2009 came into force on 1 October 2009. Section 79 of the RMA as amended through the above change, states:

79 Review of policy statements and plans

*(1) A local authority must commence a review of **a provision** of any of the… documents it has, if the provision has not been a subject of a proposed … plan, a review, or a change by the local authority during the previous 10 years:*

Prior to the 2009 change to the RMA, the requirement was for a full review of the district plan:

*(2) Every territorial authority shall commence **a full review** of its district plan not later than 10 years after the plan became operative.*

The District Plan's "rolling review" has so far covered "Integration of the Development Manual" (Plan Change 41) and "Rural Subdivision" (Plan Change 42). Plan Change 41 is now fully operative while Council notified its decisions on Plan Change 42, on the 2nd and 3rd of April 2013. Part of Plan Change 42 is currently under appeal.

Presently, the Council is reviewing the "Transportation" and "Works and Network Utilities" Sections of the Plan.

This proposed transportation and works/utilities plan change has progressed to the stage where the Council has consulted with the community and key stakeholders, and completed its initial review of the relevant provisions. This report documents the review process to date.

3. Scope of this plan change

This plan change covers predominantly the transportation, and works and utilities components of the District Plan. The scope of the plan change can be described as follows:

3.1 Transportation

The Transportation Section of the District Plan (Section 9) is about ensuring the safety and efficiency of the movement of people, freight and stock, to, from, through, and within our District, and integrating transport with land-use.

This Section of the District Plan covers road transport, railways, and the Matamata airport. Management of the airport is predominantly about development controls aimed at protecting the operation of the airport. The rest of the Transportation Section addresses road hierarchy, access, new roads and accessways, parking, loading, stock crossings, and sightlines at railway crossings.

Recent amendments to the District Plan through previous sections of the rolling review have also resulted in changes to the transportation provisions in the District Plan. For instance:

- Plan Change 41 has reinforced the implementation of Urban Design and Crime Prevention through Environmental Design (CPTED) principles. These principles have implications for transportation such as ensuring that new development is well connected with and between neighbourhoods for cycle, pedestrian, and vehicle transport modes.

- Plan Change 41 also brought the Matamata-Piako District Development Manual 2010 ("the Development Manual") into the District Plan. The Development Manual sets out specific engineering standards for development work. Sections 3 and 7 of the Development Manual deal with road works and street landscaping and include standards for the:
  - Design and formation for different classes of road;
  - Intersection design;
  - Vehicle crossings;
  - Parking design and formation;
  - Footpaths;
  - Cycle traffic;
  - Stock crossings;
  - Street landscaping.

- Plan Change 42 dealt predominantly with rural subdivision. However, it also included consequential changes to the District Plan's transportation provisions to ensure that the capacity of, and effects on, the road network are considered when assessing consent applications.

In terms of transportation, this review has focused on:
- The transportation issues, objectives, and policies in Section 3.8, Part A of the District Plan;
- The associated implementation methods (rules) in Section 9, Part B of the District Plan; and:
- Consequential changes to other sections of the District Plan (predominantly Section 5: Performance Standards, Section 6: Subdivision, and Section 15: Definitions, Part B) to integrate the transportation rules with other District Plan requirements, as appropriate.

Given that the Development Manual was recently introduced into the District Plan, this plan change does not include a full review of Sections 3 and 7 (Road Works/Street Landscaping) of the Development Manual. However, the review does recommend changes to the Development Manual to improve clarity, provide consistency with the District Plan provisions, update standards, and by introducing additional standards to ensure that the provisions deal comprehensively with all road classes.

3.2 Works and network utilities

The efficient and on-going functioning of the District relies on essential public works and network utilities. These services are usually provided by a "network utility operator" defined in the RMA, as:

***"Network utility operator** means a person who—*
a. undertakes or proposes to undertake the distribution or transmission by pipeline of natural or manufactured gas, petroleum, bio-fuel, or geothermal energy; or

b. operates or proposes to operate a network for the purpose of—
  i. telecommunication as defined in section 5 of the Telecommunications Act 2001; or
  ii. radio communication as defined in section 2(1) of the Radio communications Act 1989; or
c. is an electricity operator or electricity distributor as defined in section 2 of the Electricity Act 1992 for the purpose of line function services as defined in that section; or
d. undertakes or proposes to undertake the distribution of water for supply (including irrigation); or
e. undertakes or proposes to undertake a drainage or sewerage system; or
f. constructs, operates, or proposes to construct or operate, a road or railway line; or
g. is an airport authority as defined by the Airport Authorities Act 1966 for the purposes of operating an airport as defined by that Act; or
h. is a provider of any approach control service within the meaning of the Civil Aviation Act 1990; or
i. undertakes or proposes to undertake a project or work prescribed as a network utility operation for the purposes of this definition by regulations made under this Act,—
*and the words **network utility operation** have a corresponding meaning."*

Network utility operators therefore include:
- Government agencies, e.g. New Zealand Transport Agency and Kiwirail,
- State-owned enterprises such as Transpower;
- Private utility companies e.g. Chorus, Powerco, Vector, and WEL networks;
- The Waikato Regional Council who operates the publicly owned flood control assets in the District;
- The Council as owner and operator of the public water, stormwater, and wastewater systems; and:
- The Council as road controlling authority, responsible for the construction and operation of the District's road network.

Works and network utilities are addressed in Section 8 of the District Plan. This Section covers the following network utility operations:
- Telecommunication;
- Electricity transmission and distribution;
- Electricity generation;
- Gas transmission and distribution;
- Water, wastewater and stormwater;
- The transportation network (roads and railways);
- Stock movements and stock crossings;
- Regional flood control works; and
- Other miscellaneous works and network utilities.

In addition, the Development Manual introduced through Plan Change 41 includes specific engineering standards for the design and construction of stormwater and wastewater drainage, water supply, and landscaping engineered stormwater devices. Given that the Development Manual was recently introduced into the District Plan, this plan change does not include a review of the Development Manual's standards for works and network utilities. However, minor corrections to the Development Manual to ensure consistency in paragraph numbering and cross-referencing of paragraphs, are proposed as part of this plan change.

The following national environmental standards that relate to works and network utilities came into force after the District Plan became operative in 2005:
- Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008 ("NES-TF"); and:

- Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 ("NES-ET").

This plan review has considered the implications of the above mentioned planning instruments and recommends changes to Section 8 of the District Plan that eliminates potential conflict with the standards, as required under the RMA.

The works and network utilities part of the plan change has focused on:
- The works and network utilities issues, objectives, and policies in Section 3.7, Part A of the District Plan;
- The associated implementation methods (rules) in Section 8, Part B of the District Plan; and:
- Consequential changes to other sections of the District Plan (predominantly Section 5: Performance Standards, Section 6: Subdivision, and Section 15: Definitions, Part B) aimed at integrating the works and network utility rules with other District Plan requirements, as appropriate.

3.3 Linkages between transport, and works/network utilities

From a resource management perspective, transport, and works and utility networks, are closely linked. This is the case as "transportation" (the movement of people, freight and stock) is both an activity in its own right, while the construction and operation of roads, railway lines, cycleways, walkways, and airports (that enable the movement of people, freight, and stock) are also "network utility operations" (see sub-clause "*f*" of the definition of "network utility operator", above). Transport networks (e.g. "cycleways, rail, roads, walkways") are therefore also included under clause *"g"* of the broad definition of "infrastructure" in the RMA, quoted below:

*"**Infrastructure"**, in section 30, means—*
a. pipelines that distribute or transmit natural or manufactured gas, petroleum, biofuel, or geothermal energy:
b. a network for the purpose of telecommunication as defined in section 5 of the Telecommunications Act 2001:
c. a network for the purpose of radiocommunication as defined in section 2(1) of the Radiocommunications Act 1989:
d. facilities for the generation of electricity, lines used or intended to be used to convey electricity, and support structures for lines used or intended to be used to convey electricity, excluding facilities, lines, and support structures if a person—
  i. uses them in connection with the generation of electricity for the person's use; and
  ii. does not use them to generate any electricity for supply to any other person:
e. a water supply distribution system, including a system for irrigation:
f. a drainage or sewerage system:
g. structures for transport on land by cycleways, rail, roads, walkways, or any other means:
h. facilities for the loading or unloading of cargo or passengers transported on land by any means:
i. an airport as defined in section 2 of the Airport Authorities Act 1966:
j. a navigation installation as defined in section 2 of the Civil Aviation Act 1990:
k. facilities for the loading or unloading of cargo or passengers carried by sea, including a port related commercial undertaking as defined in section 2(1) of the Port Companies Act 1988:
l. anything described as a network utility operation in regulations made for the purposes of the definition of network utility operator in section 166."

It is recommended that the RMA definition of “infrastructure” be adopted in the District Plan. Therefore, where this plan change refers to “infrastructure”, it includes all of the transport structures such as roads, railway lines, cycleways, and walkways.

3.4 Regionally significant infrastructure

The management of the transport networks and the other utility networks, as physical resources of the District, requires a unified approach. The transport networks, like the other utility networks, can serve both a local, and a more strategic regional or national function.

For instance, the state highways that traverse the District provide road connections for our local communities, but also serve a strategic regional and national function as part of the country-wide highway network. Similarly, the national electricity grid conveys electricity across the District to feed into the national transmission network, but also provides connections that enable the distribution of power to local communities.

Strategic infrastructure of this nature that is important for the economic and social wellbeing of both the local community and a wider catchment is referred to in the Waikato Regional Policy Statement, Decisions Version – November 2012 (“RPS”) as “regionally significant infrastructure”. It is recommended that the RPS’s definition of “regionally significant infrastructure”, be adopted in the District Plan through this review. Therefore, where this plan change refers to “regionally significant infrastructure”, it includes all infrastructure that serves a wider than local catchment, defined as follows:

“Regionally significant infrastructure” *means:*

i) pipelines for the distribution or transmission of natural or manufactured gas or petroleum;
ii) infrastructure required to permit telecommunication as defined in the Telecommunications Act 2001;
iii) radio apparatus as defined in section 2(1) of the Radio Communications Act 1989;
iv) the national electricity grid, as defined by the Electricity Industry Act 2010;
v) facilities for the generation of electricity that is fed into the national grid or a network (as defined in the Electricity Industry Act 2010);
vi) significant transport corridors as defined in Map 6.1 of the Waikato Regional Policy Statement, Decisions Version, November 2012;
vii) lifeline utilities, as defined in the Civil Defence and Emergency Management Act 2002, and their associated essential infrastructure and services;
viii) flood and drainage infrastructure managed by Waikato Regional Council.

To meet the sustainable management purpose of the RMA, the strategic importance of the significant infrastructure networks has to be recognised and protected, and their maintenance, upgrading, and development enabled. To respond to this resource management issue in a unified way, this plan change groups all the District’s regionally significant infrastructure under one category, applying the same/similar management principles equally to the significant transport networks, as well as the other significant utility networks.

Since the District Plan became operative, the National Policy Statement on Electricity Transmission (“NPS-ET”) was gazetted in 2008, followed by the National Policy Statement for Renewable Electricity Generation (“NPS-REG”) in 2011. The NPS-ET and the NPS-REG deal with the national significance of respectively, the electricity transmission network and renewable electricity generation activities.

This plan review has considered the implications of these two planning instruments and recommends changes to give effect to the policy statements, as required by the RMA.

3.5 Integrating land-use with infrastructure

Under the RMA, the functions of territorial authorities include the integrated management of land-use and infrastructure. This means that the District Plan must ensure that:

- The transport network and the other network utilities required to support land-use are appropriately planned for; and:
- Land-use is planned in a manner appropriate to, and consistent with, the capacity of the transport network and the other utility networks, required to service new development or change of use.

To respond to the above issue efficiently, this plan change proposes one set of requirements relating to the integration of land-use with both transport and other utility networks jointly, under the heading “infrastructure”.

3.6 Energy efficiency

The 2004 Resource Management (Energy and Climate Change) Amendment Bill introduced the requirement for the District Plan to have particular regard to the efficiency of the end-use of energy. In order to address this requirement, transportation and other infrastructure networks also need to be considered in a comprehensive way. This is the case as ensuring the efficiency of the end use of energy involves all forms of energy, including energy used in the transportation of people and freight.

3.7 Combining transport and works/network utilities

Combining transport and other works and utilities into the same part of the District Plan rolling review recognises that, from a resource management perspective, transport and other works and network utilities are inter-connected and require a joint approach that recognises all regionally significant infrastructure, the need for land-use to be integrated with all components of the infrastructure networks, and for the end use of energy to take into account the efficiency of the energy used in all forms, including transportation.

This comprehensive approach that jointly considers transport and other works and network utilities, also aligns well with the policy-direction signalled by the RPS requiring:

- Recognition of all regionally significant infrastructure;
- Integration of infrastructure, including transport, with land-use; and:
- Maximising energy efficiency, including the efficiency of energy used for transportation.

Proposed changes relating to the matters referred to above are contained in the following parts of the District Plan:

- The introduction of three new “issues” under “Significant Resource Management Issues” in Section 2.3; and associated objectives and policies in Section 2.4 , Part A of the District Plan namely:
    - Section 2.3.6 and 2.4.6: Integrating land-use and infrastructure (including transport);
    - Section 2.3.7 and 2.4.7: Regionally significant infrastructure networks; and:

- Section 2.3.8 and 2.4.8: Energy efficiency and renewable energy generation.

- New implementation methods (rules) relating to the above mentioned objectives and policies, in Section 3: Development Controls, Section 5: Performance Standards, and Section 6: Subdivision, Part B of the District Plan; and:

- Consequential changes to other sections in Part B of the District Plan, aimed at integrating the new provisions with other Plan requirements, as appropriate.

3.8 Other matters within the scope of the plan change

While the focus of this plan change is transportation and works/utilities, two other matters are also included within the scope of the review, namely:

- **Strategic objectives and policies**

  The operative District Plan currently contains a number of so-called "strategic objectives and policies" (identified in the Plan with the prefix "SO" and "SP" respectively). These are described in the Plan as *"statements of Council's Management…….linked in the District Plan for consideration as part of some resource consent applications"*[2].

  Section 13 (Other Methods) of the District Plan states that:

  "13.3.1 Strategic plan
  The Council is to establish a strategic plan to provide strategies to meet the strategic needs of the District in the foreseeable future. Strategic policies are listed throughout the issues, objectives, and policies section as a means of meeting the demands of future development.
  The strategic policies will be taken into account when assessing any resource consent application in the District."

  It is understood that the above mentioned "strategic plan" provision was inserted into the District Plan when it was notified in 1996, essentially as a pre-cursor to the then pending Local Government Act 2002 ("LGA") as a means to link the long-term plan (an LGA document) with the District Plan (an RMA document).

  The recent (2012) amendment to the LGA has deleted *"the promotion of the social, economic, environmental, and cultural wellbeing of communities",* from the purpose of local government[3]. The amended LGA now has a narrower focus, and it is considered that the original District Plan's linkage back to the Council's strategic long-term plan produced under the LGA, is no longer of assistance as a non-regulatory method within the broader policy framework.

  Therefore, this plan change proposes to delete the Operative Plan's reference to Council's strategic plan and strategic objectives and policies.

[2] See Part A, Page 1:3

[3] The promotion of the four wellbeings from the purpose of local government under the original LGA 2002, has now been replaced by the requirement for local government to *"meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses".*

- **Updating changes to legislation/ documents referenced**

  There have been changes to the RMA, documents included in the District Plan by reference, and to some of the background information (such as current population statistics) provided in Part A: Issues, Objectives and Policies, of the Plan.

  This plan change proposes to update these outdated references to legislative requirements, supporting documents, and explanatory statements.

3.9 Clarification of matters, outside the scope of this plan change

To provide further clarity on the scope of this plan change, it is recorded that the following two matters are excluded from this part of the District Plan rolling review:

- **The effects of climate change**

  Since the District Plan was first notified, the 2004 Resource Management (Energy and Climate Change) Amendment Act added three new matters concerning climate change and the management of energy resources to reduce the effects of climate change, to Section 7. These matters that are now required to be given particular regard, are:

  (ba) the efficiency of the end use of energy:
  (i) the effects of climate change:
  (j) the benefits to be derived from the use and development of renewable energy.

  The purpose of the 2004 amendment was to clarify that, in exercising its functions under the RMA, Council must have particular regard to:

  - The effects of climate change; and:
  - Ways of reducing the risks of climate change, through:
    - The efficient use of energy; and:
    - The use and development of renewable energy.

  This plan change has reviewed the District Plan's response to the amendments in sub-sections 7(ba) and (j) of the RMA by having regard to the management of energy use and the generation of renewable energy, as means of reducing the risk of climate change.

  The effects of climate change itself and the consequent resource management response by means of natural hazard, land-use and infrastructure planning, fall outside the scope of this plan change and will be addressed through a separate, subsequent part of the District Plan rolling review.

- **Amateur radio configurations**

  Amateur radio configurations are antennas, aerials, and supporting structures which are owned and used by licenced amateur radio operators to send and receive radio signals.

  During the preparation of this plan change, consideration was given whether the review of the works and network utilities section, one of the focus areas of the plan change, should cover provisions relating to amateur radio configurations.

Investigation into provision for amateur radio configurations in district plans revealed that the New Zealand Association of Radio Transmitters Inc ("the Association") is strongly of the view that amateur radio configurations are not a utility network and should not be included into the works and network utility section of district plans.

It appears that the Association's position has met with the broad acceptance of other district councils and the Environment Court, as will be evident from evidence recently presented by the Association, to the Waipa District Council Hearings Committee[4]:

*"Amateur radio is **NOT** a utility service or a network utility. It is an avocation pursued by individuals, mainly from their residences. It is inappropriate for regulation to be under the utilities provisions. Tauranga CC specifically noted that inappropriateness in a s32 report on their proposed City Plan and chose to regulate amateur radio under the zone provisions. This was accepted by the Environment Court recently, in an appeal (ENV-2011-AKL-000074)…."*

Council staff agree with the position of the Association as set out above. Consequently, amateur radio configurations have not been reviewed as part of the utilities plan change, but will be addressed through a separate, subsequent part of the District Plan rolling review.

[4] See the evidence of M.D. Newman for the New Zealand Association of Radio Transmitters (Inc) at the Hearing into the Proposed Waipa District Plan, 11 February 2013.

Part B: Network Description

Part B: Network Description

This part of the report provides additional context to the plan change by giving a brief overview of the infrastructure networks that are the focus of this review.

1.0 Transportation networks

The District's transportation networks include:

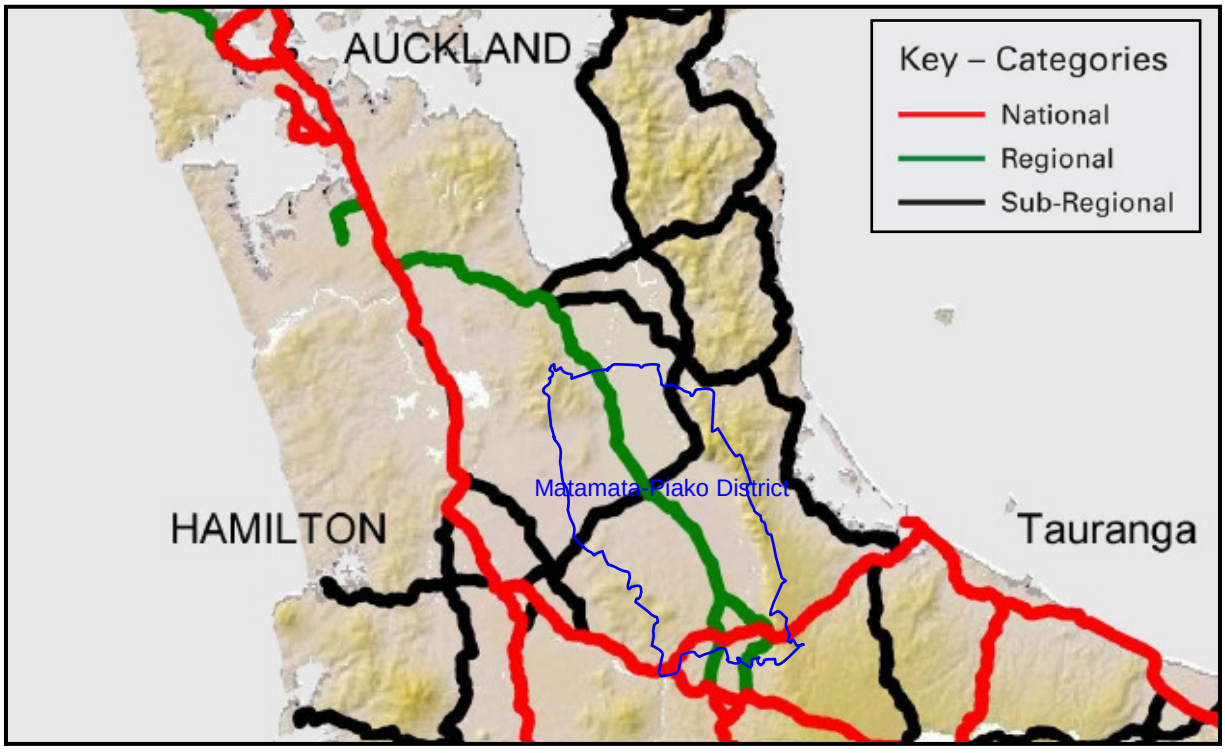
1.1 State highway network

Six state highways traverse the District providing good road connections to the neighbouring cities of Hamilton and Tauranga, and other destinations further afield. These are State Highways 1, 24, 26, 27, 28 and 29.

The state highway network carries large volumes of passengers and freight through the District with average daily traffic counts in the thousands, including high volumes of heavy commercial vehicles.

State Highway 1, the busiest road in the national network, skirts the western and southern boundaries of the District. At Pairere, in the south-western corner of the District, State Highway 1 connects with State Highway 29 to Tauranga. State Highway 27 in turn, connects Auckland in the north with Tirau in the south, traversing the centre of the District running through Matamata, providing an alternative north/south route to State Highway 1.

State Highway Categories



State Highway 24 originates in Matamata to link with Tauranga-bound State Highway 29, west of Te Poi. The State Highway 27/ 24/ 29 link is an alternative to the State Highway 2 route between Auckland and Tauranga, via Karangahake Gorge.

State Highway 26 connects Hamilton in the south-west with Thames to the north-west, and runs through the towns/villages of Morrinsville, Waitoa, Waihou, and Te Aroha.

The National State Highway Strategy provides for the classification of state highways based on its predominant function. In terms of classification, State Highways 1, 28 and 29 are classified as routes of national significance. State Highways 24 and 27 are routes of regional significance, and State Highway 26 has sub-regional significance.

1.2 District road network

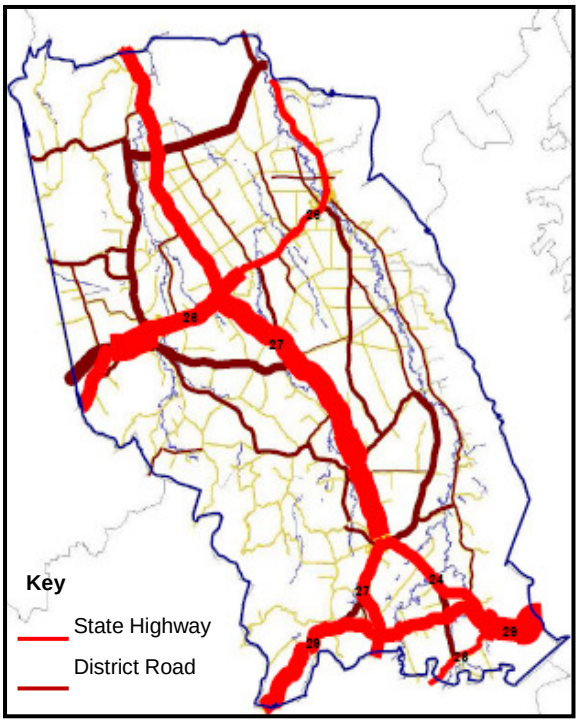
Underneath the state highway network sits a network of urban and rural roads that are controlled by our Council. Three-quarters of the district roads have traffic volumes of less than 500 vehicles per day, and less than 1% carries volumes above 4,000 vehicles per day.

The busier district roads are classed as Arterial Routes, with the remainder of the network described as Collector and Local Roads.

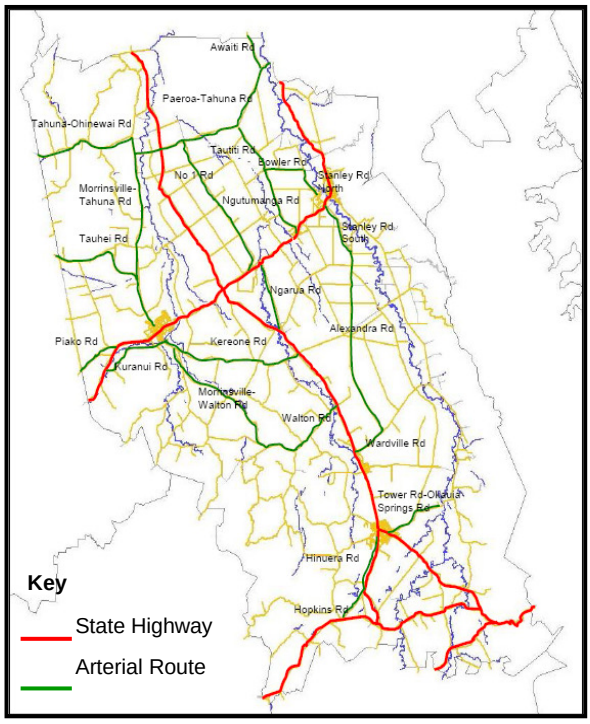
There are three significant arterial roads in the District, that serve a sub-regional function. These roads are:

- Tahuna-Ohinewai Road connecting State Highway 1 at Ohinewai, with State Highway 27;
- Paeroa-Tahuna Road connecting State Highway 27 at Tahuna, with State Highway 26 north of Te Aroha; and:
- Morrinsville-Tahuna Road, parallel with State Highway 27, connecting Morrinsville with Tahuna.

Average Daily Traffic Volumes



State Highways and Arterial Routes



1.3 Rail network

There is presently no rail service for passenger transport in the District and the rail network therefore carries exclusively freight. The East Coast Main Trunk Railway crosses the upper part of the District past Morrinsville and Waharoa to connect with Tauranga through the Kaimai Tunnel.

The Kinleith Branch Railway connects Kinleith with Waharoa, via Matamata.

The Thames Branch Railway Line (Waitoa Branch) operates between Morrinsville and Waitoa and serves only the Fonterra dairy factory.

1.4 Air transport

The Matamata Aerodrome, the largest in the District, provides for a wide range of recreational aviation activities. In particular it is recognised as one of the best gliding airfields in New Zealand.

Its central location makes it easily accessible from Tauranga, Hamilton, Rotorua and Auckland. It hosts regional and national recreational aviation events, and is the venue each January for the iconic Walsh Memorial Scout Flying School.

In recent years traditional light powered-aircraft use has declined, but has been replaced by growth in micro-light and sport aircraft. Likewise there has been significant growth in model and miniature aircraft. Parachuting remains another popular recreational use.

Pilots from other areas also use the aerodrome for refuelling. There is also an airfield near Te Aroha, off Paeroa-Tahuna Road. There are also numerous agricultural airstrips on farms around the District.

Matamata Aerodrome

1.5 Freight transport

Large volumes of freight move through the District en route to shipping ports and markets. Freight handling and distribution also takes place in the District such as at Waharoa, Matamata, and at the dairy factories and rural processing plants. Presently, the freight industry relies heavily on road transport, but the share of rail transport may well increase in the future due to rising fuel prices. There are also a number of quarries in the District from where large volumes of aggregate are transported.

Freight transport is a significant consumer of energy resources, accounting for just less than half the energy consumed, and greenhouse gas emissions attributed to the transport sector as a whole.

1.6 Public/community transport

Public transport in the District comprises a limited bus service between Hamilton, Morrinsville and Te Aroha, while the national inter-city bus service provides limited public transport between Matamata and Tauranga, and Matamata and Hamilton. Community-based services provide transport for the disabled and for those requiring health care.

Trends indicate that the District's population is ageing. An ageing population will demand better access to public transport. Also, rising fuel and natural gas prices will impact on private vehicle trips, and could lead to a modal shift towards public transport.

1.7 Walking and cycling

There are currently only two dedicated cycleways in the District:

- Along Stanley Avenue in Te Aroha; and:
- The Hauraki Rail Trail which connects Te Aroha with Paeroa, providing opportunities for predominantly recreational cycling and walking.

There are pedestrian walkways in all three towns.

As a rural District, walking and cycling are currently predominantly recreational activities, as opposed to modes of transport that convey people to and from work and leisure activities. However, rising fuel prices and natural gas prices could lead to a modal shift towards an increase in walking and cycling in the future.

2. Works and network utilities

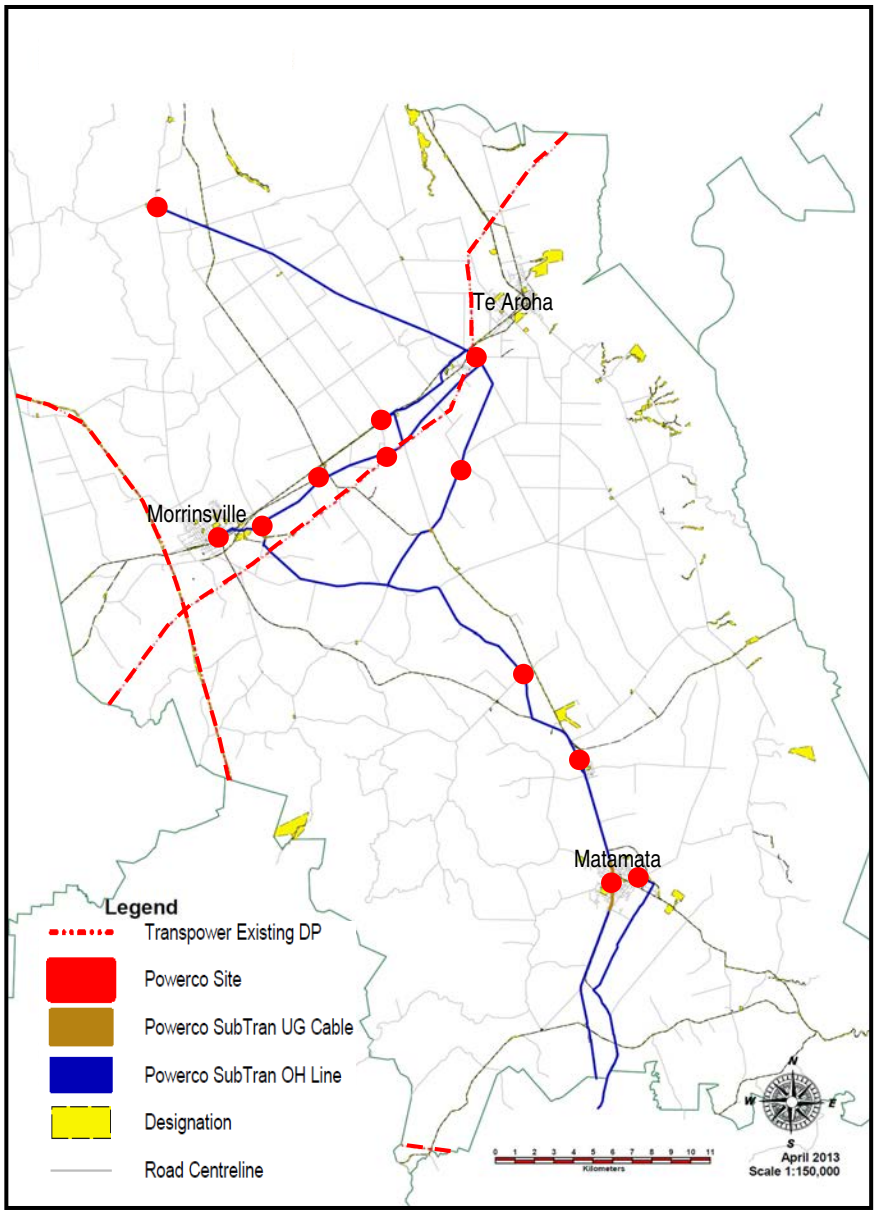
The works and utility networks in the District include:

2.1 Electricity network

The electricity network comprises generation plants, high voltage transmission lines between generation sites and grid exit points where the electricity is transferred to lower voltage; and distribution lines that carry lower voltage power to homes and businesses.

