

# **WAIKATO DISTRICT COUNCIL**

## **Hearings of Submissions on the Proposed Waikato District Plan**

### **Report and Decisions of Independent Commissioners**

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#### **Decision Report 4: Introduction**

**17 January 2022**

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#### **Commissioners**

Dr Phil Mitchell (Chair)

Mr Paul Cooney (Deputy Chair)

Ms Janet Gibb

Ms Jan Sedgwick

Mr Weo Maag

Ms Linda Te Aho

Mr Dynes Fulton

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## 1 Introduction

- 1.1 Hearing 1 related to all the submissions received by the Waikato District Council (Council) on Chapter 1 Introduction within the Waikato Proposed District Plan (PDP). This decision report does not relate to all of Chapter 1 because we have addressed Section 1.12 Strategic directions and objectives for the district in our decision on Strategic Directions. We have also moved most of the Chapter 1 text relating to Tangata Whenua into the new Tangata Whenua chapter, and this is addressed in our decision on Tangata Whenua. For that reason, we have noted in our decision where these provisions have been addressed in other decision reports.
- 1.2 While we did not receive many submissions on Chapter 12 How to use and interpret the rules, we have also set out our findings on that chapter in this decision due to its relevance to Chapter 1.
- 1.3 Neither Chapters 1 nor 12 contain objectives, policies or rules and instead provide a variety of descriptive material about the Waikato District and how the PDP is intended to operate.

## 2 Hearing Arrangement

- 2.1 The hearing for Chapter 1 Introduction was held on Tuesday 8 October 2019 in the Council Chambers at Ngaruawahia. All of the relevant information pertaining to this hearing (i.e. section 42A report, legal submissions and evidence) is contained on the Council website.
- 2.2 We, the Hearings Panel, heard from the following parties on the Introduction section of the PDP:

Submitter organisation	Attendee at the hearing
Council	Deborah Donaldson (author of the section 42A report)
Ethan and Rachael Findlay	In person
NZ Steel	Sarah McCarter
Ports of Auckland Limited	Mark Arbuthnot
Raglan Naturally	Gabrielle Parson
Kenneth Graham Barry	In person

Middlemiss Farm Holdings Limited	Shane Hartley
Annie Chen CSL Trust and Top End Properties	Peter Fuller (legal counsel) Sir William Birch (planning)
Housing New Zealand Corporation	Danial Sadlier (legal counsel) Matthew Lindenberg (planning)
Havelock Village Limited	Mark Tollemache
Heritage New Zealand Pouhere Taonga	Carolyn McAlley
TaTa Valley Limited	Ailsa Fisher

2.3 Although these parties did not attend the hearing, evidence was filed by:

- (a) KiwiRail;
- (b) Transpower; and
- (c) WEL Networks.

### 3 Overview of issues raised in Submissions

3.1 In the section 42A report, Ms Deborah Donaldson set out the full list of submissions received pertaining to Chapter 1: Introduction. The majority of submissions focused on the following matters:

- i. General structure and general content of Chapter 1;
- ii. Adoption of the National Planning Standards structure;
- iii. Requested amendments to specific content, particularly Sections 1.4 – Issues for Waikato, 1.5 – What this means for strategic objectives and directions for Waikato; and 1.10 – Integration of district plan within other plans and documents;
- iv. Removal of unnecessary information;

- v. Amendments to improve clarity, accuracy and conciseness;
- vi. References to plans, strategies and documents that may become outdated;
- vii. Reallocate information contained within the Chapter to other chapters in the PDP;
- viii. Amendments to clarify the relationship between the information contained within Sections 1.4 Issues for the Waikato, 1.5 What this means for the Strategic Directions and Objectives for Waikato and 1.12 Strategic Directions and Objectives; and
- ix. Requests for a new plan chapter for Strategic Directions and Objectives.

#### **4 Overview of evidence**

- 4.1 Mr Ethan Findlay filed evidence regarding his property at 7B Llennoc Lane, Matangi. The property is the result of an earlier subdivision of a 10-acre lot which resulted in a 6-acre lot on which profitable farming is not sustainable. Mr Findlay provided photographs showing the general layout of the properties in the area and suggested that the size of the properties are no longer viable productive units and suitable for subdivision. Mr Findlay also attended Hearing 25 Zoning extents. We note that Mr Findlay's evidence is more relevant to our decision on zoning in Matangi and therefore have considered all the evidence he provided in Decision Report 28O: Zoning - Rest of District.
- 4.2 Mr Mark Tollemache filed evidence on behalf of Havelock Village Limited (HVL). While he generally supported Chapter 1 as notified, he also supported Ms Donaldson's recommendation to delete unnecessary information. Mr Tollemache considered Chapter 1 plays an important role in identifying issues relevant for the Waikato District and this assists to formulate and understand the PDP's objectives and provisions. Mr Tollemache sought minor changes to Clause 1.3.4.(c) which reflects that Pokeno has largely been excluded in the Future Proof Strategy and suggested this section is amended to encompass any future amendments to the Strategy. He generally agreed with Ms Donaldson's recommended amendments to Sections 1.3.5 Services and general infrastructure, 1.3.1 Compact Urban Development and 1.3.2 Planning for urban growth and development. He considered that Section 1.3.6 (d) Transport and logistics may need to change to reflect the recent plans for the Hamilton to Auckland rail service, with potential stops at Pokeno. He observed that the increased transport choices and connectivity in Pokeno may increase the demand to live in Pokeno.<sup>1</sup>
- 4.3 Mr Daniel Sadlier filed legal submissions on behalf of Kāinga Ora and outlined the roles and responsibilities of the organisation and its interest in the PDP. He emphasised the importance of providing for an efficient, compact urban form and how parts of Chapter

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<sup>1</sup> Evidence in chief of Mark Tollemache on behalf of Havelock Village Limited, dated 16 September 2019.

1 can best address that. He considered that the PDP should provide for an efficient urban form through location of increased residential density close to centres, transport nodes and corridors.<sup>2</sup>

- 4.4 Mr Matthew Lindenberg filed planning evidence on behalf of Kāinga Ora and sought amendments to Section 1.5.4 to give priority to residential intensification in existing urban areas. The other amendments sought by Mr Lindenberg are intended to emphasise the need for, and support the provision of, a compact urban development model. He considered that the amendments facilitate the implementation of the directives in the current National Policy Statement on Urban Capacity Development, as well as the Proposed National Policy Statement for Urban Development (as it existed at the time of Hearing 1). Mr Lindenberg considered that it was important to link the discussion in Section 1.5.1 Compact urban development with the discussion further below in Section 1.5.4 Urban growth and set out amendments to achieve that.
- 4.5 Ms Pam Butler tabled evidence on behalf of KiwiRail New Zealand, and she agreed with Ms Donaldson's recommendations on its submissions.<sup>3</sup>
- 4.6 Mr Peter Fuller filed legal submissions on behalf of Middlemiss Farm Holdings Limited (Middlemiss) and provided supporting information about ecological enhancement subdivisions. He considered that the introduction of native planting enhancement / restoration / subdivision provisions could reverse biodiversity loss and restore ecosystem services. Mr Fuller gave examples of where this type of subdivision has been successful.
- 4.7 Middlemiss also filed a statement which provided the history of the Webber family and descriptions of the ecological enhancement subdivision on their property located outside of the Waikato District.<sup>4</sup>
- 4.8 Planning evidence was filed by Mr Shane Hartley on behalf of Middlemiss. He sought a number of amendments to Section 1.4. He considered that Section 1.4 did not fully identify or include appropriate methods that address the important biodiversity issues within the Waikato District and would unnecessarily restrict rural residential activity. He considered that while protection of existing significant natural areas (SNAs) is included in the PDP, there is little or no provision for the enhancement and expansion of biodiversity over time.<sup>5</sup> His main points were:

- (a) Issue 1.4.2.1 Challenges (a) (vi) Soil resources: He considered that this section was incorrectly worded in terms of (i) being too limited in scope by generically referencing all subdivision and intensification, and (ii) ignoring other threats to the soil resource. While he agreed with protecting high class soils in

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<sup>2</sup> Legal Submission on behalf of Kāinga Ora, Section 3, dated 2 October 2019.

<sup>3</sup> Evidence tabled by Pam Butler on behalf of KiwiRail New Zealand, dated 11 September 2019.

<sup>4</sup> Hearing presentation by Webber family, Pages 1-2, dated 8 October 2019.

<sup>5</sup> Evidence in chief of Shane Hartley on behalf of Middlemiss Farm Holdings Limited, Paragraph 4, dated 16 September 2019.

accordance with the Waikato Regional Policy Statement (RPS), he considered that not all high class soils had productive potential due to flooding. Additionally, the loss of the soils would have a less than minor effect if balanced against the restoration or enhancement of threatened ecosystems.

- (b) Issue 1.4.2.1 Challenges (a) (ix) Natural environment: He sought the addition of a reference to the 'sustainability of ecosystem services'. He observed that the term is used in the PDP in regards to indigenous vegetation clearance outside SNAs and appears in the RPS.
- (c) Issue 1.4.3 (a) and (b) The Rural environment: While Ms Donaldson recommended retaining the word "productive", Mr Hartley considered it should be deleted to avoid future debate on whether an activity is productive or not. He also sought a number of other amendments to better provide for rural subdivision and activities that address and encourage, for example, biodiversity maintenance, enhancement and restoration.<sup>6</sup>
- (d) Issue 1.4.3.2 (a), (b) and (c) Protecting the rural environment: He sought inclusion of reference to transferable development rights and considered this mechanism would give effect to higher order planning documents, such as the:
  - (i) RPS;
  - (ii) National Policy Statement for Freshwater Management;
  - (iii) draft New Zealand Indigenous Biodiversity Strategy;
  - (iv) proposed National Policy Statement for Indigenous Biodiversity; and
  - (v) New Zealand Coastal Policy Statement.<sup>7</sup>

4.9 Ms Carolyn McAlley filed evidence on behalf of Heritage New Zealand Pouhere Taonga (Heritage NZ) and supported Ms Donaldson's recommendation to include an "Issue" related to Historic Heritage in Section 1.4.6. She suggested amending "heritage resources" to "historic heritage resources" as the term aligns with the defined term 'historic heritage' within the PDP. Ms McAlley also suggested including the terms "recognise" and "protect" into the new section. She considered the additional words would clarify that while some historic heritage resources are fragile, all historic heritage resources may be adversely affected by development activities, or a lack of care and maintenance, and therefore require protection.<sup>8</sup>

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<sup>6</sup> Ibid, Paragraphs 4.27-4.30.

<sup>7</sup> Ibid, Paragraphs 4.31-4.40.