There are currently no electricity generation sites in the District. The closest generation site is the Karapiro Hydroelectric Power Station on the Waikato River, south-west of the District. There is potential for renewable energy generation sites using solar or wind energy, and community-based or domestic renewable energy supplies to be established in the future.

Electricity Network



The 400kV capable electricity transmission line from Whakamaru to Auckland passes over the western part of the District. The Hamilton – Waihou - Waikino transmission line crosses the District running west to north-east, and the Karapiro-Hinuera transmission line passes over the south-western part of the District. These assets are part of the national power grid, owned and operated by Transpower.

Powerco and WEL Networks are the lines companies responsible for the distribution of power between the national grid and the electricity consumers in the District. The main distribution network runs through the centre of the District, from Hinuera in the south, to terminate at Tahuna in the north. Sub-stations are located at Hinuera, Matamata, Waharoa, Walton, Morrinsville, Waitoa, Mikkelsen Road (near Te Aroha), and at Tahuna.

2.2 Telecommunication network

The District has good telecommunication coverage, including fixed-line, wireless, and broadband capability. Telecom/ Chorus owns and operates the fixed-line telephone and broadband network as well as many mobile phone sites in the District. Vodafone and Two Degrees also have a number of mobile installations in the District.

Kordia owns and operates the microwave communications tower on Mount Te Aroha delivering telco services to the industry.

The Government's Rural Broadband Initiative (RBI) will enable fibre-based connections to most of the rural schools and will make high-speed broadband connections available to most of the homes and businesses in the District. The RBI roll-out requires the installation of fibre-optic cable, upgrading of local telephone exchanges, installing and upgrading roadside cabinets, installing new, and upgrading existing mobile towers.

2.3 Natural gas

Vector is the owner and operator of approximately 2,500 km of high pressure natural gas transmission pipelines throughout the North Island. These pipelines are located underground, and deliver gas from production stations within the Taranaki Region to various towns and locations throughout the North Island.

Within the Matamata-Piako District, Vector owns and operates approximately 37 km of gas transmission pipeline, various associated above ground station sites, and gas distribution networks in Morrinsville, Waharoa and Waitoa.

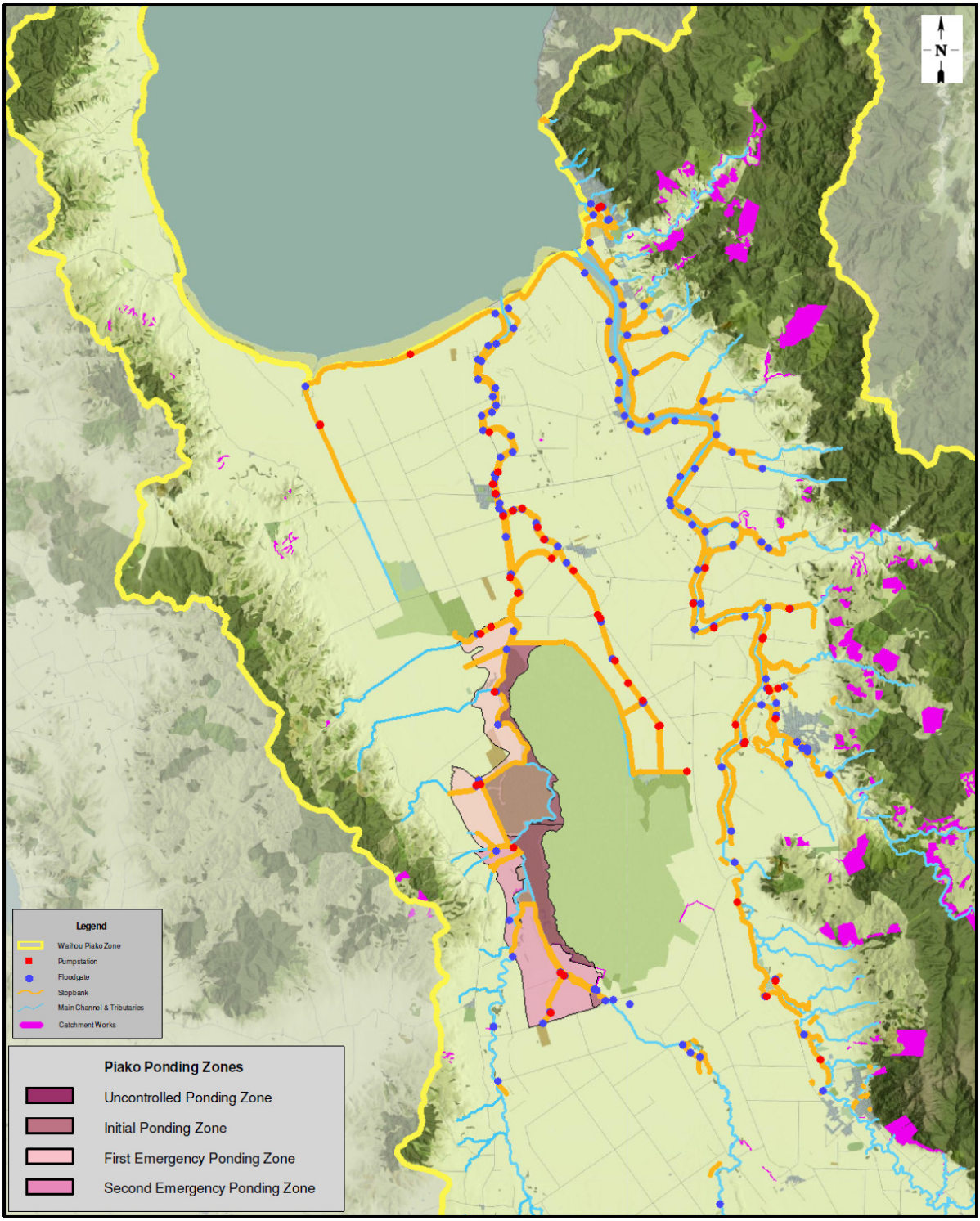
The gas transmission pipelines located within the District are essential in transporting natural gas to not only delivery points in the District, but also to other networks within Waikato, Waipa, Western Bay of Plenty and Tauranga districts.

2.4 Flood control infrastructure

Land in our District is generally low lying, and dependant on the major drainage schemes and flood protection measures associated with the river courses that traverse the area.

The Waihou and Piako River flood protection and drainage schemes protect land and property from inundation by flooding, and manage water tables to ensure the productivity of our rural land.

Waihou/Piako Flood Protection Works



2.4.1 Waihou River flood protection scheme

The Waihou River has a total catchment area of 200,000 hectares. The catchment is a long narrow system located on the eastern side of the Thames Valley and it drains the western slopes of the Coromandel, Kaimai and Mamaku Ranges. Its headwaters are in the Mamaku Ranges between Tokoroa and Rotorua in the south, and it generally flows north via Te Aroha and Paeroa to discharge into the Firth of Thames near Thames.

Works constructed between 1910 and the 1930's essentially resulted in the Waihou River constituting a cut-off channel which collects hill country run-off from the east for the benefit of all the Hauraki Plains, including the Piako River Scheme, the success of which is dependent on controlling Waihou River floods.

The Waihou Valley Scheme is a comprehensive whole of catchment scheme which includes:
- Land retirement and conservation measures in the Mamaku Plateau, the Kaimai and Coromandel Ranges,
- Riparian conservation measures,
- Improvements and stabilisation works to the tributaries and main river system,
- Floodway improvements,
- Stopbanking, floodgates and pumps.

The Scheme comprises the following components some of which are located in the District:
- 350 km of fencing,
- 5,000 hectares of land retirement and planting,
- 370 km of managed tributary streams,
- 260 km of stopbanks,
- 75 floodgates; and:
- 20 pumpstations.

The Scheme provides the following levels of service:
- 100 yr protection from tidal flooding with 0.5m freeboard,
- 100 year protection from Waihou River flooding with 0.9m freeboard,
- 50 year protection from tributary flows for urban areas and
- 10 year protection from tributaries for rural areas.

The Matamata-Piako District is predominantly located in what is known as the "Middle Zone" of the Waihou Valley Scheme, between Te Aroha and Okauia Springs. In this zone on-going works required to maintain the integrity of the scheme include clearing of the streams of willows and other vegetation/replanting with more suitable species to improve the flow of water; and works to prevent erosion and improve the stability of the tributary streams at the base of the Kaimai Range.

The assets within the Scheme include:
- Compacted earth structures such as stopbanks and detention dams,
- Reinforced concrete, steel, and timber structures such as floodgates, pump stations, debris control structures and concrete channels,
- Waterways and river channels involving excavations, gradient control, and erosion control structures, plantings and fencing,
- Protection/production forestry including 2,000 hectares of Crown Land used for soil conservation and river control, and:
- Gully stabilisation works within the Hinuera pumice sands in the Matamata area.

2.4.2 Piako River flood protection scheme

The Piako River and its major tributary, the Waitoa River, have a combined catchment area of approximately 144,000 hectares.

The catchment occupies much of the central and western Thames Valley extending from Hinuera in the south to the Firth of Thames in the north. The upper Piako catchment drains the Maungakawa and Tahuroa hills in the southwest and the Hapuakohe range in the northwest. The Waitoa catchment drains from Hinuera through the central Thames Valley, picking up most of the drainage outlets through the central area.

The Scheme includes river management works, river diversions and channel enlargement, ponding systems, floodway improvements, stopbanking, floodgates and pumps. Flood protection works are mainly north of Paeroa-Tahuna Road and extend downstream to include the stopbanks along the foreshore of the Firth of Thames that provide protection from tidal flooding.

The Scheme works include the following, some of which are located in the District:
- Main river and tributary channel enlargement and clearing work,
- 170km of stopbanks,
- 59 floodgates and
- 32 pump stations

The Scheme provides the following levels of service:
- 100 yr protection from tidal flooding with 0.5m freeboard[5], and:
- 50 year protection from Piako River flooding with 0.3m freeboard.

2.4.3 Management of the flood protection schemes

The Waihou and Piako Schemes are managed and maintained by the Waikato Regional Council (WRC). The objectives of the management activities are:
- To reduce the magnitude of peak runoff from minor to moderate storm events
- To control active erosion of soil, channel beds and river banks
- To protect land with potential for erosion
- To minimise inputs of nutrients and sediments into waterways
- To promote sound riparian management
- To achieve the water quality and aquatic habitat standards for the relevant rivers and streams
- To manage the adverse effects associated with rivers and streams.

The Waihou/Piako flood protection scheme is a “mature scheme”, meaning that most of the development work has been completed. However, to ensure the integrity of the scheme on-going management is required. Management includes monitoring and maintenance works, repair of flood damage, remedial works, and capital works.

Maintenance works are defined as the restoration and maintenance of existing structures and stream cross-sections to approved channel capacity and includes the following activities:

[5] The term “freeboard” refers to the floor level of a building above a given flood level, thereby providing a margin to accommodate wave action.

- Vegetation removal where:
  - channel blockage or obstruction which is restricting flow/and or causing erosion, are present.
  - Invasive noxious weeds are present and need to be removed.
  - Large vegetation has fallen into a channel or if trees appear likely to fall over if left.
  - Introduced species need to be replaced or thinned out.

- Gravel management and extraction where:
  - Required to improve erosion control activities.
  - A build-up of material is causing or is likely to cause erosion.
  - A build-up of material is causing significant change in flow and/or flooding patterns.
  - At stream mouths or road crossings where flooding of important infrastructure or property is likely to occur if the material is not cleared.

- Silt removal involving the routine removal of estuarine clay material and silt deposits from the bed of the waterways, with the deposition of this excavated material into temporary bunds either adjacent to, on top of, or behind the stopbanks.

- Gradient control structures where:
  - A waterway bed is eroding.
  - A waterway is degrading, causing bank scour.
  - Water levels need to be maintained for ecological reasons.
  - Waterway bed scour is threatening structures such as bridges or culverts.

- Willow lopping, layering, and revetments where:
  - Normal willow stake planting has been unsuccessful.
  - Willow stake or native planting is not considered appropriate.
  - Soft vegetative methods are considered preferable to hard surface alternatives (eg. areas of significant ecological sensitivity).
  - Depth of water in the waterway is less than one metre.

- Riprap, gabions, groynes where:
  - Other methods have been unsuccessful.
  - A high degree of protection is required. For example, to protect assets such as bridges and roads.
  - Softer options (planting or layering) are too risky.
  - Planting or layering is deemed inappropriate due to the severity of site conditions.
  - Confined channels could be “choked” by planting options.
  - The channel could break through onto a different course.
  - Banks are being undercut.

- Pinning or piling of river banks where:
  - Tidal action on a stream bank is showing signs of failure
  - A floodgate could potentially cause the stream bank to destabilise
  - A stream has a degraded channel and the bank is showing early signs of failure.

- Flood debris removal

2.5 Community infrastructure networks

Community infrastructure services are essential for the public health, safety and general welfare of our community and include wastewater systems, stormwater systems, water supplies, and solid waste disposal.

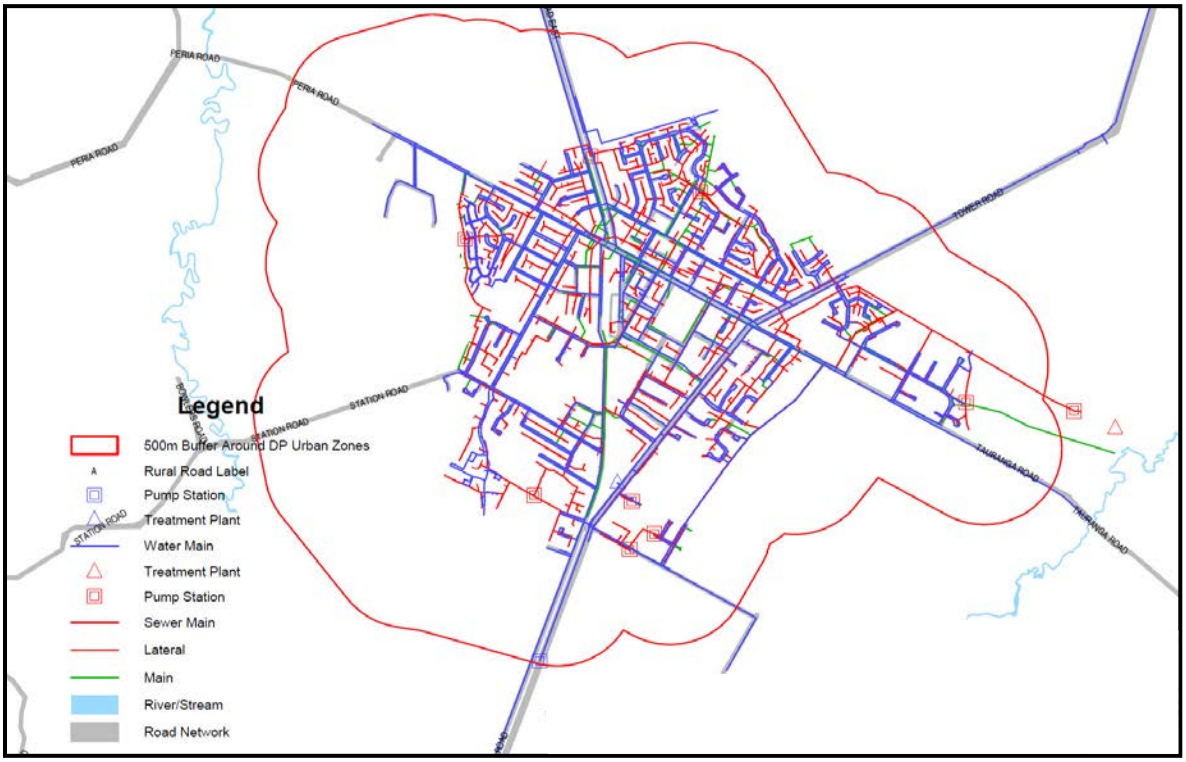
The majority of these infrastructure networks are owned and operated by Council. However, there are private and communal water supply systems in operation in the District.

The District's infrastructure networks can be summarised as follows:

- **Wastewater systems**

  There are six publicly operated wastewater collection, treatment and disposal schemes serving the towns of Te Aroha, Morrinsville, Matamata, Tahuna, Waihou, and Waharoa. It is noted that the Waharoa network is connected to the Matamata treatment and disposal system.

Community Infrastructure Networks: Matamata

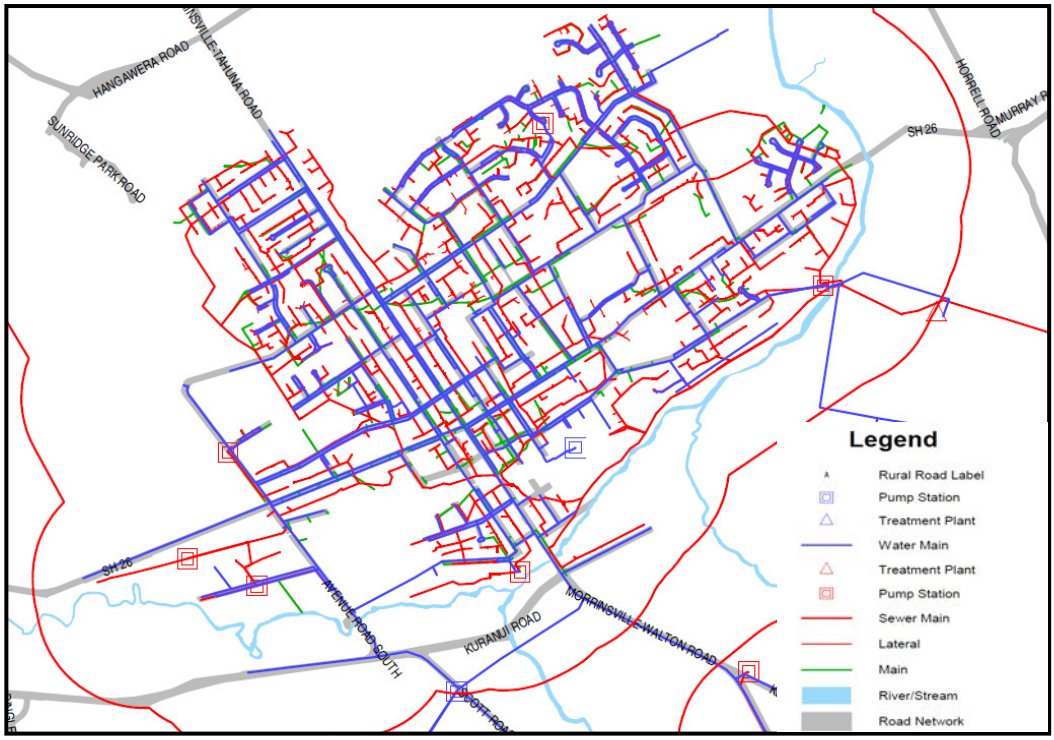


The treatment plants all dispose of treated wastewater into waterways, namely the Piako River (Morrinsville), Waihou River (Te Aroha), Mangawhero Stream (Matamata) and the Tahuna Stream (Tahuna). A new treatment plant with additional storage capacity is currently being constructed in Morrinsville. The Matamata and Te Aroha systems have limited capacity and development outside the existing urban limits in these towns will require significant expenditure on sewer reticulation.

In addition to the Council operated systems, privately operated wastewater systems exist at the Tahuna School, and at some of the rural processing plants.

With the exception of some rural-residential developments on the outskirts of the towns which are connected to the public sewer reticulation systems, rural-residential and rural dwellings are predominantly served by individual onsite wastewater treatment and disposal systems which operate under the Waikato Regional Plan's permitted activity rules.

Community Infrastructure Networks: Morrinsville



- **Stormwater systems**

  Public stormwater systems operate in Te Aroha, Matamata, Morrinsville and parts of Waharoa. The systems comprise reticulated pipes, detention facilities, culverts and catchpits, soak holes, open channels, rural streams, and overland flowpaths.

  There are capacity constraints associated with the stormwater management systems in all three towns especially in Matamata which is characterised by flat topography, where flooding is known to occur during extreme weather events. However, favourable soil conditions with good soakage in many parts of the town offer some solutions.

  Flood protection works undertaken in Te Aroha during the late 1980's, has alleviated the flood risk for this town, but the stormwater disposal system remains vulnerable during extreme weather events.

- **Water supplies**

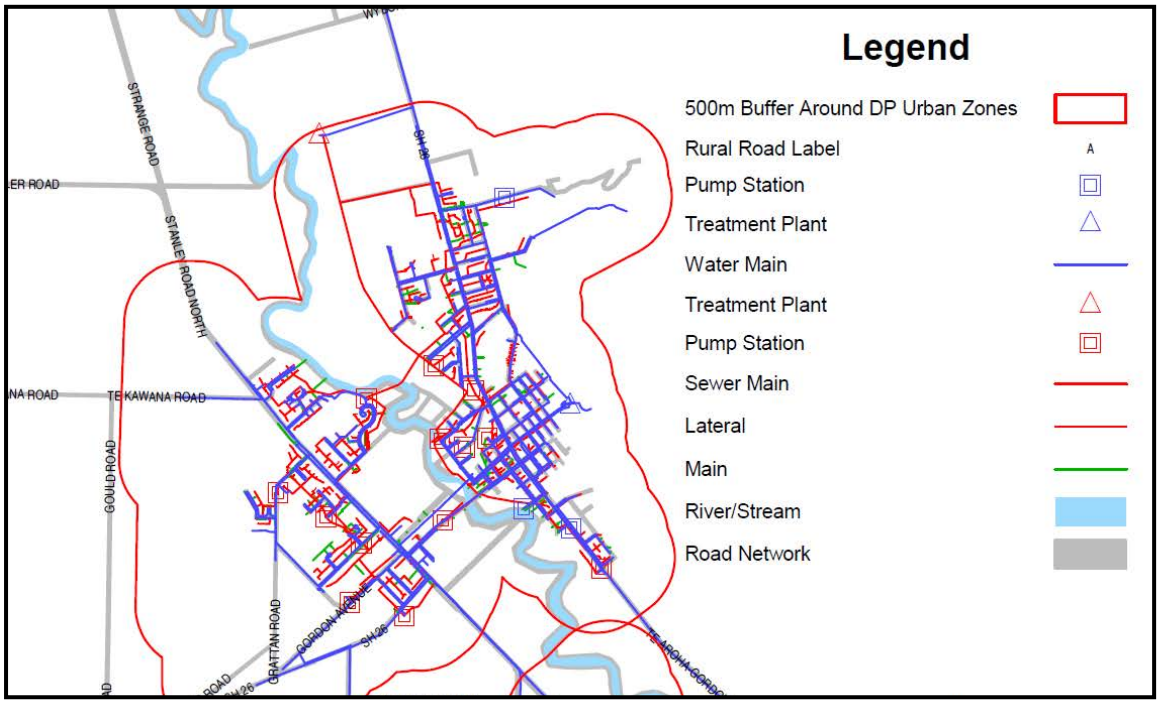
  The District's water supply originates partly from surface water and partly from groundwater sources.

All of the District's towns and most rural villages are served by either publicly or privately operated water supplies. Te Aroha West has a public reticulation system of untreated water directly from the Puhimini raw water trunk main.

Some dwellings on the outskirts of the towns have low-pressure "trickle feed" connections to the town supply. Rural and rural-residential dwellings outside the town boundaries rely predominantly on rainwater catchment.
The rural processing plants are mostly served by private water supplies, except for the Inghams poultry processing plant and the Silver Fern meat processing plant which are reticulated from Te Aroha's Council supply.

In addition to the public water supplies, private supplies serve the Waihou and Waitoa Townships, eleven of the District's schools and Marae, properties in Wood Road (operated by Wallace Corporation), Crystal Springs/Opal Springs, and the Waharoa Aerodrome.

Community Infrastructure Networks: Te Aroha



- **Solid waste**

The Council, through its contractor, operates weekly kerb-side rubbish collection and recycling in all three towns and in the larger rural villages. Currently, approximately 9,300 tonnes of rubbish are disposed per annum, while 2,900 tonnes are recycled.

The District does not have an operating landfill site, but makes use of the Tirohia facility, in neighbouring Hauraki District.

Transfer stations with recycling facilities and provision for the collection and disposal of green waste operate in Morrinsville, Matamata and Waihou.

The rural area is served solely by private commercial operators.

Part C: Legislative Requirements

Part C: Legislative Requirements

In undertaking this District Plan review there are number of legislative requirements to be considered. Those which are most relevant are outlined in the following paragraphs.

1. Purpose and principles of the RMA

The overriding framework that guides all decision-making under the RMA is embodied in the purpose and principles of the Act, as stated in Part 2 (sections 5 – 8).

The purpose of the RMA is to promote the sustainable management of natural and physical resources. Section 5 RMA states:

"5 Purpose

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment."

Section 6 of the RMA identifies matters of national importance, and states that in achieving the purpose of the RMA, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for these matters. The matters of national importance are:

"6 Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

(a) 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:

(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:

(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

(f) the protection of historic heritage from inappropriate subdivision, use, and development:

(g) the protection of protected customary rights."

Section 7 of the RMA identifies "other matters" that in achieving the purpose of the RMA, all persons exercising functions and powers under the Act shall have particular regard to in relation to managing the use, development, and protection of natural and physical resources. These "other matters" are:

"7 Other matters
In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—
(a) kaitiakitanga:
(aa) the ethic of stewardship:
(b) the efficient use and development of natural and physical resources:
(ba) the efficiency of the end use of energy:
(c) the maintenance and enhancement of amenity values:
(d) intrinsic values of ecosystems:
(e) [Repealed]
(f) maintenance and enhancement of the quality of the environment:
(g) any finite characteristics of natural and physical resources:
(h) the protection of the habitat of trout and salmon:
(i) the effects of climate change:
(j) the benefits to be derived from the use and development of renewable energy."

In achieving the purpose of the Act, decision makers should also take into account the principles of the Treaty of Waitangi (Section 8 of the Act):

"8 Treaty of Waitangi
In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)."

2. Functions of territorial authorities

A district plan is essentially a mechanism to assist territorial authorities to carry out their functions. It follows then that a district plan must be confined to matters that fall within the scope of a territorial authority's functions. The functions of territorial authorities are set out in Section 31 RMA:

"31 Functions of territorial authorities under this Act
(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:
(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:
(b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—
(i) the avoidance or mitigation of natural hazards; and
(ii) the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and
(iia) the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:
(iii) the maintenance of indigenous biological diversity:

(d) the control of the emission of noise and the mitigation of the effects of noise:
(e) the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:
(f) any other functions specified in this Act.

(2) The methods used to carry out any functions under subsection (1) may include the control of subdivision."

3. Purpose of district plans

The purpose of district plans as set out in section 72 RMA is to assist territorial authorities to carry out their functions, in order to achieve the purpose of the Act. Section 72 states:

"72 Purpose of district plans
The purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act."

4. Preparation/change of district plans

Section 73 RMA requires a territorial authority to have a district plan in place at all times, gives authority to the Council to change its district plan in accordance with the provisions in Schedule 1[6] RMA, and mandates the Council to change its district plan to give effect to an operative regional policy statement.

The relevant section of the Act states:

"73 Preparation and change of district plans
(1) There shall at all times be 1 district plan for each district prepared by the territorial authority in the manner set out in Schedule 1.
(1A) A district plan may be changed by a territorial authority in the manner set out in Schedule 1.
(4) A local authority must amend a proposed district plan or district plan to give effect to a regional policy statement, if—
(a) the statement contains a provision to which the plan does not give effect; and
(ii) the statement is reviewed under section 79 and is changed or replaced and the change or replacement becomes operative;
(5) A local authority must comply with subsection (4)—
(a) within the time specified in the statement, if a time is specified;"

5. Matters to be considered

Section 74 RMA sets out the matters to be considered when changing district plans. Relevant to this plan change is that s74 requires that the Council:

[6] Schedule 1 RMA sets out the procedural requirements for the plan change process including time limits, consultation, submissions, hearings, notification of decisions, and appeals.

- Considers its functions (section 31), Part 2 RMA matters (i.e. the purpose and principles of the Act), and its duty to consider alternatives, benefits, and costs (section 32);
- Have regard to the proposed regional policy statement, management plans and strategies prepared under other Acts and consistency with the plans of adjacent territorial authorities; and:
- Disregards trade competition.

The relevant sections state:

"74 Matters to be considered by territorial authority

(1) A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part 2,…..duty under section 32,

(2) In addition to the requirements of section 75(3) and (4), when…changing a district plan, a territorial authority shall have regard to—

(a) any—

(i) proposed regional policy statement;

(b) any—

(i) management plans and strategies prepared under other Acts; and

(c) the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.

(3) In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition."

6. District plan content

Section 75 RMA determines the contents of district plans, planning instruments that a district plan must give effect to, and that it must not be inconsistent with.

Under s75(1) it is mandatory for district plans to state:

- Objectives;
- Policies to implement the objectives; and:
- Rules to implement the policies.

Under s75(2) it is optional for district plan to state:

- Significant resource management issues for the district;
- Non-regulatory methods to implement policies;
- Reasons why the policies and methods were adopted;
- Environmental results expected;
- Procedures for monitoring the effectiveness and efficiency of the plan provisions;
- How to deal with cross-boundary issues;
- The information requirements for resource consent applications; and:
- Any other information required to enable a territorial authority to exercise its functions, powers, and duties under the RMA.

Section 75(3) mandates a district plan to give effect to certain planning instruments. The planning instruments relevant to this plan change to which effect must be given under s75(3) are the Operative Waikato Regional Policy Statement, NPS-ET, and the NPS-REG.

Section 75(4) requires that a district plan must not be inconsistent with certain planning instruments. The only s75(4) planning instrument relevant to this plan change is the Operative Waikato Regional Plan.

Section 75(5) provides the ability for the district plan to incorporate material by reference.

The relevant sections state:

"75 Contents of district plans

(1) A district plan must state—
(a) the objectives for the district; and
(b) the policies to implement the objectives; and
(c) the rules (if any) to implement the policies.

(2) A district plan may state—
(a) the significant resource management issues for the district; and
(b) the methods, other than rules, for implementing the policies for the district; and
(c) the principal reasons for adopting the policies and methods; and
(d) the environmental results expected from the policies and methods; and
(e) the procedures for monitoring the efficiency and effectiveness of the policies and methods; and
(f) the processes for dealing with issues that cross territorial authority boundaries; and
(g) the information to be included with an application for a resource consent; and
(h) any other information required for the purpose of the territorial authority's functions, powers, and duties under this Act.

(3) A district plan must give effect to—
(a) any national policy statement
(c) any regional policy statement.

(4) A district plan must not be inconsistent with—
(b) a regional plan for any matter specified in section 30(1).

(5) A district plan may incorporate material by reference under Part 3 of Schedule 1."

7. District rules

Section 76 enables rules to be included in a district plan, to enable the Council to carry out its functions, and to achieve the objectives and policies of the plan. In making rules, the territorial authority must have regard to the effects on the environment. Rules may apply universally to the whole of the district, or to selected parts of the district only. Rules may be general or specific, can make provision for different classes of effects, and can require resource consent to be obtained for an activity likely to cause adverse effects not covered by the plan.

Section 77A RMA gives Council the power to make rules for the different activity classes (permitted, controlled, restricted-discretionary, discretionary, non-complying, and prohibited) and specify conditions in a plan.

Under s77B, it is mandatory that a district plan must state the matters over which the Council has retained control for controlled activities, and to which the Council has restricted its discretion for restricted-discretionary activities.

The relevant sections of the Act are quoted below:

"76 District rules

(1) A territorial authority may, for the purpose of—
(a) carrying out its functions under this Act; and
(b) achieving the objectives and policies of the plan,—
include rules in a district plan.

(3) In making a rule, the territorial authority shall have regard to the actual or potential effect on the environment of activities including, in particular, any adverse effect.

(4) A rule may—
(a) apply throughout a district or a part of a district:
(b) make different provision for—
(i) different parts of the district; or
(ii) different classes of effects arising from an activity:
(c) apply all the time or for stated periods or seasons:
(d) be specific or general in its application:
(e) require a resource consent to be obtained for an activity causing, or likely to cause, adverse effects not covered by the plan."

77A Power to make rules to apply to classes of activities and specify conditions

(1) A local authority may—
(a) categorise activities as belonging to one of the classes of activity described in subsection (2); and
(b) make rules in its plan or proposed plan for each class of activity that apply—
(i) to each activity within the class; and
(ii) for the purposes of that plan or proposed plan; and
(c) specify conditions in a plan or proposed plan, but only if the conditions relate to the matters described in section 108 or 220.

(2) An activity may be—
(a) a permitted activity; or
(b) a controlled activity; or
(c) a restricted discretionary activity; or
(d) a discretionary activity; or
(e) a non-complying activity; or
(f) a prohibited activity.

(3) Subsection (1)(b) is subject to section 77B.

77B Duty to include certain rules in relation to controlled or restricted discretionary activities

(1) Subsection (2) applies if a local authority makes a rule in its plan or proposed plan classifying an activity as a controlled activity.

(2) The local authority must specify in the rule the matters over which it has reserved control in relation to the activity.

(3) Subsection (4) applies if a local authority makes a rule in its plan or proposed plan classifying an activity as a restricted discretionary activity.

(4) The local authority must specify in the rule the matters over which it has restricted its discretion in relation to the activity.

8. National environmental standards

Sections 43A, 43B and 44A deal with the contents of national environmental standards and their relationship to plan rules.

The relevant provisions determine that:

- A plan rule may be more stringent than a NES, if the standard expressly says so.
- A plan rule may not be more lenient than a NES;
- If a plan contains a rule that duplicates or is in conflict with a provision in a NES, then:
    - If the NES specifies the extent to which/time period during which the rule continues to have effect, a local authority must amend its plan to remove the duplication without using the process in Schedule 1, in accordance with the timescale as specified in the NES;
    - If an activity is permitted under the NES, then the NES prevails;
    - In all other cases the local authority must amend its plan, without using the process in Schedule 1, as soon as practicable.
- A plan may be amended to include a reference to a NES, without using the process in Schedule 1.

The pertinent sections of the RMA are quoted below:

"43A Contents of national environmental standards

(1) National environmental standards may—

(a) prohibit an activity:

(b) allow an activity:

(c) restrict the making of a rule or the granting of a resource consent to matters specified in a national environmental standard:

(d) require a person to obtain a certificate from a specified person stating that an activity complies with a term or condition imposed by a national environmental standard:

(e)specify, in relation to a rule made before the commencement of a national environmental standard,—

(i) the extent to which any matter to which the standard applies continues to have effect; or

(ii)the time period during which any matter to which the standard applies continues to have effect:

(f) require local authorities to review, under section 128(1), all or any of the permits to which paragraph (ba) of that subsection applies as soon as practicable or within the time specified in a national environmental standard.

(2) A national environmental standard that prohibits an activity—

(a) may do one or both of the following:

(i) state that a resource consent may be granted for the activity, but only on the terms or conditions specified in the standard; and

(ii) require compliance with the rules in a plan or proposed plan as a term or condition; or

(b) may state that the activity is a prohibited activity.

(3) If an activity has significant adverse effects on the environment, a national environmental standard must not, under subsections (1)(b) and (4),—

(a) allow the activity, unless it states that a resource consent is required for the activity; or

(b) state that the activity is a permitted activity.

(4) A national environmental standard that allows an activity—

(a) may state that a resource consent is not required for the activity; or

(b) may do one or both of the following:

(i) state that the activity is a permitted activity, but only on the terms or conditions specified in the standard; and

(ii) require compliance with the rules in a plan or proposed plan as a term or condition.

(5) If a national environmental standard allows an activity and states that a resource consent is not required for the activity, or states that an activity is a permitted activity, the following provisions apply to plans and proposed plans:

(a) a plan or proposed plan may state that the activity is a permitted activity on the terms or conditions specified in the plan; and

(b) the terms or conditions specified in the plan may deal only with effects of the activity that are different from those dealt with in the terms or conditions specified in the standard; and

(c) if a plan's terms or conditions deal with effects of the activity that are the same as those dealt with in the terms or conditions specified in the standard, the terms or conditions in the standard prevail.

(6) A national environmental standard that allows a resource consent to be granted for an activity—

(a) may state that the activity is—

(i) a controlled activity; or

(ii) a restricted discretionary activity; or

(iii) a discretionary activity; or

(iv) a non-complying activity; and

(b) may state the matters over which—

(i) control is reserved; or

(ii) discretion is restricted.

(7) A national environmental standard may specify the activities for which the consent authority—

(a) must give public notification of an application for a resource consent:

(b) is precluded from giving public notification of an application for a resource consent:

(c) is precluded from giving limited notification of an application for resource consent.

43B Relationship between national environmental standards and rules or consents

(1) A rule or resource consent that is more stringent than a national environmental standard prevails over the standard, if the standard expressly says that a rule or consent may be more stringent than it.

(2) For the purposes of subsection (1),—

(a) a rule is more stringent than a standard if it prohibits or restricts an activity that the standard permits or authorises:

(b) a resource consent is more stringent than a standard if it imposes conditions on an activity that the standard does not impose or authorise.

(3) A rule or resource consent may not be more lenient than a national environmental standard.

(4) For the purposes of subsection (3), a rule or resource consent is more lenient than a standard if it permits or authorises an activity that the standard prohibits or restricts.

44A Local authority recognition of national environmental standards

(1) Subsections (3) to (5) apply if a local authority's plan or proposed plan contains a rule that duplicates a provision in a national environmental standard.

(2) Subsections (3) to (5) apply if a local authority's plan or proposed plan contains a rule that conflicts with a provision in a national environmental standard. A rule conflicts with a provision if—

(a) both of the following apply:

(i) the rule is more stringent than the provision in that it prohibits or restricts an activity that the provision permits or authorises; and

(ii) the standard does not expressly say that a rule may be more stringent than it; or

(b) the rule is more lenient than the provision.

(3) If the duplication or conflict is dealt with in the national environmental standard in one of the ways described in section 43A(1)(e), the local authority must amend the plan or proposed plan to remove the duplication or conflict—
(a) without using the process in Schedule 1; and
(b) in accordance with the specification in the national environmental standard.
(4) If the duplication or conflict arises as described in section 43A(5)(c), the local authority must amend the plan or proposed plan to remove the duplication or conflict—
(a) without using the process in Schedule 1; and
(b) as soon as practicable after the date on which the standard comes into force.
(5) In every other case of duplication or conflict, the local authority must amend the plan or proposed plan to remove the duplication or conflict—
(a) without using the process in Schedule 1; and
(b) as soon as practicable after the date on which the standard comes into force.
(6) A local authority may amend a plan or proposed plan to include a reference to a national environmental standard—
(a) without using the process in Schedule 1; and
(b) after the date on which the standard comes into force.
(7) Every local authority and consent authority must observe national environmental standards.
(8) Every local authority and consent authority must enforce the observance of national environmental standards to the extent to which their powers enable them to do so.

9. National policy statements

Sections 45(1) and 55 deal with the purpose of national policy statements, and their relevance to the plan-making process.

Under the relevant provisions, the purpose of NPSs is to state objectives and policies for matters of national significance, relevant to achieving the purpose of the RMA.

The RMA determines that NPSs must be dealt with as follows during the plan-making process:

- If the NPS directs so, then a plan must be amended, without using the Schedule 1 process, to include the specific objectives and policies specified in a NPS or so that the objectives and policies in the plan give effect to the NPS;
- Otherwise and in all other respects, a plan must be amended, using the Schedule 1 process, to give effect to a NPS.
- All amendments required, must be made within the timescale specified in a NPS, or if none is specified then the changes must be made as soon as practicable.

The pertinent sections of the RMA are quoted below:

"45 Purpose of national policy statements (other than New Zealand coastal policy statements)
(1) The purpose of national policy statements is to state objectives and policies for matters of national significance that are relevant to achieving the purpose of this Act.

55 Local authority recognition of national policy statements

(1) In subsections (2) and (2A), document means—
(a) a regional policy statement; or
(b) a proposed regional policy statement; or
(c) a proposed plan; or
(d) a plan; or
(e) a variation.

(2) A local authority must amend a document, if a national policy statement directs so,—
(a) to include specific objectives and policies set out in the statement; or
(b) so that objectives and policies specified in the document give effect to objectives and policies specified in the statement.

(2A) The local authority must—
a) make the amendments referred to in subsection (2) without using the process in Schedule 1; and
(b) give public notice of the amendments within 5 working days after making them.

(2C) The local authority must make the amendments referred to in subsection (2B) using the process in Schedule 1.

(2D) In all cases, the local authority must make the amendments—
(a) as soon as practicable; or
(b) within the time specified in the national policy statement (if any); or
(c) before the occurrence of an event specified in the national policy statement (if any).

(3) A local authority must also take any other action that is specified in the national policy statement.

(4) A national policy statement may include transitional provisions for any matter, including its effect on existing matters or proceedings."

10. Section 32 evaluation

Section 32 RMA requires the Council, before a plan change is notified, to evaluate alternative options for dealing with the District's resource management issues.

Section 32(1) states:
"In achieving the purpose of this Act, before a proposed plan .... is publicly notified, an evaluation must be carried out by -
(c) the local authority".

The scope of the evaluation required, is described as follows in Section 32(3):
"*An evaluation must examine –*

(a) the extent to which each objective is the most appropriate way to achieve the purpose of this Act";

(b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives".

Section 32(4) sets out the matters that Council must take into account during its evaluation:
"*For the purposes of the examinations referred to in subsections (3)…., an evaluation must take into account –*

(a) the benefits and costs of policies, rules, or other methods; and

(b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods".

Part D: Relevant Planning Instruments

Part D: Relevant Planning Instruments

The relevant planning instruments that this plan change must give effect to, or must be consistent with, or must have regard to under the legislation outlined in the previous section of this report, are summarised below.

1. Planning instruments that must be given effect to

This plan change must give effect to the following national and regional planning instruments:

1.1 National Policy Statement on Electricity Transmission

The NPS-ET was gazetted on 13 March 2008 and came into force on 10 April 2008.

The matter of national significance to which this national policy statement applies, is the need to operate, maintain, develop and upgrade the electricity transmission network.

The NPS seeks to adequately provide for the vital role that the efficient transmission of electricity along the national grid plays, in determining the wellbeing of the people and the environment.

The more resilient, secure, and flexible the national grid is, the more efficiently and effectively it can perform its task. Perpetually re-litigating the importance of electricity transmission and focussing on local adverse impacts instead of balancing them with national benefits can cause unnecessary delays and potentially result in decisions that are not in the national interest. Hence, the need for a NPS to provide guidance on the weighting to be placed on competing issues.

The NPS was born out of awareness that high voltage electricity has special characteristics that present unique challenges for its management under the RMA, such as:

- Transporting electricity requires structures (towers/ poles, conductors, wires/ cables, substations and switching stations) that can create effects, even significant effects, at local, regional, and national scale.
- The transmission network is an extensive linear system that crosses numerous jurisdictions, thus requiring consistent policy and regulatory approaches by local authorities.
- Technical, operational and security requirements associated with the transmission network can limit the extent to which it is feasible to avoid or mitigate all adverse environmental effects.
- The operation, maintenance, and future development of the transmission network can be significantly constrained by the adverse environmental impact of third party activities and development.
- The adverse environmental effects of the transmission network are often local, while the benefits extend beyond the local, to the regional and national scale. Therefore, those exercising powers and functions under the RMA, must balance local, regional, and national effects (positive and negative), when making decisions.

- Ongoing investment will be required to meet the demand for electricity and the objective for a renewable energy future, therefore strategic planning to provide for transmission infrastructure is needed.

The NPS acknowledges the national significance of the national grid and seeks to ensure that there is balanced consideration of the national benefits, versus the local effects, of electricity transmission.

The NPS applies only to the national grid, being the high voltage transmission network owned and operated by Transpower that carries electricity around the country. It is made up of over 12,000 kilometres of high-voltage transmission lines and more than 170 substations. It connects power stations owned by power-generating companies, to substations that feed local electricity distribution networks. The NPS does not apply to the local distribution networks between the substations and consumers.

The majority of the national grid was constructed prior to the RMA and therefore has existing use rights. However, new development or upgrades are carried out under terms, rules or designations contained in district plans subsequently developed under the RMA. Prior to the NPS taking effect, there was no national policy position on the management of the national grid under the RMA.

Despite common environmental impacts, the treatment of similar electricity transmission activities within district plans varies significantly throughout the country. Because the national grid is an integrated network, delays at one locality can have implications on the wider network.

Against the above background, the NPS provides the high level policy framework that sets out the objective and policies for management of the national electricity transmission grid (while the NES, by comparison, sets out specific, detailed requirements for work on electricity transmission lines).

The objective of the NPS-ET 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.

The Objective is to be achieved by fourteen policies that seek to:
- Recognise the national benefits of transmission;
- Manage the environmental effects of transmission;
- Manage the adverse effects of third parties on the transmission network;
- Ensure that the electricity transmission network is identified on planning maps;
- Ensure long-term strategic planning of transmission assets.

The objective and policies are intended to guide decision-makers in drafting plan rules for transmission activities. The NPS requires that local authorities notify and process under the First Schedule to the Act, a plan change or review to give effect as appropriate to the provisions of this NPS and to provide for meaningful implementation through the district plan.

This plan review process is the earliest opportunity the Council has had to consider the implications of this national policy statement. The District Plan changes now proposed are intended to comply with the statutory requirement to give effect to the NPS-ET.

Case law has clarified that "giving effect" must be interpreted as a proactive term, indicating that some form of response is required to ensure that priority is given to the transmission network as a nationally significant resource. The word "facilitating" in the objective also implies a proactive response, by requiring local authorities to determine ways to aid or assist in the *"operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources"*, while managing adverse effects *of* and *on* the network.

Therefore, district plans must provide some form of specific recognition and provision for the transmission network in their district plan objectives, policies, methods and rules. If this response is part of a suite of provisions on infrastructure or network utilities, the transmission network should be specifically provided for.

1.2 National Policy Statement for Renewable Electricity Generation

The NPS-REG came into force on 13 May 2011.

The issue/matter of national significance that the NPS-REG addresses can be described as follows:

New Zealand's energy demand has been growing steadily and is forecast to continue to grow. The country must confront two major energy challenges as it meets growing energy demand:

- The first is to respond to the risks of climate change by reducing greenhouse gas emissions caused by the production and use of energy.
- The second is to deliver clean, secure, affordable energy while treating the environment responsibly.

The Country has abundant renewable energy resources, and development of more renewable energy generation is the key to meeting both the above challenges. However, the benefits of renewable energy generation are not adequately recognised in RMA decision-making. Also, in some instances the benefits can compete with matters of national importance (s6 RMA) and with matters to which decision-makers are required to have particular regard under section 7 of the Act.

In particular, the natural resources from which electricity is generated can coincide with areas of significant natural character, significant amenity values, historic heritage, outstanding natural features and landscapes, significant indigenous vegetation and significant habitats of indigenous fauna. There are also potential conflicts with the relationship of Maori with their taonga and the role of kaitiaki.

Often, the benefits of renewable energy manifest at the national level, while the adverse environmental effects tend to be felt at the local level.

The NPS seeks to:

- Provide national consistency in addressing the competing values associated with the development of renewable energy resources so as to provide greater certainty to decision-makers, applicants, and the wider community.

- Address the problem that renewable electricity generation is being unduly impeded by variable provisions in local plans and policies and changing attitudes to the environmental effects of development.
- Avoid increased consenting costs and resource consent conditions that reduce the efficiency of renewable generation thereby requiring further generation capacity to be built.

To summarise, the matters of national significance to which the NPS applies are:
- The need to develop, operate, maintain and upgrade renewable electricity generation activities throughout New Zealand; and
- To recognise the benefits of renewable electricity generation.

By addressing the above matters of national significance, the NPS is expected to lead to:
- Increased investment and planning certainty,
- The removal of undue regulatory barriers,
- Increased certainty for investors,
- Increased efficiency of decision-making processes,
- An increase in the development of renewable energy generation projects,
- Support for the outcomes sought through the Emissions Trading Scheme (ETS), and:
- Support for the Government's target for 90% of electricity to be obtained from renewable sources by 2025.

Electricity is of fundamental importance to the modern way of life. It is vital for a wide variety of social and economic activities (home, commerce and government). In many of its applications there are no other alternatives to its use.

Demand for electricity increases with population growth, rising incomes, and the development of new technologies. The electrical power infrastructure comprises three systems: generation, transmission, and distribution. The subject of this NPS is electricity generation and in particular electricity which is generated from renewable sources.

"Renewable electricity generation" is defined in the NPS to mean *"generation of electricity from solar, wind, hydro-electricity, geothermal, biomass, tidal, wave, or ocean current energy sources".*

The NPS does not apply to:
- The allocation and prioritisation of freshwater which are matters dealt with under a separate national policy statement; and:
- Demand-side management (e.g. actions that reduce the demand for new electricity generation activities).

The NPS seeks to drive a consistent approach to planning for renewable electricity generation in New Zealand by giving clear government direction on the benefits of renewable electricity generation and requiring all councils to make provision for it in their plans, as part of New Zealand's wider response to tackling climate change

The NPS sets out an objective and policies to enable the sustainable management of renewable electricity generation under the Resource Management Act 1991.

The objective of the NPS is:

To recognise the national significance of renewable electricity generation activities by providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities, such that the proportion of New Zealand's electricity generated from renewable energy sources increases to a level that meets or exceeds the New Zealand Government's national target for renewable electricity generation.

The objective is underpinned by a number of policies which deal with eight distinct topics, referenced A – H. The topics addressed by the policies are:

A. Recognising the benefits of renewable electricity generation activities.
B. Acknowledging the practical implications of achieving New Zealand's target for electricity generation from renewable resources.
C. Acknowledging the practical constraints associated with the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities.
D. Managing reverse sensitivity effects on renewable electricity generation activities.
E. Incorporating provisions for renewable electricity generation activities into regional policy statements and regional and district plans (including solar, biomass, tidal, wave, ocean current, hydro-electricity, wind, and geothermal resources).
F. Incorporating provisions for small and community-scale renewable electricity generation activities into regional policy statements and regional and district plans.
G. Enabling identification of renewable electricity generation possibilities.
H. Determining the timeline within which implementation is required.

The NPS is intended to provide national direction on the significance of renewable generation and how this should be reflected in resource management policy and plans. It does this by raising the status of renewable electricity generation to one of national significance when considering resource management proposals and by requiring changes to policy statements and plans.

The NPS-REG requires regional councils, unless they have already provided for renewable electricity generation activities, to give effect to its provisions by notifying changes to existing or proposed regional policy statements within 24 months of the date on which it took effect.

In the case of regional and district plans, proposed plans or variations, local authorities are required to give effect to its provisions by notifying changes within the following timeframes:

- 24 months of the date on which the NPS took effect where the regional policy statement or proposed regional policy statement already provides for the policies; or,
- where a change or variation to the regional policy statement or proposed regional policy statement is required, within 12 months of the date on which the change or variation becomes operative.

The implications of the NPS-REG have been considered during the preparation of this plan change. The proposed changes to the District Plan as detailed later in this report are intended to comply with Council's statutory obligation to give effect to the NPS-REG.

1.3 Hauraki Gulf Marine Park Act 2000 (HGMPA)

Matters of national significance and management objectives for the Hauraki Gulf are expressed in Sections 7 and 8 of the Hauraki Gulf Marine Park Act 2000 (HGMPA). Section 10(1) requires that Sections 7 and 8 be treated as a New Zealand Coastal Policy statement under the RMA while Section 9(5) determines that policy statements and plans be changed to give effect to Sections 7 and 8 as though they were a national policy statement.

Therefore, Section 7 and 8 of the HGMPA has the status of a national policy statement. The Act recognises the Gulf's national significance and establishes management objectives and mechanisms for protection and enhancement.

Under the HGMPA the Auckland Council, Waikato Regional Council, and a number of territorial authorities (including MPDC) are tasked with land-use management within the catchments of the Gulf.

In addition to the local authorities, a number of other Crown agencies such as the Departments of Conservation and Fisheries, and tangata whenua also have management responsibilities for the Gulf.

The HGMPA seeks to better integrate the management efforts of the different agencies which have jurisdiction over the Gulf.

By establishing overall objectives for the Gulf, its islands and catchments, the HGMPA seeks to achieve integrated management across land and sea, thereby ensuring that the effects of urban and rural land-use on the life supporting capacity of the Gulf is given proper attention during the decision-making process.

The provisions of the HGMPA apply to three distinct physical elements:
- The Gulf's coastal marine area,
- Its islands, and:
- The catchments which drain into the coastal marine area.

The catchments include a narrow strip along the eastern edge of the Auckland Region, the entire Coromandel Peninsula, and the expansive Hauraki Plains extending far inland to the south, incorporating the majority of the land under the jurisdiction of MPDC.

With the exception of a small area of land at its westernmost extent, the rest of the land under MPDC's jurisdiction is therefore subject to the provisions of the HGMPA.

The overall purpose of the HGMPA is to improve the environmental management of the Gulf, islands, and its catchments. It seeks to do this through better integration of the environmental management efforts of the numerous statutory authorities whose activities impact on the area. In addition, the HGMPA seeks to provide better recognition of the deeply rooted relationships which exist between tangata whenua and the Gulf.

The three main implementation mechanisms under the Act are:
- A set of common matters of national significance and management objectives to guide the decision-making of the various statutory agencies.
- The establishment of the Hauraki Gulf Forum.
- The creation of the Hauraki Gulf Marine Park.

The matters of national significance (Section 7) and the management objectives (Section 8) are of specific interest under the RMA, as these provisions have the status of a national policy statement.

Section 7 specifically recognises the Hauraki Gulf as having national significance. The section contains two elements:

- The first focuses on the concept of interrelationships. It specifically refers to the interrelationship between the Gulf's coastal marine area, the catchments which drain into that area, and the islands contained within it. It is not these natural elements in themselves which are identified as being of national significance, but the interrelationship between them. The legislation emphasises not the parts, but the linkages, thereby reflecting the overall integration thrust of the legislation. It signifies that management of the Gulf requires a focus on systems rather than on discrete elements.

- The second important concept in section 7 is that of *capacity*. The significance of the interrelationship between the elements of the Gulf is its ability to sustain *"the life-supporting capacity of the environment".* The *capacity* of the environment of the Gulf is based on its ecological health, because it is this health and productivity which provide many of the characteristics desired by people, such as:
    - Clean water to swim in,
    - Abundant seafood to harvest,
    - Natural landscapes to experience, and:
    - The spiritual well-being of tangata whenua.

Section 7 refers only to the life-supporting capacity of the coastal marine area and its islands, not the capacity of their catchments which are given significance primarily in terms of their interrelationship with the other areas. This indicates that management within mainland catchments is important under the HGMPA primarily in terms of its impact on the health and carrying capacity of the coastal marine area and islands rather than in terms of its impacts within the catchments themselves.

The text of Section 7 taken from the Act is quoted below:

7 Recognition of national significance of Hauraki Gulf
(1) The interrelationship between the Hauraki Gulf, its islands, and catchments and the ability of that interrelationship to sustain the life-supporting capacity of the environment of the Hauraki Gulf and its islands are matters of national significance.
(2) The life-supporting capacity of the environment of the Gulf and its islands includes the capacity—
(a) to provide for—
(i) the historic, traditional, cultural, and spiritual relationship of the tangata whenua of the Gulf with the Gulf and its islands; and
(ii) the social, economic, recreational, and cultural well-being of people and communities:
(b) to use the resources of the Gulf by the people and communities of the Gulf and New Zealand for economic activities and recreation:
(c) to maintain the soil, air, water, and ecosystems of the Gulf.

Section 8 sets out six management objectives which are designed to ensure that the national significance of the Gulf is recognised. They refer in the main to the protection (or maintenance) and *"where appropriate"* enhancement of the natural, historic and physical resources of the Gulf's coastal marine area, islands and catchments as well as of the associations which tangata whenua and communities have with them:

8 Management of Hauraki Gulf
To recognise the national significance of the Hauraki Gulf, its islands, and catchments, the objectives of the management of the Hauraki Gulf, its islands, and catchments are—
(a) the protection and, where appropriate, the enhancement of the life-supporting capacity of the environment of the Hauraki Gulf, its islands, and catchments:
(b) the protection and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments:

(c) the protection and, where appropriate, the enhancement of those natural, historic, and physical resources (including kaimoana) of the Hauraki Gulf, its islands, and catchments with which tangata whenua have an historic, traditional, cultural, and spiritual relationship:
(d) the protection of the cultural and historic associations of people and communities in and around the Hauraki Gulf with its natural, historic, and physical resources:
(e) the maintenance and, where appropriate, the enhancement of the contribution of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments to the social and economic well-being of the people and communities of the Hauraki Gulf and New Zealand:
(f) the maintenance and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments, which contribute to the recreation and enjoyment of the Hauraki Gulf for the people and communities of the Hauraki Gulf and New Zealand.

The range of matters addressed in Section 8, which include ecological, social, cultural and economic issues, highlights the tensions embedded in the HGMPA. There are potential conflicts between conservation and development, tangata whenua interests and those of others, and economic and recreational uses.

Although these tensions are very real, Section 8 of the HGMPA is interpreted and applied within the context of Section 7. As previously indicated, section 7 emphasises the importance of sustaining the life-supporting *'capacity'* of the Gulf's environment. It is sustaining this *'capacity'* of the Gulf to provide for a range of interests which should be the focus of environmental managers' efforts to implement the HGMPA, rather than how to allocate the Gulf's resources between competing users.

In the context of this plan change, the HGMPA is relevant in that consideration needs to be given to methods to reduce contaminants entering the Gulf's coastal marine area, for instance by:
- encouraging the use of 'green' stormwater infrastructure, and:
- ensuring new development will not overload existing infrastructure and lead to increased discharges of contaminants into the coastal marine area.

1.4 Operative Waikato Regional Policy Statement

The Waikato Regional Policy Statement (WRPS) became operative in October 2000 and contains a number of provisions that this plan change must give effect to. The relevant issues, objectives, policies and implementation methods are quoted below:

Achieving integrated management (Clause 2.2.2)

- ***Issue***
  Ad hoc decision-making has the potential to prevent integrated management of natural and physical resources.

- ***Objective***
  The integrated management of natural and physical resources in the Waikato Region achieved.

- ***Policy One- Natural and physical resources***
  When managing the use, development, and protection of natural and physical resources recognise and provide for:

- *The interconnected nature of all elements of the environment;*
- *The inter-relationships between natural and physical resources;*
- *The potential for adverse environmental effects to occur;*
- *The range of social, cultural and economic values within the Region.*

- ***Implementation Method 2***
  Encourage territorial authorities, when they are preparing district plans and processing resource consents, to give consideration to the matters listed in Policy One above.

River and lakes bed management (Clause 3.3.11)

- ***Issue***
  Some activities and natural processes can destabilise the beds and banks of rivers and lakes

- ***Objective***
  A net reduction in the adverse effects of the destabilisation of river and lake beds.

- ***Policy Three- Works and services***
  Where there are significant benefits, the integrity of existing works, services and projects will be maintained and new projects will be promoted.

- ***Implementation Method 1***
  Through regional plans, district plans, asset management plans, flood control plans, and guidelines protect existing works and maintain services that protect the beds and banks of rivers and lakes.

Efficient use of water (Clause 3.4.7)

- ***Issue***
  The water which can be taken from water bodies without producing significant adverse effects is finite. Inefficient use of that water may limit the ability of people and communities to provide for their needs.

- ***Objective***
  The efficient use of water that is available to be taken from water bodies.

- ***Implementation Method 3***
  Advocate the adoption of water conservation practices including the use of water saving devices, water metering, water recycling and the use of more efficient plant or manufacturing processes.

Greenhouse gases and climate change (Clause 3.6.4)

- ***Issue***
  The discharge of greenhouse gases has the potential to modify atmospheric processes and adversely affect the environment. Although this is a matter which requires management at a global level and Central Government has responsibilities in this area, the Waikato Region needs to determine an appropriate role.

- ***Objective***
  Greenhouse gases managed in a way that is not inconsistent with Central Government policy.

- ***Implementation Method 1***
  When undertaking regulatory functions (such as plan development and consent consideration) ensure that the following are considered:
  - *Government policy and;*
  - *In the absence of any policy in this area, the potential effects of greenhouse gases on natural and physical resources, and the impacts of climate change.*

- ***Implementation Method 3***
  Advocate for energy efficiency and energy conservation techniques that reduce the emission of greenhouse gases.

Efficient energy use (Clause 3.12.2)

- ***Issue***
  Inefficient energy production and use uses natural resources at a greater rate than is needed and results in unnecessary adverse effects on natural and physical resources.

- ***Objective***
  Efficient use of energy within the Waikato Region.

- ***Policy One - Energy efficiency and conservation***
  To promote efficiency and conservation in the production, transmission and consumption of energy.

- ***Implementation Method 1***
  Advocate, through community information and education, for the promotion of energy efficiency, conservation and the adoption of appropriate energy forms and technologies.

- ***Implementation Method 2***
  Encourage the use of alternative and renewable energy sources through community education.

Infrastructure (Clause 3.13.2)

- ***Issue***
  Infrastructure (including network utilities) enables people and communities to meet their social, economic and cultural needs and is therefore important to the Region. Inappropriate subdivision, use and development of land can result in conflicts and incompatibilities between activities which may significantly compromise the operation of regionally significant infrastructure.

- ***Objective***
  The continued operation of regionally significant infrastructure (including network utilities) maintained or enhanced.

- ***Policy One: Maintenance of infrastructure***
  Avoidance of significant adverse effects (including cumulative effects) on the safe and efficient operation of regionally significant infrastructure. Where significant adverse effects on regionally significant infrastructure cannot be avoided they shall be remedied or mitigated.

- ***Implementation Method 1***
  Through district or regional plans, resource consents and the Regional Land Transport Strategy, in consultation with territorial authorities, network operators, resource users and other interested parties, identify and enable the maintenance of regionally significant infrastructure.

2. Planning instruments that the plan must not be inconsistent with

The RMA determines that this plan change must not be inconsistent with the provisions of the following national and regional planning instruments:

2.1 National Environmental Standards for Electricity Transmission

The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NES-ET) came into effect on 14 January 2010.

The NES sets out a national framework of permissions and consent requirements for activities on existing electricity transmission lines. Activities include the operation, maintenance and upgrading of existing lines.

The NES:
- specifies the electricity transmission activities that are permitted subject to terms and conditions to ensure that these activities do not have significant adverse effects on the environment; and:
- specifies the resource consent requirements for electricity transmission activities that do not meet the terms and conditions for permitted activities.

The NES applies only to existing high voltage electricity transmission lines. It does not apply to the construction of new transmission lines, or to substations, or to electricity distribution lines (e.g. the lines carrying electricity from regional substations to electricity users).

The regulations apply to activities that relate to the operation, maintenance, upgrading, relocation, or removal of an existing transmission line, excluding:
- Construction or use of a bridge or culvert to access an existing transmission line;
- The storage, use, disposal or transportation of hazardous substances;
- Refueling of a vehicle or equipment;
- The use of land as a landing area for helicopters;
- Activities relating to electricity substations; or:
- Earthworks that are subject to a regional rule.

Noting that the NPS relates only to existing high voltage transmission lines, it determines that the following activities fall under the classifications indicated below:

Permitted activities
Under the NES, the following are permitted activities:
- Operation of transmission lines or use of access tracks.
- Conductors, earth-wires, overhead telecommunication cables/ devices, signs, and additions of overhead circuits (subject to conditions).
- Increasing voltage or current rating (subject to conditions).

- Support structures and blasting/ application of protective coatings (subject to conditions).
- Temporary structures and temporary line deviation (subject to conditions).
- Removing transmission lines (subject to conditions).
- Discharge of contaminants into water (subject to conditions).
- Trimming, felling and removing trees and vegetation (subject to conditions).
- Earthworks (subject to conditions).
- Construction noise and vibration (subject to conditions).