<sup>8</sup> Evidence of Carolyn McAlley on behalf of Heritage New Zealand Pouhere Taonga, Section 5.

- 4.10 Mr Grant Huggins filed evidence on behalf of New Zealand Steel Holdings Limited (NZ Steel). Given the existing longstanding sand mining operations at Waikato North Head, he sought that the PDP appropriately provide for mining activities at the site and communicate a clear understanding of existing activities to readers of the PDP.<sup>9</sup>
- 4.11 Planning evidence was filed by Ms Sarah McCarter on behalf of NZ Steel. She considered that the PDP should better provide for NZ Steel's activities at the Waikato North Head site, in order to:
- (a) reflect the on-the-ground reality;
  - (b) provide continuity from the operative Waikato District Plan; and
  - (c) enable users of the plan to have a clear understanding of activities that are lawful at Waikato North Head.
- 4.12 Ms McCarter considered that Section 1.4.3 should be retained as notified and that a new Section 1.5 be included within the strategic objectives and directions to address productive rural activities and mineral extraction. She agreed with many of the changes to the Introduction chapter recommended by Ms Donaldson. She considered that Section 1.2 Description of the district and issues for the Waikato and Section 1.3 What does this mean for Waikato? set out important context for the balance of the PDP. She supported recognition of the mining sector in Section 1.2 and sought inclusion of it in Section 1.3 as well.<sup>10</sup> She considered that Section 1.3 should recognise that:
- (a) established extractive industries, including sand and coal mining, are important to the economic wellbeing of the district;
  - (b) mineral extraction is subject to reverse sensitivity issues; and
  - (c) access and utilization of resources needs to be managed.<sup>11</sup>
- 4.13 Mr Mark Arbuthnot filed evidence on behalf of Ports of Auckland Limited (POAL). Along with providing an outline of the operation of POAL, Mr Arbuthnot's evidence related to Ms Donaldson's recommended changes to Section 1.4. He considered that the recommended changes are necessary to clarify the resource management issues for

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<sup>9</sup> Evidence in chief of Grant Huggins on behalf of New Zealand Steel Holdings Limited, Paragraphs 15-18, dated 23 September 2019.

<sup>10</sup> Evidence in chief of Sarah McCarter on behalf of New Zealand Steel Holdings Limited, Paragraphs 7-21, dated 23 September 2019.

<sup>11</sup> Primary Statement of Evidence of Sarah McCarter on behalf of NZ Steel, dated 23 September 2019.



the district, are minor in nature and do not result in any consequential flow-on effect to the objectives, policies or rules of the PDP.<sup>12</sup>

- 4.14 Ms Ailsa Fisher filed evidence on behalf of TaTa Valley Limited (TVL). Ms Fisher provided an overview of the TaTa Valley Resort while also discussing the resource consents that TVL have applied for to date. She sought that Section 1.4.3.1(a) Description of the district and issue for Waikato – The Rural environment be amended to recognise that tourism opportunities will showcase the district’s rural character and activities. Ms Fisher considered that rural tourism is an important resource management issue that should be acknowledged in the PDP. She supported Ms Donaldson’s recommended amendments to Section 1.4.3.1(b) as it acknowledges the benefits of rural recreation at a district wide level.
- 4.15 Ms Pauline Whitney tabled evidence on behalf of Transpower New Zealand Limited and sought amendments, or the retention of, policies in Section 1.4.3.2 Protecting the rural environment. Ms Whitney accepted Ms Donaldson’s recommendations regarding Sections 1.5.5 Services and general infrastructure and 1.10.3.4 National Environmental Standards.
- 4.16 Ms Sara Brown tabled evidence on behalf of WEL Networks Limited (WEL). Ms Brown provided an outline of WEL functions and operations and their responsibilities under Part 2 of the Resource Management Act 1991 (RMA). While she was generally supportive of the approach and overall content of the PDP, she sought an amendment to Section 1.5.7.7(a) to include electricity distribution infrastructure, so as to provide consistency with the RPS.
- 4.17 Mr Fuller filed legal submissions on behalf of Annie Chen Shiu and CSL Trust and Top End Properties. He addressed the submissions which related to zoning on the western edge of Pokeno, and the legal submissions filed by Pokeno Village Holdings Limited (PVHL) which opposed the submissions. Mr Fuller considered that the main concern appears to be a “timing” issue, rather than outright opposition to urbanisation, with PVHL seeking a deferral of the consideration or a Future Urban Zone (FUZ). He further considered that PVHL do not appear to be opposed to development on the land per se but are concerned about the level of supporting technical information. He summarised the technical supporting information, the likely effects as well as assessing the rezoning against the higher order statutory planning documents.
- 4.18 Sir William Birch attended the hearing in support of Annie Chen Shiu, CSL Trust and Top End Properties, and spoke of the challenges associated with a FUZ, particularly in the context of the Auckland Unitary Plan.
- 4.19 The information from Mr Fuller and Sir William is most relevant to our consideration of zoning for Pokeno and we have addressed the matters covered by their submissions in Decision Report 28I: Zoning - Pokeno.

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<sup>12</sup> Evidence in chief of Mark Arbuthnot on behalf of Ports of Auckland Limited, Section 5, dated 16 September 2019.

- 4.20 The submission by Raglan Naturally sought amendments to sections 1.5.6 and 1.5.7.2 of the Introduction to acknowledge parking issues in towns and recreation areas, include the importance of ultra fast broadband, and protect natural character areas.

## 5 Panel Decisions

- 5.1 We note that 230 primary submission points and 331 further submission points were received from 42 original submitters and 73 further submitters on the provisions contained within Chapter 1 – Introduction. These were considered in a comprehensive section 42A report, rebuttal and closing statement prepared by Ms Donaldson who recommended a number of changes. We have structured our decision into sections which we consider reflect the key matters we are required to decide. Given the volume of submissions, we do not attempt to address every submission point individually and focus instead on the key changes and our reasons.

### National Planning Standards

- 5.2 As we have decided to implement the National Planning Standards (NPS) through this district plan review process, the content of Chapter 1 Introduction and Chapter 12 How to use and interpret the rules has been restructured into Part 1 Introduction and General Provisions. The NPS outlines the chapters which sit in Part 1 Introduction and General Provisions as follows (those that are in bold are mandatory):

- (a) Introduction
  - i. Foreword or mihi
  - ii. Contents
  - iii. Purpose
  - iv. Description of the district
- (b) How the Plan works
  - i. Statutory context
  - ii. General approach
  - iii. Cross boundary matters
  - iv. Relationships between spatial layers**
- (c) Interpretation
  - i. Definitions**
  - ii. Abbreviations**
  - iii. Glossary
- (d) National Direction Instruments
  - i. National policy statements and New Zealand Coastal Policy Statement**
  - ii. National environmental standards**
  - iii. Regulations**
  - iv. Water conservation orders
- (e) **Tangata Whenua/Mana Whenua**

- 5.3 We agree with the submitters who expressed a desire to remove unnecessary information. In order to determine what information could be considered 'unnecessary', we have carefully considered the evidence, submissions and the NPS. Having done so, we consider that Part 1 Introduction and General Provisions should be succinct and confined to the mandatory sections required by the NPS.
- 5.4 We have, therefore, condensed and restructured Chapter 1 to improve its legibility, interpretation and usability for plan users.

#### Issues for the District

- 5.5 It seems to us that the content of Section 1.4 Issues for Waikato district contains a description of the district rather than identifying the key resource management issues facing the Waikato District. We have therefore renamed this section and made amendments to make it more useable and to succinctly describe the Waikato District.
- 5.6 We agree with Ms McAlley that it is appropriate to recognise historic heritage. We have therefore included new text which recognises the importance of historic heritage in the section which describes the Waikato District.
- 5.7 There were a number of submissions which sought amendments to Section 1.4.2.3 Challenges, but we have deleted this section in its entirety as we do not consider it to be necessary or useful.

#### Strategic objectives and directions

- 5.8 A number of submitters considered that the relationship between Section 1.5 (What does this mean for Waikato district strategic objectives and directions?) and Section 1.12 (Strategic Directions and objectives for the district) were both confusing and, in some cases, inconsistent. We agree and, because we have created a new Strategic Directions chapter in accordance with the NPS, we see no need for Section 1.5 and have deleted it accordingly.

#### Chapter 12 How to use and interpret the rules

- 5.9 Given the significantly different structure of the PDP as required by the NPS, much of the content of Chapter 12 is no longer relevant or accurate and we have deleted it. We have however retained Section 12.1(h) which relates to the zoning of roads. We have relocated this rule into the Network Utilities chapter and amended it in response to the submission from Council who sought amendments to cover the scenario where a road is stopped, allowing for the application of the zone(s) on either side.
- 5.10 We have also retained Section 12.1(i) and (j) which discuss the approach to activities on the surface of water and reliance on the underlying Rural Zone provisions. We have relocated these provisions in the Activities on the surface of water chapter in Part 2 District Wide Matters, as we consider this to be the most logical place for plan users.

## **6 Conclusion**

- 6.1 We consider that the implementation of the NPS is the most efficient approach. We also consider that the revised content of Part 1 Introduction and General Provisions will be helpful to users of the PDP while only containing material that is necessary.

**For the Hearings Panel**



**Dr Phil Mitchell, Chair**

**Dated: 17 January 2022**

## ~~Chapter 1:~~ Introduction

### ~~1.1 What is a district plan? Purpose~~

- ~~(a) A The Waikato~~ district plan is a document prepared under the Resource Management Act 1991 ~~in conjunction with the community~~. It sets out a framework for development and the management of resources land use activities in the district in a manner that meets the goal of sustainable management of those resources.

~~It must~~ The district plan includes objectives, policies, and rules to manage the environmental effects of land use activities. It defines the activities that can happen in each zone and gives methods for implementing the policies for the district. ~~It provides the foundation for the development of procedures used to monitor the efficiency and effectiveness of the policies, rules, or other methods contained in the plan.~~

~~(b) The relationship between the district plan and other resource management planning documents is set out in Sections 1.7 to 1.10 of this chapter.~~

~~(c) This district plan replaces the district's two previous operative plans, namely the Waikato Section and the Franklin Section of the Waikato District Plan.~~

### ~~1.4 Description of the district~~ Issues for Waikato district

The district covers an area of 419,000 hectares, extending from Miranda in the northeast to the Aotea Harbour in the south-west. It is located within the greater Waikato region and has several rural territorial authorities on its boundary. In the north it abuts the Auckland region, and its southern boundary is shared by Hamilton City, Waipa District and Waitomo District. Matamata Piako District and Hauraki District adjoin the eastern boundary.