Controlled activities
The following are controlled activities under the NES:
- Under-grounding of transmission lines (subject to conditions).
- Support structures and blasting/application of protective coatings that do not meet the general permitted activity standards or that are termination structures for under-grounding.
- Temporary structures and temporary line deviation that do not meet permitted activity standards.
- Removing transmission lines/line deviations that do not meet permitted activity standards.
- Discharge of contaminants into water where permitted activity standards cannot be met.
- Trimming, felling and removing trees and vegetation where the permitted activity standards are not met.
- Earthworks where the permitted activity standards are not met or when in a historic heritage area or archaeological site or on a contaminated or potentially contaminated site.
- Construction noise and vibration where the permitted activity standards are not met.

Restricted-discretionary activities
The following are restricted-discretionary activities:
- Overhead conductors, earth-wires and circuits, signs, and telecommunication devices that do not meet the general permitted activity standards.
- Support structures and blasting/application of protective coatings that do not meet the controlled activity standards.
- Trimming, felling and removing trees and vegetation where the controlled activity standards are not met.

Discretionary activities
- An activity covered by the NES, not described as permitted, controlled, restricted discretionary, or non-complying, is a discretionary activity.

Non-complying activities
The following are non-complying activities:
- Conductors, earth-wires, circuits, increasing voltage or current rating, or under-grounding that do not meet the permitted activity standards for electric and magnetic fields.
- Support structures that fail to meet controlled activity standards or permitted activity standards for electric and magnetic fields.

Where resource consents are required, the NES specifies the matters to which control is reserved or discretion is restricted.

This plan change has included a review of the district plan provisions that apply to electricity transmission (predominantly Section 8 – Works and Network Utilities). The reviewed plan provisions that will be discussed in the next section of this report have eliminated the potential for conflict or duplication between the NES and the District Plan.

2.2 National Environmental Standards for Telecommunication Facilities

The Resource Management (National Environmental Standards for Telecommunications Facilities) Regulations 2008 (NES-TF) came into force on 9 October 2008.

The NES provide a nationally consistent planning framework for:
- radiofrequency fields associated with all telecommunication facilities; and
- low impact telecommunications infrastructure on road reserves.

The standards are intended to:
- Assist in network and equipment design and equipment sourcing;
- Reduce compliance costs and timeframes for service providers;
- Reduce the timeframes, and lower costs for the availability of new services to consumers;
- Reduced the workload of territorial authorities in processing and determining consent applications;
- Set an appropriate balance between local participation in community planning and cost effective national infrastructure investment.

The standards address:
- Radiofrequency fields emitted from antennas.
- The erection of roadside equipment cabinets.
- The addition of antennas to existing structures (such as light poles on roadsides or verges).
- Noise levels from roadside cabinets.

In essence, the standards determine:
- An activity (such as a mobile phone transmitter) that emits radio-frequency fields is a permitted activity provided it complies with the existing New Zealand Standard (NZS2772.1:1999 Radio-frequency Fields Part 1: Maximum Exposure Levels 3kHz-300GHz).
- The installation of telecommunications equipment cabinets along roads or in the road reserve is a permitted activity, subject to specified limitations on their size and location.
- Noise from telecommunications equipment cabinets located alongside roads or in the road reserve is a permitted activity, subject to specified noise limits.
- The installation of masts and antennas on existing structures alongside roads or in the road reserve is a permitted activity, subject to specified limitations to height and size.

The NES provide for the following classification of activities:

Permitted activities
- Radio-frequency fields associated with telecommunication facilitates (subject to conditions);
- Telecommunication facilities in road reserves (subject to conditions).

Controlled activities
- Telecommunication facilities in road reserves where the general permitted activity standards are not able to be met and the facility would have been permitted or controlled under the District Plan if the NES did not exist.

Restricted-discretionary activities
- Telecommunication facilities in road reserves where the general permitted activity standards are not able to be met and the facility would have been a restricted-discretionary activity under the District Plan if the NES did not exist.

Discretionary activities

- Telecommunication facilities in road reserves where the general permitted activity standards are not able to be met and the facility would have been a discretionary activity under the District Plan if the NES did not exist.

Non-complying activities

- In terms of radiofrequency fields, where a telecommunication facility does not qualify as a permitted activity, its status becomes non-complying.
- Telecommunication facilities in road reserves where the general permitted activity standards are not able to be met and the facility would have been a non-complying activity under the District Plan if the NES did not exist.

Prohibited activities

- Telecommunication facilities in road reserves where the general permitted activity standards are not able to be met and the facility would have been a prohibited activity under the District Plan if the NES did not exist.

For all other provisions in the regulations, where an activity does not qualify as a permitted activity, its activity status reverts to that outlined in the District Plan.

This plan change has included a review the district plan provisions that apply to telecommunication facilities (predominantly Section 8 – Works and Network Utilities). The reviewed plan provisions that will be discussed in the next section of this report have eliminated the potential for conflict or duplication between the NES and the District Plan.

2.3 Operative Waikato Regional Plan

The Waikato Regional Plan (WRP) became operative on 28 September 2007. Subsequently, there have been a number of variations to the WRP, all of which are now operative.

The WRP provides further policy direction, including rules, to give effect to the WRPS relating to matters within the scope of the WRC's functions under the RMA. As such, the WRP provides more detail regarding the management of the matters set out in Paragraph 1.4 above, and are not repeated here.

Of specific note is that the WRP contains rules regarding the management of rivers and lake beds, including:

- Disturbance of river and lake beds associated with the maintenance of lawfully established structures;
- Sand and gravel extraction;
- Planting of vegetation and tree layering on the beds and banks of rivers and lakes;
- Clearance of vegetation in, on or under the beds of rivers and lakes; and:
- Removal of obstructions from the beds of rivers and lakes.

The WRP provisions relating to the above activities are confined to management of matters within the scope of the functions of regional councils under the RMA. This plan review has proposed changes to the District Plan relating to the management of the WRC's flood control works. The provisions proposed to be included in the District Plan as will be discussed in the next section of this report, relate to the functions of territorial authorities under the RMA, and are not inconsistent with the WRP provisions for river and lake bed management.

3. Planning instruments that the plan change shall have regard to

During the preparation of this plan change, regard was given to the following planning instruments:

3.1 Proposed Waikato Regional Policy Statement (RPS)

The Waikato Regional Policy Statement is currently being reviewed. The review has reached the stage where Council has made its decisions (November 2012). Parts of the RPS are currently under appeal and therefore not yet operative.

The RPS has a strong focus on coordinated and integrated development and protection of the efficiency and effectiveness of regionally significant infrastructure. The relevant "issues", "objectives", "policies" and "methods" can be summarised as follows:

Issues

- ***Managing the Built Environment***
  Development of the built environment, transport and other infrastructure is impacting on our ability to sustainably manage natural and physical resources and provide for our wellbeing.

Objectives

- ***Built Environment***
  Development of the built environment (including transport and other infrastructure) and associated land-use occurs in an integrated, sustainable, and planned manner which provides for positive environmental, social, cultural, and economic outcomes.

Policies

- *Policy 6.1 Planned and coordinated development*
- *Policy 6.3 Coordinating growth and infrastructure*
- *Policy 6.6 Significant infrastructure and energy resources.*

Methods

- *Regional and district plans to include provisions to give effect to Policies 6.1, 6.3, and 6.6*

Also of note is the RPS's identification of the Region's significant transport infrastructure (see Map 6.1 on page 6-28 of the RPS).

This plan change has given significant regard to the RPS as will be discussed in more detail in the next section of this report. This is the case as RPS Implementation Method 4.1.1 requires amendments to district plans to give effect to the RPS, to be notified within two years of its operative date.

3.2 New Zealand Land Transport Strategy 2008

The vision of the New Zealand Land Transport Strategy (LTS) 2008 is:

"people and freight in New Zealand will have access to an affordable, integrated, safe, responsive, and sustainable transport system."

The vision is supported by five objectives:
- Ensuring environmental sustainability;
- Assisting economic development;
- Assisting safety and personal security;
- Improving access and mobility;
- Protecting and promoting public health.

3.3 NZTA's Planning Policy Manual 2007 (PPM)

The Planning Policy Manual for Integrated Planning and Development of State Highways 2007 (PPM) sets out NZTA's approach to achieving greater integration and is based on five themes:
- Achieving integration through partnership;
- Long term planning and funding;
- Balancing national and local needs and aspirations;
- Supporting sustainable development;
- Providing value for money.

The PPM explains NZTA's Integrated Management Policy and its implementation, including:
- Road hierarchy ;
- Scope of strategic studies, growth strategies and structure plans;
- Land use planning approaches;
- Suggested policies for regional and local development plans;
- Criteria for assessment of development proposals;
- Accessway standards and guidelines;
- Integrated transport assessment;
- Reverse sensitivity.

3.4 Waikato Regional Land Transport Strategy 2011 – 2041 (RLTS)

The Regional Land Transport Strategy (RLTS) similarly emphasises the need for integrated development. The "vision" and desired "outcomes" can be summarised as follows:

Vision
- An affordable, integrated, safe, responsive, and sustainable land transport system that enhances the environmental, economic, social, and cultural wellbeing of the population.

Outcomes
- An integrated transport system that supports economic activity and provides for efficient movement of people and goods;
- Safety and security across all modes of travel;
- An inclusive, accessible, and affordable transport system;
- A well-connected transport system that enables positive public health outcomes;
- An environmentally sustainable, resilient, and efficient transport system;
- An integrated multi-modal transport system supported by land-use planning, and enabled by collaborative planning and partnerships.

It is noted that the RLTS is consistent with and expands further on, the identification of the Regions significant transport corridors (see RLTS, Map 13, Page 81) as will be discussed in more detail in the next section of this report.

Part E: Section 32 Cost/Benefit Analysis

Part E: Section 32 Cost/Benefit Analysis

This section of the report provides a summary of the different regulatory options, costs and benefits considered during this plan review process, as required under s32 RMA.

1. Methodology

In broad terms, the purpose of the section 32 analysis is to ensure:

- That decision-makers have the necessary policy analysis on which to base their decisions;
- That the costs borne by individuals and the community are the least practicable, and consistent with achieving the purpose of the RMA; and:
- That the proposed plan provisions are necessary and more appropriate (efficient and effective) than the alternatives.

To achieve its purpose, a section 32 analysis must therefore evaluate:

- The extent to which each objective is the most appropriate way to achieve the purpose of the RMA;
- Whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives;
- The benefits and costs of policies, rules or other methods; and
- The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules and other methods.

This plan review followed the typical “cascade” or “top-down” approach to plan drafting, where:

- First, the “issues” were identified. “Issues” are the problems that the District Plan needs to resolve to promote the purpose of the RMA;
- Next, the “issues” were linked to “objectives”. “Objectives” are statements about what is to be achieved through the resolution of particular “issues”;
- Then “policies” were linked back to “objectives”. “Policies” are the courses of action to be pursued to achieve or implement the objectives.
- Finally, “methods” were identified and linked back to “policies”. “Methods” are the means by which “policies” are implemented and can be regulatory, or non-regulatory. Regulatory methods are known as “rules”.

Within the scope of the plan change as identified previously, the review identified six “issues” that the District Plan needs to address. The format of this section of the report is to address each of these “issues” individually by means of:

- A description of the issue and its significance in terms of promoting the purpose of the RMA;
- Identification of objectives that relate to each issue, and an evaluation of the appropriateness of the proposed objectives in terms of addressing the issues and thereby achieving the purpose of the RMA;
- Identification of appropriate policies and an evaluation of the efficiency and effectiveness of the policies in achieving the objectives; and:
- Cost/benefit analysis and description of alternatives by which the policies can be implemented.

2. Identification of issues

Currently, the District Plan identifies the following significant resource management issues relevant to this plan change:

- **Sustainable Management Strategy (Part A, Section 2.3)**
  - Controlling the adverse effects of activities

- **Works and network utilities (Part A, Section 3.7.1)**
  - The importance of the Piako and Waihou River drainage/flood control schemes in reducing the effects of flooding;
  - Recognising that works and network utilities are essential for the effective functioning of the community.

- **Transportation (Part A, Section 3.8.1)**
  - Ensuring the safe and efficient operation of the state highways and arterial routes;
  - Recognising that roads generate adverse effects on the adjacent environment, particularly noise;
  - Recognising that reliance on motor vehicle transport generates adverse amenity, environmental, and social effects.

Having regard to the statutory requirements and the policy instruments discussed earlier in this report, it was considered that the significant resource management issues currently identified in the District Plan, should be amended in two respects:

- Firstly, the issues relating to transportation and works/network utilities, while still relevant, should be expanded under the following broad headings:
  i. The safety and efficiency of our transport network;
  ii. Parking and loading; and:
  iii. Enabling infrastructure while avoiding, remedying, or mitigating adverse effects.

- Secondly, the new policy drivers discussed in the previous section of this report have highlighted the need for three new issues, relating to transportation and works/network utilities to be included in the District Plan, namely:
  iv. The integration of land-use with infrastructure;
  v. The protection of significant infrastructure networks; and:
  vi. Enabling the use of renewable energy generation.

The above mentioned six significant resource management issues provided the starting point for this plan review.

Each issue and the evaluation of its associated policy framework are discussed below:

3. Issue 1 – Integrating land use and infrastructure

3.1 Issue

It is proposed to include the following new significant resource management issue as paragraph 2.3.6, Part A of the District Plan:

Land use that is not integrated with infrastructure impacts on our ability to sustainably manage the natural and physical resources that are important for our social, economic, and cultural wellbeing.

3.2 Explanation

It is proposed to include the following explanation of the integration issue in paragraph 2.3.6, Part A of the District Plan:

The land within our District is used for a wide range of urban, rural, processing, recreational, and conservation activities, connected by infrastructure (which includes transportation networks). Some of these networks such as the significant road and rail corridors, electricity and gas transmission lines, telecommunication infrastructure, and flood protection works serve a local, as well as a more strategic national or regional function. Other networks such as our urban water, wastewater and stormwater systems serve solely the local townships.

Integrating the District's land-uses with infrastructure is a significant resource management issue that the District Plan must address. This is the case as land-use that is not integrated with infrastructure, impacts on our ability to sustainably manage the natural and physical resources that are important for our social, economic, and cultural wellbeing.

This means the District Plan must ensure that rezoning, new development, and expansion of existing development take place in a manner that does not compromise the operation, maintenance, upgrading or development of infrastructure networks and that:

- *There is sufficient capacity in the transport networks and that the networks have been designed for the purpose of carrying the type and volume of traffic that will be generated by new development; and:*
- *There is sufficient capacity in the other infrastructure networks to cope with the additional demand, or that the existing networks can be increased cost effectively.*

It also means, when we plan our future transport and other infrastructure networks, that we need to make sure that these networks are planned with sufficient capacity to cater for the demands that existing and future developments will place on them.

Integrating land use, transport and other infrastructure is an important issue because locating new development or allowing expansion where it will hinder strategic networks or where the networks have insufficient capacity, mean that we are not using our existing investment efficiently. It can result in significant expenditure by network providers to mitigate effects on incompatible development, or expose our Council to a liability to fund expensive new investment in infrastructure which could take years to recoup through development and/or financial contributions. It can also result in traffic congestion on roads that are under capacity with resulting delays and inefficiencies, or cause roads that were not planned to carry large traffic volumes and heavy vehicles, to deteriorate, adding to our maintenance bill.

The importance of integrated development was recognised in a recent change to the RMA which has added a new function to regional councils, making them responsible for ensuring the strategic integration of land use and infrastructure. To give effect to this new provision, the RPS requires that our District Plan addresses the issue of integration appropriately.

3.3 Objective

In order to address the integration issue, it is proposed to include the following new objective numbered 2.4.6, within the Sustainable Management Strategy table of the District Plan:

Integrating land-use and infrastructure
Land-use and infrastructure are planned in an integrated manner that:
a) Does not compromise the function, operation, maintenance, upgrading or development of infrastructure, including regionally significant infrastructure; and:
b) Recognises the need for the provision of infrastructure and subdivision, land-use and development to be co-ordinated; and:
c) Ensures the sustainable management of natural and physical resources while enabling people and communities to provide for their economic, social, and cultural wellbeing.

3.3.1 Does the objective address the issue?

The objective addresses Issue 1 by recognising that land-use and infrastructure are inextricably linked. Accordingly, decisions on land-use planning and the provision of local, regional and national infrastructure must be made in a coordinated and integrated way to ensure that:

- Growth and development is appropriately serviced;
- Unsustainable demands are not placed on infrastructure; and:
- Unintended consequences are avoided.

3.3.2 Does the objective achieve the purpose of the Act?

The objective achieves the purpose of the RMA in that integrated decision-making ensures that:

- Local, regional and national infrastructure can operate effectively thereby promoting the wellbeing, health, and safety of the community;
- Development can be serviced sustainably and in a manner that safeguards the life-supporting capacity of air, water, soil, and ecosystems; and:
- Adverse effects of infrastructure and development on natural and physical resources are avoided, remedied, or mitigated.

3.3.3 Is the objective reasonable and achievable?

It is considered that the objective is both reasonable and achievable because:

- The integrated management of the effects of the use, development, or protection of land and associated natural and physical resources is a function of territorial authorities under s31 RMA; and:
- In order to manage the effects of the use, development, or protection of land and associated natural and physical resources, it is vital that the linkages between land-use and the infrastructure required to serve the change in use be recognised.

3.3.4 What are the principal reasons for adopting the objective?

The principal reasons for adopting the objective are:

- It assists the Council in meeting its obligations under s31 RMA to establish objectives to achieve the integrated management of the effects of the use, development, or protection of land and associated natural and physical resources, by introducing a new provision that recognises the linkages between land-use and infrastructure.
- It gives effect to the RPS requirement for district plans to include provisions that provide for a long-term strategic approach to the integration of land use and infrastructure.

3.4 Policies and methods

It is proposed to introduce the following policies to implement the integration objective, within section 2.4.6 of the Sustainable Management Strategy table of the District Plan:

Policy P1
Rezoning, new development, and expansion/ intensification of existing development shall take place where:

a) The operation, maintenance, upgrading, or development of infrastructure, including regionally significant infrastructure, is not compromised;
b) There is sufficient capacity in the infrastructure networks to cope with the additional demand, or where the existing networks can be upgraded cost effectively to meet that demand; and:
c) The networks have been designed to carry the type of service including the type and volume of traffic required to support the development.

Policy P2
Land-use and infrastructure must be coordinated so that:

a) Development can be appropriately serviced by infrastructure in a cost-effective manner, and:
b) Land-use change does not result in adverse effects on the functioning of infrastructure networks; and:
c) Development does not adversely affect the efficiency and effectiveness of infrastructure networks

Policy P3
Subdivision and development which result in the uneconomic expansion of existing infrastructure shall be avoided.

Policy P4
The increased demand on infrastructure is managed by requiring subdivision and development to be co-ordinated with the provision of infrastructure and integrated with the transport network and the District's road hierarchy.

Policy P5
The role of sustainable design technologies such as rainwater harvesting, rain gardens and grey water recycling in reducing pressures on, and the cost of providing, maintaining, and upgrading infrastructure networks, is recognised.

It is proposed to include the following new and/or amended methods in the District Plan as the means by which the policies will be implemented:

3.5	Activities adjacent to transmission lines (all District Plan Zones)
3.6	Development adjacent to sub-transmission lines (all District Plan Zones)
3.8	Activities adjacent to publicly owned flood control works (all District Plan Zones)
3.9	Matamata airport height restrictions
5.2.9	Internal noise limits- railway lines and state highways
5.2.10	Matamata airport approach path
5.3	Vibration
(ii)	Buildings adjacent to railway lines and state highways
5.9.2	Performance outcomes
(i)	Integrating land-use and infrastructure
5.9.3	Non-compliance with performance standards/ outcomes
5.9.4	Integrating land-use with infrastructure- larger scale activities
6.1.3	Description of subdivision types
(ix)	Subdivision within a transmission line buffer corridor or within a 20m wide corridor either side of the centreline of a sub-transmission line: restricted-discretionary
6.1.1.11.	Subdivision with one or more new vacant developable lots • Within a transmission line buffer corridor; and/or: • Within 20m either side of the centreline of a sub-transmission line.
6.2	Performance standards
6.2.2	Infrastructure (including roading)
6.2.10	Protection of regionally significant infrastructure

The full text of the above rules is outlined in Appendix 1.

3.5 Effectiveness

The effectiveness of the proposed policy framework to address the integration of land-use with infrastructure is evident with reference to the following linkages between the objective, policies and methods:

Policy P1(a) determines that the course of action to achieve sub-clause (a) of the associated objective, and to partly achieve sub-clause (c) is to ensure that development and land-use change takes place where the functioning of infrastructure will not be compromised.

Policy P1(a), in turn, is implemented by Rules 3.5, 3.6, 3.8, 3.9, 5.2.9, 5.2.10, 5.9.2(i), 5.9.3, 5.9.4 and 6.1.3, 6.2.2. and 6.2.10 that require resource consent for development or subdivision capable of compromising the operation, maintenance, upgrading or development of:

- Transmission lines;
- Sub-transmission lines;
- Publicly owned flood control works;
- The Matamata airport;
- Railway lines; and:
- State highways.

In addition, the proposed advice note in Section 5.3(ii) of the District Plan, cautions owners and occupiers of the potential for vibration effects from the operation of state highways and railway lines.

Policy P1(b), P1(c), P2, P3, P4, and P5 set out the courses of action to achieve sub-clause (b) and partly achieve sub-clause (c) of the integration objective, by requiring development to take into account the function, capacity, design, costs, efficiency, effectiveness, timing, and sustainability of the infrastructure required to serve the change in land-use. These policies are, in turn, implemented by:

- Parts of performance standard 5.9.2(i) that require rezoning, subdivision, and development to be planned in a manner that will ensure that:
  - There is sufficient capacity in the infrastructure networks to cope with the additional demand, or that the existing networks can be increased cost-effectively;
  - Sustainable design technologies (as set out in the Development Manual) are being implemented;
  - Investment in existing infrastructure will be used efficiently;
  - The correlation between land-use and infrastructure is recognised;
  - Land-use and infrastructure are integrated (including in terms of the availability of funding, and the timing of the implementation of infrastructure to serve new development); and:
  - The potential for development to result in unintended consequences or unplanned effects on the functioning of infrastructure, is considered.
- Rule 5.9.3 and 6.2.2 require resource consents where the above performance standards are not being met; and
- Rule 5.9.4 requires resource consents for larger-scale activities, whereby specific consideration will be given to the integration of land-use with infrastructure.

3.6 Efficiency

The efficiency of the proposed policy framework will be evident with reference to the cost/benefit analysis below:

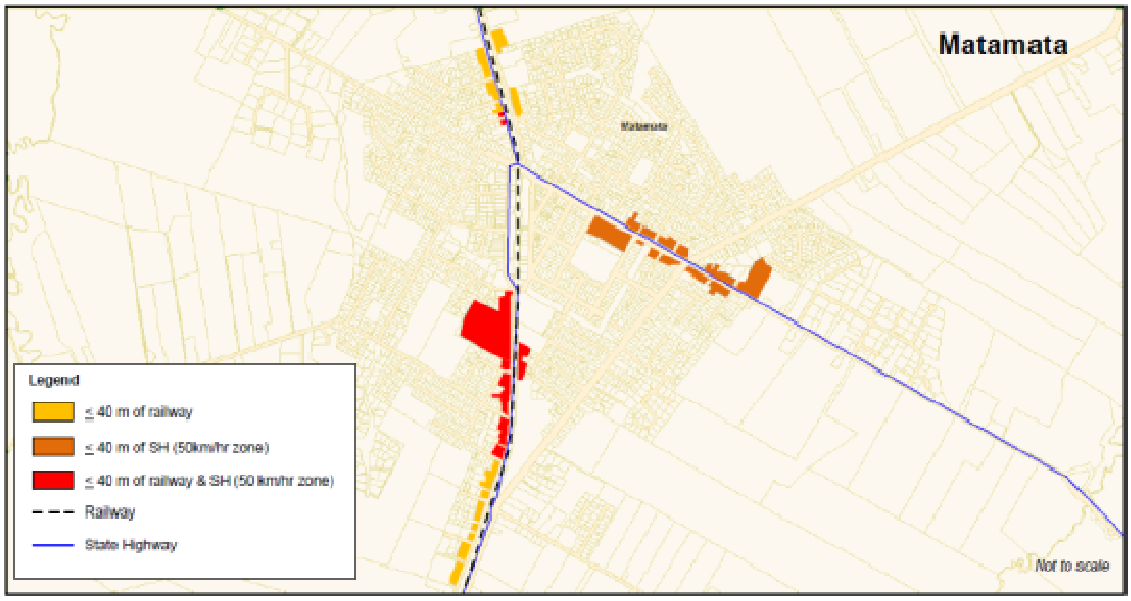
- **Benefits**
  The provisions aimed at ensuring the integration of land-use with infrastructure as described above, will result in the following benefits:
  - Existing infrastructure will be used efficiently and cost-effectively;
  - New infrastructure will be provided in a cost-effective manner;
  - The implementation of infrastructure required to serve development will be staged, and the funding planned for, in a coordinated manner;
  - Development will not compromise the functioning of the infrastructure necessary to support the wellbeing, health and safety of the community;
  - Development will use natural and physical resources sustainably;
  - Improved management of the adverse effects of development and infrastructure on natural and physical resources.

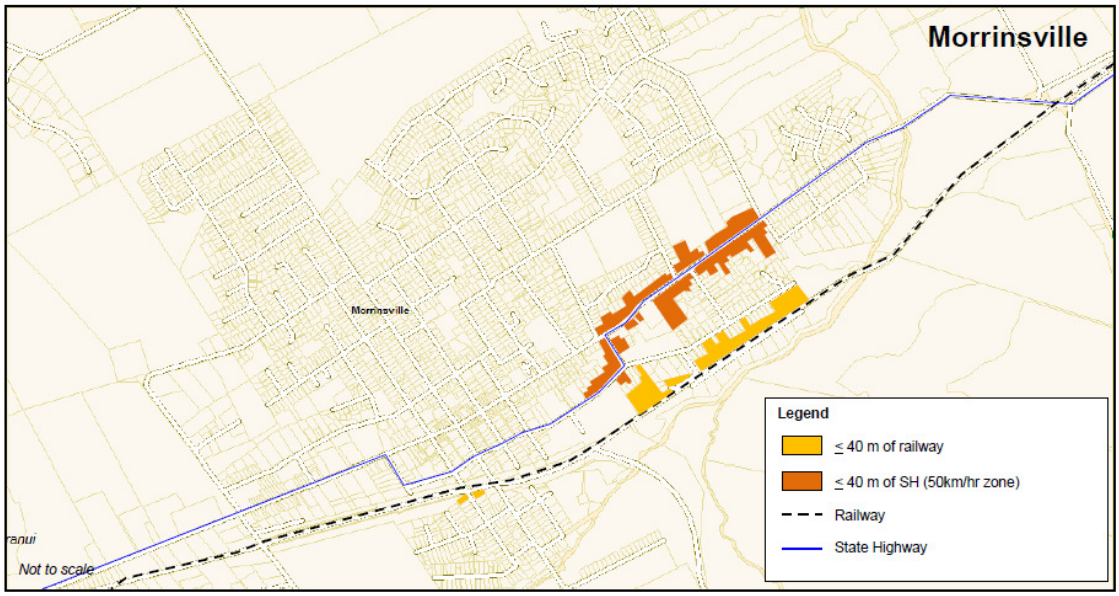
- **Costs**
  The integration provisions as described above, will give rise to the following costs:
  - Increased regulatory costs due to the requirement to obtain resource consents for a number of matters that are currently permitted activities under the operative District Plan.
  - Increased costs on land owners and developers to undertake additional assessments to confirm compliance with new performance standards, such as the code of practice for electrical safe distance.
  - Potential for loss of income and/or loss of property value due to the new setbacks and height restrictions on development adjacent to infrastructure networks, such as along electricity transmission lines. With regard to the transmission lines, it is noted

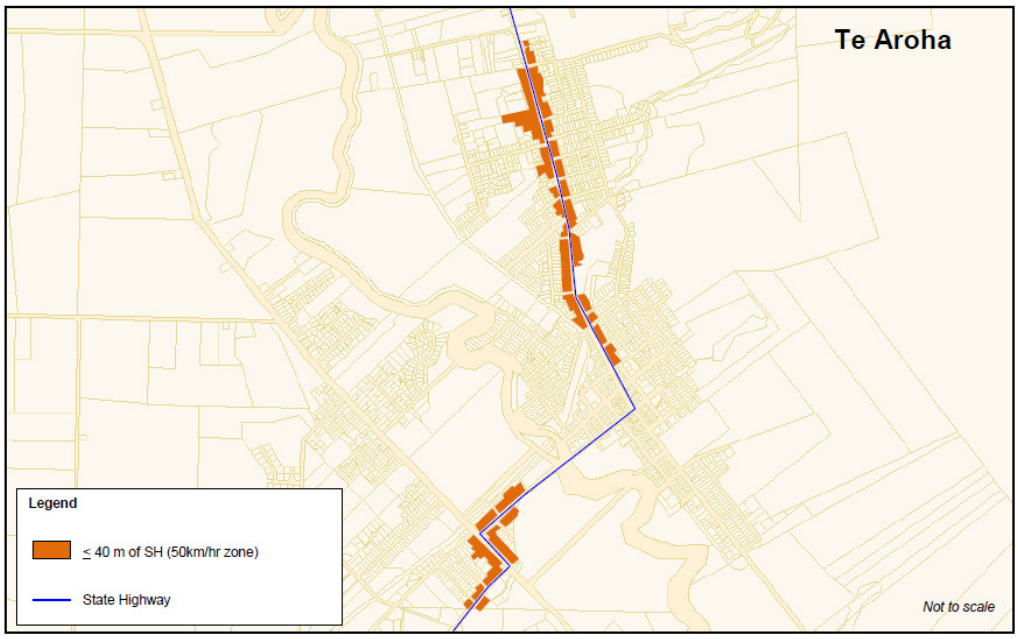
that the 400kV capable electricity transmission line from Whakamaru to Auckland has an adequate easement in place so that adjoining properties will not be affected by the new provisions. However, the new provisions will affect properties adjacent to the Hamilton – Waihou - Waikino and the Karapiro-Hinuera transmission lines shown on the diagram on page 23.

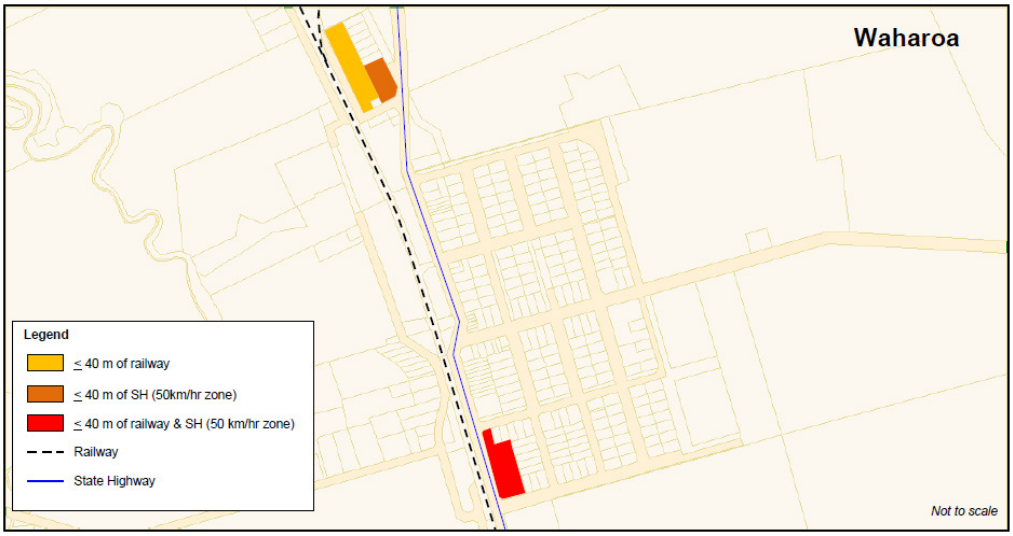
- Increased costs associated with the implementation of measures to avoid, remedy, or mitigate the potential reverse-sensitivity effects of development on infrastructure, such as the sound-proofing of structures used for noise-sensitive activities located adjacent to railway lines and state highways. In this regard, the diagrams below illustrate the adjacent properties within the urban areas (< 70km/h speed zone) that may be affected by the new requirements to sound-proof structures used for noise sensitive activities adjacent to the state highways and railway lines. However, it is noted that most of the properties are already developed so that the new requirements will apply only to additions or alterations.
- The potential for loss of development opportunities should the increased cost of regulation and mitigation impact on the viability of projects.

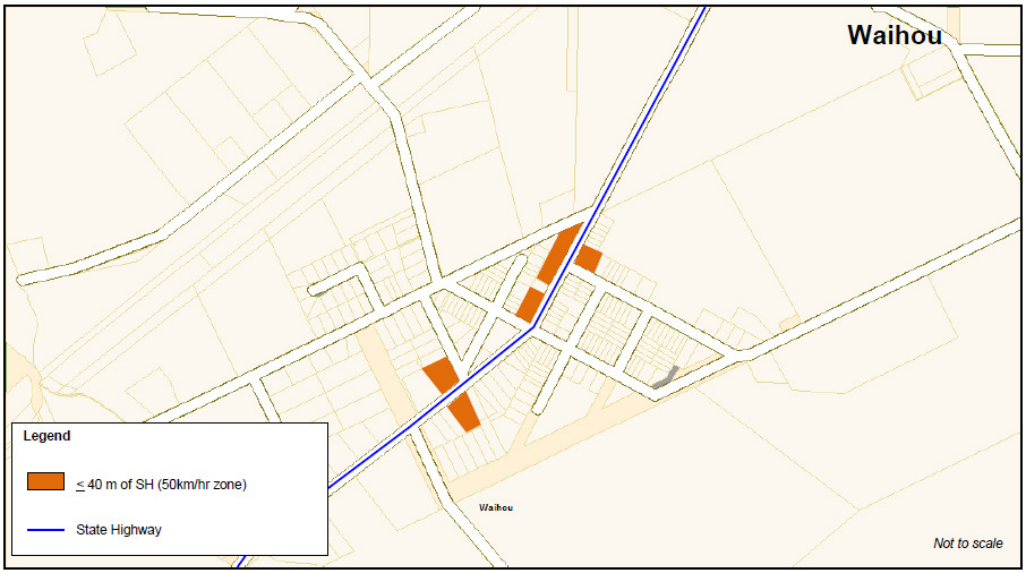
Urban properties affected by new provisions for noise sensitive activities






Te Aroha
Legend
≤ 40 m of SH (50km/hr zone)
State Highway
Not to scale


Waharoa
Legend
≤ 40 m of railway
≤ 40 m of SH (50km/hr zone)
≤ 40 m of railway & SH (50 km/hr zone)
Railway
State Highway
Not to scale


Waihou
Legend
≤ 40 m of SH (50km/hr zone)
State Highway
Waihou
Not to scale

3.7 Risk of acting/ not acting

The risk associated with implementing the policies and methods described above is that the economic wellbeing of the community could potentially be affected by loss of income and property value, and additional regulatory costs.

The risks associated with not implementing the policy framework described above are that:

- Development could compromise infrastructure thereby adversely affecting the wellbeing, health, and safety of the community that is dependent on those networks;
- Development that is not integrated with infrastructure can result in inefficiencies, with resulting cost implications for the community and the potential to adversely affect its wellbeing;
- Failure to recognise the linkages between land-use and infrastructure could result in unintended and unplanned effects such as induced growth, resulting in undesirable environmental outcomes;
- Development that exceeds infrastructure capacity can result in the unsustainable management of natural and physical resources such as depletion of water quantity and quality, and ecosystem degradation.

3.8 Options considered and summary of evaluation

During the drafting of the policy framework set out above, various options ranging from a more lenient, to a more stringent regulatory regime were considered.

These options included:

- Voluntary as opposed to regulatory methods regarding setbacks, height restrictions, and noise attenuation;
- Voluntary as opposed to regulatory methods regarding the integration of land-use with infrastructure; and:
- More stringent regulations regarding the attenuation of noise and vibration for development that occurs adjacent to state highways and railway lines.

It is considered that the recommended policy regime described above, is the most effective in achieving the associated objectives, most efficient in terms of cost/ benefit ratio, and with the least risk.

4. Issue 2 – Regionally significant infrastructure

4.1 Issue

It is proposed to include the following new significant resource management issue as paragraph 2.3.7, Part A of the District Plan:

Not enabling or protecting the operation, maintenance, upgrading, or development of regionally significant infrastructure networks, can adversely affect the economic and social wellbeing of national, regional and local communities.

4.2 Explanation

It is proposed to include the following explanation, relating to the above issue, as paragraph 2.3.7, Part A of the District Plan:

The significant infrastructure networks referred to previously that traverse the District comprise the significant road corridors (including the state highways), significant rail corridors, electricity transmission grid, telecommunication network, lifeline utilities, and flood protection assets. These networks are collectively known as "regionally significant infrastructure" and require a specific resource management response that recognises their strategic importance for the economic and social wellbeing of a much wider catchment that can encompass a region-wide area, or depending on their function, even the whole of the country. Therefore, not enabling or not protecting the operation, maintenance, upgrading or development of regionally significant infrastructure can adversely affect the economic and social wellbeing of national, regional, and local communities.

The maintenance, upgrading, and expansion of these networks often result in adverse local effects, while most of the benefits commonly accrue to the wider community. Therefore, we need to have a balanced approach to the management of regionally significant infrastructure that:

- *Recognises their wider significance and enables their efficient operation, maintenance, upgrading, and expansion so as to meet the needs of present and future generations; and:*
- *Recognises the operational and technical requirements, location and design constraints that apply to these infrastructure networks; while:*
- *Managing the adverse environmental effects of the networks on the local receiving environment, and the effects of other activities on the networks (i.e. reverse-sensitivity effects).*

The need to adopt such a balanced approach is required (in so far as the electricity transmission grid is concerned), under the NPS-ET. The RPS also requires district plans to recognise the importance of the other regionally significant infrastructure networks in a similar manner.

The RMA also mandates that our District Plan must not be in conflict with the following National Environmental Standards (NESs) that were gazetted after our District Plan first became operative:

- *The NES-ET that relates to activities associated with existing high voltage transmission lines; and:*

- *The NES-TF that provides a nationally consistent regulatory framework for radiofrequency fields associated with all telecommunication facilities, and for the development of low impact telecommunications infrastructure in road reserves.*

4.3 Objectives

In order to address the above issue, it is proposed to include the following new objectives, numbered 2.3.7, within the Sustainable Management Strategy table of the District Plan:

Regionally significant infrastructure

Objective O1: *The national, regional, and local benefits of regionally significant infrastructure are recognized and protected.*

Objective O2: *Operation, maintenance, upgrading, and development of regionally significant infrastructure is enabled, efficiency is promoted, and the asset is protected to promote the economic, social, and cultural wellbeing of national, regional and local communities, while avoiding, remedying or mitigating adverse effects on the environment to the greatest extent practicable.*

Objective O3: *Adverse effects including reverse-sensitivity effects, on regionally significant infrastructure are avoided, remedied, or mitigated*.

4.3.1 Do the objectives address the issue?

The objectives address the issue in the following ways:

- Objective O1:
  - Ensures that the benefits of regionally significant infrastructure are recognised during decision-making; and:
  - Acknowledges that regionally significant infrastructure benefits not just the local community, but can serve a much wider catchment or even the whole of the country.

- Objective O2 recognises that:
  - the wellbeing of the community depends on the efficient operation of regionally significant infrastructure;
  - regionally significant infrastructure can result in adverse effects; and:
  - regionally significant infrastructure needs to be managed in a balanced way that recognises its benefits, while avoiding adverse effects as far as practicable, after taking into account operational and technical constraints and design requirements.

- Objective O3 recognises that subdivision, land-use, and development can have adverse effects, including reverse-sensitivity effects on regionally significant infrastructure and that these effects need to be managed to ensure that the networks (and their contribution to the community's wellbeing) are not compromised.

4.3.2 Do the objectives achieve the purpose of the Act?

The objectives achieve the purpose of the RMA in that the operation, maintenance, upgrading, development, and efficiency of regionally significant infrastructure is enabled and protected, thereby contributing to the wellbeing, health, and safety of people and communities. The objectives also ensure that the adverse effects of regionally significant

infrastructure on natural and physical resources, including adverse effects on all life-supporting environments, are considered.

4.3.3 Are the objectives reasonable and achievable?

It is considered that the objectives are both reasonable and achievable because:

- In order to achieve the purpose of the Act, Section 7 determines that (amongst other matters), the use, development, and protection of natural and physical resources must be managed with particular regard to the efficient use and development of natural and physical resources. Regionally significant infrastructure is a strategic physical resource and its efficient use and development must therefore be given particular regard in the District Plan.

- The objectives relating to regionally significant infrastructure are closely aligned with the integrated management objectives discussed previously. This is the case as integrated management implies that subdivision, use and development must be integrated with all infrastructure, including regionally significant infrastructure. The proposed objectives provide further guidance on how regionally significant infrastructure specifically, must be integrated with subdivision, use and development to give recognition to its strategic role, wider benefits, and greater contribution to wellbeing. Therefore, the objectives assist Council in meeting its functions in regards to the integrated management of the effects of the use, development, or protection of land and associated natural and physical resources, under s31 RMA.

- Policy 6.6 of the RPS requires that the built environment be managed in a way that will ensure that the effectiveness and efficiency of existing and planned regionally significant infrastructure is protected and the benefits that can be gained from the development and use of regionally significant infrastructure and energy resources are recognised. The proposed District Plan objectives for the management of regionally significant infrastructure therefore give effect to the policy-direction signalled by the RPS.

- Under s55 RMA, the Council is required to amend its District Plan, to give effect to the objectives and policies specified in relevant national policy statements. The NPS-ET deals with the national electricity transmission grid, one of the District's regionally significant infrastructure networks. The policy statement was gazetted after the current District Plan became operative. Therefore, the RMA mandates that the District Plan provisions must be amended to give effect to the objectives and policies of the NPS-ET. Proposed Objectives 1, 2, and 3 will provide the overall framework within which more detailed policies and methods will be developed (see below), to give effect to the objective and policies of the NPS-ET as the Council is obliged to do under the RMA.

4.3.4 What are the principal reasons for adopting the objectives?

The principal reasons for adopting the objectives are that the provisions:

- Give particular regard to the efficient use and development of regionally significant infrastructure, in accordance with s7 RMA;
- Assist the Council in performing its integrated management functions under s31 RMA;
- Give regard to the policy-direction signalled by the RPS, as the Council is required to do under s74(2) RMA;
- Give effect to the NPS-ET as the Council is required to do under s75(3) RMA;

4.4 Policies and methods

It is proposed to introduce the following policies to implement the above objectives, within section 2.3.7 of the Sustainable Management Strategy table of the District Plan:

Policy P1
Enable the safe and efficient operation, maintenance, upgrading, and development of regionally significant infrastructure by recognising:
a) Operational requirements and technical constraints;
b) Location, route, and design constraints;
c) The complexity of infrastructure services and that infrastructure is generally managed as a connected network; and:
d) The benefits of regionally significant infrastructure to the wider community.

Policy P2
Require the development and upgrading of regionally significant infrastructure to avoid, remedy or mitigate adverse effects to the extent practicable on the:
a) Health, safety, and wellbeing of people;
b) Visual and amenity values;
c) Natural and physical environment;
d) Intrinsic values of scheduled sites, and:
e) Existing sensitive activities.

Policy P3
Substantial upgrades of regionally significant infrastructure should, where practicable, be used as an opportunity to reduce existing significant adverse effects such as by promoting co-siting of infrastructure.

Policy P4
Ensure that the provision of works and network utilities that cross jurisdictional boundaries can be managed in an integrated manner.

Policy P5
Prevent inappropriate subdivision, use and development that may compromise the efficient, affordable, secure, and reliable operation and capacity of regionally significant infrastructure.

Policy P6
As far as practicable, the location of regionally significant infrastructure is identified on the Planning Maps.

It is proposed to include the following new and/or amended methods in the District Plan, as the means by which the policies will be implemented:

3.5	Activities adjacent to transmission lines (all District Plan Zones)
3.6	Development adjacent to sub-transmission lines (all District Plan Zones)
3.7	Approach and restart sight triangles at railway level crossings (all District Plan Zones)
3.8	Activities adjacent to publicly owned flood control works (all District Plan Zones)
5.2.8	Noise standards for works and network utilities
5.2.9	Internal noise limits- railway lines and state highways
5.3	Vibration
(ii)	Buildings adjacent to railway lines and state highways
5.9.2	Performance outcomes

(i)	Integrating land-use and infrastructure
6.1.3	Description of subdivision types
6.1.1.11	Subdivision with one or more new vacant developable lots: • Within a transmission line buffer corridor; and/or: • Within 20m either side of the centreline of a sub-transmission line.
6.2.10	Protection of regionally significant infrastructure
8.1	Telecommunication
8.1.1	Activity table
8.1.2	Performance standards
8.1.3	Permitted activities
8.1.4	Restricted-discretionary activities
8.1.5	Discretionary activities
8.1.6	Non-complying activities
8.1.7	Matters of discretion/ assessment criteria
8.2	Electricity transmission and distribution activities
8.2.1	Activity table
8.2.2	Performance standards
8.2.3	Permitted activities
8.2.4	Restricted-discretionary activities
8.2.5	Discretionary activities
8.2.6	Non-complying activities
8.2.7	Matters of discretion/ assessment criteria
8.4	Liquid fuels and gas transmission and distribution
8.4.1	Activity table
8.4.2	Permitted activities
8.4.3	Restricted-discretionary activities
8.4.4	Discretionary activities
8.4.5	Matters of discretion/ discretionary assessment criteria
8.10	Matters of discretion/ discretionary assessment criteria/ guidance for non-complying activities applicable to Sections 8.1 – 8.5, and 8.8 - 8.9.
8.8	Flood control works
8.8.1	Activity table
8.8.2	Performance standards
8.8.3	Permitted activities
8.8.4	Discretionary activities
8.8.5	Discretionary assessment criteria

The full text of the above rules is outlined in Appendix 1.

4.5 Effectiveness

The effectiveness of the proposed policy framework to address the issue will be evident with reference to the following linkages between the relevant objectives, polices, and methods:

Policy P5 (prevent inappropriate subdivision, use and development that may compromise regionally significant infrastructure) and Policy P6 (regionally significant infrastructure is identified on the planning maps) determine the course of action to achieve Objective O3 (adverse effects on regionally significant infrastructure are avoided, remedied, or mitigated) and parts of Objective O2 (efficiency of regionally significant infrastructure is promoted and the asset is protected). Policy P6 is implemented by making changes to the planning maps to add the location of the electricity sub-transmission lines.

Policy P5 is implemented by Rules 3.5, 3.6, 3.7, 3.8, 5.2.9, 5.9.2(i), 5.3, 6.1.3, 6.1.1.11, 6.1.3(viii), and 6.2.10 that require resource consent for development or subdivision capable of compromising the operation, maintenance, upgrading or development of:

- Transmission lines;
- Sub-transmission lines;
- Publicly owned flood control works;
- Railway lines; and:
- State highways[7].

Policies P1, P2, P3, and P4 set out the courses of action to achieve Objectives O1 (recognising/ protecting benefits) and O2 (enabling operation while managing adverse effects to the extent practicable). These policies are, in turn, implemented by:

- Rule 8.1 concerning telecommunication facilities, and related Rules 5.2.8, and 8.10, that:
  - References, and avoids duplication of, and conflict with, the NES-TF (as required under s44A RMA);
  - Determines an activity status for telecommunication facilities that recognises their benefits to the wider community, contribution to wellbeing, operational requirements, technical constraints, cross-jurisdictional integration, and the need to avoid, remedy, or mitigate adverse effects to the extent practicable;
  - Rule 8.10 that determines appropriate assessment criteria that gives effect to the relevant policies, where resource consents are required for telecommunication facilities.

- Rule 8.2 concerning electricity transmission and distribution facilities, and related Rules 5.2.8, and 8.10, that:
  - References, and avoids duplication of and conflict with the NES-ET, as required under s44A RMA;
  - Determines an appropriate activity status for electricity transmission and distribution facilities in a manner that recognises the benefits to the wider community, contribution to wellbeing, operational requirements, technical constraints, cross-jurisdictional integration, the need to avoid, remedy, or mitigate adverse effects to the extent practicable, and that gives effect to the NPS-ET as required under s75 RMA;
  - Rule 8.10 that determines appropriate assessment criteria that gives effect to the relevant policies, where resource consents are required for electricity transmission and distribution facilities.
- Rule 8.4 concerning liquid fuels and gas transmission and distribution activities, and related Rules 5.2.8, and 8.10, that:
  - Determines an appropriate activity status for the gas transmission and distribution network in a manner that recognises the benefits to the wider community, contribution to wellbeing, operational requirements, technical constraints, cross-jurisdictional integration, and the need to avoid, remedy, or mitigate adverse effects to the extent practicable;
  - Rule 8.10 that determines appropriate assessment criteria that gives effect to the relevant proposed policies, where resource consents are required.

- Rule 8.8 concerning the Waihou/ Piako River flood control works, and related Rules 5.2.8, and 8.10, that:

[7] Given the linkage between integration of land-use with infrastructure and the protection of regionally significant infrastructure, many of these methods also implement the integration objectives and policies as described previously.

- Determines an appropriate activity status for the regionally significant flood control works in a manner that recognises the benefits to the wider community, contribution to wellbeing, operational requirements, technical constraints, cross-jurisdictional integration, and the need to avoid, remedy, or mitigate adverse effects to the extent practicable;
- Rule 8.10 that determines appropriate assessment criteria that gives effect to the relevant proposed policies, where resource consents for flood control works are required.

In respect of the District's significant transport corridors, the proposed objectives and policies for regionally significant infrastructure as discussed previously, are proposed to be implemented through a range of targeted transportation objectives, policies and methods that will be described later on in this Report.

4.6 Efficiency

The efficiency of the proposed policy framework will be evident with reference to the cost/benefit analysis below:

- **Benefits**
  The provisions aimed at enabling and protecting the District's regionally significant infrastructure, will result in the following benefits:
  - The national, regional, and local benefits of significant infrastructure will be recognised;
  - The operation, maintenance, upgrading and development of regionally significant infrastructure will be enabled;
  - The efficiency of regionally significant infrastructure will be promoted;
  - Regionally significant infrastructure assets will be protected;
  - The economic, social, and cultural wellbeing of national, regional, and local communities will be promoted;
  - The adverse effects of regionally significant infrastructure on the environment will be avoided, remedied, or mitigated to the greatest extent practicable.
  - Existing infrastructure will be used efficiently and cost-effectively;
  - Reduced regulatory costs where some regionally significant infrastructure activities that currently require resource consents, will become permitted activities;
  - Reduced regulatory costs for regionally significant infrastructure activities that require resource consents, due to increased clarity regarding the matters over which the plan has retained control for controlled activities, or reserved discretion for restricted-discretionary activities, or in respect of the assessment criteria that apply to discretionary and non-complying activities;
  - Reduced regulatory costs by limiting the number of regionally significant infrastructure activities that trigger non-complying activity status.

- **Costs**
  The provisions aimed at enabling and protecting the District's regionally significant infrastructure as described above, will give rise to the following costs:
  - Increased regulatory costs due to the requirement to obtain resource consents for a number of activities with potential for reverse-sensitivity effects on regionally significant infrastructure, that are currently permitted under the operative District Plan;

- Increased costs on land owners and developers to undertake additional assessments to confirm compliance with new performance standards aimed at enabling and protecting regionally significant infrastructure;
- Potential for loss of income and/or loss of property value due to the new setbacks and height restrictions on development adjacent to regionally significant infrastructure networks;
- Increased costs associated with the implementation of measures to avoid, remedy, or mitigate potential reverse-sensitivity effects of development on regionally significant infrastructure, such as the sound-proofing of structures used for noise-sensitive activities located adjacent to railway lines and state highways; and:
- The potential for loss of development opportunities should the increased cost of regulation and mitigation impact on the viability of projects.

4.7 Risk of acting/ not acting

The risks associated with implementing the policies and methods described above are:

- The economic wellbeing of the community could be adversely affected should the loss of income and property value, and additional regulatory costs prove to be significant;
- The quality of the environment and amenity values could be adversely affected should the policy-framework distort the balance between enabling regionally significant infrastructure (economic and social wellbeing), as opposed to avoiding, remedying, or mitigating adverse effects (environmental wellbeing).

The risks associated with not implementing the policy-framework described above, are:

- Subdivision, use, and development could compromise the functioning of regionally significant infrastructure thereby adversely affecting the economic, social, and cultural wellbeing of national, regional, and local communities;
- The economic, social, and cultural wellbeing of national, regional, and local communities could be adversely affected if:
    - the functioning of regionally significant infrastructure is not enabled and protected, and/or;
    - the benefits of regionally significant infrastructure are not recognised, and/or;
    - the correlation between functioning regionally significant infrastructure and the wellbeing of the community, is not understood.

4.8 Options considered and summary of evaluation

During the drafting of the policy framework set out above, the following options were considered:

- **Do Nothing:** One option is to continue to rely on the current District Plan provisions which already adopt a balanced approach to all infrastructure networks. This option was discarded on the grounds that the current policy-framework does not differentiate between the management of regionally significant, as opposed to local infrastructure networks. Consequently, the current policy-framework does not provide adequate recognition of the strategic role of significant infrastructure and the importance of these networks for the wellbeing of a much wider catchment, or even the whole of the country. Our current District Plan approach also falls short of our obligation to give effect to the NPS-ET and the policy-direction set by the RPS.

- **Non-regulatory methods:** A second option is to change the Plan by:
  - Including new voluntary methods aimed at encouraging people to protect significant networks, and to avoid activities that could affect their efficient functioning. Such methods could, for instance, include consultation with land owners and developers on the need to consider regionally significant infrastructure, and voluntary guidelines to protect the networks and to enable their functioning.

- **Targeted regulatory provisions:** A third option is to include new targeted objectives, policies, and rules, that recognise the strategic importance and benefits of regionally significant infrastructure, that to protect these networks, and that enable them to function efficiently.

- **Regulatory/ non-regulatory hybrid:** The preferred option is the recommended policy-framework described above. The recommended option is a hybrid of the regulatory and the non-regulatory approach, whereby:
  - New targeted objectives and policies are included in the District Plan;
  - New regulations are applied where activities can have significant effects on regionally significant infrastructure and where it is practicable to avoid, remedy, or mitigate such effects (for instance sound-proofing for noise-sensitive activities adjacent to state highways or railway lines);
  - Voluntary advice notes are recommended where activities have less significant effects on regionally significant infrastructure and mitigation measures are not practicable (for instance mitigating the effects of vibration from state highways or railway lines);
  - Regionally significant infrastructure is enabled and adverse effects avoided, remedied, or mitigated; by means of activity status classification, whereby:
    - Permitted status is applied to activities when the effects can be avoided, remedied, or mitigated through compulsory performance standards;
    - Controlled status is applied to activities when the effects can be anticipated with reasonable certainty, and avoided, remedied, or mitigated by retaining control over the matters that can influence the severity of the anticipated effects;
    - Restricted-discretionary activity status is applied to activities when the effects can be anticipated for most circumstances, and avoided, remedied, or mitigated by retaining discretion over the matters that can influence the severity of the effects;
    - Discretionary activity status is applied to activities when the effects are uncertain, but the criteria likely to require assessment to determine the severity of effects can reasonably be anticipated; and:
    - Given the benefits of regionally significant infrastructure and recognising that the adverse effects of not providing regionally significant infrastructure will usually outstrip the effects of providing the networks, limiting the use of the non-complying activity class.

It is considered that the recommended policy regime described above, is the most effective in achieving the associated objectives, most efficient in terms of cost/ benefit ratio, and with the least risk.

5. Issue 3 – Energy efficiency and renewable energy generation

5.1 Issue

It is proposed to include the following new significant resource management issue as paragraph 2.3.8, Part A of the District Plan:

Failure to use energy efficiently, and to enable the development, operation, maintenance and upgrading of new and existing renewable energy generation activities; impact on our ability to meet the growing energy demand in a sustainable manner.

5.2 Explanation

It is proposed to include the following explanation of the issue in paragraph 2.3.8, Part A of the District Plan:

An adequate, affordable, clean, secure, and reliable supply of energy, in the form of electricity, gas, and fuel, to heat our homes, power our schools, universities, businesses and industry, and keep our transport systems moving, is vital to the economy. New Zealand's energy demand has been growing steadily and is forecast to continue to grow. Our District Plan needs to respond to the challenges we face in meeting the energy demand.

Energy efficiency

The most effective way of stemming the growing demand is to use energy more efficiently, thereby ensuring that we consume the minimum amount necessary, for the maximum desired output. By making better use of energy and conserving energy, growth in the total demand necessary to satisfy the country's requirements is reduced. Reducing the growth in demand means that less energy is required, consequently:

- *Less of the resources required to generate energy is used up;*
- *Less transmission capacity is required to convey the energy from where it is generated to the end-user;*
- *With less energy generation and transmission capacity required, investment in new infrastructure can be delayed resulting in cost savings;*
- *Less of the adverse effects associated with the generation and transmission of energy is created; and:*
- *The risks of climate change are reduced, by reducing the greenhouse gas emissions caused by the production and use of energy.*

There are a number of ways to achieve efficient energy use, such as:

- *Energy conservation initiatives (unplugging devices when not used, energy efficient appliances, etc);*
- *Home insulation;*
- *Energy efficient heating;*
- *Solar water heating;*
- *Building orientation to allow passive heating and natural light penetration;*
- *Energy efficient building design;*
- *Compact town form (to reduce distances between work, schools, shops, and homes);*
- *Locating large energy users close to generation sites, to avoid transmission losses;*
- *Efficient, well connected road networks;*

- *Promoting energy efficient transport modes such as cycling, pedestrian movement and public transport; and:*
- *Reducing the energy used to produce goods, by minimising waste production and re-using waste materials.*

Some of these matters are outside the scope of the District Plan and are able to be addressed only through non-regulatory methods such as advocacy. Other methods, such as sun-orientation and road connectivity are already addressed in other parts of the District Plan.

Renewable energy

Even if energy efficiency targets can be met, there will still be a demand for new energy generation and transmission. The most sustainable way to meet the demand is to generate energy from our abundance of renewable resources such as solar, wind, or biomass. By generating energy from these renewable resources, the finite resources that are currently used such as coal and gas are not depleted, greenhouse gas emissions are reduced, and the associated risks of climate change mitigated.

However, the natural resources from which renewable electricity is generated can coincide with areas of significant natural character, significant amenity values, historic heritage, outstanding natural features and landscapes, significant indigenous vegetation and significant habitats of indigenous fauna. There are also potential conflicts with the relationship of Maori with their taonga and their role of kaitiaki. Often, the benefits of renewable energy manifest at the national level, while the adverse environmental effects tend to be felt at the local level.

Notwithstanding the resource management challenges that the generation of renewable energy present, the Government has set a target for 90% of electricity demand to be met from renewable sources by 2025. To encourage renewable electricity generation, the NPS-REG was gazetted in 2011.

The objective of the NPS-REG is to recognize the national significance of renewable electricity generation and to provide for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities. The objective is underpinned by a number of policies that, amongst others require, that provisions which enable renewable electricity generation activities, including small and community-scale renewable generation, be incorporated in all district plans. The RMA determines that our District Plan must give effect to the NPS-REG.

Having regard to the above discussion, a significant resource management issue that the District Plan must address, is that failure to use energy efficiently, and to enable the development, operation, maintenance and upgrading of new and existing renewable energy generation activities; impact on our ability to meet the growing energy demand in a sustainable manner.

5.3 Objective

In order to address the issue, it is proposed to include the following new objective, numbered 2.4.8, within the Sustainable Management Strategy table, of the District Plan:

Energy efficiency and renewable energy generation
Energy demand is met in a sustainable manner that:
a) Maximises the efficient use of energy; and:
b) Enables the operation, maintenance, upgrading, and development renewable energy generation activities and associated electricity transmission.

5.3.1 Does the objective address the issue?

The objective addresses the issue in that maximising the efficient use of energy, and enabling renewable energy generation activities and their connections to the electricity transmission network, will enable us to meet our energy demand in a sustainable manner, by:
- Reducing energy demand;
- Reducing the adverse effects associated with the generation of energy; and:
- Reducing the greenhouse gas emissions caused by the production and use of energy, thereby reducing the risks of climate change.

5.3.2 Does the objective achieve the purpose of the Act?

Seen within the context of the sustainability purpose of the RMA, renewable energy is a resource that can be used to provide for the economic and social wellbeing of people and communities and for their health and safety. The use of renewable resources to generate energy also implies that the ability of future generations to use these same resources to meet their needs, is not impacted.

However, harnessing the renewable energy resources has the potential to create adverse effects. Consequently, the resource-use needs to be managed in a way that avoids, remedies, or mitigates adverse effects, and safeguards the life-supporting capacity of air, water, soil, and ecosystems. Hence, the objective includes reference to meeting energy demand “in a sustainable manner”.

Section 6 RMA lists matters of national importance that are to be recognised and provided for in achieving the purpose of the RMA. The s6 matters of relevance are:
(b) the protection of outstanding natural features and landscapes from inappropriate use and development:
(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna: and:
(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

“Other matters” (s7 RMA) to which particular regard must be given in achieving the purpose of the Act are:
(a) kaitiakitanga;
(aa) the ethic of stewardship;
(b) the efficient use and development of natural and physical resources;
(ba) the efficiency of the end use of energy;
(c) the maintenance and enhancement of amenity values
(f) maintenance and enhancement of the quality of the environment;
(i) the effects of climate change; and:
(j) the benefits to be derived from the use and development of renewable energy.

The s6 matters, and s7(a), 7(aa), 7(b), 7(c), and 7(f) are already addressed through the current policy-framework covering these issues, included in various parts of the Operative District Plan. These provisions will also apply to management of the renewable energy resource.

The remaining matters, s7(ba), 7(i) and 7(j) are directly concerned with climate change and the management of energy resources to reduce the risks of climate change. These three matters were introduced into legislation through the Resource Management (Energy and Climate Change) Amendment Bill, passed in February 2004. The purpose of the amended 2004 legislation is to clarify that particular regard must be given to:

- the effects of climate change; and:
- the means of reducing the risks of climate change, namely:
  - the efficient use of energy; and:
  - the use and development of renewable energy.

The proposed objective addresses the management of energy use and the generation of renewable energy, as means of reducing the risks of climate change. The effects of climate change itself and the consequent resource management response by means of natural hazard, land-use and infrastructure planning, falls outside the scope of this plan change and will be addressed through a separate, subsequent part of the District Plan rolling review.

5.3.3 Is the objective reasonable and achievable?

It is considered that the objective is both reasonable and achievable because:

- In order to achieve the purpose of the Act, Section 7 determines that particular regard must be given to the efficiency of the end use of energy, and the benefits of using renewable energy. The objective addresses these s7 RMA matters in the manner as outlined above, and is therefore reasonable.

- Under s31 RMA, Council has a statutory responsibility to manage the effects of the use, development, or protection of the District's land and associated natural and physical resources. This responsibility includes the management of the effects of the use, development, or protection of the natural resources that can be harnessed to generate renewable energy, and the physical resources required to generate and transmit renewable energy. The objective is therefore reasonably required to enable the Council to fulfil its statutory functions under s31 RMA.

- Objective 3.4 of the RPS requires energy use, and electricity generation and transmission, to be managed in a way that maximises efficiency, recognises and provides for renewable electricity generation, reduces reliance on fossil fuels, and addresses adverse effects on natural and physical resources. Policy 6.5 requires that development should minimise transport energy demand and waste production, encourage beneficial re-use of waste materials, and promote the efficient use of energy. The proposed District Plan objective aligns with the policy-direction signalled by the RPS and therefore satisfies the requirement under s74(2) RMA. The objective will also create the "platform" to introduce new District Plan provisions that will give effect to the RPS, as will be required under s73 RMA once the RPS becomes operative.

- Under the RMA, the Council is required to amend its District Plan, to give effect to the objectives and policies specified in relevant national policy statements. The NPS-REG deals with renewable electricity generation. The policy statement was gazetted after the current District Plan became operative. Therefore, the RMA mandates that the District

Plan provisions must be amended to give effect to the objectives and policies of the NPS-REG. The proposed District Plan objective will provide the "platform" from which more detailed policies and methods will be developed (see below), to give effect to the objective and policies of the NPS-REG. Therefore, the objective is reasonable, as it enables the Council to fulfil its statutory responsibility under the RMA to give effect to the NPS-REG.