Waikato district has a population of ~~73,600 (2017)~~ 81,473 (2020) and the population is expected to reach approximately 147,000 in the year 2063, with a consequent increase in the demand for land, infrastructure, services and amenities (Statistics New Zealand (2014), Infometrics for E Tu Waikato (2014) and the National Institute for Demographic and Economic Analysis).

The Waikato district economy is based around the primary sector, particularly dairying, sheep, and beef farming, together with horticulture, other livestock farming and services to the agricultural and forestry sectors.

The key towns are Pokeno, Tuakau, Ngaruawahia, Te Kauwhata, Raglan and Huntly. Smaller settlements include Gordonton, Matangi, Tamahere, Meremere, Taupiri and Port Waikato. While all the towns are growing and many are facing growth pressures, the towns in the northern portion of the district in particular are experiencing significant levels of growth.

The Waikato River, the tupuna awa of Waikato Tainui, runs almost the entire length of the district before flowing out to the coast at Port Waikato.

The district has a number of important cultural sites and historic heritage which record its history.

The district contains large areas of indigenous vegetation with high ecological values. The landscape is complex and highly variable across the district which is reflective of the coastal and river processes.

There are a number of landscape features which are significant for different reasons, for example Taupiri maunga is culturally significant and Mt William is geologically significant.

## **How the plan works**

### **General Approach**

#### **12.2 Categories of Activities**

Rules determine whether resource consent is required for a particular activity. The Resource Management Act 1991 (RMA) provides categories of permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited activities for every land use or subdivision. The following table shows the order and summarises the meaning of these categories.

	Activity class	Rule	Comments
No consent required	Permitted <u>PER</u>	<del>Activity is permitted if it complies with all the:</del> (i) <del>Land Use – Effects Rules;</del> (ii) <del>Land Use – Building Rules; and</del> (iii) <del>Conditions listed in the “Activity-specific conditions” column of the rule table.</del>	No resource consent is required. However, approvals may be required under other legislation, such as a building consent under the Building Act 2004 or a resource consent under the provisions of the Waikato Regional Plan.  <del>There is no provision for subdivision as a permitted activity.</del>
Consent required	Controlled <u>CON</u>	<del>Activity is controlled if the activity is listed and complies with conditions for a controlled activity specified in the rule table.</del>	The Council must grant consent. Consent conditions may be imposed on matters over which control is reserved, as listed in the rule table.  The Council may refuse to grant a controlled activity subdivision if the provisions of section 106 of the RMA apply.
	Restricted Discretionary <u>RDIS</u>	<del>Activity is restricted discretionary if the activity is listed, and the activity complies with conditions specified for a restricted activity specified in the rule table.</del>	The Council may grant or decline consent. Assessment of the application is restricted to matters over which discretion is restricted, as listed in the rule table.  If granted, the Council may impose conditions on the consent, but only for those matters over which discretion is restricted.

	Discretionary  <u>DIS</u>	<del>Activity is discretionary if the activity is listed, and the activity complies with conditions specified for a discretionary activity specified in the rule table.</del>	The Council may grant or decline consent. The consent may be granted with or without conditions. The Council will assess the application on the full range of matters without limitation.
	Non-complying  <u>NC</u>	<del>Activity is non-complying if stated in the rule table</del>	The Council may grant or decline consent. The application can only be granted if Council is satisfied that the requirements of section 104D of the RMA are met.  If the consent is granted it may be granted with or without conditions. The application will be assessed on a full range of matters without limitation.
No consent possible	Prohibited  <u>PR</u>	<del>Activity is prohibited if it is listed in the rule table.</del>	No application can be made for a prohibited activity and Council must not grant a consent.

## **Relationships between spatial layers**

The District Plan uses a range of spatial layers that are shown on planning maps including zones, overlays, site-specific controls, development areas and designations. The function of each spatial layer is set out in the National Planning Standards, November 2019, as follows:

### Zones

A zone spatially identifies and manages an area with common environmental characteristics or where environmental outcomes are sought, by bundling compatible activities or effects together, and controlling those that are incompatible. The spatial area of each zone is shown on the planning maps. Every part of the district (except for roads) is in one zone and the zones do not overlap.

### Overlays

As well as zones, there are various overlays (such as Outstanding Natural Landscapes and Significant Natural Areas) and sites/features (such as Historic Heritage buildings). An overlay spatially identifies distinctive values, risks or other factors which require management in a different manner from underlying zone provisions.

### Site-specific controls

A site-specific control spatially identifies where a site or area has provisions that are different from other spatial layers or district-wide provisions that apply to that site or area.

### Precincts

A precinct spatially identifies and manages an area where additional place-based provisions apply to modify or refine aspects of the outcomes anticipated in the underlying zone(s).

### Designations

A designation is a provision in a district plan for a public work or project. Only a requiring authority can give notice of a requirement for a designation.

## **NATIONAL DIRECTION INSTRUMENTS**

### National Policy Statements and New Zealand Coastal Policy Statement

National Policy Statements (NPSs) and the New Zealand Coastal Policy Statement (NZCPS) form part of the RMA's policy framework and are prepared by central government. NPSs and the NZCPS contain objectives, policies and methods that must be given effect to by policy statements and plans. NPSs and the NZCPS must also be had regard to by consent authorities when making decisions on resource consent applications, alongside other considerations.

The following table provides an overview of whether any relevant review/s of the District Plan has been undertaken in relation to NPSs and the NZCPS:

<u>National Policy Statement for Freshwater Management 2014 (amended in August 2017)</u>	<u>The policy statement has been reviewed.</u>
<u>National Policy Statement on Urban Development 2020</u>	<u>The policy statement has been reviewed.</u>
<u>National Policy Statement for Renewable Electricity Generation 2011</u>	<u>The policy statement has not yet been reviewed.</u>
<u>New Zealand Coastal Policy Statement 2010</u>	<u>The policy statement has not yet been reviewed.</u>
<u>National Policy Statement on Electricity Transmission 2008</u>	<u>The policy statement has not yet been reviewed.</u>
<u>National Policy on Freshwater Management 2020</u>	<u>The policy statement has been reviewed.</u>

## **National Environmental Standards**

National Environmental Standards are prepared by central government and can prescribe technical standards, methods (including rules) and/or other requirements for environmental matters throughout the whole country or specific areas. If an activity does not comply with a National Environmental



Standard, it is likely to require a resource consent. National Environmental Standards must be observed and enforced by local authorities.

The following National Environmental Standards are currently in force:

- Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017
- Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008
- Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011
- Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009
- Resource Management (National Environmental Standard for Sources of Human Drinking Water) Regulations 2007
- Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (amended 2011)
- Resource Management (National Environmental Standards for Freshwater) Regulations 2020
- Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020

## Regulations

The regulations in this chapter come under the RMA (excluding the national environmental standards listed in the National Environmental Standards chapter). These regulations are:

- Resource Management (Discount on Administrative Charges) Regulations 2010
- Resource Management (Exemption) Regulations 1996
- Resource Management (Exemption) Regulations 2017
- Resource Management (Forms, Fees, and Procedure) Regulations 2003
- Resource Management (Infringement Offences) Regulations 1999
- Resource Management (Marine Pollution) Regulations 1998
- Resource Management (Measurement and Reporting of Water Takes) Regulations 2010
- Resource Management (Network Utility Operations) Regulations 2016
- Resource Management (Transitional, Fees, Rents, and Royalties) Regulations 1991

## **~~1.2 What is the purpose of the Waikato District Plan~~**

- ~~(a) The Waikato District Plan ('district plan') promotes the sustainable management of natural and physical resources in the Waikato district, primarily through strategic management of growth and by managing the effects of land use on the environment. The effects are managed differently around the district to reflect the local environmental issues. The district plan responds to the issues in terms of community needs and aspirations. If those needs and aspirations change, then plan changes may be needed.~~
- ~~(b) Matters included in the district plan relate to land based activities, consideration of future population changes, avoidance of natural hazards, energy and waste management, the effects of housing, business and rural activities, neighbourhoods and communities, recreation and open spaces, transportation and utility services, residential and business design, heritage, district growth and subdivision.~~
- ~~(c) The district plan applies to the whole of the Waikato district. The district covers an area of 3,188 square kilometres, extending from Miranda in the northeast to the Aotea Harbour in the south west. It is located within the greater Waikato region and has several rural territorial authorities on its boundary. The district is located between two large urban centres – Auckland, with a population of over 1 million people and lies to the north, and Hamilton with a population of over 110,000, which lies to the south. These population centres have both positive and negative influences on the district.~~

## **~~1.3 Background~~**

- ~~(a) In November 2010, Waikato District Council inherited a part of the Franklin district as result of the 'super-city' changes for Auckland city.~~
- ~~(b) The district plan needs to provide a balance between urban and rural growth in a way that manages the effects on the environment, as well as the effects they have on each other.~~
- ~~(c) Many of the wider issues identified in the district plan are also managed and influenced to some degree by other organisations, including through their planning documents. A collaborative partnership approach was taken to the drafting of the plan. This included the Council, Iwi Reference Group, Waikato Regional Council, New Zealand Transport Agency and the community through roadshows. This process ensured that the district plan is consistent with and gives effect to the relevant statutory plans and documents, and integrates with the responsibilities of other affected organisations.~~

### **~~1.4.1 Demographic trends~~**

- ~~(a) The following trends in the population of the district are likely to have an impact on the future development of the district.~~

#### **~~1.4.1.1 Ageing population~~**

- ~~(a) The population of the district, region, and country is ageing. Deaths should outnumber births by the early 2040s and by 2042 more than a quarter of the country's population will be over sixty-five years of age. However, even though the population of the district is ageing, the total population is projected to continue to grow over the next thirty years due to natural increase and in-migration.~~

#### **~~1.4.1.2 In-migration to the district~~**

- ~~(a) There is significant development pressure pushing into Waikato district from Auckland's southern area, which needs to accommodate 145,000 new dwellings in the next thirty years (or 36% of Auckland's growth). Towns near the Waikato-Auckland boundary have a common future as residential and business growth nodes. Any constraints on Auckland's ability to cater for its continued growth in the Franklin Local Board area (i.e. Pukekohe, Drury) will have spill-over effects into Waikato's northern towns, adding an upside risk to current population projections for these towns.~~

#### **~~1.4.1.3 Uneven population growth across the district~~**

- ~~(a) The spatial distribution of growth is expected to be very uneven over the next twenty years, with higher rates of population and dwelling growth in the northern urban towns of Pokeno, Tuakau, and Te Kauwhata, and in the south, in Tamahere and the 'Hamilton periphery' area. By comparison, the central area of the district is projected to remain fairly static. People are drawn to the greater economic opportunities, connectivity, and access to services of urban areas, and particularly to larger urban areas. Another trend is the depopulation of the more remote rural areas that is expected to continue with ageing of the population. This trend could be accentuated with the Waikato Expressway by-passing the central Waikato towns of Huntly and Ngaruawahia.~~