5.3.4 What are the principal reasons for adopting the objective?

The principal reasons for adopting the objective is that it provides the foundation upon which an appropriate policy-framework can be developed to assist the Council in:
- Achieving the sustainability purpose of the RMA (s5);
- Performing its integrated management functions under s31 RMA;
- Having regard to the policy-direction signalled by the RPS, as the Council is required to do under s74(2) RMA;
- Giving effect to the NPS-REG as the Council is required to do under s75(3) RMA;

5.4 Policies and methods

It is proposed to introduce the following policies to implement the objective, within section 2.3.8 of the Sustainable Management Strategy table of the District Plan:

Policy P1
The national significance of renewable energy generation activities (including their contribution to the national renewable electricity generation target), and the national, regional, and local benefits of these activities are recognised.

Policy P2
Investigation into, operation, maintenance, upgrading, and development of new and existing renewable energy generation activities (including small and community scale renewable electricity generation) and their connections to the electricity transmission grid are enabled while managing:
a) Significant adverse effects on the environment; and:
b) The potential for conflict with existing land uses/ natural and physical resources.

Policy P3
The practical constraints associated with the operation, maintenance, upgrading, and development of renewable electricity generation activities and associated electricity transmission are recognised.

Policy P4
Efficiency in the use of energy is encouraged as far as practicable having regard to:
a) The energy requirements of urban form, subdivision patterns, and site orientation;
b) The design, location and orientation of buildings;
c) Transport modes and patterns;
d) Use of energy saving technologies; and:
e) Waste recovery and re-use.

It is considered that the following existing, new, and/or amended methods in the District Plan, will enable the policies to be implemented:

1.4 Assessment criteria for restricted discretionary, discretionary and non-complying resource consent applications
1.4.19 Solid waste
5.9.2 Performance outcomes
(i) Integrating land-use and infrastructure
5.9.4 Integrating land-use with infrastructure- larger scale activities
6.2.1 Design Protocol and Crime Prevention through Environmental
8.3 Renewable energy generation activities
8.3.1 Activity table
8.3.2 Performance standards
8.3.3 Permitted activities
8.3.4 Restricted-discretionary activities
8.3.5 Discretionary activities
8.3.6 Non-complying activities
8.3.7 Matters of discretion/ assessment criteria
8.10 Matters of discretion/ discretionary assessment criteria/ guidance for non-complying activities applicable to Sections 8.1 – 8.5, and 8.8 - 8.9.

The full text of the above rules is outlined in Appendix 1.

5.5 Effectiveness

The proposed objective has two components, firstly to promote efficient use of energy and secondly, to promote the use of energy generated from renewable resources.

The proposed policy framework will be effective in addressing both components of the objective, in the following manner:

Policy P4 addresses the first part of the objective. The policy is implemented through the following existing and new District Plan rules and methods:

- Existing Section 1.4.19 of the Plan that provides, as an assessment criterion, consideration of the degree to which an operation applies waste reduction and/or waste minimisation techniques.
- New Section 5.9.2(i) (Performance Standards – Integrating land-use and infrastructure) – requires any application to demonstrate that the subdivision and/or development will promote the efficient use of energy, for instance through compact urban form, well-connected roads, provision for pedestrian paths and cycle ways, use of energy saving technologies, waste-reuse, and optimal sun orientation of sites and buildings.
- New Section 5.9.4 (Integrating land-use with infrastructure – larger-scale activities) – determines that larger scale activities requires restricted-discretionary resource consent whereby Council's discretion is restricted (amongst other matters) to whether the proposal promotes the efficient use of energy, for instance through compact urban form, well-connected roads, provision for pedestrian paths and cycle ways, use of energy saving technologies, waste-reuse, and optimal sun orientation of sites and buildings.
- Existing Section 6.2.1 of the Plan (Performance Standards) - requires all urban subdivisions to demonstrate that good quality urban design outcomes (in accordance with the NZ Urban Design Protocol and the Council's Urban Design Guidelines) will be achieved. The urban design requirements include reference to road connectivity, provision for pedestrian paths and cycle ways, compact urban form, and site and building orientation to maximise sun penetration.

Policies P1, P2, and P3 address the second part of the objective:

Policy P1 (recognition of the significance and benefits of renewable energy generation) is implemented through the following new Plan provisions:

- Section 5.9.2(i) (Performance Standards – Integrating land-use and infrastructure) – requires any application to demonstrate that the subdivision and/or development recognises the benefits of renewable energy generation, and that the subdivision and/or development does not compromise renewable energy generation sites;
- New Section 5.9.4 (Integrating land-use with infrastructure – larger-scale activities) – determines that larger scale activities requires restricted-discretionary resource consent whereby Council's discretion is restricted (amongst other matters) to whether the proposal recognises the benefits of renewable energy generation, and that the subdivision and/or development does not compromise renewable energy generation sites; and:
- Section 8.3.7 that provides for consideration of the national significance of renewable energy generation activities as matters to which the Council has restricted its discretion (for restricted-discretionary activities) / assessment criteria (for discretionary and non-complying applications).

Policy P2 (enabling renewable energy generation activities while managing adverse effects) are implemented through the following new Plan provisions:

- The Activity Table in Section 8.3.1 and Performance Standards in Section 8.3.2; and:
- The matters to which discretion is restricted, and the assessment criteria in Sections 8.3.3 – 8.3.7 and Section 8.10; and:
- Rule 8.3.5 that requires discretionary activity consent for any renewable energy generation activities that trigger a consent requirement under the existing Sections 10 (Natural environment and heritage), 11 (Natural hazards), or 12 (Surface of water) of the District Plan.

Policy P3 (recognising the practical constraints associated with renewable electricity generation activities) are implemented through Section 8.10 of the Plan that determines that the technical and operational constraints of the infrastructure be considered as one of the matters to which the Council has restricted its discretion/ discretionary assessment criteria/ guidance for assessment of non-complying applications for renewable energy generation activities.

5.6 Efficiency

The efficiency of the proposed policy framework will be evident with reference to cost/benefit analysis below:

- **Benefits**
  The proposed provisions relating to energy efficiency and the use of renewable energy will result in the following benefits:
  - The national significance of renewable energy generation activities will be recognised.
  - The national, regional, and local benefits of renewable energy generation activities will be recognised;
  - The investigation into, operation, maintenance, upgrading, and development of new and existing renewable energy generation activities and their connections to the electricity transmission grid will be enabled;
  - Small and community scale renewable energy generation activities will be enabled;

- Energy efficiency will be encouraged;
- By encouraging energy efficiency and carbon-neutral renewable energy generation, the emission of greenhouse gasses can be reduced;
- Reduction in greenhouse gas emissions will reduce the risks associated with climate change;
- The economic, social, and cultural wellbeing of national, regional, and local communities will be promoted;
- The adverse effects of renewable energy generation activities will be avoided, remedied, or mitigated to the extent practicable;
- Reduced regulatory costs given that renewable energy generation activities are not currently provided for under the District Plan and therefor trigger a non-complying consent requirement;
- Reduced regulatory costs due to increased clarity regarding the matters over which the Plan has reserved discretion for restricted-discretionary activities, or in respect of the assessment criteria that apply to discretionary and non-complying activities.

- **Costs**
  The proposed provisions relating to energy efficiency and the use of renewable energy will result in the following costs:
  - Increased regulatory costs due to the requirement to consider energy efficiency and the use renewable energy generation as a performance outcome when assessing resource consent applications;
  - Increased regulatory costs to obtain restricted-discretionary resource consent for larger-scale activities whereby applicants must demonstrate the use of energy efficiency technologies and renewable energy generation;
  - Increased regulatory costs due to the requirement to consider the potential impact of land-use, development, or subdivision on existing and future renewable energy generation site;
  - Increased costs on land owners and developers to undertake additional assessments to confirm compliance with new performance standards and outcomes relating to energy efficiency and renewable energy generation;
  - Increased costs on land owners and developers associated with the implementation of energy efficiency measures and the use of renewable energy generation technologies;
  - The potential for loss of development opportunities should the increased cost of regulation and implementation impact on the viability of projects.

5.7 Risk of acting/ not acting

The risks associated with implementing the policies and methods described above are:

- The economic wellbeing of the community could be adversely affected should the loss of income and property value and additional regulatory costs, prove to be significant;
- The quality of the environment and amenity values could be adversely affected should the policy-framework distort the balance between enabling renewable energy generation activities, as opposed to avoiding, remedying, or mitigating the adverse effects associated with generating and transmitting renewable energy.

The risks associated with not implementing the policy-framework described above, are:

- Failure to stem the growing energy demand and failure to divert energy generation to carbon-neutral methods, will result in an increase in greenhouse gas emissions and an increase in the risks of climate change, contrary to the purpose and principles of the

RMA and the economic, social, and cultural well-being of people and communities and their health and safety.

Consequently, it is considered that the risk of not acting, outweighs the risk of acting.

5.8 Options considered and summary of evaluation

During the drafting of the policy framework set out above, the following options were considered:

- **Do Nothing:** One option is not to change the current District Plan. This option was discarded on the grounds that the current policy-framework does not address energy efficiency and does not provide for renewable energy generation activities. Consequently, the current policy-framework does not:
    - achieve the purpose and principles of the RMA with regard to energy efficiency and the benefits to be derived from the use of renewable energy; and:
    - falls short of our obligation to have regard to the RPS and to give effect to the NPS-REG.

- **Non-regulatory methods, as opposed to regulation:** A second option is to change the Plan by including non-regulatory methods advocating for efficient energy use and encouraging the voluntary uptake of renewable energy generation technologies. This option was discarded on the grounds that it does not meet the Council's statutory obligations to ensure that the purpose and principles of the RMA are achieved, to give effect to the NPS-REG, and to have regard to the policy-direction signalled by the RPS.

- **Targeted regulatory provisions:** A third option is to include new targeted objectives, policies, and rules, to require energy efficiency and renewable energy generation to be implemented as a condition of any consent granted. This option was discarded on the grounds that the costs on developers would be significant, with a risk that new development could be stifled.

- **Regulatory/ non-regulatory hybrid:** The preferred option is the recommended policy-framework described above. The recommended option is a hybrid of the regulatory and the non-regulatory approach, whereby:
    - New targeted objectives and policies are included in the District Plan;
    - New regulations are applied, with a less onerous regime for small-scale, as opposed to larger-scale activities.

It is considered that the recommended policy framework is the most effective in achieving the associated objectives, most efficient in terms of cost/ benefit ratio, and with the least risk.

6. Issues 4/5 – Safety and efficiency of our transportation network/ parking and loading

6.1 Issue

It is proposed to include the following amended transportation issues under paragraph 3.8.1, Part A of the District Plan:

Our social, economic and cultural wellbeing is dependent on an integrated, safe and efficient transportation network that is environmentally sustainable and that considers the movement of both people and freight.

Inadequate off-street parking and loading can result in adverse effects on the safety and efficiency of the road network, yet parking and loading standards that are too onerous can stifle development and lead to inefficient use of land.

6.2 Explanation

It is proposed to include the following explanation of the transportation issues in paragraph 3.8.1, Part A of the District Plan:

A safe, efficient, and well-connected transport network that provides for all modes of transport is fundamental to ensure a successful, thriving community where people can interact with ease and where sections of the community are not left isolated. Along with connecting people, a safe and efficient transport network is necessary to underpin our economy, provide for the trading of goods and services, and sustain the agricultural activities on which we depend for our livelihood. In other words, our social, economic, and cultural wellbeing is dependent on an integrated, safe and efficient transportation network that is environmentally sustainable and that considers the movement of both people and freight.

The District's transport system includes road and rail networks, pedestrian and cycleways, public transport and the Matamata airport. There is currently no passenger rail transport service operating in our District. Opportunities for viable public transport services are also limited, given the rural nature of the District. With few other options available, passenger transport relies heavily on private motor vehicle use. Reliance on the motor vehicle generates adverse amenity, environmental and social effects such as traffic noise, air pollution, the discharge of greenhouse gasses and an unhealthy, inactive lifestyle.

Alternative active transportation modes,(cycling and walking) will have environmental, socio-economic, and health benefits and should be encouraged particularly in urban areas, for instance by providing cycleways and pedestrian paths that connect residential areas with schools and other community facilities.

Freight is important to deliver the raw materials necessary for production, and to transport the finished products to market. With continued economic growth, the freight transport task is ever-increasing. The freight task includes:

- *The transport of goods from remote destinations (such as coal, and timber), through the District, on-route to domestic markets or to the ports of Auckland and Tauranga;*
- *The transport of goods produced and/or processed in the District (such as milk or meat) to domestic markets, or to the ports for export.*
- *The transport of goods from the ports or domestic markets to the District, for use as inputs in local production such as stock feed or fertiliser.*

Road transport is by far the predominant mode whereby freight is moved to, from, and through the District. With rising oil prices and concerns regarding emission of greenhouse gasses, we are likely to see a modal shift from road, to rail transport. Even so, road transport will continue to carry the bulk of freight into the future.

Recent (2010) changes to land transport legislation now enable larger vehicles capable of carrying heavier loads, so-called "High Productivity Motor Vehicles" (HPMV) to be granted a route specific permit to travel on roads that have been determined to be able to accommodate the additional mass and/or length. While, to date, the Council has not granted any HPMV permits for District roads, the trend is that deliveries are increasingly being made by larger vehicles such as "B-Trains". The increased size of delivery vehicles needs to be considered when setting loading standards. However, loading requirements must be considered on a case-by-case basis taking into account the frequency of deliveries and the type of delivery vehicles most commonly used.

While the road transport of freight will remain dominant, rail transport will also see growth. Thus, to ensure safe and efficient transportation both the rail and road networks need to be considered.

Significant transport infrastructure

Our roads comprise a network of inter-regional and local roads. The inter-regional routes include state highways managed by NZTA and certain of our arterial roads managed by Council.

The state highways in our District include sections of:

- *State Highway 1, from the State Highway 29 intersection at Pairere, west for a short length of approximately 3 km;*
- *State Highway 29, from State Highway 1 at Pairere, to Tauranga via the Kaimais;*
- *State Highway 27 connecting Auckland with State Highway 1, via Matamata;*
- *State Highway 24 connecting State Highway 27 at Matamata, with State Highway 29 to Tauranga; and:*
- *State Highway 26 connecting Hamilton and Te Aroha, via Morrinsville.*

Significant arterial roads in the District are:

- *Tahuna-Ohinewai Road connecting State Highway 1 at Ohinewai, with State Highway 27;*
- *Paeroa-Tahuna Road connecting State Highway 27 at Tahuna, with State Highway 26 north of Te Aroha; and:*
- *Morrinsville-Tahuna Road, parallel with State Highway 27, connecting Morrinsville with Tahuna.*

The railway network in our District comprises:

- *The Kinleith Branch Railway and the East Coast Main Trunk Railway that passes through the District on-route to the Port of Tauranga, with freight stations at Waharoa and Morrinsville; and:*
- *The Waitoa Industrial Rail line, currently used only by Fonterra, connecting the Waitoa and Morrinsville dairy factories.*

The above mentioned network of inter-regional transport corridors serves a catchment much wider than just the District, providing access for freight and people to key destinations including major urban centres, ports, tourism locations, and employment centres. As such, these routes are vital to local, regional, and national prosperity and, given their strategic importance, form an integral part of the Region's "significant transport infrastructure" as identified in the RPS.

The RPS sets the overarching policy-framework within which these significant road and rail corridors are to be managed to ensure their primary function as inter-regional connectors are recognised, enabled, and protected. These corridors sit at the top of a hierarchy of transportation routes, and form the focus of the Region's policy aimed at ensuring a well-connected and integrated strategic transport network to meet the needs of passengers and freight into the future.

Policy 6.6 of the RPS specifically addresses this issue and requires that the built environment be managed in a manner to ensure that the effectiveness and efficiency of regionally significant infrastructure is protected and that regard is given to the local, regional, and national benefits that can be gained from the use of these important physical resources.

The RLTS is required to be aligned with, and form a key tool for implementing the RPS's transport objectives. The RLTS further refines the RPS policy-framework by distinguishing, within the RPS's "significant transport infrastructure" category, between nationally, regionally, and sub-regionally significant road corridors, and between nationally and regionally significant rail corridors. The RLTS identifies State Highway 29 as nationally significant, State Highways 27 and 24 as regionally significant, and State Highway 26, Morrinsville-Tahuna Road, Paeroa-Tahuna Road, and Tahuna-Ohinewai Road as sub-regionally significant. For the railway network, the RLTS identifies the East Coast Main Trunk Railway as nationally significant, and the Kinleith Branch Railway line as regionally significant.

In order to ensure the effectiveness and efficiency of the Region's significant transport infrastructure, the RPS and the RLTS focus on the need for an integrated approach to land-use and transport management as a key implementation method in avoiding adverse effects on these strategic corridors. For instance, ribbon development along main routes can slow traffic down, which in turn affects the efficiency of transport along these routes. Development that is not appropriately managed can also lead to undesirable and unsustainable outcomes.

For example, increased population density in proximity to main routes or railway lines increases exposure to noise and air pollution and can detrimentally affect the amenity values and function of the adjacent environment. Reverse-sensitivity effects can also arise whereby complaints from residents about noise and pollution can result in pressure to curtail movements on main routes and railway lines. In addition, main routes and railway lines form "barriers" that cannot be crossed easily and safely. Land-uses must therefore be planned in a manner that takes into account the location of these routes and minimises further community severance, while recognising that it is not possible to reverse the effects where these routes already traverse our towns.

The integration of land-use and infrastructure and the management of regionally significant infrastructure form part of the District Plan's sustainable management strategy, discussed earlier. The objectives and policies under Sections 2.3.6 and 2.3.7 of the Plan apply to all infrastructure networks, including transport infrastructure, and is not repeated here. However, there are a number of provisions that apply specifically to regionally significant transport infrastructure and its integration with land-use. These provisions aim to respond more directly to the RPS and RLTS policy-framework relating to significant transport infrastructure within the District, and are dealt with under this section of the Plan.

Local transport infrastructure

At a more localised scale, the integration of land use and transport needs to ensure that the pattern of land uses and the land transport system will provide a safe and efficient network for all road users. Development must be managed in a way that will ensure that the intensity

of land-use and the capacity of the transport networks are compatible and able to support each other.

To ensure an integrated, safe and efficient road network, routes must be classified according to their function and how much traffic they carry (i.e. local roads, collector roads, and arterial roads). Based on its classification in the road hierarchy, appropriate standards for pavement construction and design, vehicle access points, vehicle entrance formation, and sightlines, aimed at ensuring traffic safety and efficiency, must be set. Similarly, standards must be set to ensure that railway and stock crossings are safe and can operate in a manner that mitigates impacts on traffic efficiency.

Appropriate parking and loading standards must be set so as to avoid overspill of cars and delivery vehicles onto the road network with consequent adverse effects on traffic safety and efficiency. At the same time, parking and loading requirements must take into account the need to use land efficiently, and must avoid standards that are so onerous as to stifle development.

Parking and loading in the "core" (i.e. "shopping frontage") areas of the town centres of Morrinsville, Matamata, and Te Aroha present specific challenges. This is the case as these areas are valued for their historic character and pedestrian orientation. Requiring the same parking and loading standards in these environments will be contrary to the need to preserve their historic character and amenity values. Therefore, a balanced approach is required whereby adequate street and public parking must be provided in the town centres to ensure traffic safety and efficiency, while limiting the requirement for on-site parking in the "shopping frontage" areas. Similarly, loading in these parts of the town centres must be managed on a case-by-case basis that will mitigate the traffic safety and efficiency effects associated with loading from street frontages.

Land-use must also be planned in a manner that seeks to minimise transport energy demand, reduces reliance on fossil fuels and thereby, reduces greenhouse gas emissions. In order to do so, we must promote energy efficient urban form that reduces the demand for transport, coupled with a well-connected road network that minimises travel distances.

Our local transport network must also take into account demographic trends that point towards an ageing of our population meaning that we need to consider mobility transport such as wider footpaths to accommodate mobility scooters, and provision of mobility parking. In addition, community-based transport in the form of mini-busses that cater for the needs of the aged, infirm, and less-abled is important to ensure that the vulnerable sector of our community is not left isolated.

6.3 Objectives

In order to address the transportation issues, it is proposed to include the following existing, new, and/or amended objectives in the table at section 3.8.2, Part A of the District Plan:

Objective O1
The strategic importance of significant transport infrastructure is recognised.

Objective O2
A safe, efficient, integrated, and environmentally sustainable transport network that ensures our social, economic, and cultural wellbeing.

Objective O3
The avoidance, remediation or mitigation of the adverse effects of transportation.

Objective O4
To ensure that those activities that place demands on the roading network contribute fairly to any works considered necessary to meet those demands.

Objective O5
To protect residential amenity from the effects of excessive traffic generation and on-street parking on residential streets.

Objective O6
To maximise safety and convenience for pedestrians and vehicular traffic on all sites.

Objective O7
Provision for parking and loading is adequate to ensure the safety and efficiency of the road network, without stifling development or leading to inefficient use of land

Objective O8
To encourage the provision of alternative transportation networks where it is clearly demonstrated that the provision of such networks will positively benefit and enhance the environment and community which they serve.

6.3.1 Do the objectives address the issues?

The objectives address the issues in the following way:

- **Integrated transport network:** Objective O2 seeks to ensure that the transport system is integrated. Objective O1 recognises the strategic importance of the District's significant transport infrastructure. The objectives provide the foundation for a policy-framework that will deliver an integrated, hierarchical transport network that recognises the importance of regionally significant infrastructure as the highest order within the hierarchy.

- **Safe and efficient transport network:** Objective O2 seeks to ensure a safe and efficient transport system while objective O7 recognises that inadequate provision for parking and loading can adversely affect the safety and efficiency of the transport network. Objective O6 requires that the safety and convenience of both pedestrian and vehicular traffic be ensured. The objectives provide the platform for a policy-framework that:
    - enables the safety and efficiency of the transport network by setting appropriate standards for vehicle crossings for the different classes of road within the roading hierarchy,
    - ensures the safety of railway and stock crossings,
    - avoids, remedies, or mitigates the adverse effects of land-use, development and subdivision on the transport network;
    - maintain traffic safety by managing the location and design of signage;
    - ensures safe parking and loading areas; and:
    - requires adequate on-site parking and loading facilities so as to avoid traffic congestion on surrounding streets.

- **Sustainable transport network:** Objective O2 also seeks to ensure a sustainable transport network. A sustainable network implies that:
    - the adverse effects of transportation is avoided, remedied, or mitigated (Objective O3);
    - the reverse-sensitivity effects of other activities on the transport network is avoided, remedied, or mitigated;

- activities that place demands on the road network contribute to the cost of works required to meet those demands (Objective O4);
- residential amenity is protected from the effects of excessive traffic generation and the spill-over of parking onto residential streets (Objective O5);
- the provision of alternative transport networks is encouraged (Objective O8) including mobility transport; and:
- parking and loading standards take into account the need to ensure the efficient use of land (Objective O7).

- **A transport network that promotes the community's wellbeing:** Objective O2 seeks to ensure a transport network that promotes the economic, social, and cultural wellbeing of the community.

6.3.2 Do the objectives achieve the purpose of the Act?

The objectives achieve the purpose of the RMA in that the transport network will be managed in a way that ensures:

- The safety of those who use the network;
- The health of the community;
- The social, economic, and cultural wellbeing of the people and communities that depend on the transport system for the movement of people and freight;
- The efficient use of the network;
- That the adverse effects of the network are avoided, remedied, or mitigated.

6.3.3 Are the objectives reasonable and achievable?

It is considered that the objectives are both reasonable and achievable because:

- In order to achieve the purpose of the Act, Section 7 determines that (amongst other matters), particular regard must be given to the efficient use and development of natural and physical resources. The District's transport network is an important physical resource and its efficient use and development must therefore be given particular regard in the District Plan.

- The transport objectives are closely aligned with the integrated management objectives discussed previously. This is the case as integrated management implies that subdivision, use and development must be integrated with all infrastructure, including transport. The proposed objectives provide further guidance specifically on integrated management of the transport network. Therefore, the objectives assist Council in meeting its functions with regard to the integrated management of the effects of the use, development, or protection of land and associated natural and physical resources, under s31 RMA.

- Policy 6.6 of the RPS requires that the built environment be managed in a way that will ensure that the effectiveness and efficiency of existing and planned regionally significant infrastructure are protected and the benefits that can be gained from the development and use of regionally significant infrastructure are recognised. By recognising the strategic importance of the District's significant transport infrastructure, Objective O1 assists in giving effect to the policy-direction signalled by the RPS.

6.3.4 What are the principal reasons for adopting the objective?

The principle reasons for adopting the objectives are that the provisions:

- Give particular regard to the efficient use and development of the transport network, in accordance with s7 RMA;
- Assist the Council in performing its integrated management functions under s31 RMA; and:
- Give regard to the policy-direction signalled by the RPS, as the Council is required to do under s74(2) RMA;

6.4 Policies and methods

The objectives are proposed to be pursued through the following existing, altered, and new policies to be in included in the table at section 3.8.2, Pat A of the District Plan:

Policy P1
Subdivision, use and development shall be managed to recognise, enable, and protect:
a) The primary function of significant transport infrastructure as inter-regional connectors; and
b) The local, regional, and national benefits of significant transport infrastructure.

Policy P2
The District's road hierarchy shall recognise and manage significant road corridors as the highest order of road.

Policy P3
Subdivision, use and development shall enable a safe, integrated, efficient, and well-connected transport network that provides for all modes of passenger and freight transport in a manner that:
a) Ensures land-use and transport successfully interface with each other;
b) Manages the adverse environmental effects of the network, and the effects of other activities on the network (i.e. reverse-sensitivity effects);
c) Considers the transport needs of an ageing population; and:
d) Ensures route security across all modes of travel.

Policy P4
The road network shall be hierarchical, differentiating between roads according to their primary function thereby assisting in the planning and management of the network and surrounding land-uses.

Policy P5
To ensure that access points and intersections meet safe sightline and spacing standards for the class of road within the hierarchy and are formed to appropriate design standards.

Policy P6
To manage the location of subdivision and land use activities to avoid compromising road intersection and railway level crossing safety sightlines.

Policy P7
To ensure that the safety and efficiency of the state highways and district road networks are not compromised by proposed subdivision and/or development and the cumulative effect of subdivision and/or development.

Policy P8
To promote appropriate roading connections within and between land being subdivided to ensure our towns are well connected.

Policy P9
To implement noise abatement measures along State highways, District arterials, operational railway lines, and airports.

Policy P10
To ensure that traffic safety is maintained by carefully managing the location and design of any signs visible from state highway and District roads.

Policy P11
Subdivision, use and development shall be managed in a way that takes into account the planning and availability of funding for transport infrastructure.

Policy P12
To ensure that subdivision and development takes into account the existing and proposed capacity and design of the transportation networks and that any adverse effects are avoided, remedied or mitigated.

Policy P13
To manage unrelated through traffic on local roads to maintain and enhance the amenity values of the locality.

Policy P14
To require landscaping within the transportation facilities or corridors where appropriate.

Policy P15
To avoid dust and noise nuisance by requiring formation, sealing and screening of parking and loading areas and access ways in residential, business and Industrial zones and Kaitiaki (Conservation) zones that adjoin an urban area.

Policy P16
Parking and loading facilities must be designed to ensure safe manoeuvring of vehicles and safe movement of pedestrians and cyclists.

Policy P17
Outside "shopping frontage" areas, development shall provide adequate parking and loading facilities on-site, for foreseeable future needs.

Policy P18
Within "shopping frontage" areas in the town centres:
a) Provision for parking and loading shall avoid adverse effects on the safety and efficiency of the road network; while:
b) The requirement for on-site parking and loading must not unnecessarily constrain development, or result in development that is not in keeping with the character of the town centre.

Policy P19
To enhance the amenity value of the central business area of Te Aroha, Matamata, and Morrinsville by ensuring that such areas are not congested by service delivery activities and a lack of adequate parking.

Policy P20
To establish and maintain service lanes and public carparks which assist in reducing traffic congestion on surrounding streets.

Policy P21
To encourage alternative transport modes by making provision for cycleways and walkways.

Policy P22
To provide for the transportation needs of an ageing population and the mobility impaired.

Policy P23
To require the retention of all roads, including paper roads, where alternative public access to the District's rivers is not available.

The above policies are proposed to be implemented through the following existing, altered, and new methods and rules in Part B of the District Plan:

3.1	Residential zone
3.1.1	Building envelope
3.1.6	Siting of parking facilities
3.1.9	Access, parking, loading and manoeuvring
3.2	Rural and Rural-Residential zones
3.2.1	Building envelope
(iii)	Yards
3.2.4	Access, parking, loading and manoeuvring
3.3	Industrial zone and any site identified as a scheduled site with a Development Concept Plan
3.3.2	Building envelope (scheduled sites)
(ii)	Yards
3.3.3	Building envelope (non-scheduled sites)
(ii)	Front yards
3.3.7	Access, parking, loading and manoeuvring (scheduled and non-scheduled sites)
3.4	Business zone
3.4.1	Building envelope
(ii)	Yards
3.4.4	Access, parking, loading and manoeuvring
3.7	Approach and restart sight triangles at railway level crossings (all District Plan Zones)
3.9	Matamata airport height restrictions
3.5.2	General controls relating to signs
5.2.7	Airport noise
5.2.9	Internal noise limits- railway lines and state highways
5.2.10	Matamata airport approach path
5.3	Vibration
(ii)	Buildings adjacent to railway lines and state highways
5.9	Infrastructure and servicing
5.9.1	Performance standards
(iv)	Transportation
5.9.2	Performance outcomes
(i)	Integrating land-use and infrastructure
(v)	Transportation
5.9.3	Non-compliance with performance standards/ outcomes
(iv)	Transportation

5.9.4	Integrating land-use with infrastructure- larger scale activities
6	Subdivision
6.1	Activities
6.1.1	Activity Table
6.2	Performance standards
6.2.1	Design Protocol and Crime Prevention through Environmental Design
6.2.2	Infrastructure (including roading)
6.2.10	Rural zone
(i)	Roading access
6.3	Matters of control
6.3.1	Subdivision in the Rural zone
(iv)	Transportation
6.4	Matters of discretion
6.4.1	Subdivision in the Rural Zone
(vi)	Transportation, traffic and access
8.6	Transportation network
8.6.1	Activity table
8.6.2	Permitted activities
8.6.3	Controlled activities
8.6.4	Discretionary activities
8.6.5	Matters of control/ discretionary assessment criteria
8.7	Stock movements and stock crossings
8.7.1	Activity table
8.7.2	Performance standards
8.7.3	Permitted activities
8.7.4	Discretionary activities
8.7.5	Non-complying activities
8.7.6	Assessment criteria
9.	Transportation
9.1	Roading
9.1.1(i)	Description of roading hierarchy
(a), (b)	State highways and arterial roads
(c), (d)	Collector and local roads
9.1.2	Access
(ii)	Activity table
(iii)	Access to significant roads and arterial roads
(a)	Performance standards
(b)	Permitted activities
(c)	Controlled activities – arterial roads
(d)	Restricted-discretionary activities - significant roads
(e)	Discretionary activities (significant roads and arterial roads)
(iv)	Access to collector and local roads
(a)	Performance standards
(b)	Permitted activities
(c)	Controlled activities
(d)	Restricted-discretionary activities
(v)	New roads, private ways and access legs
(a)	Performance standards
(b)	Permitted activities
(c)	Restricted-discretionary activities
(vi)	Access for seasonal rural activities (all roads)
(a)	Performance standards
(b)	Permitted activities
(c)	Controlled activities

(d) Restricted-discretionary activities
(vii) Access to properties with frontage to “Specified Shopping Frontage”
(a) Performance standard
(b) Restricted-discretionary activity
(viii) General access standards (all roads)
(ix) Garages and carports
(x) Pedestrian, mobility, and cycle transport
9.1.3 On-site loading
(i) Specified shopping frontage
(ii) Outside specified shopping frontage or within specified shopping frontage where the Floor Area Ratio (FAR) exceeds 1.
(iii) Non-compliance with loading requirement – restricted-discretionary activity
9.1.4 On-Site parking
(i) Specified shopping frontage
(ii) Outside specified shopping frontage or within specified shopping frontage where the Floor Area Ratio (FAR) exceeds 1.
(iii) Non-compliance with parking requirement – restricted-discretionary activity
(9.1.5) General parking, loading and formation standards
(i) Location of parking and loading areas
(ii) Access, parking and loading areas
(iii) Stacked parking
(iv) Reverse manoeuvring
(v) Non-compliance with general parking, loading and formation standards – discretionary activity
9.2.1 Separation between site access and public railway level crossings
(i) Permitted activities
(ii) Restricted-discretionary activities
9.2.2 Private railway crossings
(i) Permitted activities
(ii) Restricted-discretionary activities

6.5 Effectiveness

The policies and methods set out above address the transport issues in the following way:

6.5.1 Integrated transport network

Policies P1, P2, and P4 determine the courses of action to ensure an integrated transport network that recognises the strategic importance of the significant infrastructure located within the District, by:

- Requiring the road network to be hierarchical, differentiating between roads according to their primary function (P4);
- Recognising and managing the significant road corridors as the highest order of road (P2);
- Managing subdivision use and development in a way that recognises, enables, and protects the primary function of significant transport infrastructure as inter-regional connectors.

The above mentioned policies will be implemented by the following existing, new, and altered methods:

- Rule 5.2.9 Internal noise limits: railway lines and state highways – protects the operation of the state highways and railway corridors from reverse-sensitivity effects;
- Method 5.3 Vibration: buildings adjacent to railway lines and state highways – cautions developers on the vibration effects along state highways and railway lines as a further method to protect these significant transport assets from reverse-sensitivity effects;
- Rule 5.9.2, 5.9.3, and 5.9.4 Performance outcomes (subdivision and development)- require resource consent for applications that result in adverse effects on significant transport corridors and larger-scale applications that have the ability to adversely affect the significant transport infrastructure;
- Rules 9.1.1 and 9.1.2 that determine a hierarchy for the District's roads which recognise the significant road corridors as the highest order road within the hierarchy;
- Rule 9.1.2(iii) and (vi) that manage access to significant roads in a way that recognise, enable, and protect their primary function as inter-regional connectors.

6.5.2 Safe and efficient transport network

Policies P3, P5, P6, P10, P16, P17, and P18 determine the courses of action to ensure a safe and efficient transport network, by:

- Ensuring that land-use and transport interface successfully (P3);
- Maintaining safe sightline and spacing standards at intersections and vehicle crossings, appropriate to the class of road within the hierarchy (P5);
- Managing land use and subdivision to avoid compromising road intersection and railway crossing safety sightlines (P6);
- Ensuring that the safety and efficiency of the road network are not compromised by subdivision and/or development (P7);
- Ensuring that traffic safety is maintained by managing the location and design of signs visible from the road network (P10);
- Ensuring that parking and loading facilities maintain safe manoeuvring of vehicles and safe movement of pedestrians and cyclists (P16);
- Providing adequate on-site parking and loading facilities on sites outside the "shopping frontage" areas (P17); and:
- Providing adequate parking and loading facilities within the "shopping frontage" areas so as to avoid adverse traffic safety and efficiency effects, without unnecessarily constraining development (P18);
- Enhancing the amenity values of Te Aroha, Matamata, and Morrinsville's town centres by ensuring that the areas are not congested by service delivery vehicles and lack of adequate parking.

The above mentioned policies will be implemented by the following existing, new, and altered methods:

- The amended location, sightline, spacing, design and formation standards for access, parking, loading, and manoeuvring in Section 3 of the Development Manual;
- The development controls in Rule 3.1.9 (Residential Zone), Rule 3.2.4 (Rural and Rural-Residential Zones), Rule 3.3.7 (Industrial Zone) and Rule 3.4.4 (Business Zone) that require provision for access, parking, loading, and manoeuvring in accordance with the transportation standards (Section 9 of the District Plan) and the Development Manual.
- Rule 3.7 that requires development to maintain approach and restart sight triangles at railway crossings (in accordance with the standards in the Development Manual);
- Rule 3.9 that requires development adjacent to the Matamata airport to comply with height restrictions so as to avoid adverse safety and efficiency effects on air transport;
- Rule 3.5.2 that enables Council to relocate or modify signs that will detrimentally affect traffic safety;

- The performance standard in Rule 5.9.1(iv) that requires subdivision and development to comply with the transportation standards in Section 9;
- Rule 5.9.2(iv) that requires the width, structure, and formation of any road to be commensurate with its hierarchy and sufficient to accommodate the volume and type of traffic likely to use it, in a safe and efficient manner;
- The requirement in Rule 5.9.4 for larger-scale activities to demonstrate, through restricted-discretionary resource consent, that the proposed subdivision, land-use and development integrate with transport;
- The performance standards in Rule 6.2.2 and 6.2.10 that require subdivisions to comply with the transportation standards in Section 9 and the performance standards/ outcomes for transportation in Sections 5.9.1 and 5.9.2;
- The matters of control/ discretion in Rules 6.3.1 and 6.4.1 that include assessment of the traffic safety and efficiency effects of applications for subdivision;
- The rules relating to the operation of existing roads, and development of new roads in Section 8.6, that retain control/ discretion over the transportation standards in Section 9 of the Plan;
- The rules relating to stock movements and stock crossings in Section 8.7, that retain control/ discretion over matters relating to traffic safety and efficiency;
- The access standards in Rule 9.1.2(iii) and (iv) that require vehicle crossings to meet the safe sightlines, separation distances, and formation standards for the different road classes (as set out in the Development Manual) and that retains control/ discretion over matters relating to traffic safety and efficiency when assessing applications for resource consent to depart from the standards;
- The standards in Rule 9.1.2(v) that require new roads, private ways, and access legs to comply with minimum reserve widths and the design and construction standards in the Development Manual;
- Rule 9.1.2(vi) that contains appropriate methods to manage adverse effects of seasonal rural activities on traffic safety and efficiency;
- Rule 9.1.2(vii) that contains methods to limit vehicle crossings to sites within the “shopping frontage” areas so as to manage adverse effects on pedestrian and traffic safety;
- Rule 9.1.2(viii) that contains general access standards aimed at managing adverse effects on traffic safety and efficiency;
- Rule 9.1.2(ix) that sets standards for garages and carports that encroach the front yard, to avoid adverse safety effects on pedestrians;
- Sections 9.1.3 and 9.1.4 of the Plan that set parking and loading standards for sites within, and outside of the shopping frontage areas. The rules provide a more lenient regulatory regime for sites within the shopping frontage areas so as to balance the need to ensure adequate parking and loading facilities so as to avoid adverse effects on traffic safety and efficiency, with the need to provide for appropriate development within the town centres. In summary, no parking or loading is required for sites within the shopping frontage areas, provided the gross floor area does not exceed a floor area ratio (FAR) of 1. For development that exceeds a FAR of 1, parking and loading facilities are required to be provided on site. Provision is made for the payment of a development contribution for any shortfall in parking or loading on sites within the shopping frontage areas where the FAR exceeds 1, as an alternative means of compliance. Outside the shopping frontage areas, the standards are more stringent and require all parking and loading requirements to be provided on site. Control/discretion is retained over matters relating to traffic safety and efficiency, where consents to depart from the parking and loading standards are assessed. A specialist traffic engineering assessment of the proposed parking and loading standards is appended to this report (Appendix 3).

- Rule 9.1.5 that contains general standards requiring parking, loading, and associated manoeuvring areas to be designed, formed, and surfaced in accordance with the Development Manual to ensure the safety of vehicles and pedestrians on site;
- Rule 9.2.1 that sets minimum separation standards between access to sites, and railway crossings, so as to avoid adverse traffic safety and efficiency effects on both railway and road traffic;
- Rule 9.2.2 that requires new private railway crossings to obtain restricted discretionary resource consent, with Council's discretion restricted to (amongst other matters), the safety and efficiency of both vehicular and railway traffic.

6.5.3 Sustainable transport network

Policies P3, P9, P13, P14, P15, P19 determine the courses of action to ensure a safe and efficient transport network, by:

- Managing the adverse effects of the network, and the reverse-sensitivity effects of other activities on the network (P3);
- Ensuring that subdivision, use and development consider the transport needs of an ageing population (P3) and providing for the transport needs of an ageing population and the mobility impaired (P22);
- Ensuring route security across all modes of transport (P3);
- Promoting a well-connected road network (P8);
- Implementing noise abatement measures along state highways, District arterials, operational railway lines and the airport so as to avoid reverse-sensitivity effects (P9);
- Managing subdivision, use, and development in a manner that takes into account the availability of funding for transport infrastructure (P11);
- Ensuring that subdivision and development take into account the capacity and design of the transportation network (P12);
- Managing unrelated through traffic (i.e. traffic using neighbourhood roads as "short-cuts") on local roads (P13);
- Requiring landscaping within transportation corridors, where appropriate (P14);
- Avoiding dust and noise nuisance from parking and loading areas, and accessways (P15);
- Enhancing the amenity values of Te Aroha, Matamata, and Morrinsville's town centres by ensuring that the areas are not congested by service delivery vehicles or lack of adequate parking (P19);
- Establishing and maintaining service lanes and public car parks to reduce traffic congestion on surrounding streets (P20);
- Encouraging alternative transport modes by making provision for cycleways and walkways (P21);
- Requiring the retention of all roads where alternative access to the District's rivers is not available (P23).

The above mentioned policies will be implemented by the following existing, new, and altered methods:

- The front yard requirements in Rule 3.1.1 (Residential Zone), Rule 3.2.1 (Rural and Rural-Residential Zones), Rules 3.3.2 and 3.3.3 (Industrial Zones), and 3.4.1 (Business Zone) that maintain street/road setbacks to (amongst other reasons) mitigate the potential for traffic noise to result in reverse-sensitivity effects on the adjacent transport routes;
- Rule 5.2.9 that sets internal noise limits for sensitive development adjacent to state highways and railway lines so as to mitigate the potential for operational noise from the networks, to result in reverse-sensitivity effects on the operation of the networks;

- Rule 5.2.7 that limits aircraft noise at the Matamata airport, and therefore mitigates the noise effects of the airport on the receiving environment;
- Rule 5.2.10 that sets internal noise limits for sensitive development adjacent to the Matamata airport so as to mitigate the potential for operational noise from the airport, to result in reverse-sensitivity effects on the operation of the airport;
- The provisions in Rules 5.9.2(i), 5.9.2(v), 5.9.3, and 5.9.4 requiring subdivision, use, and development to ensure that:
    - there is sufficient capacity in the road network to accommodate the traffic that the proposal will generate, or that the capacity of the road can be increased cost-effectively;
    - existing and new roads are designed for the purpose of carrying the type and volume of traffic that will be generated;
    - investment in existing infrastructure networks will be used efficiently;
    - provision is made for footpaths/berms sufficient to accommodate street lighting, pedestrian traffic (including vulnerable road users) and cyclists, and amenity landscaping including street trees;
    - appropriate measures are taken to avoid, remedy, or mitigate impacts on the environment arising from the operation of the road;
    - the design and construction minimise cleaning and maintenance costs;
    - the type, location, quality, and quantity of streetscape planting or street furniture is appropriate to the function of the road in compliance with the Development Manual;
- The standards in the Development Manual relating to footpaths, cycle traffic, features and berm furniture, pedestrian accessways, and street landscaping;
- The subdivision performance standards in Rule 6.2.1 that require urban subdivisions to demonstrate that good urban design outcomes will be achieved, including a well-connected road network, provision for alternative transport modes (walking and cycling), and consideration for the transport needs of older people and the mobility impaired;
- The assessment criteria in Rule 6.4.1(vi) that require consideration whether reverse-sensitivity effects can arise from subdivision;
- The provisions for new roads (not part of a subdivision) in Section 8.6 of the Plan, that require consideration of street amenity, and potential for unrelated through traffic to adversely affect the amenity values of the locality;
- The advice note in Section 8.6 recording the Council's intention to consider the availability of public access via other connections, prior to stopping formed and unformed roads with access to the District's rivers;
- The parking and loading requirements for the shopping frontage areas of the town centres in Section 9.1.3, that balance the requirement for on-site parking to avoid congestion, with the need to ensure that the amenity values and historic character of the town centres are preserved;
- The standards in Rule 9.1.3(iii) and the Development Manual, that require parking and loading areas to be surfaced to an all-weather standard so as to manage potential dust and noise nuisance for neighbouring properties.

6.6 Efficiency

The efficiency of the proposed policy framework as outlined above, will be evident with reference to the following cost/benefit analysis:

- **Benefits**
  The proposed provisions relating to transportation will result in the following benefits:

- The strategic importance of the significant transport infrastructure in the District, will be recognised;
- Transport and infrastructure will be managed in an integrated manner;
- The transport network will be safe, efficient, integrated, and environmentally sustainable;
- The adverse effects of the transportation network on the receiving environment will be managed;
- The potential for the efficient operation of the transport network to be adversely affected by adjacent sensitive activities, will be managed;
- Parking and loading requirements will be managed to ensure the safety and efficiency of the road network without stifling development or leading to the inefficient use of land;
- Parking and loading requirements in the shopping frontage areas of the town centres will ensure that a sufficient supply of parking and adequate provision for loading facilities are maintained, while avoiding adverse effects on the amenity values and character of the town centres;
- The economic, social, and cultural wellbeing of national, regional, and local communities will be promoted;
- Reduced regulatory and implementation costs for sites in the shopping frontage areas of the town centres, given the more lenient parking and loading requirements.

- **Costs**
  The proposed provisions relating to transportation will result in the following costs:
  - Increased regulatory costs as the proposed policy-framework will require resource consents for activities that are currently permitted;
  - Increased costs on land owners and developers to undertake additional assessments to confirm compliance with new performance standards and outcomes relating to transportation;
  - Increased costs on land owners and developers associated with the implementation of measures to avoid, remedy, or mitigate the effects of activities (including reverse-sensitivity effects) on transport infrastructure;
  - The potential for loss of development opportunities should the increased cost of regulation and implementation impact on the viability of projects.

6.7 Risk of acting/ not acting

The risks associated with implementing the policies and methods described above are:
- The economic wellbeing of the community could be adversely affected should the loss of income and property value, and additional regulatory costs, prove to be significant;
- Traffic safety and efficiency in the town centres could be adversely affected, should the proposed parking and loading standards for the shopping frontage areas prove to have been too lenient.

The risks associated with not implementing the policy-framework described above, are:
- The significant transport infrastructure in the District will not be protected adequately, leading to a reduction in the efficiency of these strategic networks, ultimately affecting the wellbeing of national, regional, and local communities;
- The safety and efficiency of the District's transport network will not be ensured, ultimately impacting on the safety of people, and their wellbeing.

Consequently, it is considered that the risk of not acting outweighs the risk of acting.

6.8 Options considered and summary of evaluation

During the drafting of the policy framework set out above, the following options were considered:

- **Do Nothing**

  One option is not to change the current District Plan. Under this option, we would continue to rely on the current District Plan provisions aimed at ensuring the safety and efficiency of our transport network. With regard to the roading network, the method that the District Plan currently uses is to classify routes according to their function and how much traffic they carry (i.e. local roads, collector roads, or arterial roads). Based on this classification, the Development Manual determines appropriate standards for pavement construction and design, vehicle access points, vehicle entrance formation, and sightlines.

  There are standards that aim to ensure that railway and stock crossings are safe. We also have standards in place to ensure that footpaths are wide enough to cater for mobility scooters. Our subdivision standards already require that new roads must connect well with existing development. The current District Plan also contains policies aimed at encouraging alternative transport modes by making provision for cycleways and walkways.

  The review highlighted two policy "gaps" in the current District Plan. Firstly, the current Plan lacks recognition of the importance of the significant transport corridors that traverse the District. Secondly, the current Plan requires the same parking and loading standards for developments both inside, and outside the "specified shopping" areas. As such the policy-framework does not address the "tension" between the need to ensure adequate parking in the town centres with the need to protect the historic character and pedestrian amenity. In addition, the review also found that linkages between the District Plan provisions and the associated design guidelines in the Development Manual could be improved.

  Given the above mentioned policy "gaps", the "do nothing" option was discarded.

- **Complete redraft of the transportation section**

  A second option is to delete the current transportation section, and to replace it with a complete redraft, stating from "scratch". The review highlighted that many of the provisions in the current Plan were still relevant and should be retained. Other provisions, while still relevant, lacked clarity, or clear linkages with the Development Manual. Given that many of the provisions were still relevant, albeit subject to amendments, a complete redraft of the transportation section was not considered necessary.

- **Hybrid of amendments to current provisions/addition of new provisions**

  A third option is to add new provisions to address currently policy "gaps", and to reword/ restructure the existing provisions to improve clarity, and avoid inconsistencies. This option, was selected as the most effective and efficient means of addressing the transportation issues because it avoided unnecessary redrafting of provisions that were found to still be appropriate.

7. Issue 6 – Enabling works and networks utilities while managing adverse effects

7.1 Issue

It is proposed to include the following amended issue relating to works/network utilities at paragraph 3.7.1, Part A of the District Plan:

The efficient provision of works and network utilities that are essential for the wellbeing of our Community and their health and safety must be enabled and protected, while ensuring that the adverse effects associated with the provision of these facilities are avoided, remedied, or mitigated to the greatest extent possible.

7.2 Explanation

It is proposed to include the following amended explanation of the above issue at paragraph 3.7.1, Part A of the District Plan:

The District's works and utility networks not only comprise the regionally significant networks discussed earlier, but also include the district road network, the urban water, wastewater, and stormwater systems, as well as the electricity distribution lines and telecommunication facilities that serve our local community. These works and network utilities are the essential infrastructure that supports the functioning of the local community, comprising public, Council, quasi-public and/or privately owned infrastructure, collectively referred to as "community infrastructure" (as opposed to regionally significant infrastructure that serves a wider catchment).

These local infrastructure networks are essential to avoid adverse social, economic, and environmental effects and to ensure the health and safety of our community. For instance, access to reticulated potable water is essential for our urban community as is the ability to dispose of wastewater and stormwater. Yet, the maintenance, upgrading and development of these networks can often result in adverse environmental effects themselves. For instance, the installation of reticulated water, wastewater, and stormwater systems requires earthworks that can have short-term adverse effects. However the community often accepts these adverse effects, because public works and network utilities are required for the effective functioning of our society. In fact, greater adverse social, economic and environmental effects would result if these works and network utilities were not provided.

Because of the contradiction that exists between the adverse effects of not providing public works and network utilities, and the adverse effects associated with the provision of those facilities themselves, the District Plan must balance:

- *The need to enable the provision of works and network utilities; against:*
- *The need to ensure that the adverse effects of the provision of these facilities are avoided, remedied, or mitigated.*

In addition, the District Plan needs to ensure that our works and network utilities are protected from incompatible land-use and reverse-sensitivity effects. For instance, land-use incompatibility and reverse-sensitivity effects can occur if we allow sensitive uses such as dwellings to locate near our wastewater treatment ponds thus creating the potential for nearby residents to complain about the potential odour effects generated by the ponds.

With growing demands on our natural resources such as the use of more land for urban expansion, increasing water consumption, discharge of more effluent, and a growing demand for electricity and transport, it is becoming increasingly difficult to sustain healthy environments. Therefore, our District Plan must ensure that works and network utilities are provided in a sustainable, environmentally sensitive, and appropriate manner. This includes making provision for small and community scale renewable electricity generation as a means to promote "clean" energy and to support a reduction in greenhouse gas emissions from conventional electricity generation. Our District Plan should also provide for other sustainable design technologies such as on-site stormwater detention and rainwater harvesting which reduce the need for reticulation of drinking water and disposal of stormwater.

There is an increasing awareness of the close correlation between land-use and infrastructure, and the need to anticipate the demand on infrastructure that new development will generate. Planning decisions must ensure that land-use and infrastructure are well integrated and that existing investment in infrastructure is used efficiently. Therefore, the provision of works and network utilities must also meet the integration objectives and policies set out previously in the District Plan.

The Matamata-Piako District Growth Strategy 2009 sets out the long-term vision and growth management direction for the District. The Strategy along with any future regional or sub-regional growth management initiatives are supported as valuable techniques to promote the integration of land-use and infrastructure and to ensure a strategic long-term approach to development.

In addition to the integration of land-use with infrastructure, the remaining issue that the District Plan must address in so far as community infrastructure is concerned, is that the efficient provision of works and network utilities that are essential for the wellbeing of our community and their health and safety must be enabled and protected, while ensuring that the adverse effects associated with the provision of these facilities are avoided, remedied, or mitigated to the greatest extent possible.

7.3 Objectives

In order to address the above issue, it is proposed to include the following existing, new and/or amended objectives in the table at paragraph 3.7.2, Part A of the District Plan:

Community infrastructure

Objective O1
The safe, efficient, and reliable provision of works and network utilities essential for the wellbeing of the community is enabled and protected, while the associated adverse effects are appropriately managed.

Objective O2
Development is planned, and works and network utilities are provided, in an integrated and coordinated manner.

Solid and hazardous waste

Objective O1
To ensure the appropriate storage, disposal and reduction of solid and hazardous wastes through the avoidance, remediation or mitigation of adverse effects on the environment.

7.3.1 Do the objectives address the issue?

The objectives address the issue by acknowledging that:

- Works and network utilities promote the wellbeing, health and safety of the community and that their provision must therefore be enabled and protected;
- In order to maximise the wellbeing, health and safety of the community, the essential works and network utilities need to be provided in a safe, efficient, and reliable way;
- For works and network utilities to be safe, efficient, and reliable it is necessary that development be planned, and works and network utilities provided, in an integrated and coordinated manner as envisaged by Objective O2;
- The provision of works and network utilities may lead to adverse effects and that these effects need to be "appropriately managed". Objective O1 uses the term "appropriately manage" rather than "avoid, remedy, or mitigate", to ensure a balanced resource management response that recognises the contradiction between the adverse effects of providing the infrastructure and the, often far greater, adverse effects of the failure to provide the infrastructure; and:
- An "enabling policy response" towards the provision of community infrastructure is required because community infrastructure is essential for the functioning of society. Therefore a degree of tolerance of the adverse effects associated with the provision of community infrastructure is required. This is the case as far greater adverse social, economic, and environmental effects would result from a failure to provide essential community infrastructure.

The recommended objectives are preferred to the existing objectives in the District Plan for the following reasons:

- The recommended objectives address both the enabling of community infrastructure and the need to protect the infrastructure from incompatible development and reverse-sensitivity effects. The recommended objective therefore fills a policy "gap" by addressing the issue more comprehensively, covering both the enabling of new, and protection of existing works and network utilities.
- The recommended objectives seek to ensure that community infrastructure is provided in a "safe, efficient, and reliable" way, whereas the current objective seeks the "effective provision" of works and network utilities. The terminology in the recommended objective is preferred as it assists in clarifying the meaning of "effective" as being "safe, efficient, and reliable". In order for works and network utilities to be provided in a "safe, efficient, and reliable" way, development and infrastructure need to be integrated and coordinated as required under Objective O2. Objective O2 is also considered to be more comprehensive than the current Objective SO1 which captures Council operated infrastructure only, and does not address the issues of integration and coordination of development and infrastructure.
- Recommended Objective O1 seeks to "appropriately manage" the adverse effects associated with the provision and protection of community infrastructure, whereas the current objective seeks to "minimise" the adverse effects. It is considered that the recommended objective strikes a more appropriate balance between the need to enable the provision of community infrastructure (and the far greater adverse effects from failure to provide the infrastructure), as opposed to the adverse effects associated with the provision of essential community infrastructure. The use of the term "appropriately manage" acknowledges that "minimising" the effects of the provision of community infrastructure where failure to provide the infrastructure could have far greater effects, would not necessarily be the preferred policy response in all instances.

It is noted that this plan change has not reviewed control over the use of land for the purposes of prevention or mitigation of adverse effects of the storage, use, disposal, or

transportation of hazardous substances. In so far as solid waste management, which is within the scope of this plan change, is concerned, the current Objective O1 (appropriate storage, disposal, and reduction of solid waste) is considered still to be the appropriate policy response.

7.3.2 Do the objectives achieve the purpose of the Act?

The objectives achieve the sustainable management purpose of the RMA by ensuring that the efficient provision of community infrastructure, an essential physical resource, is enabled and protected in a manner that will:

- Provide for the wellbeing, health, and safety of the community; while:
- Managing the adverse effects of the provision of the infrastructure in a sustainable way that safeguards finite resources to meet the needs of future generations.

7.3.3 Are the objectives reasonable and achievable?

It is considered that the objectives are both reasonable and achievable because:

- The objectives achieve the purpose of the RMA in the manner as set out above;

- Section 7 RMA determines that (amongst other matters), particular regard must be given to the efficient use and development of natural and physical resources. The District's community infrastructure is an important physical resource and its efficient use and development must therefore be given particular regard in the District Plan. The objectives will provide the basis for an appropriate District Plan policy framework to manage community infrastructure efficiently, as required under s7 RMA.

- Under s31 RMA, the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the District, is a statutory function of the Council. The objectives create the foundation for an appropriate policy response to manage community infrastructure in an integrated manner, thereby assisting the Council in meeting its statutory obligation under s31 RMA.

- RPS Policy 6.3 requires the built environment to be managed in a way that ensures new development is coordinated with provision of the works and network utilities required to service the development, thereby optimising efficient and affordable infrastructure provision. To give effect this policy, RPS Method 6.3.1 requires the District Plan to include provisions that will ensure that development uses existing infrastructure safely, efficiently, and effectively, and in a way that does not prevent future network infrastructure improvements/upgrades. The recommended objectives seeks that the "safe, efficient, and reliable" provision of community infrastructure be enabled and protected, thereby providing the "platform" that the District Plan will use to introduce methods to support the policy direction signalled by the RPS.

7.3.4 What are the principal reasons for adopting the objectives?

The principal reasons for adopting the objectives are that the objectives:

- Assist in managing the District's community infrastructure in a way that promotes the sustainability purpose of the RMA;
- Assist the Council in performing its integrated management functions under s31 RMA; and:

- Have regard to the policy-direction signalled by the RPS, as the Council is required to do under s74(2) RMA.

7.4 Policies and methods

It is proposed to include the following exiting, new and/or altered policies within the table at section 3.7.2, Part A of the District Plan:

Policy P1
To encourage the co-siting of facilities where practical to avoid, remedy or mitigate adverse environmental effects particularly the impact of multiple masts and lines on the landscape.

Policy P2
To protect works and network utilities from incompatible development, use or subdivision of adjacent lands.

Policy P3
To ensure that works and network utilities are considered having regard to:
a) The degree to which the environment has already been modified;
b) The duration, timing and frequency of the adverse effect;
c) The impact on the network and levels of service if the new work is not undertaken;
d) The need for the work in the context of the wider network or in the context of the provision of alternative infrastructure;
e) The avoidance, remediation or mitigation of anticipated adverse environmental
f) effects to the extent practicable; and the demand for/ benefits of existing and future services/facilities;
g) The route, site, and method selection process; and:
h) The technical and locational constraints.

Policy P4
Where applicable, to encourage new infrastructure to be located within road reserves.

Policy P5
To take a prudent approach in the siting of sensitive activities relative to works and network utilities where there is potential for reverse-sensitivity or other adverse effects to occur.

Policy P6
The nature, timing, and sequencing of land-use, development and subdivision must:
a) Be co-ordinated with the funding, implementation, and operation of the associated requirements for works and network utilities;
b) Optimise the efficient and affordable provision of works and network utilities;
c) Maintain and enhance the operational efficiency, effectiveness, viability and safety of works and network utilities;
d) Protect investment in existing works and network utilities;
e) Ensure new development does not occur until appropriate infrastructure services are in place or alternative infrastructure has been provided by the development; and:
f) Retain the ability to maintain and upgrade works and network utilities.

Policy P7
Provision of works and network utilities occurs in a planned and coordinated manner which recognises and addresses potential cumulative effects and is based on sufficient information to allow assessment of the potential long-term effects on the environment.

Policy P8
Provision of works and network utilities adopts, where appropriate, sustainable design technologies such as the incorporation of energy-efficient design, rain gardens, rainwater harvesting, and grey-water recycling.

Policy P9
Stormwater is managed having regard to a total catchment management approach and low impact design methods.

In order to create the mechanism to implement the above policies, it is proposed to:
- Redraft the rules in Section 8, Part B of the District Plan as described in Appendix 1 to this report; and:
- Rely on the relevant existing and new/altered rules elsewhere in Part B of the District Plan, as detailed in paragraph 7.5 below.

7.5 Effectiveness

The policies and methods set out above address the issue in the following way:

7.5.1 Enabling the provision of infrastructure

Policies P1 and P3 determine the courses of action to ensure that the provision of works and network utilities are enabled, by having regard to:
- The demand for/benefits of the infrastructure services;
- The impact on the network and levels of service if the new work is not undertaken;
- The need for the work in the context of the wider network or in the context of the provision of alternative infrastructure;

The above mentioned policies will be implemented by the following existing, new, and altered methods:
- The provisions in Section 8.1.1, 8.2.1, 8.3.1, 8.5.1 and 8.9.1 that determine a suitably enabling activity status and performance standards for respectively telecommunication facilities, electricity distribution, gas distribution, water, wastewater and stormwater utilities, and other miscellaneous utilities.
- The criteria in Section 8.10 that require assessment of applications for resource consents for works and network utilities to take into account:
    - Positive effects to be derived from the provision of the infrastructure;
    - Technical and operational constraints
    - The functional need for the infrastructure to be located in the proposed location
- Rule 6.1.3(vi) that determines that subdivision for the purposes of works and network utilities is a controlled activity.

7.5.2 Ensuring the efficiency of infrastructure

Policies P6, P8, and P9 determine the courses of action to ensure the efficiency of infrastructure, by having regard to:

- Optimising the efficient and affordable provision of works and network utilities;
- Maintaining and enhancing the operational efficiency, effectiveness, viability, and safety of works and network utilities;
- Adopting sustainable design technologies;

- A total catchment approach to the management of stormwater.

The above mentioned policies will be implemented by the following existing, new, and altered methods:

- Section 1.4.21(2)(e) in terms of which the following assessment criteria apply to subdivision applications in Precinct F: whether low impact stormwater management practices, including rainwater detention, reuse and groundwater recharging are proposed to be utilised.
- The stormwater performance outcomes in Section 5.9.2(i) that:
    - require stormwater to be detained on-site and secondary flows from the subject site following development, not to exceed pre-development overland flows;
    - set design standards for the capacity of stormwater disposal systems;
    - require stormwater systems to be consistent with the conditions of the Council's comprehensive discharge consent including requirements for low impact design principles, stormwater management devices and best practicable options as set out in the consent;
    - require the integrity of stormwater systems to be maintained and its safe and efficient operation facilitated;
- The wastewater performance outcomes in Section 5.9.2(ii) that:
    - require wastewater systems to be adequate to meet demand;
    - require the integrity of the system to be maintained, and its safe and efficient operation facilitated;
- The water performance outcomes in Section 5.9.2(iii) that require:
    - all sites to be able to be provided with a reliable supply of water sufficient to meet the needs of the proposed development of the site, including sufficient water for fire fighting purposes.
    - easy operation and maintenance.
- Section 5.9.3 that require restricted-discretionary consent for applications that fail to meet the performance standards and/or performance outcomes in Sections 5.9.1. and 5.9.2.
- The various provisions in Section 6 that clarify that subdivision applications must comply with the infrastructure performance standards and outcomes in Sections 5.9.1, 5.9.2, 3.9.3, and 5.9.4.
- The criteria in Section 8.10 that require assessment of applications for resource consents for works and network utilities to take into account the integrity/resilience of the network.