#### **~~1.4.2 Economic growth~~**

- ~~(a) The New Zealand economy has grown by 2.5 % per annum over the last decade, but expanded by 2.7% over the year to March 2017—its fastest pace of growth since 2008 (Infometrics 2014).<sup>1</sup> The Waikato Region contributes about 9% to New Zealand's gross domestic product (GDP) and has grown by 2.1% p.a. over the last decade (Waikato Economic Development Strategy 2013). Of New Zealand's regions, Waikato makes the fourth-largest contribution to the New Zealand economy behind Auckland, Canterbury, and Wellington respectively. Economic growth in Waikato district has averaged 0.8% p.a. over the past decade. The economic growth can be largely attributed to primary industry, which as of 2014 accounts for more than a third of the district's GDP (Waikato District Annual Economic Profile, Infometrics 2014).~~

#### **~~1.4.2.1 Economic sectors~~**

- ~~(a) Pastoral farming has been the mainstay of the economy for over 100 years. The combined Agriculture, Forestry and Fishing sector accounts for 29% of employment (2016) and 35% of business units, ahead of construction and manufacturing (both 11% of employment), population-based services of education (8%), trades (6%), and health (5%).~~
- ~~(b) The structure of the economy is consistent with Waikato district's size and resource base, and its location relative to two much larger urban economies—Hamilton City in the south and Auckland to the north. These larger urban economies Auckland and Hamilton<sup>2</sup> have long been the destination for much of Waikato's primary production—to be processed together with that from other rural economies in the Waikato region—and the large service centres from which the Waikato community draws many of its retail goods and the household services. Only those services for which proximity to the resident population is important—school education and health services—have a moderate presence in Waikato itself.~~
- ~~(c) This pattern is also consistent with the geography of the district. The relatively sparse population supported by the hill country in the west, and the natural orientation to towns outside the district for farming areas in the north (Pukekohe) and east (Morrinsville), together with the presence of the larger urban economies, has meant that Waikato has only six towns of substantial size, and these have predominantly farm and population-servicing roles.~~

#### **~~1.4.2.2 Advantages~~**

- ~~(a) From an economic perspective the district has a number of strategic advantages, including:~~
- ~~(i) good 'locational efficiency' in relation to distance from and accessibility to the proposed Ruakura hub;~~
  - ~~(ii) main north-south transport corridor (road and rail); and~~
  - ~~(iii) the ports of Auckland and Tauranga.~~

- ~~(b) There is a sizeable domestic market of 1.7 million people within an hour's drive of the centre of the district. There is a reasonably high employment growth (1.2% over past ten years) which is consistent with the national average, and relatively good housing affordability well above the national average and with an improving trend.~~
- ~~(c) Revocation of parts of State Highway 1 will offer opportunities for some town centre improvements and cycle/walk ways. It is important to note that there is a strong cultural identity in the district and the emergence of Te Whakakitenga o Waikato Incorporated—(Waikato Tainui) as a major economic player is an advantage. Further advantages will become evident with the emergence of other post settlement iwi.~~

#### **~~1. 4.2.3 Challenges~~**

- ~~(a) Economic development challenges facing the district are as follows:~~
  - ~~(i) Growth across the district is uneven. Population and associated economic growth is occurring predominantly in the north (Tuakau, Pokeno, Te Kauwhata) and in the south around the Hamilton periphery.~~
  - ~~(ii) Industrial diversity and the level of knowledge-intensive employment are low. Most new jobs appear to be in the service (tertiary) sector, whereas many of the industries driving growth in the region are of a primary nature.~~
  - ~~(iii) There are skills constraints, with a relatively low level of people with tertiary qualifications and a high proportion of youth not in employment, education or training.~~
  - ~~(iv) There is a large variation in economic well-being and household income across the district that is likely to remain into the future.~~
  - ~~(v) The ability for the region to manage land and water changes/demands and environmental impacts of extraction across land-based industries may constrain further growth.~~
  - ~~(vi) Soil resources, including soil quality, are under threat due to subdivision and intensification of land use.~~
  - ~~(vii) Environmental limits on water, land, and soils and to a small extent marine space mean that growth in these primary industries will need to come from increasing the value of processed products and services.~~
  - ~~(viii) A decline in the mining sector, with coal resources in particular becoming increasingly difficult and expensive to access, as well as public concerns about the environmental impacts of coal and mineral mining in the region, are a concern, considering its share of the district's GDP.~~
  - ~~(ix) With growth pressure in both the Urban and Rural sectors, maintaining and enhancing the natural environment.~~

#### **~~1. 4.3 The Rural environment~~**

- ~~(a) The district benefits from an extensive rural area which contains a range of attributes necessary for productive rural activities, including a variety of soils, mineral resources and landscapes that are able to sustain a diverse range of economic activities. A productive rural area is important to the economic health of the district and wider subregion, and needs to be recognised as a productive resource.~~
- ~~(b) In addition, the rural parts of the district are valued for their landscape, character and amenity values.~~

##### **~~1. 4.3.1 Rural activities~~**

- ~~(a) Productive rural activities are those activities that use rural resources for economic gain or which cannot be carried out easily or appropriately in an urban setting. Farming activities, including dairy, dry stock, horse breeding/training, honey production, horticulture, pig and poultry, mining, and forestry are all significant industries in economic terms for the Waikato district.~~

- ~~(b) Rural-based activities that do not use rural resources directly include rural service industries and major facilities such as Hampton Downs. The recreational use of the rural environment is also important to the district, with activities such as hunting, fishing, tramping, and cycling being very important in terms of tourism. Lifestyle uses can be sensitive to the effects of mining, farming and horticulture operations and other significant activities. There is therefore potential for conflict between rural activities and other land uses. Excessive lifestyle development in rural areas can have a number of adverse effects that need to be avoided. These effects include the loss of rural amenity, rural production, and high quality soils, resulting in the potential for reverse sensitivity conflicts, demands for improved rural infrastructure and services that are difficult to provide economically, and reduced growth in urban areas, which affects the prosperity of urban areas.~~
- ~~(c) Rural areas are vulnerable to small-scale change that, cumulatively, can have a profound effect on their efficient use for rural production and other rural activities. The continued modification of the rural environment through land use subdivision, and development as a result of residential and commercial growth, can adversely affect their natural and physical qualities and character. These qualities and character are important in maintaining investment in rural activities, which proportionally contribute the most to the district's GDP and provide a context to the development and sustainability of rural towns and villages.~~

#### **1.4.3.2 Protecting the rural environment**

- ~~(a) The continued use of rural areas for productive rural activities and other land and soil resource-dependent rural-based activities, as well as access to and the extraction of mineral resources, are important to the economic health and well-being of the district and wider subregion. It is therefore necessary to ensure that the continued, effective operations of farming activities or productive rural activities are not adversely affected by lifestyle activities. A key focus is to ensure that the resource does not become so fragmented that its attraction for activities that require a rural setting is diminished.~~
- ~~(b) Activities affecting landscape, historic and amenity values including rural character, recreational activities, high quality soils, significant mineral resources and ecological values need to be managed to avoid adverse effects on the environment, including cumulative effects. This should occur through limiting the extent to which non-rural activities are able to establish in the Rural Zone. There is a need to uphold the increased level of control the Council has placed over subdivision activities in the Rural and Country Living Zones, particularly within the north Waikato and around the Hamilton City boundary. Any additional areas for rural residential development should be considered within identified growth areas of towns or villages. Non-rural activities must occur in towns, villages and defined growth areas, and the expansion of such areas should be managed so that adverse effects on rural areas are minimised.~~
- ~~(c) In line with the Regional Policy Statement, the district plan must ensure that rural residential built development is directed away from natural hazard areas, regionally significant industry, high class soils, primary production activities on high class soils, electricity transmission, and locations identified as likely renewable energy generation sites and from identified significant mineral resources and their identified access routes.~~

#### **1.4.4 The urban environment**

- ~~(a) A key issue for the district is to maintain the productive capacity of the rural resource and ensure that population growth and associated built development is managed in a way that results in efficient and high amenity urban areas. Development needs to be managed so that emphasis is placed on achieving high amenity standards, while retaining existing valued characteristics as far as practicable. In these areas, development can support local infrastructure, services, and other facilities, while at the same time minimising adverse effects on productive rural activities. Commercial activity should be of a size or function that does not compromise the vitality and viability of the primary commercial centres. It is also important that we take a 'centres-based' approach to retail as per the Waikato Regional Policy Statement~~

~~(WRPS). A range of housing options should be provided for, with varying land values and amenities.~~

- ~~(b) Costs and inefficiencies can increase significantly, where development patterns are dispersed. For example, unplanned development, which increases vehicle traffic, may reduce roading efficiency and road safety, compromise rail operations and result in unplanned roading upgrades. Costs can be minimised, and better performance of infrastructure and services achieved, where infrastructure provision is timely in relation to demand, and optimally-sized and located. This may mean that it is necessary to stage infrastructure provision relative to growth in demand as well as ensuring that the natural environment is maintained and enhanced through Low Impact Design infrastructure.~~

#### **~~1.4.5 Maaori Freehold Land~~**

~~The plan seeks to acknowledge Maaori Freehold and Maaori Customary Land. The Māori Land Court has the authority under Ture Whenua Act to determine activity use and status of Maaori land.~~

- ~~(a) The Resource Management Act requires that the protection of historic heritage from inappropriate subdivision, use and development is a matter of national importance.~~

### **~~1.5 What does this mean for Waikato district strategic objectives and directions?~~**

#### **~~1.5.1 Compact urban development~~**

- ~~(a) The Future Proof Strategy seeks a shift in the existing pattern of land use towards accommodating growth through a more compact urban form based on concentrating growth in and around Hamilton (67%) and the larger settlements of the district (21%). This involves a reduction in the relative share of the population outside of the subregion's existing major settlements through tighter control over rural residential development and encouraging greater urban densities in existing settlements. Due to the time that has elapsed, and local government amalgamation in 2010, this strategy is being reviewed to address that part of the former Franklin district now in Waikato district.~~
- ~~(b) Urban forms of residential, industrial, and commercial growth in the district will be focused primarily into towns and villages, with rural residential development occurring in Country Living Zones. Focusing urban forms of growth primarily into towns and villages, and encouraging a compact form of urban development, provides opportunity for residents to "live, work and play" in their local area, minimises the necessity to travel, and supports public transport opportunities, public facilities and services.~~
- ~~(c) An integrated approach to growth will have significant benefits in terms of planning for infrastructure, services, transport and facilities. It will ensure that provision is made when and where it will support the health and well-being of the wider community, and will provide certainty to landowners, developers and service providers for long-term investment decisions. A deliberate approach to the location and distribution of development will assist in safeguarding rural resources for productive use and the ability to accommodate rural activities that require a rural location. Non-rural industrial and commercial activities can only locate in rural areas if there is a functional need for a rural location. Country Living zones, where infrastructure and services can be efficiently and economically provided, will be the focus for rural residential development.~~

#### **~~1.5.2 Planning for urban growth and development~~**

- ~~(a) Defined growth areas have been zoned and their development will be guided through the application of objectives and policies and through processes such as the development of master plans, comprehensive structure plans, the district plan and any future changes to the district plan. The agreed Future Proof settlement pattern for urban growth and development~~

~~is to avoid unplanned encroachment into rural land and is to be contained within defined urban areas to avoid rural residential fragmentation.~~

- ~~(b) As per the Waikato Regional Policy Statement, the district plan ensures that before land is rezoned for urban development, urban development planning mechanisms such as master plans or structure plans are produced, that will facilitate proactive decisions about the future location of urban development. Development which occurs in accordance with a master plan developed in consultation with the local community is one way of ensuring that valued elements of local character are respected as growth occurs. Structure plans are to be used to guide the staged provision of additional urban land and infrastructure to support areas experiencing growth or sustaining population and business growth pressures.~~

### **~~1.5.3 Cross-boundary issues~~**

- ~~(a) Social, economic, environmental and cultural issues can seldom be compartmentalised by political boundaries. There are numerous situations where a resource management issue occurs across the administrative boundaries of two or more councils requiring intervention by the respective councils. It is important that cross-boundary issues are dealt with in a coordinated and integrated manner by the territorial and regional authorities involved. Sometimes this means that applicants must apply to more than one authority for consent, and coordination between those authorities is necessary for integrated decision-making.~~
- ~~(b) Cross-boundary issues impact the Waikato district by virtue of it being located between two growing cities—Auckland in the north and Hamilton in the south. Where an application for a resource consent, plan change, variation or resource management policy proposal includes a cross-boundary issue, the Council will inform and liaise with the other affected Council. Some types of infrastructure raise cross-boundary issues where they traverse the boundaries of district or regional councils. The degree of consistency in the application of a resource management approach by authorities, in dealing with adverse effects that cross territorial boundaries, is key.~~

### **~~1.5.4 Urban growth~~**

- ~~(a) Located between Auckland in the north and Hamilton in the south, increasing demands are placed on the Waikato district for the development of transport corridors, water supply, waste disposal and community facilities. Waikato district also offers other facilities such as Hampton Downs Motorsport Park, Hampton Downs Landfill, Springhill Prison and Te Kowhai Airfield. It is important that there is coordination between land use and infrastructure planning by neighbouring councils to ensure harmonious cross-boundary development.~~
- ~~(b) Urban growth can result in unplanned urban expansion, increased rural land subdivision, rural lifestyle demands with associated reverse sensitivity issues and soil erosion compromising access to high quality soil and mineral resources that are of economic importance to the district and the region. The losses of rural land due to urban expansion can also compromise cultural and heritage values. Uncoordinated urban growth can adversely affect the quality, character and vitality of urban environments and undermine the efficient provision and utilisation of infrastructure and services.~~
- ~~(c) It is important that the district's settlement pattern is consistent with the Future Proof Strategy's settlement pattern, as set out in the (RPS), with the expectation that any growth within Waikato district is managed within the population and land allocation limits, as included within the WRPS or as addressed by the Future Proof Strategy and any subsequent changes made to the WRPS.~~

### **~~1.5.5 Services and general infrastructure~~**

- ~~(a) Infrastructure and services are costly to provide, and the cost of their continued maintenance and renewal is generally borne by the community. Development patterns that promote the efficient use of new and existing infrastructure and services across boundaries can contribute~~



~~significantly to improved cost-effectiveness, to the general health and well-being of communities and help safeguard the environment. Inappropriate subdivision and use and development of land can adversely affect the efficient provision and use of existing and planned subregional and regional infrastructure and services, due to unanticipated demands and reverse sensitivity issues.~~

- ~~(b) It is important that the district share the provision of core services with neighbouring council service providers, particularly in the north and south. A strategic approach to growth is needed to ensure that infrastructure and services are provided in a timely and economical manner, and that growth establishes patterns of development that will be sustainable over the long term.~~
- ~~(c) Council's 30-year District Development Strategy, the 10-year Long Term Plan and its associated Financial Strategy and 30-year Infrastructure Strategy, serve to do just this. Growth should be managed in a manner that avoids, remedies or mitigates conflicts or incompatibilities (including reverse sensitivity effects) between new land use and either existing or regionally-planned significant infrastructure. A degree of consistency must be maintained in dealing with the effects of activities which straddle territorial boundaries, such as highways and roads, electricity transmission lines, telecommunication lines, and gas pipelines.~~
- ~~(d) Additionally, it is desirable that a consistent approach be maintained across boundaries to any necessary constraints on land use adjacent to the infrastructure. The district needs to ensure the protection of regionally and nationally significant infrastructure, i.e. road and rail transport corridors, gas and transmission corridors and water infrastructure. It is important that any impacts on regionally significant infrastructure (e.g. the Waikato Expressway) are addressed. Long term planning considerations for infrastructure in identified growth areas in the south of the district need to take into account the outcomes of the Southern Growth Corridor Strategic Land Use and Infrastructure Plan (SLIP).~~
- ~~(e) In considering cross boundary issues, Council will encourage consultation between the organisations responsible for the infrastructure, developers, adjoining landowners, and iwi and adjoining consent authorities.~~
- ~~(f) There are key transmission lines located in the district. The lines are critical for ensuring an efficient and secure supply of electricity throughout the district and beyond. In accordance with the National Policy Statement on Electricity Transmission 2008 and the Regional Policy Statement, the Council is required to manage development to ensure that any third party development in the transmission corridor does not affect the ongoing operation, maintenance, upgrading, and development of the lines or result in any incompatibility or reverse sensitivity effects. It is important that Council manages third party activities in the vicinity of these lines as there could be significant impact on the reliability of electricity supply for the whole district and beyond if lines are damaged or their operation or ability to upgrade to meet demand is inappropriately constrained. Waikato District Council will continue to work with its Future Proof Strategy partners, Auckland Council and other infrastructure providers to ensure that growth and development occur in a planned, integrated, and sustainable manner.~~
- ~~(g) The key benefit of regional collaboration and integration is the ability to reduce the cost of the infrastructure needed to deliver future levels of service and meet demand. (e.g. by making infrastructure provision more efficient) and preserving the efficiency of the road transport network, hence the freight competitiveness of the district. The downside risk associated with any land use control is that tighter controls can deter investment that does not fit the planned settlement patterns either within the Future Proof Strategy subregion or between northern Waikato and southern Auckland.~~

#### **~~1.5.6 Transport and logistics~~**

- ~~(a) The central geographic location of the district means that it acts as a significant transport network based on road, rail, and air. There is a need to promote a more regional and holistic consideration of the interactions between land use and transport infrastructure. Roading networks (particularly state highways) that cross district boundaries and are impacted by~~



~~activities beyond Waikato district. The major routes are State Highway 1, which runs north to south through the district, and State Highway 2, which travels west to east across the Hauraki Plains to Tauranga and beyond. These highways provide for transportation needs in the district, including farming, forestry, and mineral extraction. The highways also carry large daily traffic volumes, and significant numbers of heavy vehicles for the movement of people, goods, and services to the main centres of Auckland, Hamilton, the Port of Tauranga and throughout the North Island.~~

- ~~(b) The NZ Transport Agency is currently constructing the Waikato Expressway as one of the National Roads of Significance, and this will be completed in 2020. Waikato District Council will have an additional 87km of former state highway network to manage and maintain. This additional road infrastructure will have a significant financial and maintenance challenge for the Council. An associated challenge for Council will be to provide fit for purpose links from residential and commercial areas to the Waikato Expressway. Improving the safety of the district's roads will continue to be an important priority for Council and will need to involve collaboration with neighbouring councils, where appropriate.~~
- ~~(c) Enabling growth without sufficient provision for suitable transport, and planning transport networks, which do not adequately service anticipated growth, leads to a range of undesirable outcomes for communities. Waikato Regional Council will ensure that the Regional Land Transport Strategy includes provisions to support the protection of the function of significant transport corridors. Public passenger transport will be supported by urban subdivision designs that promote efficient transport routes. The main trunk railway runs parallel to State Highway 1 from north to south, and the East Coast Main Trunk branch line passes east from Hamilton. The district enjoys excellent road connectivity. The travel time from Auckland to Hamilton is expected to reduce by up to fourteen minutes and Auckland to Cambridge by over 20 minutes upon completion of the Waikato Expressway.~~
- ~~(d) Additional roading capacity and faster travel times will make the district even more 'location-efficient' for productive activities (agriculture, horticulture, and industry) and as a residential and visitor destination. The Council has also developed a district-level integrated transport strategy to guide ongoing integration of land use and transport across the district, which specifically deals with integration needs between the Waikato Expressway and associated networks, and the implications of the revocation of parts of State Highway 1. There is a good rail network for freight, but commuter rail services are non-existent, so Council is advocating with Auckland Council, Auckland Transport, and the New Zealand Transport Agency for consideration to be given to the extension of passenger rail transport between Pukekohe and Pokeno in the near future. Further discussions will need to be held with KiwiRail. It is important for Auckland Council to work collaboratively with Auckland Transport and other partners (including Waikato Regional Council and Waikato District Council) to explore the most cost-effective and equitable methods providing future public transport services to Tuakau and Pokeno.~~
- ~~(e) Walkways and cycle routes supplement vehicle transport routes and provide recreational opportunities, especially by road through routes and walkway shortcuts. Council is supporting the development of the Te Awa River Ride, which will form part of a nationwide cycle network. Hamilton Airport, located just outside the district, provides national and international passenger and freight services. As the Ruakura inland port and the Horotiu Industrial Park developments progress there are likely to be cross-district boundary effects on services and infrastructure and pressure for land use changes.~~

#### **1.5.7 Natural environment**

- ~~(a) The Council will ensure that adjoining authorities and the regional council are informed of all resource consent applications received for vegetation clearance. The location of indigenous vegetation often coincides with areas of outstanding landscape. The criteria used to assess landscape are not entirely consistent among the local authorities in the area, as shown by studies undertaken at different times by different experts. Undoubtedly, there will be~~

~~subdivision and development proposals requiring a cross-boundary discussion on landscape matters during the life of this plan.~~