7.5.3 Protecting infrastructure

Policies P5 and P6 determine the courses of action to ensure that infrastructure is protected from incompatible development and reverse-sensitivity effects, by having regard to:

- The siting of sensitive activities relative to works and network utilities where there is the potential for reverse sensitivity or other adverse effects to occur;
- Protection of the investment in works and network utilities;
- The need to retain the ability to maintain and upgrade works and network utilities;

The above mentioned policies will be implemented by the following existing, new, and altered methods:

- Section 1.1.2(ii)(h) that requires the following information to be provided for all resource consent applications: the location of water courses and drainage and sewerage pipes, power and telecommunication lines within and adjacent to the site including demonstrating the ability of the development to comply with NZECP 34:2001.
- The advice notes in Section 1.2.2(xiii) advising applicants that compliance with NZECP 34:2001 is mandatory for all buildings, earthworks and mobile plant within close proximity

to all electric lines and that vegetation to be planted in proximity to transmission lines should be selected and/or managed to ensure that it will not result in vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

- Section 1.4.21(2)(e) in terms of which the following assessment criteria apply to subdivision applications in Precinct F: whether the layout of building platforms and underground services is appropriate to avoid adverse effects on infrastructure.
- Rule 3.11 in Activity Table 2.2 and Rule 6.1.1.6 that determine that new dwellings/subdivisions with dwelling platforms within 300 metres of existing Council effluent treatment plants at Morrinsville, Matamata, Te Aroha, Waihou are restricted-discretionary activities, with Councils discretion restricted to reverse-sensitivity effects on the effluent treatment plants (Rule 1.4.28).

7.5.4 Managing adverse effects

Policies P1, P3 and P4 determine the courses of action to ensure that the adverse effects associated with the provision of infrastructure are managed, by having regard to:

- The route, site, and method selection process;
- The technical and locational constraints:
- The degree to which the environment has already been modified;
- The duration, timing and frequency of the adverse effect;
- The possibility to locate new infrastructure within road reserves;
- The possibility of co-siting facilities to reduce adverse effects, such as sharing the use of telecommunication masts;
- The avoidance remediation or mitigation of adverse effects to the extent practicable.

The above mentioned policies will be implemented by the following existing, new, and altered methods:

- The assessment criterion in Section 1.4.3 that requires stormwater and effluent disposal to be designed and maintained in a manner which prevents as far as practicable, pollution or contamination of ground or water or Council's stormwater system.
- Section 1.4.21(2)(e) in terms of which the following assessment criteria apply to subdivision applications in Precinct F: whether appropriate measures are proposed to avoid, remedy or mitigate the effects of stormwater discharges on the subdivision and any other site or property.
- The stormwater performance outcomes in Section 5.9.2(i) that require:
    - stormwater works to be provided in a manner which avoids excessive modification of natural drainage systems and minimises any detriment to the environment particularly through potential contamination of natural water.
- The wastewater performance outcomes in Section 5.9.2(ii) that require risk to the environment and to public health to be minimised.
- Section 5.9.3 that requires restricted-discretionary consent for applications that fail to meet the performance standards and/or performance out comes in Sections 5.9.1. and 5.9.2.
- The various provisions in Section 6 that clarify that subdivision applications must comply with the infrastructure performance standards and outcomes in Sections 5.9.1, 5.9.2, 3.9.3, and 5.9.4.
- The criteria in Section 8.10 that require assessment of applications for resource consents for works and network utilities to take into account:
    - Visual effects
    - Design, scale and height
    - Health and safety
    - Landscaping

- Noise
- Vegetation removal
- Electrical interference
- Function and amenity of the streetscape
- Separation from existing dwellings
- Social and heritage effects
- Natural hazards
- Ecological impacts

7.5.5 Integrating/ coordinating the provision of infrastructure

Policies P6 and P7 determine the courses of action to ensure that infrastructure is provided in an efficient and integrated way, by:

- Having regard to the sequencing, funding, and implementation of the infrastructure required to serve development and subdivision;
- Ensuring new development does not occur until appropriate infrastructure services are in place, or alternative infrastructure has been provided by the development;
- Ensuring works and network utilities are provided in a planned and coordinated manner;
- Ensuring that potential long-term and cumulative adverse effects on the environment are recognised and addressed.

The above mentioned policies will be implemented by the following existing, new, and altered methods:

- Section 1.4.21(1) in terms of which Council has restricted its discretion in respect of subdivision consent applications in Precinct F to, amongst other matters, the ability of the lots created by subdivision to be serviced.
- Section 1.4.21(2)(e) in terms of which the following assessment criteria apply to subdivision applications in Precinct F:
    - Whether sites can be adequately serviced for stormwater (while managing cumulative effects on a catchment wide basis), wastewater, water supply including access suitable for fire fighting purposes and utilities.
    - The effects on the public services the Council is responsible for in the locality or district and that the residents or occupants of the subdivided or developed area would make use of.
    - Whether subdivision provides appropriate infrastructure in a coordinated manner, ensuring that subdivision, development and the provision of infrastructure keep pace with each other.
    - Council reserves discretion to ensure that the first resource consent application is of an appropriate scale so that the Council's financial exposure for any required infrastructure upgrades to the reticulated network is limited and mitigated and so that infrastructure is provided in a coordinated manner. Exemption to this criteria may apply to subdivision and development proposals in Precinct F Matamata that provide alternative solutions to supply water and wastewater treatment.
- The infrastructure performance standards in Section 5.9.1 (supplemented by the standards in the Development Manual) that require development and subdivision to be provided with effective stormwater management, connections to Council's reticulated water and wastewater systems (where possible), as well as telecommunication and electricity connections.
- The infrastructure performance outcomes in Section 5.9.2A that require subdivision and development to demonstrate that:
    - there is sufficient capacity in the infrastructure networks to cope with the additional demand, or that the existing networks can be increased cost effectively. In the case of stormwater, the adequacy of the network will be

assessed taking into account the requirement for on-site soakage or detention/ disposal and provision for secondary flow-paths and ability to set minimum floor levels as set out in the Development Manual.
    - the development will lead to the investment in existing infrastructure networks, being used efficiently.
    - the development has taken into account the correlation between land-use and infrastructure, and that land-use, and infrastructure are integrated.
    - the development will not result in unintended consequences or unplanned effects on the functioning of infrastructure networks.
- The stormwater performance outcomes in Section 5.9.2(ii) that require:
    - stormwater to be detained on-site and secondary flows from the subject site following development, not to exceed pre-development overland flows.
- Section 5.9.3 that requires restricted-discretionary consent for applications that fail to meet the performance standards and/or performance outcomes in Sections 5.9.1. and 5.9.2.
- Rule 5.9.4 that requires restricted-discretionary consent for larger-scale activities, whereby applications must demonstrate that development is coordinated with infrastructure provision.
- The various provisions in Section 6 that clarify that subdivision applications must comply with the infrastructure performance standards and outcomes in Sections 5.9.1, 5.9.2, 3.9.3, and 5.9.4.
- The matters for control applying to controlled activity subdivision (Sections 6.3.1(v)), stating that stormwater (including cumulative effects on a catchment wide basis), wastewater, water supply, telecommunications and electricity supply, must be adequately managed.
- The assessment criteria for discretionary subdivision (Section 6.4.1) which include whether the subdivision provides appropriate infrastructure in a coordinated manner, ensuring that development and the provision of infrastructure keep pace with each other.
- The criteria in Section 8.10 that require assessment of applications for resource consents for works and network utilities to take into account the potential to constrain future development.

7.6 Efficiency

The efficiency of the proposed policy framework will be evident with reference to the cost/benefit analysis below:

7.6.1 Enabling the provision of infrastructure

- **Benefits**
  The proposed provisions aimed at enabling the provision of infrastructure will result in the following benefits:
    - Recognition of the positive effects to be derived from the provision of infrastructure, and the technical, operation and locational constraints of certain works and network utilities, thereby ensuring that the provision of infrastructure is enabled, so as to promote the wellbeing, health, and safety of the community, while avoiding the often grater adverse effects of not providing the infrastructure.

- **Costs**
  The proposed provisions aimed at enabling the provision of infrastructure will result in the following costs:

- Recognising the positive effects to be derived from the provision of infrastructure, and the technical, operation and locational constraints of certain works and network utilities implies that the practical limits on the extent to which adverse effects can be avoided, remedied, or mitigated are accepted. Consequently there is the potential for residual adverse effects on the environment to eventuate, for instance detraction from the amenity values or character of the receiving environment.

7.6.2 Ensuring the efficiency of infrastructure

- **Benefits**
  The proposed provisions aimed at ensuring the efficiency of infrastructure will result in the following benefits:
  - The requirement to ensure the safe and efficient operation of works and utility networks, retain stormwater onsite, and adopt sustainable design technologies, will ensure that works and network utilities are provided cost-effectively, and sustainably with least adverse effects on the environment.

- **Costs**
  The proposed provisions aimed at ensuring the efficiency of infrastructure will result in the following costs:
  - The requirement for on-site detention and use of sustainable design technologies may result in developers and network providers incurring additional design and implementation costs.

7.6.3 Protecting infrastructure

- **Benefits**
  The proposed provisions aimed at protecting infrastructure will result in the following benefits:
  - Protecting infrastructure from reverse-sensitivity effects and providing for the ability to maintain and upgrade works and network utilities, will ensure the efficiency of the networks, protect investment in existing infrastructure, and enable cost effective services delivery.

- **Costs**
  The proposed provisions aimed at protecting infrastructure will result in the following costs:
  - Protecting infrastructure from reverse-sensitivity effects and providing for the ability to maintain and upgrade works and network utilities, will create costs for adjacent owners, and restrict the use of adjacent property. For instance, demonstrating compliance with NZECP 34:2001 requires assessment by an appropriately qualified person and limits the permitted building envelope on adjacent land. Similarly, reverse-sensitivity buffers around the effluent ponds and setbacks from services networks, limit the development of adjacent land.

7.6.4 Managing the adverse effects of infrastructure

- **Benefits**
  The proposed provisions aimed at managing the adverse effects of infrastructure will result in the following benefits:
  - The adverse effects of the provision of infrastructure will be avoided, remedied, or mitigated to the extent practicable, including consideration of mitigation options

such as robust route, site, and method selection processes, and co-siting of facilities.

- **Costs**
  The proposed provisions aimed at managing the adverse effects of infrastructure will result in the following costs:
    - The need for adverse effects to be avoided, remedied, or mitigated to the extent practicable and for robust consideration and implementation of mitigation options will require network utility providers to incur additional costs.

7.6.5 Integrating/coordinating the provision of infrastructure

- **Benefits**
  The proposed provisions aimed at integrating/coordinating the provision of infrastructure will result in the following benefits:
    - Coordinating the sequencing, funding, and implementation of infrastructure with development/subdivision will ensure that infrastructure is used efficiently, investment in infrastructure is optimised, unplanned expenditure is avoided, ad hoc development is avoided, and will ensure that the Council is not exposed to unnecessary financial risk to fund investment in infrastructure where the repayment period through pro-rata financial/development contributions is unreasonably long.

- **Costs**
  The proposed provisions aimed at integrating/coordinating the provision of infrastructure could result in the following costs:
    - Requiring development to align with infrastructure implementation can result in lost opportunities if development/subdivision is declined due to a misalignment with the sequencing of infrastructure provision.

7.7 Risk of acting/not acting

The risks of acting/not acting in accordance with the policy framework described above, are:

7.7.1 Enabling the provision of infrastructure

By acting, the proposed provisions will set an enabling policy framework for the provision of infrastructure that will allow the Council to take into account the benefits of infrastructure to the community, the greater adverse effects that will result from a failure to provide essential infrastructure, and the technical, operational, and locational constraints of many works and network utilities.

This will enable the Council to grant consent for infrastructure projects that manage adverse effects to the extent practicable, even when there are residual effects that, due to technical, operational, or locational reasons, cannot be avoided, remedied, or mitigated.
The recommended policy framework implies that the assessment of applications for essential infrastructure projects could be tolerant to adverse effects that are not practicable to avoid, remedy, or mitigate. The level of tolerance in the assessment process could result in residual adverse effects on the receiving environment such as visual or amenity effects. However, it is considered that the community will usually accept some level of unmitigated adverse effects from essential infrastructure because of the benefits to wellbeing, health and safety.

By not acting, the Council will apply the same weighting to the assessment of adverse effects generated by infrastructure projects, as it would apply to any other planning application. This could mean that infrastructure projects that are not able to avoid, remedy, or mitigate their effects are declined, notwithstanding the greater adverse effects that could originate from failure to provide essential services.

Because essential infrastructure services are required to provide for the wellbeing, health, and safety of the community, the risk of not acting is greater than the risk of acting.

7.7.2 Ensuring the efficiency of infrastructure

By acting, the Council will have the ability to ensure that infrastructure connections and extensions are designed in a manner that will protect the efficiency, integrity, and resilience of the reticulated network, for instance by requiring on-site stormwater detention, avoiding ingress of stormwater into wastewater systems, provision of backflow prevention devices where water connections have the ability to contaminate the public reticulation, and the implementation of sustainable design technologies.

This means that developers could incur additional costs such as to provide on-site stormwater soakage or detention. The additional costs could impact on the viability of new development which, in turn, could stifle development. However, experience has shown that, by considering different alternatives (such as stormwater soakage rather than detention where ground conditions permit) the costs associated with the implementation of measures to ensure the efficiency of the reticulated network, are generally not significant and generally does not present an obstacle to development.

By not acting, the Council will have limited control to ensure the efficiency and integrity of its reticulated infrastructure networks. This could expose the Council to significant costs to increase system capacity, for instance to meet the additional demand for stormwater peak flows that are not detained prior to discharge. It could also expose Council to significant health and safety risks, for instance from the contamination of the public water reticulation due to contaminated backflow at an unprotected private water connection.

Given the potential costs on the community and the potential health and safety implications, the risks of not acting, outweighs the risk of acting.

7.7.3 Protecting infrastructure

By acting, the Council will have the ability to control the location of sensitive activities on adjacent land where there is the potential for reverse-sensitivity effects on the network. In addition, Council will have the ability to control adjacent land-uses so that the maintenance and upgrading of existing networks are not unreasonably hindered.

This policy approach will mean that the District Plan, Development Manual and relevant bylaws (i.e. a non-district plan method) will enforce reverse-sensitivity buffers around effluent treatment plants, require buildings to be set back from roads and underground services, require easements to be registered to protect the route of infrastructure networks over private land, and will reinforce the requirements for buildings and vegetation to comply with the code of practice for electrical safe distances and the regulations regarding hazards from trees.

These measures place limitations on the use of land adjacent to infrastructure networks and can impose costs on land owners such as to survey the location of underground networks, or

confirm compliance with the electrical code of practice. The costs and limitations on the use of land have the ability to impact on the viability of development adjacent to infrastructure. Generally, the measures are not considered to be an unreasonable impediment to development.

By not acting, the Council will have no control over the impact of adjacent development on infrastructure networks. A lack of control can result in reverse-sensitivity effects that can limit the operation of lawfully established network utilities, for instance odour complaints from existing effluent treatment plants. A lack of control can also expose Council to financial, health, and safety risks.

For instance:

- Inability to access underground networks for maintenance can result in Council having to reroute sections of the network at ratepayers' cost.
- Failure to comply with the code of practice for electrical safe distances increases the risk of harm and damage due to electrical hazards. Reference to the code of practice in the District Plan will assist in drawing the attention of land owners and developers to the risks associated with electrical hazards, and will thereby assist in ensuring the health of the community.

It is considered that the financial, health, and safety implications of not acting outweigh the cost of acting.

7.7.4 Managing the adverse effects of infrastructure

Acting will enable the Council, through its District Plan, to set a policy framework to clarify how the adverse effects of infrastructure are intended to be managed. The proposed policy framework has three components:

- A requirement for robust route, site, and method selection processes;
- Reference to a comprehensive range of matters to be taken into consideration when assessing planning applications for infrastructure (such as visual effects, health, safety, landscaping, noise, separation from dwellings, social and heritage effects, vegetation removal, natural hazards, and ecological impacts); and:
- The need to consider mitigation measures (such as co-siting of facilities and a preference to locate infrastructure in road reserves).

However, the implementation of these measures can result in additional regulatory costs by requiring extensive assessment of planning applications, and additional costs for infrastructure providers due to the requirement to implement mitigation measures. The additional costs could impact on the viability of infrastructure projects and could delay their implementation. A delay in infrastructure provision means a delay in the ability of the community to access the new facility (e.g. a new public water supply, or wastewater disposal system) which, in turn, could adversely affect the health, safety, and wellbeing of the community.

Not acting will mean that there will be less requirements for the level of effects assessment and mitigation. This will mean that there could be a reduction in the cost of infrastructure provision due to a lower threshold of effects assessment and fewer requirements for the consideration of mitigation options. However, this could result in effects that are capable of practicable mitigation or remediation, being overlooked.

It is considered that the risk of not acting outweighs the risk of acting.

7.7.5 Integrating/coordinating the provision of infrastructure

By acting, the proposed provisions will give Council discretion over the integration of land use with infrastructure and the adequacy of infrastructure to cope with the additional demand created by development.

The implication of acting is that the Council can decline development/subdivision if there is a misalignment between the proposed land-use/subdivision and the additional demand for infrastructure services created by the proposal. If development/subdivision is declined for these reasons, it may mean that the development is abandoned, and the opportunity lost. Development could also be stifled if owners of greenfield sites capable of being serviced chooses not to develop their land, and development of less suitable sites is declined due to lack of infrastructure. However, past experience has indicated that where there is pressure for development, an acceptable outcome can usually be reached through negotiation with developers on cost/timing of the provision of infrastructure to service the development.

By not acting, Council will have no discretion to ensure the integration of land-use with infrastructure, or the ability to decline development that cannot be serviced efficiently and cost effectively. This means that owners of greenfield sites will have the ability to develop their land, ad hoc, without consideration of the cost effective and efficient use of infrastructure. This could expose Council to financial risk because of the need to extend the infrastructure network to service ad hoc development, with a long time delay to recoup the cost of the infrastructure, pro rata through financial/development contributions.

Given the significant risk to Council due to financial exposure to the cost of ad hoc infrastructure provision, the risk of not acting is greater than the risk of acting.

7.8 Options considered and summary of evaluation

During the drafting of the policy framework set out above, the following options were considered:

- **Do Nothing**

  One option is not to change the current District Plan. Under this option, we would continue to rely on the current District Plan requirements. The District Plan already provides for objectives and policies that display a balanced approach towards the provision of works and network utilities, through the overriding objective *"to enable the effective provision of works and utilities so as to minimise the adverse environmental effects while enabling people and communities to provide for their social economic and cultural wellbeing and for their health and safety".* The District plan (Section 8) also sets a reasonably enabling activity status classification for works and network utilities.

  However, a review of the Plan's community infrastructure provisions has highlighted the following policy "gaps":

  o The District Plan does not currently distinguish between the resource management of significant infrastructure, as opposed to community infrastructure. In order to give effect to the NPS-ET and in having regard to the policy direction set by the RPS, it is

necessary to amend the District Plan by making the distinction between significant as opposed to community infrastructure, so as to align with these planning instruments.

- The NES-TF and NES-ET set certain national standards for electricity transmission activities and telecommunication facilities. The RMA determines that the District Plan cannot be in conflict with these standards. Accordingly, it is necessary to review the Plan in order to reference these standards and to remove potential inconsistencies with these standards.
- The current District Plan does not deal comprehensively with community infrastructure. That is the case as the current objectives and policies are confined to only Council infrastructure services, which excludes power, telephone, and gas reticulation.
- The current District Plan does not consider the integration of land-use with infrastructure and the need for the sequencing of development and infrastructure provision to be coordinated. The RPS has signalled a policy direction that will require integrated and coordinated infrastructure provision to be addressed by district plans. Accordingly, it is considered necessary to review the current District Plan so as to be consistent with the policy-direction signalled by the RPS.
- Due to the fast pace of technological change, the design and operational requirements of works and network utilities are constantly changing. In addition, alternative sustainable design technologies are also emerging in response to growing environmental concerns. It is therefore considered necessary that the current provisions in Section 8 of the District Plan be reviewed and updated to ensure that the standards and thresholds in terms of the design, size, scale, and operational requirements of infrastructure, are still appropriate given technological advancements since the Plan was first notified.

In view of the above mentioned deficiencies, the “do nothing” option was discarded on the grounds that it would leave obvious policy “gaps” and would not meet the Council’s statutory obligations under the RMA.

- **Complete redraft/amendments to the current plan provisions**

A second option is to delete all the current works and networks provisions from the Plan, and to replace it with a complete redraft, starting from “scratch”. A third option is to amend some of the current Plan provisions where necessary to eliminate the policy deficiencies previously identified. A fourth option is a hybrid of options two and three, resulting in amendments to some provisions and a redraft of others.

- **Hybrid of amendments to current provisions/ redraft of other provisions**

The Plan review highlighted that the current objectives and policies and methods were still largely relevant. It was therefore considered that a complete redraft was not required. However, the Plan review highlighted the need for a more detailed description of the common works and network activities; more clarity on performance standards, matters of control and discretion; and expanded assessment criteria. These changes were so significant that the most efficient way to deal with the Plan’s Section 8 requirements was to redraft the section in its entirety.

Consequently, the plan change adopted this hybrid option by recommending amendments to some provisions, and a complete redraft of others.

Part F: Consultation Outcomes

Part F: Consultation Outcomes

During the preparation of this plan change, consultation was undertaken with the community, iwi, and key stakeholders (infrastructure providers). This section of the report summarises the consultation process and the outcomes that informed the recommended changes to the District Plan as detailed in Appendix 1.

1. Community consultation

Two phases of community consultation were undertaken as part of this plan change process. The first round of community consultation concerned predominantly the transportation provisions, while the second round of consultation included both transportation and works/utilities.

1.1 First consultation phase - transportation

In February 2012, the Council commenced community consultation on the review of the District Plan's transportation section, through advertisements in the local newspapers (the *Scene* and the *Piako Post*) and Council's website inviting feedback on issues such as:

- The cycling, walking, and public transport provisions in the District Plan;
- Ensuring our towns are easy to get around;
- Safety and efficiency of the transport network;
- Parking and loading, on-site and in town centres;
- Development contributions and parking;
- Access to parking for disabled and elderly;
- Mobility scooter and wheelchair access; and:
- Integration of transport and land-use.

In response to the advertisements, 21 responses were received. The responses were from both individuals, as well as various interest groups in the community.

The feedback received can be summarised as follows:

1.1.1 Increase in heavy vehicle traffic

A common issue identified by respondents, related to the increase in heavy vehicles in the main streets of Matamata (Broadway) and Te Aroha (Kenrick St/Centennial Ave).

Respondents were concerned that the increase in heavy vehicle traffic posed safety concerns for pedestrians and local traffic. Nuisance effects associated with heavy vehicle traffic (e.g. noise and fumes) were also identified as an area of concern.

There was a notable level of support for the construction of bypass roads around Matamata and Te Aroha. The existing bypass road around Morrinsville's town centre was seen as a

good example of how the effects of heavy vehicle traffic could be mitigated in the other two towns.

With regard to the above consultation outcome, it is noted that the Council recently commissioned a traffic consultant to advise on the viability of bypass roads around the three towns of Morrinsville, Matamata, and Te Aroha. The study has shown that, from a traffic engineering perspective, the construction of bypass roads around the three towns will not be viable within a twenty year planning horizon. A copy of the consultant's report is attached in Appendix 3.

Notwithstanding the traffic engineers assessment, this plan change recommends that the current designations for bypass roads around Morrinsville and Matamata remain in place for the time being. Options for shorter bypass routes around the town centres will be pursued further through the upcoming review of the District Plan's urban development provisions.

1.1.2 Parking and loading

Some respondents identified a need for more parking spaces within our town centres. However, a Matamata respondent requested that the current requirement for on-site parking and loading in the town centres be removed, so as to encourage more compact development.

As part of this plan change process, Council engaged a traffic consultant to review the current District Plan parking ratios, and to consider the implications of reducing parking and loading requirements for the "shopping frontage" areas within the three town centres. A copy of the traffic engineer's report is attached as Appendix 3.

In response to the traffic engineering advice received by Council, this plan change includes recommendations to amend some of the on-site parking ratios, and introduce more lenient parking/loading requirements for the "shopping frontage" areas within the town centres.

1.1.3 Directional signage

Another area of concern for respondents was the lack of directional signage for our towns and villages along the state highways.

This matter is entirely within the discretion of NZTA, and cannot be progressed through plan change processes.

1.1.4 Operational matters

In addition, respondents raised a number of operational matters, including:

- The need for better footpath maintenance;
- The need for more, and safer, pedestrian crossings;
- Signage to discourage cyclists and skateboarders from using footpaths;
- Parking enforcement to discourage business owners and staff from parking in the town centre;
- Enforcement of bylaws to prevent footpaths from being cluttered by signboards;
- Bylaws to ensure vegetation is trimmed and safe sightlines maintained for vehicles exiting private properties;
- Provision for a campervan parking facility; and
- Provision of a community shopping bus for the elderly.

Operational matters fall outside the scope of the District Plan and are not able to be pursued through plan change processes. However, the issues of concern have been noted and will be addressed by the relevant Council staff.

1.2 Second consultation phase – transportation and other infrastructure

Following the first consultation phase, a public consultation paper was prepared highlighting the scope of the review of the District Plan's infrastructure provisions.

The paper identified six resource management issues, provided a brief explanation of the issues, suggested alternative options for addressing the issues, and put forward a number of relevant questions that the community could respond on.

The issues identified were:
Issue 1 – integrating land-use, transport, and infrastructure
Issue 2 – significant transport and infrastructure networks
Issue 3 – renewable electricity generation
Issue 4 – safety and efficiency of our transportation network
Issue 5 – parking and loading
Issue 6 – enabling works and network utilities while managing adverse effects

During August/September 2012, feedback on the plan review was invited through advertisements in the *Scene* and the *Piako Post* and on Council's website. In addition, manned "street stalls" were set up in each of the three towns[8], raising awareness of the review process and providing additional opportunity for the community to take part in the process. Copies of the consultation paper and feedback forms were distributed to members of the community who visited the street stalls.

Council received 14 responses to the second consultation phase. Some respondents considered that infrastructure provision should be left to the utility providers and that the District Plan did not need to regulate these matters. Other respondents saw the need for the District Plan to address infrastructure provision.

There was broad agreement amongst respondents that the scope of the plan review was covered well by the issues identified in the consultation paper.

A summary of the feedback received, relevant to each "issue", is discussed below:

1.2.1 Integrating land use, transport and infrastructure

There was support for higher residential densities and mixing of residential, commercial and industrial activities to ensure a compact urban "footprint" that enables people to walk to work and to shops and to reduce travel distances.

There was concern about heavy vehicle traffic on local roads, particularly traffic associated with existing quarries. Some respondents also felt the need for extensive consultation/negotiation with land owners, where transport and other infrastructure impinge on private land.

There was also some support for the re-introduction of rail passenger transport to our main towns.

[8] Te Aroha on 13 August 2012, in Morrinsville on 15 August 2012, and Matamata on 16 August 2012.

1.2.2 Significant transport and infrastructure networks

Some respondents felt that it is not the Council's role to protect transport and infrastructure networks, as they are owned, controlled, and managed by state owned enterprises and private companies. These respondents felt that the operative plan rules were sufficient and that further restrictions on the use of adjacent land to protect the networks were not justified.

The comment was also made that infrastructure providers should negotiate easements that are of adequate width to protect their assets and that it was not the District Plan's role to regulate for the protection of these networks.

1.2.3 Renewable electricity generation

There was broad agreement among respondents that the District Plan should address renewable electricity generation from all sources including solar, wind, hydro and biogas.

Some respondents felt that the District Plan should encourage the uptake of renewable energy technologies such as by providing incentives. Other respondents wanted the District Plan to focus on ways to reduce energy demand such as through insulation of buildings and promoting energy efficiency.

Respondents generally supported a policy framework that allowed small-scale renewable energy generation without resource consent, provided there were no negative impacts (such as noise, odour, or visual effects) on neighbours.

While small scale renewable electricity generation was generally supported, respondents had concerns that large scale unsightly installations should not be allowed in locations such as on the Kaimai Ranges including Mount Te Aroha, where the natural beauty of the landscape would be affected.

1.2.4 Safety and efficiency of our transportation network

Some respondents highlighted the trend towards the ageing of our population which would likely lead to an increase in the use of mobility scooters. These respondents wanted the Council to take such measures as necessary to ensure that the use of mobility scooters will be safe and convenient.

1.2.5 Parking and loading

Respondents were divided on the adequacy of parking. Responses ranged from people who considered current parking provision in the town centres to be totally inadequate, to others who felt that there were no parking issues at all.

There was broad agreement that additional town centre parking could be freed up by ensuring that town centre employees parked away from the main streets so that customer parking was not occupied unnecessarily.

There was broad support for public (as opposed to on-site) parking to be provided in the town centres. In terms of funding for the parking provision, some respondents felt that business owners should bear the costs, while others suggested a targeted rate that would apply to town centre properties.

A number of respondents highlighted a need for dedicated parking bays for farm vehicles including trailers, and for campervans to cater for tourists visiting the towns.

Many respondents raised the need for more loading facilities in the town centres and expressed concern regarding adverse traffic safety effects associated with trucks unloading from public roads.

1.2.6 Enabling infrastructure/managing effects

There was broad support amongst respondents that routine maintenance of infrastructure should not be subject to resource consents.

In addition, the Council received feedback from the New Zealand Fire Service, requesting that the District Plan give adequate consideration to fire fighting requirements.

2. Iwi consultation

During July and August 2012, Council sent letters to all known iwi groups with an interest in the *rohe* within which the District is located, requesting feedback on their level of interest in the plan review and their preferred timing and process for consultation. The circulation included all iwi groups registered on Te Puni Kokiri's website as having an interest in the District, iwi groups who have contacted the Council in the past requesting to be consulted during planning processes, and the iwi groups with which the Council has a protocol for commenting on resource consent applications.

In response to the letters, Ngati Maru indicated their interest in the review process and that they would advise the Council in due course of the contact person to consult with. During August 2012, the Council followed Ngati Maru's initial response up requesting details of the contact person. As no further response was received from Ngati Maru, consultation could not progress further.

Raukawa responded in September 2012, advising that they had no particular feedback on the issues and options paper produced by Council, but that they would appreciate an opportunity to provide feedback when the draft plan change had been prepared. Once approved by Council, a copy of the plan change document will be forwarded to Raukawa, as requested.

In addition, Council staff advised the Te Mana Whenua Forum Mo Matamata-Piako in March 2012, of the review process and sought the Forum's direction on how it wanted to be consulted. At the time, the Forum advised that it wanted to receive status reports only, and did not seek further involvement in the review process. In March 2013, Council staff updated the Forum on progress with the proposed changes to the District Plan. A member of the forum expressed concern that the proposed restricted-discretionary status for any access onto a state highway, may impact on marae development. No other comments were forthcoming. A copy of the draft plan change will be referred to the Forum, once approved by Council.

3. Stakeholder Consultation

During the plan review process, key stakeholders in the transportation and utility sectors were consulted extensively. A summary of the stakeholder consultation undertaken, follows below:

3.1 Transportation

In March 2012, an initial stakeholder consultation meeting was held to raise awareness of the upcoming review and to seek feedback on the scope of the review, issues to be considered, and options open to address the issues.

The meeting was attended by representatives of NZTA, WRC, and Council staff. The outcome of the meeting was that broad agreement was reached on the scope of the review process. Kiwi Rail was unable to attend the meeting but provided written feedback. Detailed written feedback on the issues and options paper prepared by Council was also received from NZTA, subsequent to the meeting.

During the preparation of the plan change, NZTA and WRC also provided comment on the development of the proposed plan provisions.

3.2 Utilities

An initial meeting with utility providers was held in July 2012. The meeting was attended by representatives of Chorus, Powerco, and WRC. Relevant Council staff and representatives of local survey firms also attended. Representatives of Vodafone, Transpower, Well Networks, and Vector were unable to attend, but subsequently provided written feedback on the issues and options paper tabled at the meeting.

Subsequently, Transpower, Powerco, Chorus, and WRC were consulted on, and provided further feedback during the development of the proposed plan provisions.

4. Conclusion

This report summarises the plan review process to date, the consultation outcomes that informed the plan development, the options considered, and the reasons for recommending the changes to the District Plan as detailed in Appendices 1 and 2.

The report is a “living document”. In the first instance it will inform the public and stakeholders of the Council’s initial reasoning and assessment.

As the plan-making process progresses from here on, it is recognized that the public and stakeholders have an important contribution to make through the submissions and hearings process. The report, along with submissions received during notification, will assist the Council in its deliberations, prior to making its final decisions on the proposed plan change.