- ~~(b) Conservation issues addressed in the plan (as part of sustainable management) relate to preserving significant indigenous vegetation and significant habitats of indigenous fauna in existing ecological linkages along the Waipa and Waikato river catchments, hill country bush between Miranda and Aotea Harbour (including the Hunua, Hapuakohe, Taupiri and Hakarimata ranges and Mounts Pirongia and Karioi) lakes and wetlands, including "Ramsar" wetlands. Attention will be given to managing the biodiversity of remaining indigenous vegetation, including wetlands and gullies. The sustainable management process in the plan follows the lead of the New Zealand Biodiversity Strategy, the Draft National Policy Statement on Biodiversity, and the Waikato District Conservation Strategy. Cultural landscapes need to be considered in conjunction with natural landscapes.~~

#### **1.5.7.1 Indigenous biodiversity**

- ~~(a) Territorial authorities have responsibilities to provide for indigenous biodiversity. A key focus area of biodiversity management in the district plan is the management of indigenous vegetation. The clearance or modification of indigenous vegetation in the Waikato district could potentially affect areas under the control of other districts and regional councils. The district contains large areas of indigenous vegetation, some of which crosses over into other territorial authority boundaries. Changes to this vegetation could affect neighbouring districts. The Council will continue to liaise with the relevant neighbouring territorial authorities where such issues arise.~~

#### **1.5.7.2 Landscape and natural character**

- ~~(a) Landscape means more than just 'a physical tract of land' or 'a view or scene'. Put simply, landscape can be explained as a reflection of the relationship between people and place. All landscapes are dynamic to some extent, as are our perceptions of landscape, which are in a constant state of evolution. While this change is implicit, it is not always predictable. Landscapes can be subject to change from various natural or human-induced processes and change can occur at a range of scales, from incremental to sudden sweeping change. The term 'natural character' is used to describe the natural attributes of waterbodies where there is a land-water interface—in particular coastal environments, wetlands, lakes, and rivers. Landscapes and natural character have cross-boundary implications and need to be considered in a regional context, as they are not confined to a district's geographical area.~~

#### **1.5.7.3 Water**

- ~~(a) Regarding surface water, the boundary between Waikato district and its neighbours, on occasion, follows the centre lines of lakes and rivers. Waikato District Council recognises that all navigable rivers within the district are subject to the provisions of the Waikato Regional Council Navigation Safety Bylaw 2009. There is increasing demand and competition for water from the Waikato River. The future management and use of the Waikato River is likely to have a significant influence on the district, as much of the river is over-allocated in terms of water takes.~~
- ~~(b) There is an obligation to continually improve water quality in the river in accordance with the 'Vision and Strategy' for the river in the Regional Policy Statement and Regional Plan, as well as in terms of the Waikato-Tainui Environmental Plan. Waikato Regional Council's 'Healthy Rivers Plan Change' has the potential to introduce a more integrated regional approach to land use development and fresh water management. How water will be provided to growth areas and how that affects the Waikato River allocation has been considered in the Subregional Three Waters Strategy, which was undertaken through the Future Proof partnership.~~
- ~~(c) Waikato District Council is working with Auckland Council, its council-controlled service providers Watercare and Auckland Transport, as well as with the Franklin Local Board, to~~

~~better coordinate development planning and the provision of infrastructure and services across the Waikato/Auckland administrative boundary in the north. A strategic and integrated approach to growth planning is needed to ensure that the critical resource is managed effectively. The Three Waters Strategy and water supply strategy have been developed in this regard.~~

- ~~(d) Although traditionally a strength of the Waikato, the availability of water is becoming a potential constraint. Municipal water is sourced from the Waikato River, and treated and distributed to township communities at Tuakau, Pokeno, Te Kauwhata, Huntly, Taupiri, Hopuhopu and Ngaruawahia. Raglan's water comes from a spring, and the water system has been upgraded to improve water quality. Waikato District Council also buys bulk water from Hamilton City Council to supply Gordonton, Puketaha, Newstead, Eureka, Matangi and Tamahere in the south-eastern parts of the district, and Te Kowhai Road and Stonebridge in the south-western parts of the district.~~
- ~~(e) Water for industry located outside municipal supply areas is sourced from a combination of surface water (mostly the Waikato River catchment) and groundwater. Recently, new allocation limits and minimum flows have been set for surface water resources across the whole Waikato region (as a result of a change to the Waikato Regional Plan). Greater scrutiny of, and restrictions on, groundwater takes have also been introduced. While the availability of surface water will depend on the point of abstraction, the level of allocation at the bottom of the Waikato catchment is the overriding constraint on water availability. The majority of Waikato district is within the Waikato catchment. As at the beginning of 2015, 87% of the flow that was able to be allocated at the river mouth was already allocated for the summer months. Although more water is available in winter, demand for water is either year-round for industrial processing and municipal supply, or for the summer season for irrigation. Therefore, unless winter water can be stored, the use of water tanks should be encouraged as the available winter water is practically unavailable for economic use.~~

#### **1.5.7.4 Air quality**

- ~~(a) There are activities, which may have the potential to adversely affect air quality beyond the district boundary such as odour or dust. As such, this matter is of cross-boundary significance. Although the Council may under s31 (b) of the Resource Management Act "control ... any actual or potential effects of the use, development or protection of land ...", the primary control of air contaminants remains the role of the regional councils through their regional plans. The Council will liaise with the Waikato Regional Council and the relevant district councils on air quality issues where there could be adverse effects across the boundary.~~

#### **1.5.7.5 The coast**

- ~~(a) Coastal issues cross the boundaries with Otorohanga District, Hauraki District and Auckland. In addition, Waikato Regional Council has responsibilities for administering the coastal marine area. The Council will liaise with the relevant councils on coastal activities with a cross-boundary impact. Development will be managed to protect landscape and ecological values throughout the coastal environment.~~
- ~~(b) The west coast is a wild and scenic coastline and limited road access has restricted development in the past. Raglan Harbour (Whaingaroa) and Aotea Harbour are more sheltered and are ecologically and culturally important. In the east of the district, the Miranda coast has a low-lying more sheltered character, is important to Tangata whenua and is an internationally significant habitat for migratory birds. In the north, the small holiday town of Port Waikato is on the south bank of the Waikato River at its outflow into the Tasman Sea. Waikato District Council is also a member of the Hauraki Gulf Forum, which is a statutory body, that promotes and facilitates integrated management and the protection and enhancement of the Hauraki Gulf, under the Hauraki Gulf Marine Park Act 2000.~~
- ~~(c) An important document with respect to managing cross-boundary coastal issues is the Waikato Regional Coastal Plan (RCP), that contains policies and methods to manage the~~

~~allocation and use of coastal resources. The plan implements the Regional Policy Statement (RPS) and the New Zealand Coastal Policy Statement. The plan applies across the coastal marine area (CMA) of the Waikato region, from the line of mean high water springs (MHWS) out to twelve nautical miles (approximately 20 km) from the coast.~~

#### **~~1.5.7.6 Natural hazards and effects of climate change~~**

- ~~(a) Natural hazard management is a responsibility that crosses territorial authority boundaries and also falls within the responsibility of regional councils. Waikato District Council and Waikato Regional Council have responsibilities under the Civil Defence Emergency Management Act (CDEM Act) 2002. Matters such as addressing the changing effects of and need to adapt to climate change and the management of the natural hazards on the Waikato River require appropriate consultation between Waikato District Council, adjoining territorial authorities, and Waikato Regional Council.~~

#### **~~1.5.7.7 Energy~~**

- ~~(a) The district plan recognises the national and regional importance of existing energy resources and infrastructure, which include coalfields, coal mines, Huntly Power Station, gas, electricity transmission, and coal conveyance facilities, as well as renewable energy. The plan addresses the positive and adverse effects of energy infrastructure and development.~~

#### **~~1.5.7.8 Tourism~~**

- ~~(a) The tourism industry contributed 1.4% to Waikato district's economy in 2016, which was up on the previous ten years. The economic output in Waikato district's tourism industry increased by 1.2% in 2016, against a 3.1% increase in New Zealand. The growth of the tourism industry in Waikato district has averaged 5.7% over the last ten years, compared with only 1.6% in New Zealand as a whole.~~

## 1.6 Ngaa Iwi o Tainui ki te Waikato Takiwa

The provisions notified under this heading are addressed in Decision Report 6: Tangata Whenua.

## 1.7 Settlements Acts / Co-management/ Rivers – Vision and Strategies / Joint Management Agreement

The provisions notified under this heading are addressed in Decision Report 6: Tangata Whenua.

## 1.8 Statutory Acknowledgements

The provisions notified under this heading are addressed in Decision Report 6: Tangata Whenua.

## ~~1.9 Statutory Context and Framework~~

### ~~1.9.1 Statutory Framework~~

- ~~(a) The Waikato District Plan, together with the Waikato Regional Plan, is vital to the processes that focus on achieving sustainable management in the district. It is important to note that the district plan forms a part of a group of interrelated statutory requirements and planning, strategy and policy initiatives which are reflected below.~~

### ~~1.9.2 Resource Management Act 1991~~

- ~~(a) The RMA promotes the sustainable management of natural and physical resources such as land, air and water. New Zealand's Ministry for the Environment describes the RMA as New Zealand's principal legislation for environmental management. The Resource Management Act requires one district plan within any district at all times.~~
- ~~(b) While the scope of this plan is primarily restricted to controlling the effects of land use activities in the district, the manner in which the plan should achieve this is not prescribed. Key provisions of the RMA are summarised below.~~

### ~~1.9.3 Section 5 RMA~~

- ~~(a) This section outlines the purpose of the RMA and establishes sustainable management of natural and physical resources as the cornerstone of the preparation and implementation of plans. It defines sustainable management as:~~
- ~~“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: sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations, safeguarding the life-supporting capacity of air, water, soil and ecosystems and avoiding, remedying or mitigating any adverse effects of activities on the environment."~~

- (b) ~~Essentially, it provides for the right to use, protect, and develop natural and physical resources, but only in a manner, which ensures that the foreseeable needs of future generations can be met, that the life-supporting capacity of air, water, soil, and ecosystems are safeguarded, and that adverse effects of activities on the environment are avoided, mitigated or remedied.~~

#### **1.9.4 Section 6 RMA**

- (a) ~~This section places a duty on the Council to recognise and provide for a range of matters of national importance. These include the coastal environment, lakes, rivers, wetlands, natural features, habitats, indigenous vegetation, outstanding landscapes, historic heritage, the relationship of Maaori to ancestral land, sites and features, the protection of recognised customary activities and the management of significant risks from natural hazards.~~

#### **1.9.5 Section 7 RMA**

- (a) ~~The matters in section 7 of the RMA, while not described as matters of national importance are, nevertheless, important to Council's resource management functions. This section requires Council to have particular regard to several matters, including kaitiakitanga, the ethic of stewardship, the efficient use and development of natural and physical resources, the maintenance and protection of amenity values, intrinsic values of ecosystems, the quality of the environment, the effects of climate change, and the benefits to be derived from the use and development of renewable energy.~~

#### **1.9.6 Section 8 RMA**

- (a) ~~This clause emphasises the importance of the Crown's (and local government's) obligation to uphold the principles of the Treaty of Waitangi in undertaking resource management functions.~~

#### **1.9.7 Schedule 1 Clause 4A RMA**

- (a) ~~This clause requires Council to provide a copy of draft proposed district plan to the iwi authorities that have been consulted with under clause 3(1)(d). Council shall have particular regard to any advice received on the draft proposed district plan from those iwi authorities. Council must allow adequate time and opportunity for iwi authorities to consider the draft proposed district plan and provide advice on it.~~

### **1.10 Integration of district plan with other plans and documents**

#### **1.10.1 The relationship with Council strategies and other documents**

##### **1.10.1.1 Waikato District Development Strategy 2015**

- (a) ~~The Waikato District Development Strategy (WDDS) provides a high-level thirty year strategic and spatial development guide for the district. The strategy replaces and integrates the Waikato District Growth Strategy (2009) and the Franklin District Growth Strategy (2008). However, the latter document remains live by virtue of Policy 6.11 in the Waikato Regional Policy Statement until the Proposed Waikato District Plan becomes operative. The Waikato District Development Strategy retains the principles in both existing growth strategies to contain urban development and protect agricultural land, and natural and~~

~~culturally significant landscapes from inappropriate subdivision and dispersed residential development. The strategy is important in informing other strategic planning processes such as Council's Long Term Plan, the Waikato District Economic Development Strategy and the Future Proof Growth Strategy.~~

#### **~~1.10.1.2 Waikato District Economic Development Strategy 2015~~**

- ~~(a) The Waikato District Economic Development Strategy 2015 focuses on the development of a 'road map' for economic development in the Waikato district. The strategy provides an overview of the local economy, with a perspective on the economic opportunities and challenges. The strategy outlines how economic development will be achieved in the district and is accompanied by an implementation plan.~~

#### **~~1.10.1.3 The Long Term Plan~~**

- ~~(a) The Local Government Act (2002) (LGA) requires councils to consult with their local communities to identify public goods and services that need to be provided. The Council is thus required every three years to prepare a Long Term Plan that covers the next 10 year period. It also includes what the Council is planning on doing and why, how much it will cost, and how it will be funded. A Long Term Plan does not override a district plan, nor is there any requirement that a district plan comply with the requirement of a Long Term Plan. However, because the Long Term Plan records outcomes identified by the community and describes how the Council will contribute to these, there is an expectation that the Council will use this process to inform other plans and strategies.~~

#### **~~1.10.1.4 Annual Plan~~**

- ~~(a) Council is required to prepare an Annual Plan every year. The Annual Plan contains the proposed annual budget and provides opportunities for public participation in decision making on costs and funding of Council activities. However, special consultative procedure is required if the annual plan has not changed 'significantly' or 'materially'. In years when a Long Term Plan is required, the Long Term Plan constitutes the Annual Plan.~~

#### **~~1.10.1.5 Activity Management Plans and the 30-Year Infrastructure Strategy~~**

- ~~(a) Activity Management Plans and the 30-Year Infrastructure Strategy describe the work programmes for Council assets, such as roads, to deliver the required level of service cost effectively to existing and future users. Activity Management Plans and the 30-Year Infrastructure Strategy inform the Long Term Plan and Development Contributions Policy.~~

#### **~~1.10.1.6 Development Contributions Policy~~**

- ~~(a) Council's policy on development and financial contributions primarily focuses on development contributions required under the Local Government Act 2002. These contributions are paid by developers to fund new infrastructure. The policy also refers to financial contributions, which are required under the Local Government Act in specific circumstances. These requirements are detailed in the district plan.~~

### **~~1.10.2 The relationship with regional plans and documents~~**

#### **~~1.10.2.1 Waikato Regional Policy Statement 2016~~**

- ~~(a) A regional policy statement is required to be prepared by each regional council. These statements enable regional councils to provide broad direction and a framework for resource management within their regions. A regional policy statement must give effect to all national~~



~~policy statements. District plans are required to give effect to any regional policy statement. In May 2016 the Waikato Regional Policy Statement was made operative.~~

- ~~(b) In preparing the Waikato District Plan, the Council is also required to have regard to the Waikato Regional Policy Statements under section 74 of the RMA. The Waikato Regional Policy Statement provides direction for the management of the resources of the region as a whole. District plans are a key method for implementing the directions within regional policy statements.~~

#### **~~1.10.2.2 Waikato Regional Plan~~**

- ~~(a) Each region is required to produce a regional coastal plan to assist the regional council with exercising its functions in the coastal marine area, and this plan must be approved by the Minister of Conservation. Other regional plans are optional, and if prepared, must give effect to regional policy statements, and any national policy statement. Regional plans may contain rules that have the force and effect of a regulation under the RMA. The Waikato Regional Council prepares a regional plan to meet its functions under the Act. Regional plans focus on particular issues and areas and assist the regional council in carrying out its functions under the RMA.~~
- ~~(b) District plans cannot be inconsistent with their relevant regional plans. Topics where regional and district plans may overlap include earthworks, natural hazards, hazardous substances, air quality and water quality. In these matters, the district plan concentrates mostly on effects on human health or amenity, whereas the regional plan is more directed at effects on the natural environment. Regional plans must give effect to national policy statements and regional policy statements and must not be inconsistent with water conservation orders and other regional plans for the region. It is essential that the district plan is not inconsistent with the relevant regional plans.~~

#### **~~1.10.2.3 Waikato Region strategies and plans~~**

- ~~(a) The Waikato Regional Council prepares strategies and plans providing policy and actions on specific matters to help the Regional Council carry out its functions under the RMA. Some of the relevant plans and strategies are reflected below:~~
- ~~(i) Regional Land Transport Strategy 2015-2045~~
  - ~~(ii) Regional Road Safety Strategy 2017-2021~~
  - ~~(iii) Regional Public Transport Plan 2015-2025~~
  - ~~(iv) Regional Walking and Cycling Strategy 2009-2015~~
  - ~~(v) Waikato Economic Development Strategy 2015~~
  - ~~(vi) Waikato Regional Energy Strategy~~
  - ~~(vii) Central Waikato River Stability Management Strategy 2008-2058~~
  - ~~(viii) Waikato Regional Pest Management Strategy 2014-2024.~~

#### **~~1.10.2.4 Upper North Island Strategic Alliance~~**

- ~~(a) The Upper North Island Strategic Alliance (UNISA) is an initiative arising out of Waikato Regional Council's approach to neighbouring regions and the need to work together more closely on cross-boundary strategic issues. The Alliance involves the Waikato, Auckland, Bay of Plenty and Northland regions along with the major urban territorial councils within those regions.~~

#### **~~1.10.2.5 Future Proof Growth Strategy and Implementation Plan~~**

- ~~(a) The Future Proof Growth Strategy is a fifty year vision for the sustainable growth and development of a subregion that encompasses the Waikato and Waipa districts and Hamilton city. More specifically, it is a joint growth management strategy between partners that includes Waikato Regional Council, Hamilton City Council, Waipa District Council, Waikato District~~



~~Council, Ngāa Karu Atua o te Waka and Tangata Whenua, with assistance from the New Zealand Transport Agency (NZTA). The Strategy is underpinned by an implementation plan and subsequent updates define a future land use and settlement pattern that crosses administrative boundaries and is based on integrated planning principles.~~

- ~~(b) The Future Proof Growth Strategy identifies fifty year land supply needs in the subregion and proposes a sequenced release and development of the land according to its ability to be serviced by appropriate infrastructure and to be funded equitably. The land use and settlement pattern has been incorporated in the Waikato Regional Policy Statement. This district plan gives effect to this settlement pattern through adopting policy direction, rules, and a zoning pattern for the Waikato district that is consistent with the WRPS and the Future Proof Growth Strategy.~~

#### **1.10.2.6 The Waikato Plan**

- ~~(a) The Waikato Plan is the first time all the councils and agencies in the Waikato region have worked together to create one plan that gives a single collective voice about issues that affect all current and future residents. These issues include transport, housing, water, the environment, urban-rural linkages, future employment and development opportunities, as well as arts, cultural, recreation, education, heritage and health needs.~~
- ~~(b) The primary objective is to contribute to the Waikato's social, economic, environmental and cultural well-being through a comprehensive and effective 30-year strategy for the region's growth and development. The plan will provide a higher level of certainty for all stakeholders involved in the region and will help to position the Waikato nationally.~~

#### **1.10.2.7 Regional Infrastructure Technical Specifications**

- ~~(a) This document contains guidance on engineering practice and design solutions considered to be an acceptable means of compliance for infrastructure-related standards within the district plan. In this context, it is used for setting conditions of resource consent for subdivision and development. The content is amended from time to time to reflect best practice and new technologies. Public infrastructure is expected to be designed in accordance with the latest specifications in this document.~~

### **1.10.3 The Relationship between district plans and other resource management planning documents**

#### **1.10.3.1 Resource Management Act 1991 (RMA)**

- ~~(a) The obligations set out in the Resource Management Act 1991 (RMA) are as follows:~~
  - ~~(i) To recognise and provide as a matter of national importance the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga – section 6 (c) (g)~~
  - ~~(ii) To have particular regard to Kaitiakitanga – section 7 (a)~~
  - ~~(iii) To take into account the principles of the Treaty of Waitangi – section 8~~
  - ~~(iv) To have regard to any relevant planning document recognised by an Iwi authority – section 74 (2) (b) (ii)~~
  - ~~(v) To consult Tangata Whenua during the preparation of a proposed plan, including any proposed plan changes – Schedule 1 cl. (3).~~

#### **1.10.3.2 Local Government Act 2002**

- ~~(a) The Local Government Act requires Council to take into account the relationships of Māori, which includes Tangata Whenua, and their culture and traditions with their ancestral land,~~

~~water, sites, waahi tapu, valued flora and fauna and other taonga, where a significant decision is being made in relation to those resources.~~

### **~~1.10.3.3 National Policy Statements~~**

- ~~(a) At a national level, the RMA provides for National Policy Statements, which set out objectives and policies for resource management matters of national significance that are relevant to achieving the purpose of the RMA. Such statements guide subsequent decision-making under the RMA at national, regional and district levels. The Ministry for the Environment holds a comprehensive listing of all current national Policy Statements.~~

### **~~1.10.3.4 National Environmental Standards~~**

- ~~(a) National Environmental Standards are technical standards relating to the use, development and protection of natural and physical resources and are a form of regulation. Methods for implementing these standards are prescribed by the legislation, which promotes consistent standards, requirements or recommended practices. National standards override existing provisions in plans that have a lower standard.~~
- ~~(b) National Environmental Standards are regulations issued under sections 43 and 44 of the RMA and apply nationally. This means that each regional, city or district council must enforce the same standard. In some circumstances, councils can impose stricter standards.~~
- ~~(c) Currently the following six standards are in effect:~~
- ~~(i) National Environmental Standards for Air Quality~~
  - ~~(ii) National Environmental Standard for Sources of Human Drinking Water~~
  - ~~(iii) National Environmental Standards for Telecommunication Facilities~~
  - ~~(iv) National Environmental Standards for Electricity Transmission~~
  - ~~(v) National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health, and~~
  - ~~(vi) National Environmental Standard for Plantation Forestry.~~

## **~~1.11 Monitoring~~**

- ~~(a) Monitoring of the district plan is part of a comprehensive monitoring requirement of Waikato District Council, specified in section 35 of the Resource Management Act. The RMA provides for the plan to state the procedures used to monitor the efficiency and effectiveness of the policies, rules or other methods contained within it.~~
- ~~(b) There are two main questions that need to be addressed concerning the efficiency and effectiveness of the plan. The first question is: Are we hitting the target we're aiming at? The environmental result actually achieved through implementing the plan needs to be compared with what it intends to achieve. The second aspect of efficiency and effectiveness relates to the question: Are there better ways of doing things? While the methods being used may be achieving the right results, it may be that other methods may produce the same results more easily.~~
- ~~(c) A monitoring strategy that has been developed as a separate document from the district plan will be updated. The strategy states what is to be monitored and indicates priority issues. It will also indicate how monitoring is to be undertaken. Annual monitoring programmes will then be carried out in accordance with the revised strategy. Plan monitoring will be closely linked with other monitoring which the Council is required to do under the Resource Management Act, including state of the environment monitoring and resource consent monitoring.~~
- ~~(d) In time, the Council will gather information on all issues relevant to the working of the plan. Information will be gathered with reference to the environmental outcomes that the Council is seeking to achieve through the plan. Reviews of the results of plan monitoring will be published every five years. Various methods are available to monitor these issues, and it is important to maximise the information gained from the monitoring undertaken. The Council will seek to work closely with organisations that hold relevant information. Such organisations~~

~~may include central government agencies, other local government agencies, and business and community groups. Consultation with the District Plan Iwi Reference Group and Waikato-Tainui will continue to be important, including the effectiveness of monitoring methods and plan provisions.~~

## I.12 Strategic directions and objectives for the district

**The provisions notified under this heading are addressed in Decision Report 5: Strategic Directions.**

## CHAPTER 12 How to use and interpret the rules

### 12.1 Introduction to rules

- (a) Section C of the district plan contains the rules. Rules are one of the methods of achieving the objectives and implementing the policies set out in Section B of the district plan.
- (b) Rules describe activities (land use and subdivision), the activity status and the conditions that must be complied with to meet the specified activity status. These terms are explained in this chapter.
- (c) The rules in Section C that are highlighted in green have immediate legal effect in accordance with s86B of the Resource Management Act 1991.
- (d) Chapter 13 contains all the definitions that are used in the rules within Section C. The definitions form part of the rules and are identified by underlining and are also hyperlinked in ePlan.
- (e) Chapter 14: Infrastructure and Energy and Chapter 15: Natural Hazards and Climate Change (Stage 2 of the district plan review) apply across the whole district.
- (f) There is a chapter of rules for each zone (Chapters 16—28). The order of text in each chapter is:
  - (i) Introduction (for some zones only);
  - (ii) Land Use—Activities Rules;
  - (iii) Land Use—Effects Rules;
  - (iv) Land Use—Building Rules; and
  - (v) Subdivision Rules.
- (g) The spatial area of each zone is shown on the planning maps. As well as zones, there are various policy areas (such as Landscape Policy Area), sites/features (such as Historic Heritage buildings) and designations marked on the planning maps. These are referred to where relevant in the rules in each zone chapter. Every part of the district (except for roads) is in one zone and the zones do not overlap.
- (h) Roads appear white on the planning maps and are not zoned. Rules relating to activities occurring in the road corridor are set out Chapter 14: Infrastructure and Energy.
- (i) Lakes and rivers appear with a blue shading to assist users with orientation. Although the rivers and lakes are not given a zone shading, they are in a zone. All waterbodies are zoned Rural, except for Lake Hakanoa and Lake Puketirini, both of which are zoned Reserve and have reserve management plans applying to them.
- (j) The district plan regulates activities on the surface of rivers, lakes and other waterbodies. Activities are subject to the zone rules that apply. The Waikato Regional Plan regulates any structures in, on, under or over the beds of lakes and rivers, and may also be required to obtain resource consent under the Waikato Regional Plan.

### 12.3 Additional Matters of Control, Matters of Discretion and Matters for Discretionary and Non-Complying Activities.

#### 12.3.1 Additional matters

- (a) The following matters are additional matters over which control has been reserved for all controlled activities, and to which discretion has been restricted for all restricted discretionary activities, and will also apply with respect to discretionary and non-complying activities:
  - (i) bonds or covenants or both, to ensure performance or compliance with any conditions imposed, including provision for variation, cancellation or renewal of covenants;
  - (ii) administrative charges to be paid to the Council in respect of processing applications; administration, monitoring and supervision of resource consents, as set out in the Fees and Charges Schedule of the Long Term Plan;

- (iii) ~~a requirement that the holder of a consent supply information relating to the exercise of the consent, as detailed in s108(3) and (4) of the Resource Management Act;~~
- (iv) ~~works or services to ensure the protection, restoration or enhancement of any natural or physical resource, including the creation, extension or upgrading of services and systems, planting or replanting, or any other works or services necessary to ensure the avoidance, remediation or mitigation of adverse environmental effects;~~
- (v) ~~the duration of a resource consent under s123 of the Resource Management Act;~~
- (vi) ~~lapsing of a resource consent under s125 of the Resource Management Act;~~
- (vii) ~~change and cancellation of a consent under s126 and s127 of the Resource Management Act;~~
- (viii) ~~notice that some or all conditions may be reviewed at some time in the future under s128 of the Resource Management Act;~~
- (ix) ~~whether any land use or subdivision consent should attach to the land to which it relates and be enjoyed by the owners and occupiers for the time being under s134 of the Resource Management Act;~~
- (x) ~~the matters on which conditions can be imposed on subdivision consents under s220 of the Resource Management Act; and~~
- (xi) ~~consent notices to secure compliance with continuing conditions under s221 of the Resource Management Act~~

## 12.4 Rule Tables

- (a) ~~Land Use — Activities, Land Use — Effects, Land Use — Building and Subdivision rules are in separate tables with a similar format.~~
- (b) ~~The prohibited activities are listed at the start of the Land Use — Activities rule table and within the Subdivision rule table.~~
- (c) ~~The format of rule tables is shown in the following table. Each row of the rule table presents rules on activities or buildings/facilities. The left hand column contains the activity number and the middle column states the activity, building or facility. The right hand column contains the conditions that the activity must comply with to meet the activity status.~~
- (d) ~~An activity is permitted if the conditions stated are met. If the activity does not comply with the conditions, look further down the column to see which category of consent is required. The column states if the activity is controlled, restricted discretionary, discretionary or noncomplying.~~
- (e) ~~The rule table format for permitted activities is described in the following table:~~

Activity		Activity specific conditions
This column contains the rule number	This column describes the activity	This column states the conditions that must be satisfied for the activity to be a permitted activity

- (f) ~~The rule table format for controlled and restricted discretionary activities is described in the following table:~~

Activity		Activity specific conditions
This column contains the rule number	This column describes the activity and the conditions that must be satisfied for the activity to be a controlled or restricted discretionary activity	This column states the matters of control or the matters of discretion that will apply to the assessment of the application

- (g) ~~The rule table format for Land Use — Effects and Land Use — Building rules is described in the following table. Where a number of different effects or building rules apply (such as for noise and earthworks), there are 'navigation' rules before the table to assist.~~

This column contains the permitted activity rule number	This column describes the activity and standards that apply to a permitted activity
This column contains the activity rule number and activity status	This column specifies the area of non-compliance with a permitted activity standard

## 12.5 How to find out if a resource consent is needed

(a) To determine if an activity is provided for by the plan, or is provided for in a certain area, users of the plan should take the following steps:

(i) Step 1 — Check the zone that applies

A. Begin with the planning maps. Locate the relevant property on the zone map and determine its zoning.

(ii) Step 2 — Confirm if any notation, overlay or designation applies

A. Use the planning maps to confirm whether the property has any special feature or designation applying to it. Make a note of map notations relevant to the land you are interested in.

(iii) Step 3 — Confirm the activity status

- A. Go to the zone rules chapter for the zone your site or property is located in.
- B. Determine whether the activity is a prohibited activity, by reading the prohibited activity rule at the start of the chapter. If it is prohibited, then the activity is not permitted and no resource consent application can be considered.
- C. If the activity is not prohibited, read through the permitted activity rules to determine if your activity is permitted. Look at all the rules that are relevant, including rules on policy areas, hazards, notable trees, heritage items or other special features, to see if one of these applies to your property. Note the contents of these, including any conditions.
- D. If your activity complies with all conditions for permitted activities in activity table, and the Land Use — Effects and Land Use — Building rules, then your activity is permitted and may be undertaken without resource consent. To obtain council confirmation that your proposed development is a permitted activity, you may apply to the Council for a Certificate of Compliance.

(iv) Step 4 — Apply for resource consent

- A. If any condition stated for a permitted activity is not complied with, you must obtain resource consent from the Council.
- B. Look within the following activity tables, which state the category of resource consent required (controlled, restricted discretionary, discretionary or noncomplying):
- C. After each Land Use — Effects and Land Use — Building rule, look within the table to determine the category of resource consent required.
- D. If you are not sure, contact the Council's planning staff, who are available to help you. If more than one condition is not complied with, the whole of the activity will be assessed against the highest activity category that applies.
- E. Decide if you want to apply for resource consent. You may prefer to redesign your proposal to fit the permitted activity conditions.
- F. If you want to apply for consent, consider whether you need professional advice to prepare your application. Council staff can assist by providing application forms and general advice on the requirements of the plan, but cannot write the application for you.